

TITLE 18 FIRE SAFETY

- Chapter 18.01** Burning off land or other flammable material (Controlled Burn) without a sufficient firebreak and considering weather a misdemeanor. It is a Class II misdemeanor to set or cause to be set on fire any wood, marsh, prairie grass stubble land or any other flammable 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 forecast 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** The Brown County Commission, upon the request of the President of the Brown County Fire Chief Association, or the Director of Brown County Emergency Management or the Brown County Sheriff may prohibit or restrict open burning, in all or part of Brown County in order to protect the public health and safety. Source SDCL 34-29B-11.1
- Chapter 18.03** Reporting of controlled burns. Anyone who burns off land or other 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 II misdemeanor.
- Chapter 18.04** Negligently allowing fire to spread as misdemeanor – Failure to extinguish fire – Interference with control efforts. Anyone who negligently kindles or causes to be kindled, any fire in any woods, brush, fields, marshes, stubble, or prairies and leaves it unquenched or who negligently or without full precaution to prevent said fire from spreading, permits it to spread beyond 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 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 II misdemeanor. Source SDCL 34-35-9
- Chapter 18.05** Liability for fire. Anyone who sets a fire as provided in 18.01 is liable for damages for all injury and fire suppression and extinguishment caused by the fire. Criminal prosecution is not a prerequisite to liability for damages or for fire suppression and extinguishment cost. Source SDCL 5-4-17
- 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 burning 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 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.

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.