

## ORDINANCE NO. 2025-4

AN ORDINANCE ENTITLED “AN ORDINANCE REGULATING OPEN BURNING AND PROVIDING FINES AND PENALTIES FOR VIOLATION WITHIN CITY OF COLOME”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLOME, SOUTH DAKOTA:

**SECTION 1. PURPOSE:** The Colome Common Council is charged with protecting the health and safety of the citizens of Colome including all property situated therein; and SDCL 9-33-1 authorizes the municipality power to regulate or prohibit the storage of combustible or explosive material, the use of open flame lights, the building of bonfires, and the use or sale of fireworks.; and the Colome Common Council has consulted with local fire officials, law enforcement officials, and emergency management officials concerning the need to regulate open burning under certain conditions that pose a threat of wildfire.

**SECTION 2.** The Colome Common Council hereby deems it necessary to set forth in this ordinance.

- A. Pursuant to SDCL 9-33-18 the Colome Common Council does hereby enacts this ordinance to ensure public safety on all open burning and fireworks.
  1. **Empowers the Local Authorities:** The fire chief and/or mayor have the authority to issue a burn ban within the city when conditions (like extreme weather or drought) present a significant fire risk.
  2. **Prohibits Fireworks:** When a burn ban is in place, the use of all fireworks is prohibited to prevent potential fire hazards.
  3. **Restricts Outdoor Burning:** The ordinance prohibits burning materials such as grass, trash, leaves, or other combustibles, unless specified otherwise.
  4. **Applies to All Individuals:** This law applies to everyone within the city limits, regardless of whether they are a resident or not.
  
- A. The following exceptions are made to the restrictions
  1. screened and/or covered firepits and/or fully enclosed outdoor fireplaces must be surrounded by a 10-foot combustible free radius.
  2. screened and/or covered firepits and/or fully enclosed outdoor fireplaces cannot be any larger than a diameter of 48 inches and flames no higher than 3 feet tall.
  
- B. Individuals who are burning under one of the exceptions use extreme caution and individuals who start a fire that crosses a property line, and or damages the property of another person are liable for the costs of suppressing and damages done by that fire.
  1. The prohibited activity shall include any activity which could be reasonably calculated to lead to the ignition and/or spread of wildfire in Colome of Tripp County.

ORDINANCE NO. 2025-4 Open Burning

2. The area to which prohibitions referenced above shall be applicable shall include the entire area of Colome in Tripp County except those lands falling outside the boundaries of Colome in Tripp County, or the land falling under the auspices of the United States.

C. Solid waste and/or trash burning containers are prohibited from use at all times.

Individuals will be allowed to use gas fueled or charcoal-fired BBQ grills used for preparing food. Campfires will **NOT** be allowed on private land or licensed commercial campgrounds.

**SECTION 3. DEFINITIONS:**

**A. Open Burning:** Means any outdoor fire, including campfires, which 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, Liquid Fuel Grills, as defined herein.

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

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

**D. Enclosed Outdoor Fireplace:** Means a manufactured appliance constructed of non combustible materials, with a maximum fuel area of three (3) feet, fueled by cut or split wood, located not closer than 10 feet to any combustible surface and continually attended.

**E. Campground:** Means any licensed commercial campground operated by private individuals or corporations.

**SECTION 4. REGULATIONS:**

**A. Open Burning prohibited:**

1. A person may not burn waste oil(s), rubber, waste tires, tarpaper, or asphalt shingles. For the purposes of this subdivision, waste oil means any oil that has been refined from crude oil, used, or contaminated by physical or chemical impurities.
  2. It shall be unlawful for any person, firm or corporation to burn municipal solid waste.
  3. It shall be unlawful for any person, firm or corporation to burn railroad ties or wood treated with inorganic arsenicals, pentachlorophenol, creosols, or Pressure treated wood
1. It shall be unlawful for any person, firm or corporation to Open burn any other material must be conducted in accordance with all applicable local ordinances and state laws and rules.

ORDINANCE NO. 2025-4 Open Burning

**B. Campgrounds:**

1. Campfires will **NOT** be allowed on private land or licensed commercial campgrounds.

**SECTION 5. PENALTY FOR VIOLATIONS:**

A. Anyone who fails to perform any act required or who does any prohibited act pursuant to this ordinance, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500).

B. Additionally, pursuant to SDCL 34-35-9, and 34-35-10, and 34-35-12, any violator of this ordinance may also be subject to additional penalties and costs associated with causing or setting a fire and the suppression costs of extinguishing any fire resulting therefrom.

**SECTION 6. CONFLICTING ORDINANCES**

That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 7. EFFECTIVE DATE**

This Ordinance shall be in full force and in effect twenty (20) days after its passage, approval, and publication.

Dated this 15th day of April 2025

CITY OF COLOME

\_\_\_\_\_  
Kelly Leighton, Mayor

ATTEST:

\_\_\_\_\_  
Bobbi Harter, Finance Officer

First Reading: April 8<sup>th</sup>, 2025  
Second Reading: April 15<sup>th</sup>, 2025  
Passed and Approved: April 15<sup>th</sup>, 2025

Publication: April 23<sup>rd</sup>, 2025  
Effective Date: May 13<sup>th</sup>, 2025

Roll call: Ayes: 4

Nays: 0