

April 4, 2000

ORDINANCE 00-33

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

BE IT ORDAINED BY LAKE 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 Lake County Board of Commissioners may by resolution declare a "Fire Danger Emergency", and BE IT FURTHER ORDAINED BY LAKE 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area of Lake County until such time as the resolution declaring the "Fire Danger Emergency" shall have been rescinded by appropriate action of the Lake County Board of Commissioners; and BE IT FURTHER ORDAINED BY LAKE COUNTY, that any person who shall create, commit, maintain,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 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 of such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima fade 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 provision of SDCL 7-18A-8.

Approved this 4th day of April, 2000.

LAKE COUNTY BOARD OF COMMISSIONERS

By: s/s Ron Jorgensen Chairman s/s Shirlee Leighton
 s/s David Artko s/s George Vanhove
 s/s Craig Johannsen

ATTEST:

s/s Kay A. Schmidt

LAKE COUNTY AUDITOR

First Reading: March 21, 2000 9:00 a.m.

Second Reading: April 4, 2000 9:00 a.m

Adopted: April 4, 2000

Published: April 6th & 13th

Effective: May 4th