

RESOLUTION NO. 2012-02

BE IT RESOLVED by the Board of County Commissioners of Ness County, Kansas, that:

WHEREAS, on this 30th day of April, 2012, the Board of County Commissioners of Ness County, Kansas have determined that it is advisable in the public interest of the County, that regulations regarding open burning in Ness County, Kansas be implemented;

AND WHEREAS, the Board of County Commissioners holds the authority to implement such regulations pursuant to Kansas Statute;

THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Ness County, Kansas that the following regulations concerning controlled burning in Ness County, Kansas be implemented.

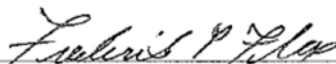
Regulations for Controlled Burns

Controlled burns are for structures, pasture, rangeland, cropland, or CRP land. Burning of trash in barrels that are 55 gallons or less, or burning of trash in open pits does not require burn permits.

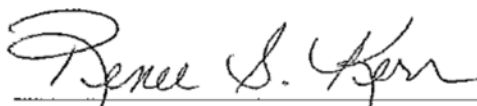
1. **Permittee shall go to the Ness County Clerk's Office** at least two weeks prior to planned burn date to obtain the Burn Permit Application. The application will be completed and returned by applicant to an officer of the fire department in the area that the burn will occur. Application will be reviewed and a burn permit number will be issued by an officer of the fire department if all criteria are met. After burn permit is issued, permittee will contact the Ness County Sheriff's Office Dispatcher when at the burn location directly before starting the burn and give their permit number. Dispatcher will contact the fire department officer for that area and give the permit number. The fire department officer will contact the permittee after it has been determined that weather conditions and Rangeland Fire Index criteria are met. The fire department officer will also notify dispatch if the burn is allowed. The permittee will contact the Ness County Office Dispatcher when all flames are out at the burn. No controlled burns are allowed after sundown. Controlled burns are not allowed when smoke will enter neighboring residences or when smoke will be across roadways. Kansas State Regulations 28-19-645, 28-19-646, 28-19-647 and 28-19-648 shall be obeyed.
2. **Out of Control Burns, IF THE RULES ARE NOT FOLLOWED.** The person in charge of the burn, whether or not said person has a permit, shall pay for the fire run as follows:
 - a. \$250.00 per Fire Department and/or Emergency Response Vehicle that responds to help extinguish the fire,

- b. \$10.00 per hour for each Firefighter and/or Emergency Responder that assists in extinguishing the fire, and
 - c. If county equipment and personnel assist in extinguishing the fire, the county shall be reimbursed at rates calculated by the County Road and Bridge Supervisor.
3. **Burn Ban.** The Board of County Commissioners may, in circumstances where public burning may jeopardize the safety and welfare of the population and/or property, ban open burning in the unincorporated areas of the county. In the event said circumstances arise when the Board of County Commissioners is not in scheduled open meeting, and when a special meeting of the Board of County Commissioners is impractical or impossible, the Chairman of the Board of the Board of County Commissioners may declare an emergency and implement a ban of open burning in the unincorporated areas of the County, PROVIDED, however, such action shall be reviewed by the Board of County Commissioners at its next regular scheduled open meeting, or at a special meeting called for said purpose. The ban imposed by the Chairman shall be endorsed or rescinded, as the case may be, by action of the Board of County Commissioners.
4. **Burn Ban Violation.** Violation of K.S.A. 48-939, or of a Proclamation of a State Local Disaster (Burn Ban), is considered a Class A Misdemeanor and a person could be subjected to "up to 12 months in jail and/or a fine of up to \$2500.00".
5. **All rules and regulations** will be on hand at the Ness County Clerk's Office. Additional information for burn management is available at the Walnut Creek Extension District Office or the NRCS Office.

This resolution is voted on and adopted on this 30th day of April, 2012.


