

MCPHERSON COUNTY, KANSAS
RESOLUTION 2014-_____

**A RESOLUTION AMENDING RESOLUTION 10-4 REGULATING
FIRES AND OPEN BURNING IN UNINCORPORATED AREAS
OF MCPHERSON COUNTY**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF MCPHERSON COUNTY, KANSAS:

SECTION I. PURPOSES

This resolution is enacted in the interest of the health, safety and welfare of the residents of the unincorporated areas of McPherson County for the prevention of fires and to eliminate nuisances caused by smoke, cinders and ashes.

SECTION II.

- A. No person shall burn any paper or refuse outdoors within the unincorporated areas of McPherson County, except in authorized controlled burn areas, i.e. county/city landfills, designated burn sites, unless such fires are protected by a salamander, wire basket, metal barrel or masonry enclosure or any other receptacle that has been approved by the jurisdictional rural fire district chief or designee. Such receptacle must have openings not greater in size than one-half inch.
- B. No such outside fire shall be kindled or maintained within fifty (50) feet of any building or the opening of any building or within ten (10) feet of any property line or roadway line.
- C. The careless use of smoking materials, including cigarettes, cigars and smoking pipes is prohibited. Discard shall be in a manner to preclude threat from smoldering remains.
- D. **Notification of the intent** to control a burn of agriculture waste or debris by a resident / landowner / renter in an unincorporated area of the County will be made by advising McPherson County Communication 911 Dispatch prior to starting the burn. Only burning for agricultural purposes will be allowed. This shall include stubble in fields, brush, brush piles, fence rows, wildlands, ravines, debris, ditch clean out, tree residue or dry grass.
- E. Adequate fire breaks shall be established and surround all sides of the area to be burned.
- F. The burning of rubber, glass, metals, crockery, car products or any other materials which will create nauseous or noxious fumes, smoke, toxic chemicals or fly ash, is specifically prohibited.
- G. Charcoal or wood fires kindled for the purpose of outside barbecues shall be permitted.
- H. The burning of garbage, rubbish or trash in a fireplace is prohibited within a private residence.

- I. All fires must be tended at all times until the fire is out unless an exception is granted by the jurisdictional rural fire district chief or designee.
- J. Open burning shall be from sunrise to sunset. Night time burning is permitted if authorized in writing or verbally by the jurisdictional rural fire district chief and logged in 911 Dispatch.
- K. No open burning shall occur if the sustained wind speed is 15 mph or above.
- L. **Open burning will not be allowed when the National Weather Service has issued a “Red Flag Warning” for McPherson County.** The NWS monitors wind speed, low humidity’s, overall dry fuel sources and environmental conditions when issuing the warning.
- M. **Open burning will not be allowed 6 hrs. prior to the start of a forecasted “Red Flag Warning” or 6 hrs. after the completion of the warning for McPherson County.**

SECTION III PENALTIES

Violation of any provision of this resolution shall be punishable by a fine of not more than \$250 or imprisonment for not more than six months or both. Court costs may also be assessed at the discretion of the court.

SECTION IV

If this resolution or any part of the same is declared unconstitutional, invalid or otherwise, the remaining part shall remain in full force and effect. Any resolution or part of any resolution of McPherson County, which has heretofore been passed and which is inconsistent with any terms of this resolution is hereby repealed.

SECTION V

This resolution shall take effect March 24, 2014.

Enacted and resolved this 24th day of March, 2014.

BOARD OF COUNTY COMMISSIONERS
OF MCPHERSON COUNTY, KANSAS

Ron Loomis, Chairman

Duane Patrick, member

Linus Linaweaver, member

ATTEST:

Cathy Schmidt, County Clerk