

ORDINANCE NO. 36

"AN ORDINANCE FOR THE DECLARATION OF FIRE DANGER EMERGENCIES"

Section 1. Emergency declaration.

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 Board may by resolution declare a "Fire Danger Emergency."

Section 2. Open burning prohibited.

If a "Fire Danger Emergency" is declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Hanson County until such time as the declaration of "Fire Danger Emergency" has been rescinded by resolution of the Board.

Section 3. Open burning defined.

For purpose of this ordinance, *open burning* means 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 facie 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.

Section 4. Severability.

In the event that any part or portion of this ordinance is declared to be invalid, illegal, or unconstitutional, the remaining portions hereof shall remain in effect and enforceable as though the prohibited portion or portions hereof did not exist, so long as the ordinance still carries out the intent of the County Commissioners.

Section 5. Repealer.

All ordinances previously adopted which are in conflict herewith in whole or in part, are hereby repealed to the extent of such conflict.

Section 6. Penalty and remedy.

Any person that violates the provisions of this ordinance shall be guilty of a Class 2 misdemeanor and may be subject to a maximum penalty of thirty (30) days in jail, a \$500.00 fine, or both. Each and every day that the violation continues may constitute a separate offense.

Justification for ordinance:

[A] Hanson County does experience periods of extreme dry weather from time to time;

[B] during such periods, fire danger, the danger to persons and property greatly increases;

[C] it is in the best interest of citizens and residents of Hanson County to have a process in place for the banning or prohibiting of burning during such times as this danger is extreme.

Votes for: 5.

Votes against: 0.

Motion carried.

Dated this 20th day of November 2012.

/s/ Richard Graves

Richard Graves, Chairman

Hanson County Commissioner

ATTEST:

/s/ Lesa Trabing

Lesa Trabing, Auditor

Hanson County

First Reading: November 8, 2012

Second Reading: November 20, 2012

Published: November 29, 2012

Ordinance effective 20 days after publication.