

Resolution NO. 2010-R- _____

**(A Resolution Outlawing Burning Under Certain Circumstances
And Providing For Criminal Penalties for Violation Hereof)**

NOW UPON THIS ___ day of March, 2010, the Board of County Commissioners of Stafford County, Kansas, is met in regular session with a quorum present, and

WHEREAS it has been brought to the attention of said Board that a serious problem exists in Stafford County with fires being started for a variety of purposes and left uncontrolled, leading to numerous fire department call-outs and runs, and

WHEREAS the Board's home rule powers set forth at Chapter 19 of Kansas Statutes Annotated allows the County to enact a Resolution regulating burns and/or fires in rural Stafford County,

NOW, THEREFORE, BE IT SO RESOLVED that all fires which are willfully and intentionally set in rural Stafford County, Kansas, (which is defined as all that portion of Stafford County Kansas, outside of incorporated city limits) and which are not being used for cooking purposes and which are not contained in a fireplace or barbecue grill or pit, shall be illegal unless there is prior notification to the Stafford county Communications dispatcher and approval for said burn obtained from the Fire Chief through delegation to the dispatcher.

A person calling Stafford County Communications to obtain approval for a burn must submit their name, the date and time of the proposed burn; the location of said burn (which would include quarter section, section number, township number and range number, as well as a rural road address); a call-back phone number where the person having charge of the burn can be reached; and a description of the size and type of the burn. It shall be the responsibility of any landlord, having knowledge that a fire or controlled burn is to be set on his/her property, to notify Communications prior to commencing the burn and also responsibility of that landowner to obtain approval for said burn. In the event the land in question is under the dominion of control of someone other than the landowner (e.g. a tenant), it will be the responsibility of said tenant to notify Communications and to obtain approval for the burn.

Approval for a burn will only be forthcoming if wind conditions are currently less than 15 mph; said wind conditions are forecast to stay below 15 mph for the foreseeable future; there is no rangeland fire index rated as "VERY HIGH" or "EXTREME"; and there is no state or county wide ban on burning already in place. If approval for a burn is forthcoming from the dispatcher, the person conducting the burn will have to attend the fire for the duration of the burn and complete said burn before the hours of darkness unless otherwise authorized by the County Fire Chief through delegation to the dispatcher.

IT IS HEREWITH RESOLVED THAT ANY AND ALL FIRES WHICH ARE WILLFULLY AND INTENTIONALLY SET IN RURAL STAFFORD COUNTY, KANSAS , AND WHICH DO NOT MEET ALL OF THE ABOVE CRITERIA WITH RESPECT TO NOTIFICATION, AUTHORIZATION, AND BURN CONDITIONS, WILL BE DEEMED ILLEGAL.

Failure on the part of someone commencing a burn without first notifying the Stafford County Sheriff's Office will be punishable by a \$250.00 fine. In the event a fire truck or trucks is dispatched to an illegal burn, there will be a response fee of \$50.00 for each truck responding, with this fee to be in addition to the \$250.00 fine. Also, if there is a need for fire personnel to suppress said illegal burn there will be an additional fee of \$100.00 per hour for each truck that is needed on scene.

All charges assessed under the provisions of this Resolution shall be paid within thirty (30) days of giving notice and a statement shall be sent to the landowner or any party responsible, at the last known address. Any charges not paid by the party assessed shall become a lien against the real estate upon which said services were rendered and shall be collected in the same manner as other taxes are collected and shall be paid into the Stafford County Fire Reserve Fund. Charges assessed pursuant to this Resolution shall be in addition to all other levies, penalties and Statutes as authorized by law.

This Resolution shall take effect after the date of its second publication in the St. John News; which is the official newspaper in and for Stafford County, Kansas.

WITNESS OUR HANDS BELOW SET FORTH THIS ____ DAY OF MARCH, 2010.

