

RESOLUTION No. 2019-05

A RESOLUTION RELATING TO THE REGULATION OF OPEN AGRICULTURAL BURNING, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF, AND AMENDING RESOLUTION No. 2011-09.

Now, on this _____ day of March, 2019, the Board of County Commissioners of Graham County, Kansas, met in regular session with members Mark Fabricius, April Hofstetter and Jason Nelson present.

WHEREAS, the Board of County Commissioners has reviewed Resolution No. 2011-09, and has determined that resolution addresses environmental concerns, weather conditions, the risk to persons and property, limited personnel, vehicles, machinery and equipment necessary in providing emergency services and fighting fires.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY, KANSAS, that the following resolution shall be adopted:

Section 1. Prior to commencing a controlled burn in Graham County, Kansas, the landowner, tenant or person conducting the burn shall first contact the Graham County Sheriff's Office at (785) 421-2107 to schedule the burn.

Section 2. Upon contacting the Graham County Sheriff's Office the landowner, tenant, or person initiating the burn shall provide the following information:

- a. The person's name, address and emergency telephone number;
- b. The location of the proposed burn, and the number of acres to be burned;
- c. The requested start time for the burn, and the estimated duration of the burn;
- d. The nature or make up of the materials to be burned, and an estimate as to the amount of materials to be burned; and
- e. The location of any buildings, roads or highways within 1,000 feet of the proposed burn.

Section 3. No controlled burn shall be allowed unless the following factors are present:

- a. Wind speed at the time of the burn shall be more than 5 mph and shall be less than 15 mph;
- b. No controlled burns shall be allowed in inclement weather, the same to be defined as 0.7 cloud cover and a cloud ceiling of less than 2,000 feet;
- c. All controlled burns shall be done during daylight hours, the same to being defined as one (1) hour after sunrise until two (2) hours before sunset;
- d. No controlled burns shall be allowed during the issuance of an extreme fire danger warning as determined by the National Weather Service;
- e. No controlled burn shall be allowed if the smoke from said burn may create a traffic hazard;
- f. No controlled burn shall be allowed if the smoke from said burn may create an airport safety hazard;
- g. The person conducting the burn shall insure that the burning is supervised from the beginning when the fire is set until the fire is completely extinguished;
- h. Prior to beginning a controlled burn, the person conducting the burn shall disc, mow or mulch the area around the burn for a radius of at least fifty feet (50') to help contain the fire;

and
i. No person shall burn heavy oils, tires, tarpaper, structures, or other substances that will create an environmental hazard or health hazard.

Section 4. In an effort to utilize the personnel and emergency resources, equipment, and machinery in the best possible way, the map of Graham County, Kansas, shall be divided in four (4) quadrants, the dividing lines being US Highway 24 and US Highway 283. The purpose of such division is to allow for equal and uniform controlled burn sites within Graham County, Kansas, and a timely response by emergency personnel should the need arise.

Section 5. No more than two (2) controlled burns shall occur in each quadrant described above at any one time, with a maximum of four (4) controlled burns occurring in Graham County, Kansas, at any one time.

Section 6. The person conducting the burn shall contact the Graham County Sheriff's Office after the fire is completely extinguished.

Section 7. Any person found to be in violation of this resolution shall be subject to a fine of not less than \$100.00 nor more than \$500.00.

Section 8. This resolution shall be read in conjunction with K.A.R. 28-19-645, 28-19-646, 28-19-647, and 28-19-648, and any amendments thereto. In addition, the person conducting the controlled burn shall observe and follow all State, Federal, and local laws.

Section 9. In the event of an emergency requiring the presence of Graham County EMS, fire department and other emergency personnel at other locations no controlled burns shall be allowed until such emergency is completed and the area secured.

Section 10. In the event of severe weather conditions, drought, high winds, or other environmental factors being present that create a high risk of damage to persons or property, the Board of Graham County Commissioners may suspend all controlled or agricultural burns for a period of up to seven (7) days. In the event such a suspension is made the Board of Graham County Commissioners shall review such suspension at their next regularly scheduled meeting, or at a special meeting properly called, to determine if the suspension should be lifted or that the suspension shall continue for an additional seven (7) days.

Section 11. Resolution No. 2011-09 is amended as set forth above.

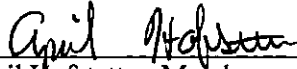
Section 12. This resolution shall be published once in the Hill City Times, and is effective upon signing and adoption by the Board of County Commissioners of Graham County, Kansas.

Adopted, signed and attested to at the Graham County Courthouse, Hill City, Kansas, this 12 day of March, 2019.

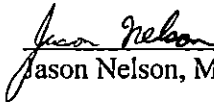
BOARD OF COUNTY COMMISSIONERS
OF GRAHAM COUNTY, KANSAS



Mark Fabricius, Chairman

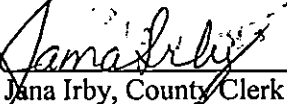


April Hofstetter, Member



Jason Nelson, Member

ATTEST:


Jana Irby, County Clerk

