



CUSTER COUNTY BURNING REGULATIONS



Black Hills Fire Protection District • Custer County, South Dakota

These regulations apply to all state and private lands (excluding municipalities) within the [Black Hills Fire Protection District](#) located in Custer County, South Dakota.

These regulations **Do Not** apply to lands owned by the Federal Government. Permits are issued by the [South Dakota Department of Public Safety](#) – Wildland Fire. Permits are not required for open burning outside of the Black Hills Forest Fire Protection District, including campfires, burn barrels, and slash pile/debris burning.

WARNING: Violation of Ordinance 20 may result in a fine of up to \$500, imprisonment for up to 30 days, or both.

BURNING RESTRICTIONS

All burning activities are subject to current weather watches, warnings, and county burn restrictions.

Condition	Gas Grills / Gas Fireplaces	Charcoal Grills	Campfires (By Permit Only)	Burn Barrels (By Permit Only)	Slash Piles / Debris Burning (By Permit Only)	Broadcast Burning
No Watches or Warnings	Allowed	Allowed	Allowed	Allowed	Allowed	Not Allowed
High Wind Watch	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
High Wind Warning	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Fire Weather Watch	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Red Flag Warning	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
County-Wide Burn Ban	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

ADDITIONAL INFORMATION

- Visit the [National Weather Service](#) website for current watches and warnings.
- Slash pile permits within the City of Custer are issued through the [Custer Volunteer Fire Department](#).
- Slash pile burning season runs from November 1 through March 31.
- Small slash piles (up to 6 ft × 6 ft) require a minimum of 2 inches of continuous snow cover.
- Large slash piles (greater than 6 ft × 6 ft) require a minimum of 6 inches of continuous snow cover.
- Charcoal grills are permitted unless a county-wide burn ban is in effect.

REFERENCE INFORMATION

- [Custer County](#) Open Burning Regulations (excluding municipalities) – Ordinance 20
- [City of Custer](#) – Ordinance No. 944
- United States Forest Service Restrictions – [Black Hills National Forest](#)

CUSTER COUNTY ORDINANCE NO. 20

AN ORDINANCE REGULATING OPEN BURNING IN CUSTER COUNTY

WHEREAS; the Commissioners of Custer County (the "Commission") are charged with protecting the health, safety and general welfare of the citizens of Custer County, including all property situated therein; and

WHEREAS; SDCL 7-8-20(18) authorizes the Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety;

WHEREAS; the Emergency Management Services Director of Custer County has consulted with local fire officials and law enforcement officials concerning the need to regulate open burning under certain conditions that pose a threat of fire; and

WHEREAS; the Commission desires to amend the previously adopted Custer County Ordinance No. 20 to expand the area of Custer County subject to the ordinance, to establish the penalty for violation of said ordinance, and to provide further clarification and definitions concerning said ordinance; and

WHEREAS; the Commission hereby deems it necessary to adopt the restrictions set forth in this Ordinance No. 20 in order to reduce the threat posed to the citizens and property of Custer County by fires.

NOW, THEREFORE, BE IT ORDAINED BY THE CUSTER COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION 1. APPLICATION:

This ordinance applies to all areas in Custer County including property lying within the Black Hills Forest Fire Protection District (BHFFPD) as established by South Dakota Codified Law Chapter 34-35, excluding municipalities and lands owned by or under the jurisdiction of the Federal Government. The starting of an open fire within the Black Hills Forest Fire Protection District by any person or a group of persons is prohibited unless a permit to do so is first obtained from the Department of Public Safety or from the United States Forest Service. The South Dakota Department of Public Safety / Wildland Fire is the administrator of all permitting pursuant to SDCL 34-35-16 and

SDCL 34-35-17 in the BHFFPD.

