

61:08:01:01. Definitions. Words defined in SDCL 34-29A-1 have the same meaning when used in the article. In addition, terms used in this article mean:

(1) "ASME code," the **American Society of Mechanical Engineers Boiler and Pressure Vessel Code** of the American Society of Mechanical Engineers, ~~July 1, 2001~~ July 1, 2021, edition, Sections I, IV, V, and IX; ~~Addenda I, July 1, 2002; Addenda IV, July 1, 2002; Addenda V, July 1, 2002; and Addenda IX, July 1, 2002;~~

(2) "Condemned boiler," a condemned boiler or pressure vessel that has been inspected and declared unsafe or disqualified according to legal requirements by an inspector qualified to take such action who has applied a stamp or mark designating its rejection;

(3) "Electric boiler," a boiler in which the source of heat is electricity;

(4) "Fired radiators," boiler for purposes of this article;

(5) "Nonstandard boiler," a boiler or pressure vessel that does not bear the state stamp, the national board stamp, the ASME stamp, or the stamp of a state or political subdivision which has adopted a standard of construction equivalent to that required by the South Dakota boiler inspection program;

(6) "Portable boiler," an internally fired boiler that is primarily intended for temporary location, the construction and usage of which is obviously portable;

(7) "Reinstalled boiler," a boiler removed from its original setting and reerected at the same location or erected at a new location without change of ownership;

(8) "Standard boiler," a boiler or pressure vessel that bears the stamp of the state of South Dakota, another state which has adopted a standard of construction equivalent to that required by the department of commerce and regulation, the ASME, the national board, or equivalent safe construction acceptable to the Department of Public Safety;

- (9) "BTU," British thermal unit;
- (10) "Certificate of competency," a certificate issued to a person who has passed the examination in accordance with SDCL 34-29A-9;
- (11) "Department," the Department of Public Safety;
- (12) "External inspection," an inspection made when a boiler is in operation;
- (13) "Internal inspection," an inspection made when a boiler or pressure vessel is shut down and handholes, manholes, or other inspection openings are opened for inspection of the internal surfaces;
- (14) "Inspector," the chief boiler inspector or a deputy inspector or special inspector;
- (15) "Inspection code," the **National Board Inspection Code** of the National Board of Boiler and Pressure Vessel Inspectors, ~~2001~~2021 edition;
- (16) "Major repair," repair as defined by the inspection code;
- (17) "National board," the National Board of Boiler and Pressure Vessel Inspectors;
- (18) "Owner or user," a person responsible for the operation or maintenance of a boiler except exempt boilers;
- (19) "Psig," pounds per square inch gauge.
- (20) "Installer," a contractor or owner who removes, installs, or reinstalls a boiler in a building under the boiler inspector's jurisdiction.

Source: SL 1975, ch 16, § 1; 5 SDR 61, effective January 28, 1979; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-16.

References: ASME Boiler and Pressure Code, July 1, 2001~~July 1, 2021~~, edition, Sections I, IV, V, and IX; ~~Addenda I, July 1, 2002; Addenda IV, July 1, 2002; Addenda V, July 1, 2002; and Addenda IX, July 1, 2002.~~ Copies may be obtained from the ~~American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007-2900~~American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016. ~~Section I and addenda, \$270; Section IV and addenda, \$260; Section V and addenda, \$260; Section IX and addenda, \$305~~Section I, \$508; Section IV, \$517; Section V, \$583; Section IX, \$588.

National Board Inspection Code, July 1, 2002~~July 1, 2021~~, edition. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229; ~~\$85~~\$325 plus shipping and handling.

61:08:05:01. General safety requirements. The safety requirements and controls are those specified in sections I and IV of the ASME code, and the ~~inspection code~~ National Board Inspection Code, July 1, 2021.

Source: SL 1975, ch 16, § 1; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-16.

References: National Board Inspection Code, July 1, 2021 edition. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229; \$335 plus shipping and handling.

