

(Published in The Newton Kansan on _____, 2011)

RESOLUTION 2011-5

A RESOLUTION REGARDING OPEN BURNING

WHEREAS, the Board of County Commissioners of Harvey County, Kansas has determined that uncontrolled and unauthorized open fires may present a danger to property and persons within the County; and

WHEREAS, the Board of County Commissioners has determined that a formal policy that details the allowance and notification requirements will reduce such danger.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARVEY COUNTY, KANSAS that the following regulations be adopted in an effort to control open burning within Harvey County, Kansas:

1. This Resolution shall apply to the whole of Harvey County, Kansas, except for any areas within the limits of any incorporated cities located within the County.
2. No individual, or any other entity, shall conduct, permit, or allow any open burning within Harvey County, Kansas, except as authorized herein.
 - a. Open burning operations conducted herein shall take place only after notification is made to Harvey County Communications Center (911). If caller cannot reach 911, then call should be made to 316-283-4190. Such notification shall be made within one (1) hour of the anticipated time that the burning will begin and shall include: 1) Location of the proposed burn and estimated acreage, 2) Time burn will commence, 3) Estimated burn time, 4) Name of responsible party and 5) Phone number at the burn site, if available.
 - b. Harvey County Communications Center (911) shall deny the request to burn under the following conditions:
 - i. If a burn ban has been enacted by the Board of County Commissioners, or
 - ii. If the Grassland Fire Danger Index is Very High or Extreme or the wind speed exceeds 15 mph, or
 - iii. The location, time of day or weather conditions are otherwise unfavorable, or

- iv. If fire apparatus are unavailable, or
 - v. If Harvey County Communications Center (911) has information that other overriding events or restrictions would deem open burning to be high risk or otherwise dangerous.
3. In addition, the following restrictions shall apply to all open burning:
 - i. For FIELD type fires, a fire break of at least 20 feet on all sides shall be provided by the responsible party.
 - ii. For NON-FIELD type fires, adequate clearance from combustible materials, and a minimum of 100 feet from any structure shall be provided by the responsible party.
 - iii. A person shall not burn heavy smoke-producing materials including heavy oils, tires, pallets, railroad or bridge lumber, treated lumber, plastics or rubber.
 - iv. All open burning operations conducted hereunder shall be supervised by a responsible individual of majority age until the threat of fire is down.
4. Any person conducting a burn shall indemnify and hold harmless Harvey County Communications Center (911) and any fire department agency or personnel for damages resulting from said burning.
5. For purposes of this Resolution the term "open burning" shall mean the burning of large brush piles, or trash piles or other large debris piles or 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. Open burning shall not include burning in a safe and fire proof container with cover sufficient to prevent embers from escaping, fire pits, warming fires, camp fires or fires of a similar recreational purpose if such fires are manageable and attended by a responsible person.
6. Any open burning is subject to all state or federal smoke management plans or ozone and air quality regulations and current Kansas Administrative Regulations covering open burning or agricultural open burning.

- 7. Any person or other entity who violates this Resolution shall upon conviction be guilty of a misdemeanor and shall be subject to a fine of not more than \$500.00 or confinement in the Harvey County Detention Center for a period not to exceed thirty (30) days, or both such fine and imprisonment and, in the discretion of the judge depending on the circumstances, make restitution for costs and expenses incurred for violation of the Resolution.
- 8. This Resolution shall be published one time in the official county newspaper and take effect upon said publication.

PASSED and ADOPTED by the Board of Commissioners of Harvey County, Kansas this 22nd day of February, 2011.

BOARD OF COUNTY COMMISSIONERS
OF HARVEY COUNTY, KANSAS

By *Ron Krehbiel*
Ron Krehbiel, Chairperson

By *George A. Westfall*
George A. Westfall, Member

By *Marge Roberson*
Marge Roberson, Member

ATTEST:

Bette J. Rhine, Deputy
Joyce Truskett, County Clerk

