

## Resolution # 14-007

A RESOLUTION ESTABLISHING REGULATIONS AND REQUIRED PROCEDURES FOR AGRICULTURAL OPEN BURNING.

WHEREAS, agricultural open burning is a common and prudent land practice within Linn County; and

WHEREAS, agricultural open burning can present risk of harm to neighboring lands, neighboring residents, and users of public roads; and

WHEREAS, it is appropriate to assist fire departments with the deployment and the utilization of equipment and personnel for actual emergency circumstances.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LINN COUNTY;

- (1) Agricultural open burning, defined as open burning of vegetation such as grass, woody species, crop residue and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management, shall be conducted only under the following conditions and in accordance to State Law:
  - a. The person conducting the burn shall notify the Linn County Dispatch Center before the burning begins, and shall provide the dispatcher with the proposed burn location, estimated burn time, responsible party conducting said burn, and means of contacting responsible party during the burn event; additionally the person coordinating and conducting the burn shall notify the Linn County Dispatch Center when the burn is extinguished.
  - b. The person conducting the burn shall insure that the burning is supervised until the fire is extinguished.
- (2) The Linn County Dispatch Center will provide notification to anyone desiring to conduct an open agricultural burn of the forecast weather conditions and recommendation of the local fire department. This may be done through the use of a red/green card approach that indicates burning not recommended (red) or local conditions suitable for burning if adequate prescribed burning techniques used and followed (green). The Dispatch Center will also advise if a local burn ban is in effect at the time of the proposed outdoor burn.
- (3) Violation of this resolution, upon conviction, may be punishable by a fine of up to \$1000 per day of violation per location. In addition, violators may be required to pay restitution for all damages done by a fire set in violation of this Resolution and may be required to reimburse the County and its Mutual Aid partners for the costs associated with fighting said fires. The following fine schedule may be used:
  - a. Failure to contact the Dispatch Center prior to initiating a controlled burn may result in a fine of \$250.
  - b. Failure to control a fire on a day when the Dispatch Center advises we are under a local red card, or failure to use prescribed burning methods or have adequate fire suppression available may result in a fine of \$500 in addition to any restitution and reimbursement costs that are applicable.

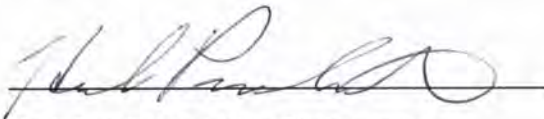
- c. Failure to contact dispatch prior to burning and then losing control of a fire may result in a fine of \$1000 in addition to any restitution and reimbursement costs that are applicable.
  - d. Burning when the County is in a designated outdoor burn ban may result in a fine of \$1000 in addition to any restitution and reimbursement costs that are applicable.
  - e. There shall be no fine for persons who contact the Dispatch Center, burn on a green card day, and have attempted to use adequate prescribed burning methods who inadvertently lose control of a fire requiring assistance from the local fire department to regain control or extinguish the fire.
- (4) 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 Chairperson 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 purposes, and the ban imposed by the Chairperson shall be endorsed or rescinded, as the case may be, by action of the Board of County Commissioners.

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

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINN, STATE OF KANSAS, THIS 24<sup>TH</sup> DAY OF MARCH, 2014.



Vicki Leonard, Chairperson

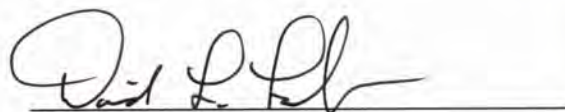


Herb Pemberton, Vice-Chairperson



Mike Page, Member

ATTEST:



David Lamb, County Clerk