61:08:05:17. Computation of maximum allowable working pressure -- Nonstandard

boilers. Nonstandard boilers with welded seams may not be operated at pressures exceeding 15 psig for steam or 30 psig for water. The maximum allowable working pressure for nonstandard boilers with other than welded seams shall be computed according to the following formula:

(1) The maximum allowable working pressure for nonstandard boilers is a function of the strength of the weakest section of the structure. This strength shall be computed by multiplying the ultimate tensile strength of shell plate, psig, by the minimum thickness of the weakest course of shell plate, in inches. This sum is then multiplied by the efficiency of the longitudinal joint as specified by subdivision (2) of this section. The result of this calculation is then divided by the product of the inside radius of the weakest course of the shell or drum, in inches, multiplied by the factor of safety permitted by § 61:08:05:17.04. The final result of this calculation indicates the maximum allowable working pressure in psig.

(2) When stated symbolically this formula shall read:

$TStE = \text{maximum allowable working pressure, psig}$

RFS

where:

$TS = \text{ultimate tensile strength of shell plates, psig.}$

$t = \text{minimum thickness of shell plate, in weakest course, in inches.}$

$E = \text{efficiency of longitudinal joint:}$

For tube ligaments, E shall be determined by the rules given in Section I of the ASME code.

For riveted construction refer to Part PR of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 2001 Edition of Section I.

For seamless construction, E is considered 100 percent.

R=inside radius of the weakest course of the shell, in inches.

FS=factor of safety permitted.

Source: SL 1975, ch 16, § 1; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 30 SDR 48, effective October 16, 2003

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-16, 34-29A-22, 34-29A-24.

Reference: ~~Part PR,~~ **American Society of Mechanical Engineers Boiler and Pressure Vessel Code**, ~~2001~~2021 Edition of Section IV and IX; Copies may be obtained from the ~~American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007-2900~~American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016. Section IV, ~~\$260~~\$517; Section IX, ~~\$305~~\$588.

61:08:05:22. Safety and relief valve design. Safety and relief valves shall be designed and constructed in accordance with section I or IV of the ASME code, as applicable, or Part 4 of the National Board Inspection Code.

Source: SL 1975, ch 16, § 1; 5 SDR 61, effective January 28, 1979; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-17, 34-29A-24.

61:08:06:03. Special inspector reports. Each special inspector shall notify the State Fire Marshal's Office within 30 days of all boilers insured, cancelled, not renewed, or suspended because of unsafe conditions. If, upon inspection, a special inspector finds a boiler or pressure vessel to be unsafe for further operation, the inspector shall notify the owner or user within one hour stating what repairs or other corrective measures are required. Unless the owner or user agrees to make such repairs or adopt other corrective measures, the special inspector shall notify the chief inspector. Until the corrections have been made, no further operation of the boiler is permitted. If an operation certificate for the boiler is then in force, it shall be suspended. A special inspector shall file a complete report of each boiler inspection with the State Fire Marshal's Office. The special inspector shall list the national board number, if available, and the state number on each boiler inspection report. The initial report shall be filed on standard form NB-5. Any subsequent report shall be filed on form NB-6. ~~External inspection on high pressure boilers need not be reported unless hazardous conditions that would affect the safety of the boiler exist.~~

Source: SL 1975, ch 16, § 1; 5 SDR 61, effective January 28, 1979; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-38.

61:08:06:08. State serial number. Upon completion of the installation, an internal inspection shall be made of each boiler by an inspector. At the time of the internal or certificate inspection each boiler shall be stamped by the inspector with a serial number of the state of South Dakota. The serial number shall consist of the letters SD followed by numbers as assigned. The State Fire Marshal's Office shall assign a block of numbers to each insurance company supplying boiler insurance and operating in the state of South Dakota.

