

**DRAFT FIRE HAZARDS ORDINANCE
PUBLISH FOR 30 DAYS FOR PUBLIC COMMENT**

CHEYENNE RIVER SIOUX TRIBE FIRE HAZARDS ORDINANCE

**AN ORDINANCE FOR THE REGULATION OF FIRE HAZARDS ON THE
CHEYENNE RIVER SIOUX RESERVATION.**

SECTION 1 PURPOSE

The Cheyenne River Sioux Tribe finds a need to regulate open fires and burning during Drought and extreme dry weather in order to protect the public's health, safety, and Tribal homelands.

SECTION 2 DEFINITIONS

Open burning: For purposes of this ordinance, open burning means the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames, or hot ashes from any such container, shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning. EXCEPT: The maintenance of a fire for ceremonial use or in any interior fireplace, stove, or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

Fireworks: Incendiary devices that produce sparks are specifically included in the definition of open burning.

SECTION 3 CONDITIONS FOR FIRE BANS

In the interest of public health and safety, no person shall conduct open burning inside or outside when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the High, Very High, or Extreme category or has issued a Red Flag Warning for any portion of the Cheyenne Sioux Reservation or the counties of Ziebach or Dewey County. The open burning ban will also be in place anytime a portion of the reservation has been declared to be in a D1 (Moderate Drought) category or above on the United States Drought Monitor.

The prohibition against open burning will be reevaluated on a weekly basis by the Tribe using information provided by the Bureau of Indian Affairs ("BIA") Wildland Fire Department (since they use the above model in addition to other field tests to assess and determine the risk factors), and would be automatically lifted if it is deemed that we are no longer at risk.

SECTION 4 EXCEPTIONS

Other than when deemed necessary by fire officials for the preservation of life and/or property, exemptions may not be granted during the conditions identified in Section 3.

SECTION 5 NOTIFICATION REQUIRED

Prior to starting an open burn, notice shall be provided to the Tribe's Emergency Management Director stating the date, time, and place of the open burn. Notice shall also be provided to the Emergency Management Director when the open burn is completed, except for cases where the use of fireworks or sweat lodges is otherwise permitted by law.

SECTION 6 PENALTIES

Violations of this ordinance shall be subject to penalties not to exceed five hundred dollars for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment; and an action of civil injunctive relief.

DEADLINE FOR PUBLIC COMMENTS IS MONDAY, NOVEMBER 24, 2025 AT 5:00 PM. PUBLIC COMMENTS CAN BE SUBMITTED TO THE TRIBAL SECRETARY'S OFFICE, P.O. BOX 590, EAGLE BUTTE, SD 57625 OR THEY MAY BE DROPPED OFF AT THE TRIBAL SECRETARY'S OFFICE LOCATED AT 24 E. STREET, EAGLE BUTTE, SD BEFORE THE DEADLINE DATE. THE DRAFT FIRE HAZARDS ORDINANCE MAY BE PICKED UP AT THE TRIBAL SECRETARY'S OFFICE.

CHEYENNE RIVER SIOUX TRIBE
Office of the Tribal Secretary
October 17, 2025