

RESOLUTION 2010-2011

A RESOLUTION ESTABLISHING REGULATIONS AND REQUIRED PROCEDURES FOR AGRICULTURE OPEN BURNING.

WHERE AS, agricultural open burning is a common and prudent land management practice within Lane County and it's Fire Districts; and WHERE AS, agricultural open burning can present risk of harm to neighboring lands, neighboring residents, and users of public roads; and Where AS, it is appropriate to assist the fire departments with the deployment and the utilization of equipment and personnel for actual emergency circumstances.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSONERS OF LANE COUNTY:

- (A) Agricultural open burning, defined as open 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, shall be conducted only under the following conditions which meet or exceed K.A. R. 28-19-645, 646,647, and 648 and K.S.A. 65-3025- and 65-3026.
- (1) The person conducting the burn shall notify the Lane County Dispatch Office (620-397-2828) before the burning begins, and shall provide the dispatcher with the proposed burn location, estimated burn time, responsible party conducting said burn and means of contacting responsible party during the burn event: additionally the person coordinating and conducting the burn shall notify the Lane County Dispatch Office when the burn is extinguished.
 - (2) A person shall not conduct a burn that creates a traffic safety hazard. If conditions exist that may result in smoke blowing toward a public roadway, the person conducting the burn shall give adequate notification the highway patrol. Sheriff's office or other appropriate state or local traffic control authorities before burning.
 - (3) A person shall not conduct a burn that creates an airport safety hazard. If smoke may affect visibility at an airport, the person conducting the burn shall give adequate notification the appropriate authorities before burning.
 - (4) The person conducting the burn shall insure that the burning is supervised until the fire is extinguished.
 - (5) A Person shall not initiate burning during the nighttime, which for the purposes of this regulation is defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire after two hours before sunset.

- (6) A person shall not burn during periods when surface wind is more than **15mph** or at any time where projected wind speeds for the burn period will be outside this range.
- (7) A person shall **not** burn when the Lane County Dispatch Office advises that burning is **not** permitted due to expected weather or Fire Heat index ratings(RH% & Temperature) for the area which make burning conditions unsafe or create an unreasonable risk for burning. The Lane County Fire Chief or his designee shall be authorized to make the determination as to whether fire is to be permitted pursuant to this sub-section, and shall contact the Dispatch Office when, in this opinion, conditions change. The Dispatch Office shall be authorized to approve or disapprove individual burning request in compliance with the Fire Chief or designees' determination.
- (8) A person shall not burn within 1,000 feet of any occupied dwelling in rural areas of the County, unless the occupant of that dwelling has been notified before the burn. A person shall not burn within 1,000 feet of any city's boundary, unless the City Official has been notified before the burn.
- (9) A person shall not burn heavy smoke-producing materials, including heavy oils, tires and tarpaper
- (10) A person shall not cause or permit the open burning of any wastes, structures, vegetation or any materials on any premises except as authorized by this resolution.
- (B) It shall be Prima Facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted the open burning and shall be deemed an unlawful act against this resolution and considered a **Class A Misdemeanor**.
- (C) Violation of this resolution may be punished according to limits set forth in penal codes for a **Class A Misdemeanor**. In addition violator shall be required to pay restitution for all damages done by a fire set in violation of this resolution and shall be required to reimburse the Fire District (Department) for the costs of fighting said fire at a rate of \$100.00 per hour (per vehicle) or any part of an hour and in additional shall pay for any additional foam or equipment at replacement costs.
- (D) The County Fire Chief or the local Fire Designee having jurisdiction of the involved area shall have the right to issue a cease and desist order in written or verbal form and request the issuance of a citation by the County Sheriff office in which the fire violation is has occurred. Additionally, the local fire department has the right to extinguish all fires that are in violation of this resolution.
- (E) The head of the Department shall provide an itemized statement and billing for Department charges. This billing will be sent to the violator of this resolution with copies being sent to County Clerk and County Attorney and Sheriff's office. Funds shall be distributed to all Departments involved in Fire

suppression event. Citation Funds to County Court for collection and disbursement. The violator of this resolution shall have a 30 day time period from original billing to pay such fines. If not paid the County maintains the right to charge this as a lien and shall be assessed against the property of the landowner and shall extend the same on the tax roll; and said costs shall be collected by the County Treasurer and paid to the county as other real estate taxes are collected and paid.

(F) The Board of County Commissioners or Local District Fire Chief may, in circumstances where public burning may jeopardize the safety and welfare of the population and or property, **ban all open** burning in the unincorporated areas of the county. This ban on burning and shall remain in effect continuous and shall be designated an Emergency condition. The ban can either be authorized by the standing Chairman of the board of the board of County commissioners' or by the District Fire Chief, 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 or Fire Chief shall be endorsed or rescinded, as the case may be, by action of the Board of County Commissioners.

(G) The Board of County Commissioners in conjunction with the County Fire Chief may grant permission for night time burning if the burn is under the direct supervision of an FSA approved contractor for burning and as long as all other criteria of this resolution for burning residue has been met.

This Resolution shall take in effect immediately upon its passage and its publication in the County Official newspaper for two continuous publications.

BOARD OF COUNTY COMMISSIONERS
LANE COUNTY, KANSAS

CHAIRMAN

MEMBER

MEMBER

ATTEST:
COUNTY CLERK

DATE