

## ORDINANCE NO. 27

### An Ordinance Regulating Fireworks, Campfires, Burn Piles, Burn Pits (Dumps) and other Incendiary Devices

WHEREAS, Meade County Ordinance No. 27 was adopted by the Meade County Commission on May 3, 2005, amended on July 31, 2013.

WHEREAS, 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, Burn Piles, Burn Pits (Dumps) and other Incendiary devices,

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

#### SECTION 1. DEFINITIONS:

Open Fire: Means any outdoor fire, including Campfires, Burn Piles, and Burn Pits (Dumps) that are 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.

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 combustible materials 15 feet radius from center of Burn Barrel.

Burn Piles: Means a collection of tree debris after fuel reduction of an area.

Burn Pits: Means a depression in the ground wherein trash, wood debris or other items are deposited for burning.

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.

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

Outdoor Fireplace: Means a structure or device constructed of non-combustible 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 of split wood, located no closer than 15 feet to any combustible surface and continually attended.

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.

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

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 firecrackers, torpedoes, skyrocketes, 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.

Local Fire Chief: Defined by the jurisdiction map and contact information provided to Meade County's Emergency Management Service and Planning Department.

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 2. REGULATIONS:**

### **2.1 Open Fire:**

2.1.1 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 High, 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 as determined by the National Weather Service.

2.1.2 The Meade County Board of Commissioners have authority to declare a ban on Open Fires by Resolution. Such ban can apply at any time, any weather condition, and for all or parts of Meade County as determined by the Board.

### **2.2 Burn Barrels:**

2.2.1 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 High, 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 High category in Meade County as determined by the National Weather Service.

### 2.3 Campgrounds:

2.3.1 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.

### 2.4 Fireworks:

2.4.1 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 High, 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 High category in Meade County as determined by the National Weather Service.

## **SECTION 3. SPECIAL REGULATIONS**

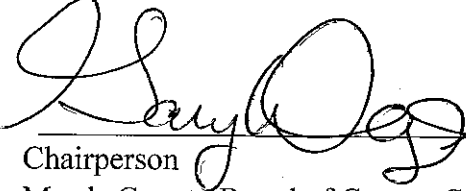
- 3.1 However, the prohibition contained in Section 2.4 and 2.4.1 herein above shall not apply to any pyrotechnic professional igniting fireworks in conjunction with a valid fireworks display which complies with NFPA 1123 and SDCL 34-37-13 and is approved by the Meade County Commission.
- 3.2 However, nothing in this ordinance shall prohibit the use of firearms and Tannerite targets at any shooting range.
- 3.3 However, nothing in Section 2.1, 2.2, and 2.4 ordinance shall apply if approved by the local Fire District Chief/Board.
- 3.4 However, all special events, demonstrations, and training involving open fires need to coordinate with the local Fire District Chief/Board.

## **SECTION 4. PENALTY**

- 4.1 The penalty for violation of this ordinance shall be a fine up to \$500.00 or 30 days in jail or both.
- 4.2 Any violator of this ordinance is subject to all costs including, the suppression costs of extinguishing the fire, mop up and watching.
- 4.3 Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- 4.4 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

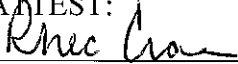
ordinance operate to absolve any person of any liability for damages which may occur as a result of the fire.

Adopted this 9<sup>th</sup> day of April, 2024.

  
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Chairperson  
Meade County Board of County Commissioners

ATTEST:

  
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Meade County Auditor  
First Reading: March 26, 2024

Second Reading: April 9, 2024

Published: April 17, 2024

Effective: May 8, 2024

