

RESOLUTION NO. 9-01-09-01

A RESOLUTION IMPLEMENTING OPEN BURNING REGULATIONS FOR MEADE COUNTY, KANSAS, AND NOTICE REQUIREMENTS.

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 Meade County Fire Department and/or Meade 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 MEADE 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 Meade County without first having notified the Meade 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. No burning on overcast or foggy days;
- b. Fire must be out before dark;
- c. Fire must be supervised at all times until out;

- d. Smoke from fire must not create a traffic hazard, pursuant to **K.A.R. 28-19-648**;
- e. Person or persons must alert neighbors and airports within one (1) mile of the burn area prior to commencing the burn.

Section 3. Regulations Regarding Burn.

- a. Person or persons desiring to burn shall call Meade County Sheriff's Office prior to burn, advising the Meade County Sheriff's Office of the burn location, starting time and ending.
- b. Fire shall be in low (moderate or high) Fire Index Range.
- c. Wind speeds must not exceed twenty-five (25) mph;
- 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. No burn allowed when the Fire Index Ratings are VERY HIGH or EXTREME.
- f. Person or persons are required to notify Meade County Sheriff's when the controlled burn is completed.
- g. While the Meade County Sheriff's Department may receive notice of the burn and advise regarding the conditions of the burn, the Meade County Sheriff's Department, the Meade County Fire Department and Meade 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 3. Call of Meade County Fire Department. When the Meade County Fire Department is called to extinguish an advised, notified fire, the person responsible for the burn, having failed to comply with the safety conditions, these shall be charged as follows:

a. \$200.00 per hour per vehicle per vehicle on call;

b. \$20.00 per hour per fire fighter on call; and

c. Plus any and all reasonable expenses associated with public and private vehicles requested by the Fire Department in extinguishing said fire.

d. **Penalty.** Failure to give proper notice shall be considered a violation and be punishable by a fine not to exceed \$500.00 or confinement in the County Jail for a period of time not to exceed one (1) month, or both.

Section 4. Penalty. From time to time depending on low moisture conditions, the Meade County Commissioners, the Meade County Fire Department or the State of Kansas, may impose the county-wide or State-wide burning ban in the unincorporated areas of the county. If the Fire Department is called upon to extinguish a fire intentionally set, during such burn ban, a fee of \$1,000.00 shall be paid by the landowner, tenant or other person responsible for the fire in addition to the charges set forth above.

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 Meade County Fire Equipment Fund. Charges assessed pursuant to this Resolution shall be in addition to all other levies, penalties and Statutes as authorized by law.

Section 6. Effective Date. This Resolution shall be effective upon publication in the official county newspaper.

**PASSED, APPROVED and ADOPTED by the Board of Meade County
Commissioners on this 1st day of September, 2009.**

BOARD OF MEADE COUNTY COMMISSIONERS

<http://www.meadeco.org/Fire/MeadeFireDept/ControlBurnRegs/tabid/4315/Default.aspx>