

RESOLUTION NO. 2014-24

A RESOLUTION REGULATING OPEN BURNING

WITHIN SUMNER COUNTY, KANSAS

WHEREAS, the Board of County Commissioners deems it necessary to abolish Resolution No. 2011-47 adopted on the 29 day of November, 2011 establishing criteria dealing with open burning within Sumner County, Kansas, and modify the regulations for open burning within Sumner 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 Sumner County, Kansas.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SUMNER 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 Sumner 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 if the National Weather Service has issued a "Red Flag Warning" or "Wind Advisory" for Sumner County.

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 burn ban is in effect, or if the National Weather Service has issued a "Red Flag Warning" or "Wind Advisory" for Sumner County.

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. 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 Sumner 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 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 a burn ban is enacted the Sumner County Clerk shall notify all appropriate county agencies, all county newspapers, radio stations, law enforcement agencies, and fire departments.

This resolution supersedes Sumner County Resolution 2011-47 and 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 Sumner County, Kansas, this 16th day of June, 2014.

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Steve Warner, Chairman, 1st District

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Jim Newell, 2nd District

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Cliff Bales, 3rd District

Attest:

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Debra A. Norris, County Clerk