

ORDINANCE NO. 2004-7-3

AN ORDINANCE TO AMEND ORDINANCE NO. 00-5-3 AND THEREBY PROHIBITING ANY TYPE OF OPEN BURNING WITHIN THE COUNTY WITHOUT PRIOR APPROVAL.

BE IT ORDAINED BY EDMUNDS COUNTY, that often times weather and or other conditions shall exist which may make the open burning of any substance unduly hazardous and a danger to public safety;

BE IT FURTHER ORDAINED BY EDMUNDS COUNTY, that all open burning of any substance shall be prohibited within any or all of the unincorporated area of Edmunds County; and

BE IT FURTHER ORDAINED BY EDMUNDS COUNTY, that should any person desire to burn a substance within the unincorporated areas of Edmunds County, said individual shall, prior to such burning, contact the Edmunds County Sheriff's Office and give the location, date, and approximate time of the desired burning, the material to be burned and whatever other information as is deemed appropriate by the Edmunds County Sheriff. The Edmunds County Sheriff and his authorized staff shall upon consultation with the Fire Chief within the designated area where the individual desires to conduct the open burn, determine whether such open burning shall be permitted.

BE IT FURTHER ORDAINED BY EDMUNDS COUNTY, that any person who shall create, commit, maintain, or permits to be created, committed or maintained any open burning within the unincorporated areas of Edmunds County without first obtaining permission from the Edmunds County Sheriff's Office shall be deemed to have committed a public nuisance in violation of this Ordinance, and shall be subject to criminal prosecution as a Class 2 Misdemeanor and thereby subject to a fine of \$200.00 and or thirty (30) days in the Edmunds County Jail. In addition, Edmunds County can seek remedy by way of a civil action and abatement of said nuisance and violation as set forth in SDCL 21-10-5 through SDCL 21-10-9.

BE IF FURTHER ORDAINED BY EDMUNDS COUNTY, that "open burning" shall be 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 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.

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.

Approved this 6th day of July, 2004.

EDMUNDS COUNTY BOARD OF COMMISSIONERS

BY: Greg Loh
Chairman

Delmer P. Cook
Commissioner

Robert J. Jorgensen
Commissioner

Jeffrey C. Aron
Commissioner

Richard R. Ricketts
Commissioner

Attest: Keith Schurr
Keith Schurr
Edmunds County Auditor

