

RESOLUTION NO. 2018- 06

A RESOLUTION REGULATING OPEN BURNING

WITHIN HODGEMAN COUNTY, KANSAS

WHEREAS, the Board of County Commissioners deems it necessary establishing criteria dealing with open burning within Hodgeman County, Kansas, 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 Hodgeman County, Kansas.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HODGEMAN 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 obtain approval prior to conducting a burn by notifying the Hodgeman County 911 Center of intent to burn, location, estimated burn time, and the responsible adult conducting the said burn; and the person coordinating the burn shall notify the 911 center if the burn is to be extended.

B. A responsible adult shall supervise all burning.

C. Open burning shall not occur if the National Weather Service has issued a "Red Flag Warning" or "Wind Advisory" for Hodgeman County. 911 dispatch shall verify weather conditions before approval.

D. 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 County burn ban is in effect, or if the National Weather Service has issued a "Red Flag Warning" or "Wind Advisory" for Hodgeman County, or to conduct a burn without obtaining prior approval, or failing to otherwise comply with this Resolution.

E. Nothing in this resolution shall relieve any property owner or other responsible parties from the obligations of obtaining the proper permit from the Kansas Department of Health and Environment when warranted.

(2) Enforcement and Penalties

A. 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 Hodgeman County Sheriff for violation.

B. Violation of this resolution is an unclassified misdemeanor by up to 30 days in jail, and/or a fine not to exceed five hundred dollars; and

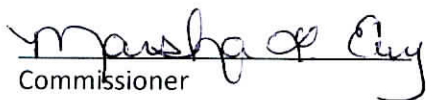
C. Any person who engages in or allows open burning upon his/her property, whether such property is owned, leased or rented, and who has not complied with the provisions of this resolution, shall be held liable for the cost of deployment and fire suppression. Costs that may be incurred and recovered are reasonable use of manpower and equipment, not to exceed \$1,000.00.

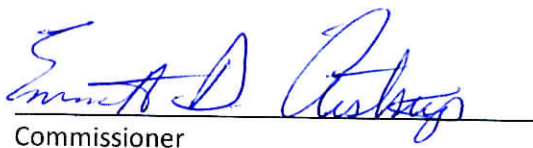
(3) Open Burning Ban

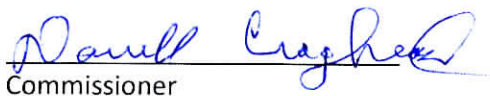
The Board of County Commissioners, in circumstances where public burning may jeopardize the safety and welfare of the population and/or property, may ban open burning in the unincorporated areas of the county. In the event said circumstances arise when the Board of Commissioners is not scheduled in open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

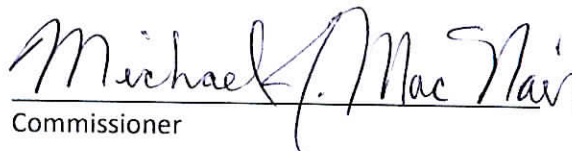
This resolution shall take effect immediately upon its passage and publication in the official county newspaper.

Passed and approved by the Board of County Commissioners of the County of Hodgeman County, Kansas, this 12 th day of March, 2018.


Commissioner


Commissioner


Commissioner


Commissioner


Commissioner

Attest:


Sarah Bains, County Clerk

