

ORDINANCE NO. 2021-1

AN ORDINANCE TO EXERCISE THE COUNTY'S STATUTORY AUTHORITY TO PROHIBIT OR RESTRICT OPEN BURNING BY REQUIRING PRIOR NOTICE OF OPEN BURNING AND TO PROVIDE FOR A PENALTY.

WHEREAS Aurora County has the statutory authority to prohibit or restrict open burning after consultation with local fire officials and law enforcement officials pursuant to SDCL 7-8-20(18); and

WHEREAS in order to prevent dangerous burning, and in the exercise of the County's statutory authority, the County deems it necessary and prudent to require prior notice by persons intending to engage in open burning,

NOW, THEREFORE BE IT ORDAINED BY AURORA COUNTY as follows:

SECTION 1 DEFINITIONS

For purposes of this ordinance the following terms shall have the following meanings:

Open Burning - the burning of any material, including but not limited to vegetation, buildings, trash, wood, construction debris, and trees, if such burning is not fully confined within a burn barrel, incinerator or other container designed for the safe containment of a fire. Open Burning does not include burning in any interior fireplace, furnace or stove.

SECTION 2 PRIOR NOTIFICATION OF OPEN BURNING

No person may conduct open burning anywhere in Aurora County unless such person first gives notice of his or her intention to conduct open burning. Notice shall be given by calling the public non-emergency telephone line at 605-995-8400 or by calling 911 and stating to the operator the general location of the proposed open burn. Notice shall be given immediately prior to commencement of the open burn. The operator shall inform the caller if there is an open burn ban in place in Aurora County.

SECTION 3 VIOLATIONS

Any person intentionally conducting any Open Burning in Aurora County without giving notice as required by this ordinance shall be guilty of Illegal Burning. Any person guilty of Illegal Burning shall be punished by a fine not to exceed \$500.00 and imprisonment in the Aurora County Jail not to exceed thirty (30) days.

SECTION 4 PUBLIC NOTICE

The Director of Aurora County Emergency Management shall cause notice of the provisions of this ordinance in substantially the following form to be published from time to time as he deems it in the public interest, but not less frequently than annually. Such publication shall be in the legal newspapers designated by the county commission.

The public notice required by this section shall be in substantially the following form:

Open Burning Notice Required

Notice is hereby given that any person who intends to conduct open burning in Aurora County must give notice of such intent to burn by calling the non-emergency telephone line at 605-995-8400 or by calling 911. The person must state to the operator the general location of the proposed burn. The call must be made immediately prior to the commencement of the open burn.

Any person who conducts open burning in the County without giving such notice or in violation of a county-wide burn ban may be punished by a fine and jail sentence.

S/Director of Emergency Management

SECTION 5
BURN BANS

The County Commission has the authority to declare a County-wide burn ban pursuant to Ordinance No. 2015- 3. Nothing in this Ordinance is meant to restrict the County's ability to impose a burn ban when adverse conditions exist. No open burning shall take place when there is a burn ban in place.

Dated this 4 day of March, 2021.



ATTEST:

Clyde D...
Chairman, County Commission

Deputy Johnson deputy Auditor
Susan Urban, Aurora County Auditor
April Johnson Deputy

YEAS:

NAYS:

FIRST READING: February 18, 2021

SECOND READING: March 4th, 2021

APPROVED: _____

PUBLISHED: _____