

RESOLUTION 2026-12

A Resolution Declaring Emergency Fire Conditions and Establishing a Ban on Open Fires within Custer County

WHEREAS, fire conditions in the County of Custer are high and pose a danger to public health and safety; and

WHEREAS, the Board of County Commissioners (hereinafter "Commission") has the authority, pursuant to SDCL 7-8-20(18), "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;" and

WHEREAS, the safety of the residents of Custer County and the general public is a priority of the Commission; and

WHEREAS, the Commission has consulted with local fire officials and law enforcement officials concerning the need to prohibit or restrict open burning within the County and has determined it necessary for the immediate preservation of the public health and safety to adopt prohibitions and/or restrictions on open burning;

NOW THEREFORE BE IT RESOLVED, the Board of County Commissioners of Custer County hereby imposes a ban prohibiting open burning within Custer County in order to protect the health and safety of the residents of Custer County and general public; and

BE IT FURTHER RESOLVED, for purposes of this Resolution, "open burning" shall include the following:

- A. Any outdoor fire, including but not limited to, campfires, burn piles, burn pits, burn barrels, warning fires, charcoal grill fires, and prescribed burns. Devices that are fueled by gas or liquid fuel that can be turned on or off and are in an area that is barren or cleared of any flammable materials within three feet are allowed;
- B. Fireworks as defined and described in SDCL 34-37 and any other explosive or pyro technique devices;
- C. Smoking, except within an enclosed vehicle or building;
- D. Welding; operating acetylene or other open-flame torches; and using grinders, chop saws, or other tools that produce sparks, except when conducted inside an enclosed private shop or business with appropriate fire-safety precautions;
- E. _____; and
- F. _____.

BE IT FURTHER RESOLVED that no person possessing a burn permit issued by the State of South Dakota shall cause any fire to be instigated in accordance with said permit while this Open Fire Ban is in effect; and

BE IT FURTHER RESOLVED that violations of this Open Fire Ban are subject, without limitation, to the penalties identified in Custer County Ordinance No. 20 and all others applicable under County, State, and Federal law.

BE IS FURTHER RESOLVED that this Open Fire Ban shall take effect immediately upon passage by the Commission; and

BE IT FURTHER RESOLVED that this Open Fire Ban shall be in effect until rescinded by the Board of County Commissioners.

Dated this 24th day of July, 2026.

CUSTER COUNTY COMMISSION:

Vice Chairman, Custer County Commission

ATTEST:

Michelle Zerfas
Custer County Auditor

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