~~Each steel boiler shall have the state serial number stamped on the shell of the boiler adjacent to manufacturer's data.~~

~~Each cast iron boiler shall have the state serial number stamped on a one and one fourth inch by four inch aluminum plate attached to the jacket or the steam or water column.~~
Each steel or cast iron boiler shall have the state serial number permanently attached.

The ASME number or South Dakota number of a condemned boiler shall be crossed out as follows: XXXXXX.

Source: SL 1975, ch 16, § 1; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-16.

61:08:07:01. Repair standards. Any repair made in accordance with this chapter shall be as ~~safe as the original construction~~ completed in accordance with NBIC Part 3. The quality of repair materials shall conform to the requirements of the ~~inspection code~~ National Board Inspection Code. Repairmen shall supply the South Dakota State Fire Marshal's Office with the general requirements for the repair and alteration of each boiler as outlined by R-300 of the inspection code.

Source: SL 1975, ch 16, § 1; 5 SDR 61, effective January 28, 1979; 8 SDR 87, 8 SDR 134, effective July 1, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-16.

Law Implemented: SDCL 34-29A-16.

Cross-Reference: "Inspection Code" defined, § 61:08:01:01.

61:08:09:02. Schedule of inspections. An inspector shall conduct an initial inspection of each historic boiler during the first year following March 10, 1997. The initial inspection shall include an ultrasonic examination conducted pursuant to Article 4, Section V, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**, an internal inspection conducted pursuant to § 61:08:09:05, and an external inspection pursuant to § 61:08:09:31.

During the second year following March 10, 1997, an inspector shall conduct a hydrostatic test pursuant to § 61:08:09:24.

During the third year following March 10, 1997, and every sixth year thereafter, an inspector shall conduct a hydrostatic test or an external inspection.

During the sixth year following March 10, 1997, and every sixth year thereafter, an inspector shall conduct an ultrasonic examination or an internal inspection.

Additional tests may be performed at any time an inspector considers it necessary for continued safe operation of the boiler.

Source: 23 SDR 139, effective March 5, 1997; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: Section V, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**. Copies may be obtained from the ~~American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007-2900~~American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016. Cost is ~~\$290~~\$583 plus handling charges.

61:08:09:11. Internal inspection -- Extent of corrosion. The inspector shall check on the extent to which corrosion has progressed in the boiler metal. If corrosion has affected any area, the thickness of the remaining metal must be determined by using ultrasonic equipment pursuant to Article 4, Section V, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**.

Source: 23 SDR 139, effective March 5, 1997; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: Section V, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**. Copies may be obtained from the ~~American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007-2900~~Americna Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016. Cost is ~~\$290~~\$583 plus handling charges.

61:08:09:33. External inspection -- Cleanliness and ASME compliance. The inspector shall observe the general cleanliness of the boiler and its auxiliary equipment. The boiler fittings, valves, and piping must be checked for compliance with requirements contained in Part PG, Section I, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**, and with §§ 61:08:09:15 to 61:08:09:23, inclusive.

Source: 23 SDR 139, effective March 5, 1997; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: Section I, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**. Copies may be obtained from the ~~American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007-2900~~American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016. Cost is ~~\$290~~\$508 plus handling charges.

61:08:09:39. Repairs to historic power boilers. Unless otherwise specified and subject to the approval of the inspector, each welded repair must conform insofar as possible to ~~Part RC,~~ 2001~~Part 3,~~ 2021 **National Board Inspection Code**, with consideration given to preserving the original appearance and intended function of the boiler as safety permits. The repair standard selected must be the one most compatible with the nature of the repair, the original construction, and the present operating conditions.

Source: 23 SDR 139, effective March 5, 1997; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: ~~2001~~2021 **National Board Inspection Code**. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183. Cost is ~~\$85~~\$325 plus shipping and handling charges.

61:08:09:41. Major repairs. A major repair involves the removal and replacement of areas of the boiler that are under pressure utilizing a welded procedure. ~~Major repairs to a boiler must be discussed with an inspector before starting the work and the inspector must approve both the materials and the methods to be used. A record of materials used must be maintained by the owner and provided to the inspector upon completion of the major repair.~~ All major repairs must be completed by a certified R-Stamp holder in accordance with Part 3, 2021 National Board Inspection Code.

