PENNINGTON COUNTY RESOLUTION

A RESOLUTION PROHIBITING THE USE OF EXPLOSIVES, PYROTECHNICS, AND FIREWORKS IN PENNINGTON COUNTY DURING CERTAIN CLIMATIC CONDITIONS

WHEREAS, the Commissioners of Pennington County are charged with protecting the health and safety of the citizens of Pennington County, including all property situated therein; and

WHEREAS, during certain periods of the year warm and dry weather conditions create an environment that is dangerously prone to the threat of wildfire; and

WHEREAS, South Dakota Codified Law (SDCL) § 34-37-19 authorizes the County Commission, by resolution, to prohibit the use of fireworks, outside the boundaries of any municipality, under conditions related to the South Dakota grassland fire danger index; and

WHEREAS, SDCL § 34-36-7 authorizes the County Commission to prohibit the use of explosives, pyrotechnics, or fireworks, outside the boundaries of any municipality, for the purpose of protecting sunflower crops from depredating birds; and

WHEREAS, the Commissioners of Pennington County deem it necessary, in the interest of public health and safety, to adopt this Resolution to reduce the threat posed to the citizens and property of Pennington County by wildfires.

NOW, THEREFORE BE IT RESOLVED, that pursuant to SDCL § 34-37-19, Pennington County does hereby prohibit the use of fireworks in Pennington County, outside the boundaries of any municipality, in those areas of Pennington County where the fire danger, as determined by use of the South Dakota grassland fire danger index published by the National Weather Service, has reached the extreme category in the County during the period from June twentieth (20th) to July second (2nd), inclusive, and during the period from December twenty-eighth (28th) to January first (1st), inclusive; and

BE IT FURTHER RESOLVED, that pursuant to SDCL § 34-36-7, Pennington County does hereby prohibit the use of explosives, pyrotechnics, or fireworks in Pennington County, outside the boundaries of any municipality, by any agricultural producer for the purpose of protection of sunflower crops from depredating birds, in those areas of Pennington County where the fire danger, as determined by use of the South Dakota grassland fire danger index published by the National Weather Service, has reached the extreme category in the County; and

BE IT FURTHER RESOLVED, that during any such period of time set forth above, this Resolution shall automatically be suspended if the grassland fire danger index falls below the very high category in the County; and
IT IS FURTHER RESOLVED, that as provided in SDCL § 34-36-6 & § 34-37-14, a violation of this Resolution is punishable as a Class 1 misdemeanor.

Dated this 3rd day of April, 2012.

Lyndell Petersen, Chairman
Pennington County Commission

Julie Pearson
Pennington County Auditor