

CHAPTER 5-2 FIRE PROTECTION

5-2-1

OPEN LOT STORAGE

It shall be unlawful for any person or persons to store or stack any hay, straw, cornstalks or litter on any open lot, alley or other open place, or permit the same to be done within the City limits of Brandon. Such storage is hereby declared a nuisance.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-29-13.

Cross Reference:
Brandon City Ordinance Ch. 7-2,
1991 Revision.

5-2-2

BANKING MATERIALS PROHIBITED

It shall be unlawful for any person or persons to bank any house or building situated on any block with hay or straw. Such an action is hereby declared a nuisance, and may be abated accordingly.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-29-13.

5-2-3

EXPLOSIVES, ETC.

It shall be unlawful for any person, firm or corporation to pile, stack or cause to be piled, stacked or cause to be piled or stacked, any hay, straw or other inflammable material within the fire limits of the City of Brandon; or to keep gun powder, giant powder, dynamite or other high explosives except for immediate use and only then when the same is to be used by persons experienced in the use of such explosives, within the City of Brandon; provided that nothing in this section contained shall prohibit the keeping of reasonable supplies of gun powder or giant powder for sale.

Legislative History:
1990 Revisions

Authority:
SDCL § 9-33-1.

5-2-4

INFLAMMABLE MATERIALS

It shall be unlawful for any person, firm or corporation to deposit or keep within the fire limits of the City of Brandon, outside of a proper building or enclosure, any paper, paper boxes or cases, or packing cases.

Legislative History:
1990 Revisions.

Authority:
SDCL Ch. 9-33 generally.

5-2-5

OPEN BURNING

Open burning shall mean the burning of any matter in such a manner that the products of

combustion resulting from the burning are emitted directly into the ambient air without passage through an adequate stack, duct, or chimney.

Legislative History:
Brandon Ordinance No. 9, 1974

Authority:
SDCL §DCL Ch. 9-29 and 9-33.

5-2-6

COMBUSTIBLE MATERIAL

No person shall dispose of refuse and/or other combustible material by open burning, or cause, suffer, allow, or permit open burning of refuse and/or combustible material, and no person shall conduct or cause or permit the conducting of a salvage operation by open burning in the City of Brandon, South Dakota.

Legislative History:
Brandon Ordinance No. 9, 1974

Authority:
SDCL §DCL Ch. 9-29 and 9-33.

5-2-7

PERMITTED OPEN BURNING

Any Open Burning, other than that listed below shall not be permitted unless prior, written authorization has been granted by the Brandon Volunteer Fire Department Fire Chief. The following types of Open Burning are permissible for the specific purpose and conducted accordingly. Such other Open Burning is permissible when no County Burn Ban is in effect and in conformity with the subsections set forth below.

- A. Only charcoal and untreated, unpainted, clean, dry wood or manufactured fire logs less than two feet in length may be burned;
- B. The fire must not be on a wood or wood composite surface and must be contained in a pit, ring or manufactured fire pit or chimenea, or outdoor fireplace not exceeding three feet in diameter and two feet in height;
- C. Fire pits and rings must be located at least 15 feet away from structures (i.e. decks, partition walls, fences, etc.) and combustible materials, must be no more than 18 inches in depth from ground level, must be a minimum of 6 feet from adjoining property lines, and must have an appropriate screen or cover;
- D. Manufactured freestanding fire pits and chimenea must be located at least 15 feet from structures (i.e. decks, partition walls, fences, etc.) and combustible materials and a minimum of 6 feet from adjoining property lines, and must have an appropriate screen or cover;
- E. All recreational fires must be supervised by at least one person 18 years and older until the fire has been completely extinguished;
- F. A garden hose connected to a water supply or fire extinguishing equipment or materials in an amount to sufficiently extinguish the open burning must be readily available.
- G. The use of flammable or combustible liquids is not permitted;
- H. Propane fueled and natural gas fueled fire pits are allowed and must be located at least 15 feet away from structures (i.e. decks, partition walls, fences, etc.) and combustible materials and must be a minimum of 6 feet from adjoining property lines. No screen is required on propane fueled or natural gas fueled fire pits;
- I. Commercially manufactured patio heaters are allowed and must only be used in an outdoor area. They must be placed on a level and stable surface to prevent tipping and they must be at least 3 feet or more, if recommended by the manufacturer, on all sides, from combustible materials.

Police and fire officials are authorized to require that a recreational fire be immediately extinguished if it is determined through investigation that the fire is not in compliance with the above rules, the smoke becomes a nuisance or is offensive to neighbors, or the burning is determined to constitute a hazardous condition.

Legislative History: Authority:

Ordinance No. 9, 1974 SDCL § Ch. 9-29 and 9-33
Ordinance No. 431, 1/14/09
Ordinance No. 492, 7/3/12
Ordinance No. 519, 7/3/14
Ordinance No. 611, 8/5/20

Authority:

SDCL § Ch. 9-29 and 9-33

5-2-8

CHIMNEYS

It is hereby declared a nuisance for any person to construct a chimney on any building within the City limits of anything other than a durable, fire proof material. Such chimney shall be subject to the inspection and approval of City authorities.

Legislative History:

1990 Revisions.

Authority:

SDCL §§ 34-37-4, 34-37-16.1, 9-29-13.

5-2-9

PENALTY FOR VIOLATION

Violation of this ordinance is punishable by a fine or by imprisonment, of both, as established in 1-10-1 of the Brandon Municipal Code. In cases of continuing violations, each day of violation shall be considered a new and separate offense also subject to the penalties established in 1-10-1 of the Brandon Municipal Code.

Legislative History:

Ordinance No. 171
Ordinance No. 271, 9/7/98