SECTION II. DEFINITIONS:

- A. Black Hills Forest Fire Protection District (BHFFPS): all that part of the state described by metes and bounds as follows: Commencing at a point on the Wyoming - South Dakota state line at the junction of Interstate Highway 90 at the state line; thence east and southeast along Interstate Highway 90 via Rapid City to the intersection of U.S. Highway 16B; thence south and southwest along U.S. Highway 16B to the intersection of State Highway 79; thence south along State Highway 79 to the intersection U.S. Highway 18; thence south along U.S. Highway 18 to the Cheyenne River; thence west and northwest along the Cheyenne River to the Wyoming - South Dakota state line; thence north along said state line to the place of beginning. The BHFFPD does not include any area within the limits of any municipality.
- B. Burn Barrel: Means a metal container used to hold combustible or flammable waste materials so they can be ignited outdoors for the purpose of disposal. Burn Barrels must be covered with a metal grate at all times when being used. Burn Barrels must be in a safety zone devoid of all combustible materials 15 feet in radius from the center of the burn barrel while in use.
- C. Campground: Means any permitted commercial campground operated by private individuals or corporations, the State of South Dakota, or the United States Forest Service.
- D. 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.
- E. Liquid Fuel Grill: Means a metal or stone device designed to cook food using liquefied or gaseous combustible fuel.
- F. Open Fire: Means any outdoor fire, including campfires and burn barrels, 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 or Liquid Fuel Grills as defined herein.
- G. 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 15 feet to any combustible surface and continually attended.

SECTION III. REGULATIONS:

A. Open Fire:

1. Within the BHFFPD, open burning is not allowed without a permit, pursuant to SDCL 34-35-15.
2. No person shall set any open fire when the National Weather Service has issued a High Wind Watch or Warning, Fire Weather Watch, or Red Flag Warning for Custer County.
3. No person shall set an open fire when the Commission has placed in effect a county-wide burn ban.
4. The prohibition against Open Fire as provided herein shall automatically be suspended during any time the High Wind Watch or Warning, Fire Weather Watch, or Red Flag Warning is no longer in effect, unless a county-wide burn ban has been placed in effect.

B. Burn Barrels:

No person may ignite a fire in a burn barrel when the National Weather Service has issued a High Wind Watch or Warning, Fire Weather Watch, or Red Flag Warning for Custer County. Use of burn barrels, as defined herein, are allowed only when there is no High Wind Watch, or Warning, Fire Weather Watch, or Red Flag Warning in place and when there is no county-wide burn ban in effect.

C. Campgrounds:

1. Open fire is not allowed in any campground during a High Wind Watch or Warning, Fire Weather Watch, or Red Flag Warning issued for Custer County or during anytime when a countywide burn-ban has been placed in effect.
This prohibition applies to commercial and State campgrounds.

SECTION IV. PENALTY FOR VIOLATIONS:

- A. The penalty for violation of this ordinance shall be a fine not to exceed five hundred dollars (\$500) or thirty (30) days jail or both.
- B. Any violator of this ordinance may also be subject to additional criminal penalties for injury, suppression and extinguishment

costs associated with a fire as provided in SDCL Chapter 34-35.

- C. Any violator of this ordinance may also be subject to civil damages for injury, suppression and extinguishment costs associated with a fire as provided in SDCL Chapter 34-35.
- D. Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- E. The permissibility of the ignition of any fire as specified herein shall not operate to relieve the ignitor of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of any fire.
- F. This ordinance does not supersede applicable state or federal law, and people shall comply with and remain subject to applicable state and federal law and any penalties associated with applicable state and federal law.

BE IT FURTHER ORDAINED, that the foregoing revision to Custer County Ordinance No. 20 shall be and is hereby intended to amend and replace Custer County Ordinance No. 20 in its entirety; and

BE IT FURTHER ORDAINED, that pursuant to SDCL §7-18A-8, this Ordinance is necessary for the immediate preservation of public health and safety and shall take effect immediately upon passage and publication.

Adopted this 22 day of April, 2026.

Custer County Commission Chair:



Jim Lintz, Chairman ✓

First Reading: 4-22-2026
Second Reading: 5-13-2026
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