

ORDINANCE # 00-01

AN ORDINANCE TO AUTHORIZE THE CLAY COUNTY BOARD OF COMMISSIONERS TO DECLARE A FIRE DANGER EMERGENCY AND TO PROHIBIT OPEN BURNING WITHIN THE COUNTY

BE IT ORDAINED BY CLAY COUNTY, that 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 Clay County Board of Commissioners may by resolution declare a "Fire Danger Emergency", and


BE IT FURTHER ORDAINED BY CLAY COUNTY, that if a "Fire Danger Emergency" be declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Clay County until such time as the resolution declaring the "Fire Danger Emergency" shall have been rescinded by appropriate action of the Clay County Board of Commissioners; and

BE IT FURTHER ORDAINED BY CLAY COUNTY, that 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 of this ordinance, the maximum penalty for such being a \$200 fine and 30 days incarceration in the Clay County Jail; provided for therein: and

"Open burning" is defined as 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 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.

THIS ORDINANCE is declared to be necessary for the immediate preservation of the public safety in accordance with the provisions of SDCL 7-18A-8 and shall take effect upon final passage.

First Reading MAY 2, 2000
Second Reading: MAY 9, 2000
Adoption: MAY 9, 2000
Publication: MAY 19, 2000
Effective Date: MAY 9, 2000


Gerald A. Sommervold, Chairman
Board of County Commissioners
Clay County, South Dakota

ATTEST:

Ruth A. Brunick, Clay County Auditor