Frederick P. Flax, Chairman

Attest:


Renee S. Kerr, Ness County Clerk



Burn Permit Application

Permit No.(Completed by Fire Department) _____

Person Applying for Burn Permit:

Name: _____

Address: _____

City, State, Zip: _____

Home Phone Number: _____ Cell Phone Number: _____

Landowner of burn location: Same as above

Name: _____

Address: _____

City, State, Zip: _____

Person that will be starting the burn:

Name: _____ Cell Phone Number: _____

Burn location – Legal Description: _____

Type of material to be burned: _____

Estimated time of burn: _____

Person to contact in case of emergency and 24 hr. phone number: _____

Names of people assisting with burn: _____

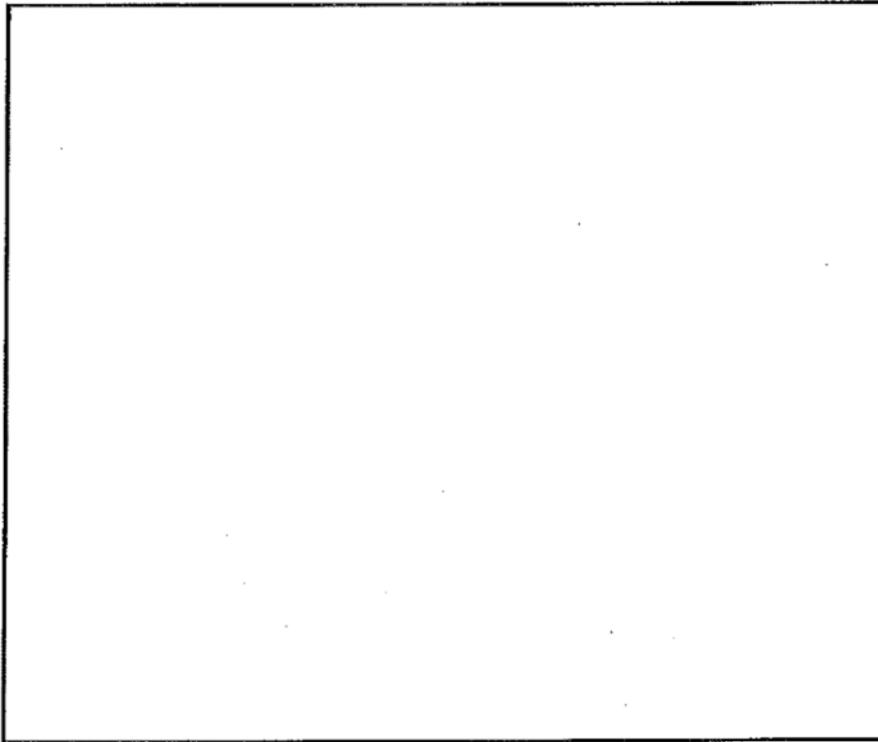
Is a written burn plan in place: No Yes If yes, attach to permit.

Equipment that will be on hand: _____

For pasture, rangeland, cropland, or CRP land, complete diagram on back for firebreaks, indicate mowed or disced and width of firebreak.

Permit Number; _____

Legal Description: _____ Acrs: _____



1. Weather: Wind shall be forecasted throughout the burn period to be less than 20 mph. The Rangeland Fire Index shall not be in the Very High or Extreme range, moderate is preferred.
2. Training: County Fire School on Prescribed Burns for Agriculture, Rangeland Management, CRP and Crop Residue or other approved course is recommended. Assistance by an individual considered to be experienced in prescribed burning may be used. Hiring of a licensed person may also be used.
3. It is recommended that permittee have a written burn plan developed by NRCS or other agency if burning CRP. Permittee must fill out burn plan on the Burn Permit Application.
4. Firebreak is recommended to be at least 50 feet mowed with no less than 20 feet disced. Alternative would be at least 50 mowed and a back burned fire guard of a minimum of 20 feet in width. Indicate on burn permit if these recommendations or an alternative will be used.
5. Equipment required on hand: A minimum of five people on the burn crew with an additional person for parcels larger than 160 acres. No less than 1,000 gallons of water delivered by three sources, one of the sources having a minimum of 150 gallons and the equipment to deliver water at a rate of at least 10 gallons per minute. Another 100 gallons could be split among 20 gallon tanks on ATVs and backpack sprayers capable of five gallons per minute. The rest must be in a storage or tender tank or trailer having water available for fire suppressant vehicles.

Burn Permit Reviewed by:

Name: _____ Fire Department: _____

Signature: _____