

TITLE 18 FIRE SAFETY

Chapter 18.01 Burning off land or other flammable material without firebreak or considering weather a misdemeanor.

It is a Class 2 misdemeanor to set or cause to be set on fire any woods, marsh, prairie, grass, or stubble land or any other inflammable material at any time of the year without first having in place a natural or manmade firebreak and without giving due caution to the prevailing and forecasted weather conditions. The escape of any such burning shall be deemed prima facie evidence that said firebreak was insufficient. Source SDCL 34-35-10.

Chapter 18.02 Prohibit or restricting open burning:

Pursuant to SDCL 7-8-20(18) the Brown County Commission does hereby enact the following No person shall set any open fire when the National Weather Service publication of the grassland fire danger index reaches any of the follow categories “very high”, or “extreme fire danger”, or “fire weather watch”, or “red flag warning” for any or all of Brown County. This would automatically prohibit or restrict any open burning within the political boundaries of Brown County. It will be at the discretion of the land or property owner to review the grassland fire danger webpage to determine if it is allowable to burn that day. Source 34-29B-11.1

This said open burning shall not include charcoal grills, liquid fuel grills, or certain outdoor fireplaces defined herein:

Charcoal grill: means a metal or stone device not resting on the round with a metal grate designed to cool; food using charcoal briquettes, or similar fuel.

Liquid fuel grill: means a metal or stone device designed to cook food using a liquified or gaseous combustible fuel.

Outdoor fireplace: Means a manufactured appliance constructed of non-combustible materials fuel by liquified or gaseous combustible fuel and must have a maximum fuel area of three (3) feet in radius from the center of the appliance located no closer than 15 feet to any combustible service and continually attended until full extinguished.

Chapter 18.03 Reporting of controlled burns.

Anyone who burns off land or other approved flammable material shall before such burn notify the Brown County Communications Center and provide the following information. Location of the burn, time of burn, substance to be burned, approximate completion time of the burn and a contact phone number for the responsible person. Once the burn has been completed or extinguished the Brown County Communications Center shall again be notified advising of the location and that the burn is out and safe. Anyone who violates this section in whole or part is guilty of a Class 2 misdemeanor.

Chapter 18.04 Negligently allowing fire to spread as misdemeanor--Failure to extinguish fire--Interference with control efforts.

Every person who negligently kindles or causes to be kindled, fire in any woods, brush, fields, marshes, or prairies and leaves it unquenched or who negligently or without full precaution to prevent fire spreading permits it to spread beyond his control so as to endanger the property of another, whether such fire is kindled upon his own land or not, or who, finding any uncontrolled fire burning, fails to give immediate warning and to make reasonable attempt to quench it, or who at any fire at any place is guilty of any disobedience to the lawful orders of any public official or fireman attempting to control said fire, or who interferes with any such officer in any such case or refuses to assist in controlling said fire, is guilty of a Class 2 misdemeanor. Source SDCL 34-35-9

Chapter 18.05 Liability for suppression and extinguishment costs collectable by secretary of public safety.

Any person who negligently causes a fire to be started or who does not take reasonable precautions to prevent a fire from spreading and permits a fire to spread beyond the person's control is liable for all fire suppression and extinguishment costs that were caused by the fire and that are collectable by the secretary of public safety under §§ 41-20A-6 and 41-20A-10. For purposes of this section, the term, person, includes public utilities, railroads, and private utilities. Source SDCL 34-35-12.1

Chapter 18.06

Sections 18.01 and 18.03 shall not apply to the burning of household and yard waste, providing such burning is done so, safely. It shall be deemed negligent if such fire escapes the original site of the fire and shall be punishable in accordance with 18.04.

Chapter 18.07 Declaration of a fire danger emergency and prohibiting open burning.

18.0701 When weather or other conditions exist which may make the open burning of any substance unduly hazardous and a danger to public safety, the Brown County Board of Commissioners may by resolution declare a "Fire Danger Emergency".

18.0702 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 Brown County until such time as the resolution declaring the "Fire Danger Emergency" shall have been rescinded by appropriate action of the Brown County Board of Commissioners.

18.0703 Any person who shall create, commit, maintain, or permit to be created, committed, or maintained an open burn in violation of a resolution declaring a "Fire Danger Emergency" shall be deemed to have committed a public nuisance in violation and subject to all criminal and civil penalties provided for therein. Any person that maintains, commits, or fails to abate a public nuisance as required under the provisions of this ordinance shall be subject to a is guilty of a Class 2 misdemeanor. Each day that the violation continues may constitute a separate offense. Section 1. DEFINITION: "Open burning" 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 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 any 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

18.0704 This ordinance is declared to be necessary for the immediate preservation of the public safety in accordance with the provision of SDCL 7-18A-8