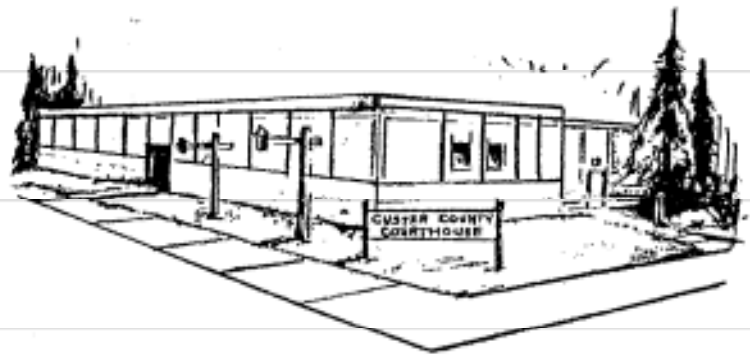


CUSTER COUNTY
Board of County Commissioners



* * * 420 Mt. Rushmore Road

* * * Custer, South Dakota 57730 * * *

Resolution 2007-11

To Provide For Emergency Regulation of Fire Hazard in Custer County

WHEREAS, Custer County is experiencing very dry conditions due to lack of snow cover last winter and rain this spring and summer; and

WHEREAS, Custer County is dedicated in taking steps to protect the health and safety of all residents of the County and all property within the County; and

WHEREAS, Custer County Commission has consulted with local fire officials and law enforcement officials in regard to the severity of this issue, and

WHEREAS, for purposes of this Resolution, "open burning" shall be defined any of the following occurring on private and state lands outside of the Black Hills Forest Fire Protection District in Custer County:

- A. Any outdoor fire, including but not limited to campfires, warning fires, charcoal grill fires, or the prescribed burning of fence rows, fields, wild lands, trash and debris. This resolution excludes fires contained within liquid-fueled or gas fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds;
- B. Smoking, except within an enclosed vehicle or building, a developed recreational site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials;
- C. Welding or operating acetylene or other torches with open flame; or
- D. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: SDA Forest Service Standard 5100-1a [as amended]; OR Appropriate Society of Safety Engineers [SAE] recommended practice J335 [b] and J350 [a].

NOTE: This ban on open burning applies unilaterally to all State of South Dakota issued permits including burn barrels.

WHEREAS, unduly hazardous fire conditions now exist in Custer County;

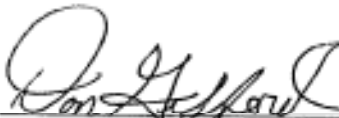
THEREFORE BE IT RESOLVED that the Custer County Commission enact this resolution on an emergency basis and impose a ban to prohibit or restrict open burning and that the use of all fireworks, except for fire department approved private or public displays complete with fire suppression standby services, be prohibited in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20.18;

BE IT FURTHER RESOLVED that the Director of Emergency Services or in his absence, the County Fire Coordinator, be hereby authorized to expand the level of this fire ban and impose additional burn restrictions at their discretion consistent with increased fire hazard conditions.


BE IT FURTHER RESOLVED that a fine not to exceed two hundred dollars for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment, if found in violation of this Resolution, as per South Dakota Codified Law 7-18A-2, and that the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts and compensation to the firefighters for time lost from their employment, be born directly by the individual or individuals responsible for setting the fire.

IT IS FURTHER RESOLVED that this resolution becomes effective June 30, 2007, and will remain in force until rescinded.

Dated this 29th day of July, 2007.



Don Gifford, Chairman

Attest:  Linda Nelson, Auditor

By:  Deputy