ORDINANCE NO. 27

An Ordinance Regulating Fireworks, Campfires, and other Incendiary Devices

WHEREAS, Meade County Ordinance No. 27 was adopted by the Meade County Commission on May 3, 2005 and

WHERAS, the County Commission finds that it is appropriate and in the best interest of the citizens of Meade County to change the regulations relating to Fireworks, Campfires and other incendiary devices,

THEREFORE BE IT ORDAINED by the Board of Meade County Commissioners:

SECTION I. DEFINITIONS:

A. Open Fire: Means any outdoor fire, including campfires, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. Open Fire shall not include Charcoal Grills or Liquid Fuel Grills. Open Fire shall not include burn barrels as defined herein.

B. Burn Barrel: Means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal. Burn Barrels must have a metal grate covering at any time when in use and must be located in a safety zone devoid of all combustable materials 15 feet radius from center of Burn barrel.

C. Charcoal Grill: Means a metal or stone device with the fire box not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

D. Liquid Fuel Grill: Means a metal or stone device designed to cook food using liquefied or gaseous combustible fuel.

E. Outdoor Fireplace: Means a structure or device constructed of non-combustable materials, with a maximum fuel area of three (3) feet, including a screen, chimney or other device placed above the fuel area, fueled by cut or split wood, located no closer than 15 feet to any combustable surface and continually attended.

F. Branding Iron Burner: Means a stove, furnace or device used to heat irons for the purpose of branding livestock, heated by wood, liquid fuel or other means and constructed so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the atmosphere.

G. Campground: Means any permitted commercial campground operated by private individuals or corporations, State of South Dakota or United States Forest Service.

H. Fireworks: Means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them,

firecrackers, torpedoes, skyrockets, Roman candles, sparklers other than those specified below, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

I. Pyrotechnics: Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

SECTION II. REGULATIONS:

A. Open Fire:

1. No person shall set any Open Fire in Meade County, outside the boundaries of any municipality, when the National Weather Service has declared the Grassland Fire Danger Index to be in the Very High or Extreme category in Meade County. The prohibition against Open Fire as provided herein shall automatically be suspended during any period the Grassland Fire Danger Index falls below the Very High category in Meade County.

2. No person shall set an Open Fire at any time as declared the Board of Commissioners for Meade County.

B. Burn Barrels:

1. No person may ignite a fire in a Burn Barrel when the National Weather Service has declared the Grassland Fire Danger Index to be in the Very High or Extreme category in Meade County. The prohibition against Burn Barrels as provided herein shall automatically be suspended during any period the Grassland Fire Danger Index falls below the Very High category in Meade County.

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C. Campgrounds:

1. The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any permitted commercial, state or federal campgrounds unless otherwise specifically banned by the Meade County Board of Commissioners.

D. Fireworks:

1. Unless approved by the Meade County Board of Commissioners, no person shall set any Fireworks in Meade County, outside the boundaries of any municipality, when the National Weather Service has declared the Grassland Fire Danger Index to be in the Very High or Extreme category in Meade County. The prohibition against Fireworks as provided herein shall automatically be suspended during any period the Grassland Fire Danger Index falls below the Very High category in Meade County.

2. No person shall ignite Fireworks at any time as declared by the Board of Commissioners for Meade County.

SECTION III. SPECIAL REGULATIONS

A. However, the prohibition in Section II, A. 1., herein above shall not apply to a special event where the following requirements are met:

1. The fire is an exhibition;

2. The fire is in or on a structure built specifically for the special event;

3. The structure is non-aerial;

4. The structure is constructed and operated in a such a manner that no combustable material shall become airborne;

5. A firefighter with firefighting equipment is present at the special event; and

6. The fire does not flame for a period exceeding five minutes.

B. However, the prohibition contained in Section II D herein above shall not apply to any pyrotechnic professional igniting fireworks in conjunction with a valid fireworks display which complies with NFPA 1123 and SDCL 34-37-13 and is approved by the Meade County Commission.

C. However, nothing in this ordinance shall prohibit the use of firearms and tannerite targets at any shooting range.

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SECTION IV. PENALTY

A. The penalty for violation of this ordinance shall be a fine up to $500.00 or 30 days in jail or both.

B. Any violator of this ordinance is subject to the suppression costs of extinguishing the fire.

C. Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.

D. The permissibility of the ignition of any fire or firework as specified herein shall not operate to relieve the ignitor of the duty of care otherwise imposed; nor shall this ordinance operate to absolve any person of any liability for damages which may occur as a result of the fire.

FIRST READING: JULY 3, 2013

SECOND READING: JULY 31, 2013

ADOPTED this 31 day of July, 2013.

Robert Weidgerber

Chairperson, Meade County
Board of County Commissioners

ATTEST:

Carolyn Andrews, Deputy

Meade County Auditor