Source: 23 SDR 139, effective March 5, 1997.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: 2021 National Board Inspection Code. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183. Cost is \$325 plus shipping and handling charges.

61:08:09:54. Requirements for construction of new boilers. Each new boiler shall conform to Section I, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**. A record must be maintained by the owner of all materials used in the construction of any portion of the boiler that is under pressure. These records must include the type of welding rod and welding equipment used, the source of the boiler plate and rivets, and the thickness of the materials used.

Source: 23 SDR 139, effective March 5, 1997; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: Section I, ~~2001~~2021 **ASME Boiler & Pressure Vessel Code**. Copies may be obtained from the ~~American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007-2900~~American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016. Cost is ~~\$290~~\$508 plus handling charges.

61:08:09:55. Qualifications of inspectors. Anyone who holds a commission as an inspector pursuant to ~~Part RA, 2001~~RCI-1, 2021 **National Board Inspection Code**, as in effect ~~March 16, 1996,~~ may obtain authority to inspect historic boilers in South Dakota by providing written evidence of the commission to the State Fire Marshal's Office. Authority to inspect historic boilers in South Dakota expires upon expiration of the inspector's National Board commission.

Source: 23 SDR 139, effective March 5, 1997; 30 SDR 48, effective October 16, 2003.

General Authority: SDCL 34-29A-14.1.

Law Implemented: SDCL 34-29A-14.1.

Reference: ~~2001~~2021 **National Board Inspection Code**. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183. Cost is ~~\$85~~\$325 plus shipping and handling charges.

61:16:01:01. Definitions. Terms used in this chapter mean:

(1) "Department," the Department of Public Safety;

(2) "Secretary," the secretary of the Department of Public Safety;

~~(3) "Motorcycle Safety Foundation, Rider Education and Training System (MSF-RETS)," motorcycle safety education courses as specified in these rules;~~

~~(4)~~(3) "Compensation," reimbursement for providing ~~MSF-RETS;~~motorcycle safety education courses;

~~(5)~~(4) "Application," a form designed by the department for requesting compensation for providing motorcycle safety education courses;

~~(6)~~(5) "Basic rider course," a course designed for beginning motorcycle riders;

~~(7)~~(6) "Rider coach/instructor training," a course designed for training motorcycle instructors;

~~(8)~~(7) "Experienced rider course," a course designed to provide specialized motorcycle training.

Source: 9 SDR 105, effective February 13, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 36 SDR 27, effective August 23, 2009.

General Authority: SDCL 32-20-14.

Law Implemented: SDCL 32-20-14.

61:16:01:02. Instruction standards. ~~MSF-RETS~~ Motorcycle safety education courses shall follow these curricula standards:

(1) A basic rider course shall follow a curriculum approved by the Director of the Office of Highway Safety that meets the criteria in the 2011 Model National Standards published by the National Highway Traffic Safety Administration;

(2) Rider coach/instructor training shall follow a curriculum approved by the Director of the Office of Highway Safety that meets the criteria in the 2011 Model National Standards published by the National Highway Traffic Safety Administration; and

(3) An experienced rider course shall follow a curriculum approved by the Director of the Office of Highway Safety that meets the criteria in the 2011 Model National Standards published by the National Highway Traffic Safety Administration.

Source: 9 SDR 105, effective February 13, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 73, effective December 16, 1986; 20 SDR 210, effective June 15, 1994; 36 SDR 27, effective August 23, 2009; 40 SDR 39, effective September 9, 2013.

General Authority: SDCL 32-20-14.

Law Implemented: SDCL 32-20-14.