Lee Suiter, Chairman,
Stafford County Commission

Clayton Grimmatt, Commissioner

J. D. Hager, Jr., Commissioner

ATTEST:

Nita J. Keenan
Stafford County Clerk

Providing this insert is one way Stafford County is working cooperatively between departments to minimize postage expenses. The information is directed to those owners of property in Stafford County (outside city limits) who wish to conduct an open burn. City property owners need to refer to their respective cities for direction.

Please fill out the information at the bottom of this page and mail back to

Stafford County Emergency Service
636 E. 4th
St. John, Kansas 67576.

WHEREAS, Kansas Administrative Regulations (K.A.R.) 28-19-645, prohibits the burning of any wastes, structures, vegetation, or any other materials on any premises, except as authorized by **K.A.R. 28-19-647** and **K.A.R. 28-19-648**;

WHEREAS, K.A.R. 28-19-647, defines certain exceptions to the prohibition on open burnings;

WHEREAS, K.A.R. 28-29-648, authorizes certain agricultural open burning conditioned upon the person conducting the burn to provide notice;

AND WHEREAS, it has been determined that the failure to notify Stafford County Fire Department and/or Stafford County Sheriff's Department prior to open burning, creates significant potential for danger to persons and property;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF STAFFORD COUNTY, KANSAS, AS FOLLOWS:

Section 1. Notice Prior to Open Burning. No person or persons shall conduct any open burning in the unincorporated areas of Stafford County without first having notified the Stafford County Sheriff's Department of such intention to burn, and location of the intended burn and the approximate times the burn will begin and end.

Section 2. Guidelines for Burning.

- a. Fire must be out before dark; unless preapproved authorization is granted
- b. Fire must be supervised at all times until out;
- c. Smoke from fire must not create a traffic hazard, pursuant to **K.A.R. 28-19-648**;
- d. Person or persons must alert neighbors and airports within one (1) mile of the burn area prior to commencing the burn.

Stafford County Open Burn Information

Property Owner's Name: _____

Your Address: _____

Phone Number: _____

People who will burn under your permit: _____

I have read, understand, and will abide by Stafford County Open Burn Resolution No. 2010-R-5. Furthermore, I accept full responsibility for any damages that might occur from a burn operation I conduct:

Signature: _____

Section 3. Regulations Regarding Burn.

- a. Person or persons desiring to burn shall call Stafford County Sheriff's Office prior to burn, advising the Stafford County Sheriff's Office of the burn location, estimated starting time and ending.
- b. There is no rangeland fire index rated as "VERY HIGH" or "EXTREME".
- c. Current Wind speeds must not exceed 15 mph; said wind conditions are forecast to stay below 15.mph for the foreseeable future.
- d. Tractor and disc must be at location of burn and manned at the location of the burn, with a minimum fire guard of fifteen (15) feet around the area to be burned for agricultural burning.
- e. Person or persons are required to notify Stafford County Sheriff's when the controlled burn is completed.
- f. While the Stafford County Sheriff's Department may receive notice of the burn and advise regarding the conditions of the burn, the Stafford County Sheriff's Department, the Stafford County Fire Department and Stafford County are only providing advice and do not assume any risk regarding person or persons starting fires in violation of this Resolution or accidents that may occur.

Section 4. Violations. Failure to give proper notice, or blatant disregard of burn regulations, shall be considered a violation and be punishable by a fine of up to \$250.00. In addition to the fine, there will be a \$50.00 response fee per truck (with or without suppression), and \$100 per hour per truck on the call (with suppression).

Section 5. Charges Assessed. All charges assessed under the provisions of this Resolution shall be paid within thirty (30) days of giving notice and a statement shall be sent to the landowner or any party responsible, at the last known address. Any charges not paid by the party assessed shall become a lien against the real estate upon which said services were rendered and shall be collected in the same manner as other taxes are collected and shall be paid into the Stafford County Fire Reserve Fund. Charges assessed pursuant to this Resolution shall be in addition to all other levies, penalties and Statutes as authorized by law.