

RESOLUTION 2016- _____

A RESOLUTION REGULATING OPEN BURNING

WITHIN HARPER COUNTY, KANSAS

WHEREAS, the Board of County Commissioners deems it necessary to abolish Resolution No. _____ adopted on the ____ day of _____, 20__ establishing criteria dealing with open burning within Harper County, Kansas, and modify the regulations for open burning within Harper County, and,

WHEREAS, the Board of County Commissioners deems it in the best interest of public safety and of the economy of the agricultural community that open burning should be regulated within Harper County, Kansas.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY:

For the purposes of this Resolution, open burning shall be defined as open burning of vegetation such as grass, crops, brush, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management, and shall be conducted only under the following conditions which meet or exceed K.A.R. 28-19-645.

1) REQUIREMENTS:

- a) The person conducting the burn shall notify the Harper County 911 Center of intent to burn, location, estimated burn time, and responsible party conducting the said burn; the person coordinating the burn shall notify the 911 center when the burn is to be extended.
- b) A responsible adult shall supervise all burning.
- c) Open burning shall not occur during times when wind speeds are equal to or greater than 15 mph.
- d) Open burning shall not occur if the National Weather Service has issued a "Red Flag Warning" or "Wind Advisory" for Harper County.
- e) It is unlawful for any person to initiate, allow, institute, or engage in open burning, including but not limited to controlled burns, at such time as a burn ban is in effect, or if the National Weather Service has issued a "Red Flag Warning" or "Wind Advisory" for Harper County.
- f) Nothing in this resolution shall relieve any property owner or other responsible parties from obligations of obtaining the proper permit from the Kansas Department of Health and Environment when warranted.

2) ENFORCEMENT AND PENALTIES:

- a) Violations of this Resolution are punishable by a fine of up to \$250.00. The local fire chief or his/her designee having the jurisdiction of the involved area has the right to request the issuance of a citation by the Harper County Sheriff for violations.

- b) Any person who engages in or allows open burning upon his/her property, whether such property is owned, leased or rented, and who has not complied with the provisions of this Resolution, shall be held liable for the cost of deployment and fire suppression. Costs that may be incurred and recovered are reasonable use of manpower and equipment, not to exceed \$500.

3) OPEN BURNING BAN

The Board of County Commissioners, in circumstances where public burning may jeopardize the safety and welfare of the population and/or property, may ban open burning in the unincorporated areas of the County. In the event said circumstances arise when the Board of County Commissioners is not scheduled in open session, or the convening of such meeting is impractical or impossible, the Chairman of the Board of County Commissioners, 911 Director or Emergency Manager may declare an emergency and implement or discontinue 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, and the ban imposed shall be endorsed or rescinded, as the case may be, by the action of the Board of County Commissioners. At such time a burn ban is enacted, the Harper County Clerk shall notify all appropriate agencies, all county newspapers, law enforcement agencies, and fire departments.

This Resolution supersedes Resolution _____ and shall take effect immediately upon its passage and publication in the official county newspaper.

Passed and approved by the Harper County Board of County Commissioners this _____ day of _____ 2016.

Carla Pence, Chairman

Lee Adams, Commissioner

Brian Waldschmidt, Commissioner
