

**FALL RIVER COUNTY ORDINANCE #2026-01**  
**AN ORDINANCE TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION**  
**OF FIRE HAZARDS IN FALL RIVER COUNTY, SOUTH DAKOTA**

**WHEREAS**, the Fall River County Commission is charged with protecting the health and safety of the citizens of Fall River County including all property situated therein; and

**WHEREAS**, the Fall River County Commission has consulted with local fire officials, law enforcement and emergency management officials concerning the threat posed by wildfires; and

**WHEREAS**, the threat of wildfires in Fall River County is such so as to pose a significant danger to the health and safety of the citizens of Fall River County including property situated therein; and

**WHEREAS**, the Fall River County Emergency Manager has consulted with local fire officials and law enforcement officials concerning the need to regulate open burning under certain climatic conditions that pose a threat of fire; and

**WHEREAS**, the Fall River County Commission has deemed it necessary to enact certain temporary restrictions set forth in this Ordinance in order to reduce the threat posed to the citizens and property of Fall River County.

**NOW, THEREFORE, BE IT ORDAINED BY THE FALL RIVER COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

**SECTION 1:** That pursuant to SDCL 7-8-20 (18) the Fall River County Commission does hereby enact this ordinance to insure public safety on an emergency basis, effective immediately and impose a ban on all open burning and fireworks except for petroleum fueled or charcoal briquette fueled grills used for preparing food. This burn ban applies to any individual in Fall River County, South Dakota, outside any municipality or land within the Black Hills Fire Protection District, and is in effect when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the **HIGH, VERY HIGH or EXTREME** level. Individuals will be allowed to use gas fueled or charcoal fired BBQ grills and will be allowed open burning when the fire index is at the **LOW or MODERATE** level. Campfires will **NOT** be allowed on private land or licensed commercial campgrounds. Campgrounds operated by the State of South Dakota or US Government must follow the established laws and regulations.

**SECTION 2:** That this open burning ban will remain in effect until repealed by the Fall River County Commission. Pursuant to SDCL 7-18A-2 the penalty for violating this ordinance shall include a fine not to exceed five hundred (\$500) dollars for each violation and/or imprisonment for a period not to exceed thirty days for each violation; or both such fine and imprisonment. Additionally person(s) in violation of this bum ban may be responsible for any and all suppression costs pursuant to South Dakota Law.

**SECTION 3:** That the Fall River County Commission declares an emergency and this ordinance shall be in effect immediately in order to protect the peace, health and safety of the citizens of Fall River County.

Dated this 7 day of May, 2026.

/s/Joe Falkenburg, Chairman  
Fall River County Commission

ATTEST:

/s/Sue Ganje, County Auditor  
Fall River County