

ORDINANCE NO. 1143

AN ORDINANCE AMENDING CHAPTER 9 OF THE REVISED ORDINANCES OF THE CITY OF HOT SPRINGS, SOUTH DAKOTA RELATING TO FIRE PROTECTION AND FIREWORKS.

BE IT ORDAINED by the Common Council of the City of Hot Springs, Fall River County, South Dakota:

That Chapter 9 of the revised ordinances of the City of Hot Springs, South Dakota, is hereby amended to read as follows:

**CHAPTER 9-A
Fire and Fireworks Ordinance**

Contents.

- 9-A.01. Definitions.
- 9-A.02. Fireworks.
- 9-A.03. Fires and Burning.
- 9-A.04. Fire Code
- 9-A.05. Guidelines for Fireplace Construction

9-A.01. Definitions.

‘Bonfire’ as defined in the most current adopted International Fire Code Section 307.4.1.

‘Burn Permit’ shall mean a burn permit obtained by the City of Hot Springs Police Department for a particular prescribed burn within the city.

‘Fireworks’ shall be defined same as in SDCL 34-37.

‘Recreational Fires’ shall mean contained fires for residential use where the fire place is constructed in accordance with the City of Hot Springs Guidelines for Fireplace Construction.

‘Portable Outdoor Fireplace’ shall mean a portable fireplace where the area of the fire does not exceed a two-foot by two-foot square, or thirty inches (30”) in diameter, by two-foot high area, regulated pursuant to the currently adopted International Fire Code Section 307.4.3.

9-A.02. Fireworks.

9-A.02.010. Sale and Discharge of Fireworks.

No fireworks shall be sold by any person at any time prior to June 27th of each year or after July 4th of each year, and no fireworks shall be discharged by any person prior to July 2nd or after July 4th of each year, except that toy pistols and toy caps may be sold and discharged at any time. The provisions of this Section shall not apply to public fireworks displays by the City.

9-A.03. Fires and Burning.

9-A.03.010. Burning Activities.

No person shall, at any time, engage in burning activities within the corporate limits of the City of Hot Springs except as follows:

- A. Open burning within the Fall River Flood Channel by Fire Department personnel under the direction and supervision of the Fire Chief;
- B. Open burning of structures by the Fire Department for training purposes;
- C. Open burning for the heating or cooking of food for human consumption in residential areas in a fire place that is constructed in accordance with the City of Hot Springs Guidelines for Fireplace Construction;
- D. Open burning for the heating or cooking of food for human consumption in city parks or campgrounds in fixtures provided for such activities;
- E. Open burning for recreational purposes when such fires are confined to a fireplace or fire pit constructed in accordance with the City of Hot Springs Guidelines for Fireplace Construction. Portable outdoor fireplaces with maximum quarter inch (1/4”) expanded metal screening shall be permitted.
- F. Open burning for bona fide religious or ceremonial purposes provided the area of the fire does not exceed a two-foot by two-foot square, or thirty inches (30”) in diameter, by two-foot high area.
- G. All fires shall be attended pursuant to the currently adopted International Fire Code Section 307.5.

9-A.03.020. Fireplace Fuels, Prohibited Fire Fuels.

A. Approved fire fuels include:

1. natural woods, such as sawn and split tree wood;
2. untreated dry wood or products manufactured for the sole purpose of a fire fuel.

B. Inappropriate and unapproved fire fuels includes, but is not limited to: leaves, grass clippings, green plants, household garbage, residential rubbish, building materials, chemically soaked or treated wood products, painted wood, fiberboard, shipping packaging, rags, fabrics, books or magazines, newspaper, liquid or gelatinous hydrocarbons, caustic materials, human or animal waste, plastic, vinyl, or rubber.

9-A.03.030. Prescribed Burns and Bonfires.

A. Bonfires, other than those defined in the most current adopted International Fire Code Section 307.4.1, shall be considered a 'prescribed burn' for the purpose of this ordinance.

B. Prescribed burns shall be allowed on a case-by-case basis by the Fire Chief provided that each following provision is adhered to:

- a. there shall be not less than four inches (4") of snow on the ground;
- b. a Burn Permit from the City of Hot Spring Police Department shall be obtained and the Fall River Sheriff's Office contacted by the applicant with the Burn Permit number; and
- c. Prescribed burns shall not include grasslands, rangelands or pasturelands within the city limits or contain any inappropriate or unapproved fire fuels.

9-A.04. Fire Code.

9-A.04.010. Fire Code Adopted.

That certain code known as the International Fire Code, 2012 Edition, is hereby adopted by the City of Hot Springs, South Dakota, and the printed, copyrighted copy of such Code, which is on file in the office of the Building Official of this City, is adopted and incorporated as fully as if set out at length herein.

9-A.05. Guidelines for Fireplace Construction.

A. LOCATION:

The fireplace shall not be located closer than ten feet (10') from any structures, property lines, utility poles, fences, trees, bushes or overhanging branches.

B. FIREPLACE SITE:

- a. The fireplace site shall consist of a circular area with a minimum radius of eight feet (8').
- b. The fireplace pad will consist of a circular area with a minimum radius of six feet (6') cleared to bare mineral soil and/or covered with gravel located in the center of the fireplace site. A concrete pad of the same dimensions may be used in lieu of bare mineral soil or gravel.
- c. The remaining two feet (2') of the eight foot (8') circular fireplace site may contain vegetation provided it is not greater than three inches (3") in height.

C. FIREPLACE CONSTRUCTION:

- a. The fireplace must consist of at least three (3) sides of not less than ten inches (10") but not more than thirty-six inches (36") in height.
- b. The fireplace must be constructed of non-combustible materials which are mortared or fastened together with a firebox not exceeding 24" x 24" square, or 30" in diameter, and 24" in height.
- c. The fireplace must be covered with a steel grate with openings not greater than one inch (1").
- d. Commercial free-standing portable fireplaces may be used in lieu of a site-built fireplace provided a screen or expanded metal spark arrester with openings not greater than 1/4" is used and all other criteria above are met.

Section 2. That the parts of this ordinance that may be in conflict with any other ordinance of the City of Hot Springs hereby supersede any other ordinance.

Hot Springs Common Council
Hot Springs, South Dakota

Don DeVries, Mayor

ATTEST:

Harley Lux, City Administrator/ Finance Officer
Passed first reading:
Passed second reading:
Published: