

RESOLUTION NO. 17-2237

A RESOLUTION ENACTING A COMPREHENSIVE BAN ON OPEN BURNING WITHIN SALINE COUNTY, KANSAS; SETTING FORTH THE PERMITTING REQUIREMENT FOR OPEN BURNING; SETTING FORTH RESTRICTIONS AND RULES ON OPEN BURNING; SETTING FORTH PENALTIES FOR THE VIOLATION OF THE REGULATIONS REGARDING OPEN BURNING; REPEALING RESOLUTION 97-1513.

WHEREAS, the Board of County Commissioners of Saline County Kansas deem it necessary to abolish Resolution 97-1513 adopted on the 11th day of February, 1997 establishing criteria dealing with open burning within Saline County, Kansas and modify the regulations for open burning within Saline County by this new Resolution.

WHEREAS, the governing body deems it in the best interest of the public safety and of the economy of the agricultural community that open burning shall be regulated within Saline County, Kansas.

WHEREAS, changes in the overall makeup of certain portions of Saline County, Kansas have created the need for diverse regulations and procedures to provide adequate fire protection for all citizens. Portions of Saline County, Kansas, which were once mainly agricultural areas, now have become populated areas with numerous residential structures interfaced with farm and other agricultural property. With the increased population in these areas, uncontrolled and unregulated open burning poses an unreasonable threat to the public safety. It is also acknowledged that some large portions of Saline County, Kansas remain mainly agricultural areas and that open burning of grasses, pasture, and crop residue is an important function in maintaining these areas. Without provisions for the open burning of pastureland, economic hardships could be imposed upon these property owners.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Saline County, Kansas that Resolution 97-1513 shall be abolished and this resolution regulating open burning shall become enforceable as follows:

RULES FOR BURNING – GENERAL RULES FOR ALL OPEN BURNING OPERATIONS

1. Prior to burning, anyone conducting open burning operations, to include household trash must obtain a permit to conduct open burning operations exempt by K.A.R. 28-19-647 and K.A.R. 28-19-648 from the Rural Fire Chief having jurisdiction and/or the Saline County Emergency Management office and/or via on-line burn permit application through the Saline County website www.saline.org.
2. Burn permits in Saline County shall be valid for the lifetime of the permit holder unless otherwise suspended or revoked by Saline County Emergency Management or the Rural Fire Chief having jurisdiction. Emergency Management will conduct periodic reviews of all permit holders to ensure current contact information.
3. The Permittee or their designee shall call the Saline County Emergency Management Office at 785-826-6511 or the Law Enforcement Communications Center at 785-826-7210 no more than 1 hour prior to commencing the burn. The following information will be recorded by either agency:

- a. Burn Permit number;
 - b. Exact location by address or closest intersection of intended burning operation;
 - c. Type of material being burned;
 - d. Wind speed and direction at the time of the call; and
 - e. Emergency telephone contact number of person conducting the burn.
4. Permit holders burning household trash only are exempt from calling prior to the burn but must adhere to the rules set forth in this resolution.
5. The person named on the burn permit is the responsible person. The responsible person may name a designee who is 18 years of age or older and whom has written permission to oversee the burn. The registrant or the designee shall remain in continuous attendance with the burning operation and maintain the ability to control the fire and report its status, if necessary. Failure to assure attendance and supervision of the burn is a violation of this Resolution by the registrant.
6. Weather:
 - a. Wind speed shall not exceed 15 miles per hour as defined by K.A.R. 28-19-647(5), and
 - b. Grassland Fire Danger Index issued by the National Weather Service Forecast Office out of Wichita, Kansas shall not be in the Extreme category.
 - c. Burning shall not be initiated during nighttime, which for the purpose of this resolution is defined as the period from one (1) hour before sunset until one (1) hour after sunrise unless special permission in writing has been obtained from the Rural Fire Chief having jurisdiction.
7. A person shall not conduct a burn that creates traffic or other safety hazard.
8. Any open burn will not constitute a smoke nuisance or a hazard to neighboring property or persons.
9. A person shall not burn within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn.
10. The person conducting the burning shall stockpile the material to be burned; dry it to the extent possible before it is burned, and assure that it is free of matter that will inhibit good combustion.
11. A person shall not burn heavy smoke-producing materials including heavy oils, tires, tarpaper, metal debris, petroleum products, construction debris, or any material designated by the Secretary of the Department of Health and Environment of the State of Kansas.
12. An adequate water supply or other mechanical equipment must be on hand and readily available to control any fires which may occur.
13. Businesses must obtain a permit through the Kansas Department of Health and Environment for burning of trees and brush from non-agricultural land clearing in addition to a burn permit issued through Saline County.

