

Ordinance No. 201

AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF EGAN, SOUTH DAKOTA

Sec. 1: Open burning.

It is unlawful to burn in any open or exterior space any garbage, refuse, leaves, wood, pallets, shingles, cardboard, paper, plastic or similar material within the city. Recreational fires are permitted under the following conditions.

State Law reference— Authority to prohibit open burning, SDCL 34A-1-18.

Sec. 1.1: Fire pit.

A fire pit includes either a below ground pit or a permanent or portable device intended to contain and control outdoor wood fires. All below ground fire pits shall be at least four inches in depth and shall be surrounded on the outside, above ground, by a noncombustible material such as steel, brick, or masonry. Portable fire pits, constructed of steel, brick or masonry, must be used in accordance with the manufacturer's specifications and these regulations.

Sec. 1.2: Container capacity.

The fuel load capacity of the fire pit container cannot exceed three feet in diameter and two feet in height.

Sec. 1.3: Fire pit location.

All below ground fire pits must be located a minimum of 25 feet away from any structures or combustibles, such as houses, garages, sheds, decks, wood piles and wooden fences. Manufactured freestanding fire pits must be located a minimum of ten feet away from any structures or combustibles, such as houses, garages, sheds, decks, woodpiles and wooden fences.

Sec. 1.4: Fuel type.

Only natural firewood or commercial logs may be burned in a fire pit. Burning of lumber, pallets, scrap wood, tree trimmings, leaves, yard waste, paper, plastic, cardboard, garbage and similar items is not permitted. Liquid accelerants may not be used in any fire pit.

Sec. 1.5: Attendance.

A fire pit fire must be constantly attended and supervised by an adult until the fire has been completely extinguished.

Sec. 1.6: Fire-extinguishing equipment.

A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, sand, or dirt must be readily available to extinguish a fire pit fire.

Sec. 1.7: Discontinuance.

Recreational burning that is offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions or local circumstances such as high wind and drought conditions make such fires hazardous is prohibited. Police and fire department officers are authorized to require that a recreational fire be immediately extinguished and discontinued if it is determined that the fire is not in compliance with this article, or the smoke is offensive to nearby neighbors or the burning is determined to constitute a hazardous condition.

Sec. 1.8: Exception for municipal park campground campfires.

Recreational campfires at approved municipal park campgrounds are permitted and are therefore exempt from the requirements of this article, provided such campfires are kindled in and confined to fire rings provided for such purposes and provided only natural firewood or commercial logs are burned. A campfire must be constantly attended and supervised by an adult until the fire has been completely extinguished. Liquid accelerants must not be used to start or maintain any fire, and suitable extinguishing material or water shall be available to extinguish the campfire.

Sec. 2: Penalty

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$50.00, nor more than \$200.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

John Steinhauer
Chairman

Alicia Olson
Finance Officer

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