References:

~~Rider Coach Guide, Basic Rider Course, June 2001, Motorcycle Safety Foundation.~~

~~Copies may be obtained from Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, CA 92718-3800. \$50.~~

~~**The Motorcycle Safety Foundation's RiderCoach Trainer Guide**, June 2001,
Motorcycle Safety Foundation. Copies may be obtained from Motorcycle Safety Foundation, 2
Jenner Street, Suite 150, Irvine, CA 92718-3800. \$35.~~

~~**Experienced RiderCourse Suite Kit**, May 2003, Motorcycle Safety Foundation. Copies
may be obtained from Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, CA
92718-3800. \$250.~~

61:16:01:03. Teacher certification standards. Each ~~MSF-RETS~~ motorcycle safety education course teacher shall be certified by the ~~Motorcycle Safety Foundation~~ course provider designated by the Director of the Office of Highway Safety and shall hold a valid South Dakota motorcycle driver's license.

Source: 9 SDR 105, effective February 13, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 36 SDR 27, effective August 23, 2009.

General Authority: SDCL 32-20-14.

Law Implemented: SDCL 32-20-14.

61:23:01:04. Adoption of Commercial Vehicle Safety Alliance (CVSA) North American Standard Out-of-Service Criteria. Enforcement criteria for motor carrier safety regulations and for the safe transportation of hazardous materials in this state shall be in accordance with the "North American Standard Out-of-Service Criteria," Part I-IV Strategic Plan, and Appendix, Commercial Vehicle Safety Alliance (CVSA), ~~April 1, 2021~~April 1, 2023.

Source: 26 SDR 57, effective September 9, 1998; 35 SDR 305, effective July 1, 2009; 40 SDR 39, effective September 9, 2013; 42 SDR 31, effective September 9, 2015; 44 SDR 43, effective September 13, 2017; 45 SDR 31, effective September 10, 2018; 46 SDR 42, effective October 1, 2019; 48 SDR 18, effective August 30, 2021.

General Authority: SDCL 49-28A-2.

Law Implemented: SDCL 49-28A-3.

Reference: North American Standard Out-of-Service Criteria, Copyright ~~1997-~~
~~2021~~1997-2023, Revised as of ~~April 1, 2021~~April 1, 2023, The North American Standard Out of Service Criteria publication can be obtained by mailing a request to ~~Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770~~Commercial Vehicle Safety Alliance, 99 M Street Southeast, Suite 1025, Washington, DC 20003. Cost: ~~\$47~~\$50 each.

61:25:04:05. Requirements for third-party testers. To be licensed, a third-party tester shall meet the following requirements:

(1) Apply to the department as provided in § 61:25:04:08 and enter into an agreement with the department;

(2) Maintain a place of business with at least one permanent regularly occupied structure in this state;

(3) Direct or control at least one qualified third-party examiner approved by the department.

A third-party tester may also be a third-party examiner;

~~(4) Agree to allow the department to set a ceiling, up to \$90, on the fee that the third-party tester can charge an applicant for each attempt to successfully complete the skill tests;~~

~~(5)~~ (4) Allow FMCSA, its representatives, and the department to conduct random examinations, inspections, and audits without prior notice;

~~(6)~~ (5) Allow the department to conduct annual on-site inspections;

~~(7)~~ (6) Maintain for two years the completed commercial driver licensing skills test scoring sheet of each driver for whom the third-party tester conducts a skills test, whether or not the driver passes or fails the test at an approved location within the state;

~~(8)~~ (7) Maintain a record of each third-party examiner under the direction or control of the third-party tester at an approved location and retain the record for at least two years after the third-party examiner leaves the direction or control of the third-party tester;

~~(9)~~ (8) Ensure that the skill tests are conducted in accordance with the requirements of § 61:25:04:18;

~~(10)~~ (9) Enter each test score into the Commercial Skills Test Information Management System;

~~(11)~~ (10) Meet all requirements of state law, federal law, and local ordinances; and

~~(12)~~ (11) Send a copy of testing records to the department by the 15th day of each month.

