

RESOLUTION NO. 2011- 43

A RESOLUTION PERTAINING TO OPEN BURNING AND ESTABLISHING REQUIREMENTS, RESTRICTIONS AND PROHIBITED ACTS WITH RESPECT THERETO; AND RESCINDING RESOLUTION NO. 98-15

WHEREAS, K.S.A. 19-101a, et seq., authorizes the board of county commissioners to transact all county business and to perform all powers of local legislation and administration it deems appropriate; and

WHEREAS, on March 11, 1998, the Board of County Commissioners of Reno County adopted Reno County Resolution 98-15, a Resolution which established notification requirements for burning and certain rules with respect thereto; and

WHEREAS, the Board of County Commissioners desires to provide substitute legislation with respect to Resolution No. 98-15.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RENO COUNTY, KANSAS, that the following regulations, restrictions and prohibited conduct be adopted in Reno County, Kansas:

SECTION 1 – DEFINITIONS: “Open burning” shall mean for purposes of this Resolution the burning of brush fires, trash and debris piles, vegetation such as grass, woody species, crop residue, and other dried plant growth for the purpose of crop, range, pasture, wildlife or watershed management. “Open burning” shall not include burning conducted in a safe and fireproof container with cover sufficient to prevent embers from escaping, fire pits, warming fires, camp fires, or fires of similar recreational purpose; provided, such fires are manageable and attended by a responsible person.

“Field type fires” shall mean the burning of cultivated crop residue, dried plant growth, pasture, CRP and other similar material. “Field type fire” does not include the

burning of stockpiled, stored or accumulated materials in a defined, constricted and highly controlled area which is referred to herein as "non-field type fires".

SECTION 2 – This Resolution shall be applicable in the unincorporated area of Reno County, Kansas.

SECTION 3 – No person, either in an individual capacity or on behalf of a corporation, partnership or other legal entity, shall conduct, permit or allow any open burning except when authorized as herein provided and when such open burning is conducted in accordance with the following requirements, to wit:

- a. Prior to commencement of open burning, notification must be provided to and approval obtained from Hutchinson/Reno County Emergency Communications Center (911).
- b. No open burning may be commenced later than thirty (30) minutes following the receipt of authorization to burn by Hutchinson/Reno County Emergency Communications Center (911).
- c. The person seeking authority to burn, otherwise referred to herein as the "responsible party", shall provide Emergency Dispatch with the name, address and telephone number of the person responsible for the proposed burn, and the location and the nature and circumstances of the proposed burn.
- d. The authority to conduct an open burn shall not be given if a burn ban is in effect; if the wind speed, including gusts, exceeds 15 m.p.h. and/or the grassland fire danger index is VERY HIGH OR EXTREME; or the location, time of day or weather conditions, current or predicted, are unfavorable; or if fire apparatus or fire response personnel are unavailable.
- e. In the absence of Federal and State regulations applicable to Conservation Reserve Programs (CRP), for FIELD type fires, a fire break of at least twenty (20) feet on all sides of the field proposed to be burned shall be provided by the responsible party.
- f. For non-field type fires, adequate clearance from combustible materials unintended for burning and a minimum of one hundred (100) feet from all structures shall be provided and maintained by the responsible party.

- g. Open burning materials shall not include heavy smoke-producing materials, such as heavy oils, tires, pallets, railroad and bridge lumber, treated lumber, roof shingles, wire insulation, plastics, rubber, or other materials.
- h. The responsible party shall ensure that all open burnings conducted shall be supervised at all times by a responsible individual of majority age until the threat of fire is down.

SECTION 4 – PENALTY. Any person or other entity who violates this Resolution shall upon conviction be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) or confinement in the Reno County Detention Center for a period not to exceed thirty (30) days, or both such fine and imprisonment. Further, in the discretion of the presiding Judge, such person convicted for violating this Resolution shall make restitution for costs and expenses incurred for the conduct constituting the violation.

SECTION 5 – This Resolution shall be published one time in the official County newspaper and shall take effect upon said publication. Simultaneously with the effective date of this Resolution, Reno County Resolution No. 98-15 is rescinded.

ADOPTED in regular session this 12 day of December, 2011.

BOARD OF COUNTY COMMISSIONERS
OF RENO COUNTY, KANSAS



JAMES D. SCHLICKAU, Chairman

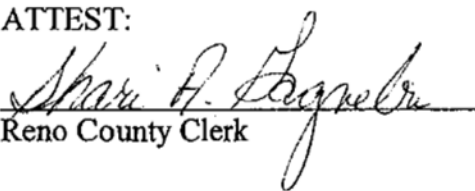


BRAD DILLON, Member



DAN DEMING, Member

ATTEST:



Mari A. Segre
Reno County Clerk