

ORDINANCE MC34-04

AN ORDINANCE FOR THE DECLARATION OF A FIRE DANGER EMERGENCY.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

Section 1. Emergency declaration.

When weather or other conditions shall exist which may make the open burning of any substance unduly hazardous and a danger to public safety, the Board may by resolution declare a "Fire Danger Emergency."

Section 2. Open burning prohibited.

If a "Fire Danger Emergency" is declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Minnehaha County until such time as the declaration of "Fire Danger Emergency" has been rescinded by resolution of the Board.

Section 3. Open burning defined.

For purposes of this ordinance, *open burning* means the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any of such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

Section 4. Penalty and remedy.

Any person that violates the provisions of this ordinance shall be guilty of a Class 2 misdemeanor and may be subject to a maximum penalty of thirty (30) days in jail, a \$200 fine, or both. Each and every day that the violation continues may constitute a separate offense.