Source: 16 SDR 88, effective November 16, 1989; 25 SDR 34, effective September 15, 1998; 33 SDR 108, effective December 27, 2006; 40 SDR 39, effective September 9, 2013; SL 2015, ch 168, § 48, effective July 1, 2015.

General Authority: SDCL 32-12A-48(6).

Law Implemented: SDCL 32-12A-11, 32-12A-49

CHAPTER 61:33:01

BURN PERMITS

61:33:01:01 Definitions.

61:33:01:02 Application for permit.

61:33:01:03 Permit types.

61:33:01:04 Permit conditions.

61:33:01:05 Authorized burn barrels.

61:33:01:06 Burn barrel use requirements.

61:33:01:07 Authorized commercial campground campfires.

61:33:01:08 Commercial campground use requirements.

61:33:01:09 Private campfires.

61:33:01:10 Private campfire use requirements.

61:33:01:11 Slash pile burning requirements.

61:33:01:12 Permit revocation.

61:33:01:13 Excluded devices.

61:33:01:01. Definitions. Terms used in this article mean:

- (1) “Agency,” South Dakota Department of Public Safety, Division of Wildland Fire;
- (2) “BHFFPD,” Black Hills Forest Fire Protection District as defined in SDCL 34-35-15;
- (3) “Large slash pile,” a slash pile that is larger than six feet in height and six feet in diameter;
- (4) “Permit,” a written form or internet-based form delivered to a permit holder;
- (5) “Slash pile,” accumulated limbs, leaves, pine needles and miscellaneous fuel left by natural debris and forest management activities, such as thinning, pruning, and timber harvesting; and
- (6) “Small slash pile,” a slash pile that is no larger than six feet in height, and six feet in diameter.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:02. Application for permit. Persons wanting to obtain a permit for any type of open burning in the BHFFPD shall utilize the application process found on the Agency “Burn Permit” website or submit a paper application in the mail.

Source:

General Authority: SDCL 34-35-19

Law Implemented: SDCL 34-35-16, 34-35-17

61:33:01:03. Permits types. The following permits for an open fire in the BHFFPD may be issued to individuals, corporate entities or non-governmental organizations:

- (1) Burn barrel permit – a permit authorizing the use of a burn barrel at private residences, ranches and farms within the BHFFPD to burn household paper products which is valid for three years from the date of issuance;
- (2) Commercial campground permit – a permit authorizing the owner or manager of a private or non-profit campground or summer camp area, for camping site campfire rings/grates which is valid for three years from the date of issuance;
- (3) Private campfire permit – a permit authorizing an owner of private property for an outdoor firepit, fireplace or campfire ring located on that person’s private property which is valid for three years from the date of issuance; and
- (4) Slash pile burning permit – a permit authorizing the burning of slash piles in an open fire which is valid from November 1st to March 31st.

Source:

General Authority: SDCL 34-35-19

Law Implemented: SDCL 34-35-16, 34-35-17

61:33:01:04. Permit conditions. The following conditions apply to all permits issued under this chapter:

- (1) No burning may occur when county fire restrictions exist, or a county burn ban is in effect;
- (2) No burning may occur when a wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect; and
- (3) All open burning conducted under a permit shall comply with air quality requirements found in Chapter 74:06:07.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:05. Authorized burn barrels. The following requirements apply to burn barrels:

- (1) Burn barrel must be of metal construction, with all draft holes screened with heavy duty ¼” or less woven wire screening. The top grate must be of the same screening material or a welded construction that will not allow flying ash or burning paper to leave burn barrel during combustion;
- (2) Burn barrel must be located at least 30 feet away from any structure and sited on bare mineral soil, gravel or concrete;
- (3) Vegetation must be cleared for a 6-foot radius around the burn barrel; and
- (4) Burn barrel shall be staked and secured to prevent overturning.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:06. Burn barrel use requirements. The following conditions apply to burn barrel permits:

- (1) Burn barrel, once permitted, cannot be modified, or moved to a new location on the property and utilized under the same permit;
- (2) Burn barrel permits are for domestic and farm or ranch use only;
- (3) Burn barrel shall be monitored at all times when flames are visible;
- (4) Burn barrel grate or screen must be in place covering the top of barrel when in use; and
- (5) Burn barrels are not permitted where county ordinances prohibit their use.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:07. Authorized commercial campground campfires. The following requirements apply to commercial campgrounds and summer camps fires:

- (1) A three-foot-wide minimum ring around the fire pit, fireplace or campfire ring shall be scrapped down to bare mineral soil or consist of a concrete, gravel or sand apron;
- (2) A two-foot radius ring of vegetation clipped or mowed to less than 3 inches in height shall be maintained around the three-foot wide ring;
- (3) The minimum height of the sidewalls of the fire pit, fireplace or campfire ring shall be at least 10 inches unless it is mounted on single post or is a manufactured seamless ring of 7 inches; and
- (4) All overhead tree branches shall be at least 10 feet above the fire pit, fireplace or campfire ring.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:08. Commercial campground use requirements. The following conditions apply to all commercial campfire permits:

- (1) Campfire sites and fireplaces shall not be modified or moved to new location on the property;
- (2) Campfires shall not be used when a wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect at the campfire site;
- (3) Campfires shall be monitored at all times when flames are visible; and
- (4) Campfires shall be extinguished after each use.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:09. Private campfires. The following requirements apply to private campfires:

- (1) A three-foot-wide minimum ring around the fire pit, fireplace or campfire ring shall be scrapped down to bare mineral soil or consist of a concrete, gravel or sand apron;
- (2) A two-foot-wide ring of vegetation clipped or mowed to less than 3 inches in height shall be maintained around the three-foot wide ring;
- (3) The minimum height of the sidewalls of the fire pit, fireplace or campfire ring shall be at least 10 inches unless it is mounted on single post or is a manufactured seamless ring of 7 inches; and
- (4) All overhead tree branches shall be at least 10 feet above the fire pit, fireplace or campfire ring.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:10. Private campfire use requirements. The following conditions apply to private campfire permits;

- (1) Campfire sites and fireplaces, under this permit, shall not be modified or moved to new location on the property;
- (2) Campfires shall not be used under conditions of high winds at the campfire site;
- (3) Campfires shall be monitored at all times when flames are visible;
- (4) Wood burning portable fireplaces with screen cover and chiminea must be located on a non-combustible surface; and
- (5) Campfires shall be extinguished after each use.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:11. Slash pile burning requirements. The following requirements apply to all slash pile burning:

- (1) Prior to igniting the slash pile, the permit holder shall contact the local county dispatch center;
- (2) Small slash piles shall only be ignited under conditions of continuous snow cover of two inches or more surrounding the site of the slash pile;
- (3) Large slash piles shall only be ignited under conditions of continuous snow cover of six inches or more surrounding the site of the slash pile;
- (4) Slash piles shall not be ignited when a wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect for the area of the slash pile burn.
- (5) Permit holder must regularly check current weather and forecasted weather for high winds or warm temperatures that may melt snow cover and take appropriate action to extinguish any smoldering burn piles; and
- (6) All edges around the slash pile shall be scraped and pushed in prior to leaving the burn site unattended.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:12. Permit revocation. The Secretary may revoke a permit when:

- (1) An imminent risk to public safety currently exists or may in the Secretary's discretion exist in the future if burning is continued under the original permit; or
- (2) Climatic conditions or widespread wildfire activity warrants such action.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:13. Excluded devices. A permit is not needed in the BHFFPD for the following:

(1) Charcoal grills;

(2) Gas grills;

(3) Gas stoves;

(4) Gas campfire rings; and

(5) Gas branding iron heaters.

Source:

General Authority: SDCL 34-35-19

Law Implemented: SDCL 34-35-16