AGRICULTURAL

DEFINITION, for the purpose of this resolution "Agricultural Open Burning" shall be 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 as defined by K.A.R. 28-19-648

NON-AGRICULTURAL

DEFINITION, for the purpose of this resolution "open burning" shall be defined as the burning of unwanted materials such as paper, trees, brush, leaves, grass clippings, and other debris, where smoke and other emissions are released directly into the air without passing through a chimney or stack.

RECREATIONAL FIRES

DEFINITION, an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, but in an outdoor fireplace, barbeque grill, barbeque pit, or chiminea and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

1. Recreational open flame devices shall not be stored or operated on or under balconies of multi-family dwellings.
2. Open flame recreational devices shall not be operated within 25 feet of combustible material including but not limited to walls, floors, household items and combustible vegetation.
3. Such devices shall not be used when wind speed is in excess of 15mph or a ban has been placed on all outdoor burning for all areas of Saline County through a Proclamation of a State of Local Disaster.
2. Recreational fires shall be constantly attended until the fire is extinguished. Extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
3. Recreational fires do not require prior authorization or permission.

RULES FOR OPEN BURNING – HOUSEHOLD TRASH

DEFINITION, for the purpose of this resolution "open burning of household trash" shall be defined as the burning of trash or other debris which is carried out on residential premises containing five (5) or less dwelling units and is carried out incidental to the normal habitation of said dwelling(s). Open burning of household trash shall be permitted only after the following fire safety precautions have been taken:

1. All such burning shall be conducted in an approved metal container, which is structurally sound to ensure the contents of said container will remain contained.
2. An approved protective screen with a maximum weave of ¼ inch shall be installed on top of the container.

3. An area of bare soil or other approved non-combustible material shall surround the burn container for ten (10) feet in all directions.
4. The person conducting the burn shall insure that the burning is supervised by an adult until the fire is extinguished.
5. A charged garden hose or a full bucket of water shall be readily available to control any fires, which may occur.
6. Trash burning shall not be conducted when the wind speed is in excess of fifteen (15) miles per hour.
7. Grassland Fire Danger Index issued by the National Weather Service Forecast Office out of Wichita, Kansas shall not be in the Extreme category.
8. Trash burning shall not be conducted when a ban has been placed on all outdoor burning for all areas of Saline County through a Proclamation of a State of Local Disaster.
9. Due to the volume of household trash burning which occurs on a routine basis within Saline County, Kansas, unless required by a Fire Chief and/or Saline County Emergency Management no notification is required for the burning of household trash in an approved container.

BE IT FURTHER RESOLVED, that at any time there is more than one Fire District responding to any fire call or calls, that a suspension of further burns may be imposed by authority of Saline County Emergency Management Duty Officer or the Rural Fire Chief until the fire is under control and supporting agencies have been dismissed from the scene.

BE IT FURTHER RESOLVED, that the Rural Fire Chief having jurisdiction and/or Saline County Emergency Management Duty Officer shall have the authority to stop any open burning as he/she deems necessary.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Saline County, Kansas that certain conditions such as extended periods with little or no rain or snow fall, may create dangerous conditions which will require that all open burning be prohibited. Upon recommendations of the Saline County Fire Chief's Association and/or Saline County Emergency Management, the Board of County Commissioners of Saline County, Kansas may impose a ban on all outdoor burning, including household trash, for all incorporated and unincorporated areas of Saline County through a Proclamation of a State of Local Disaster. Every effort will be made to ensure notification of such ban on burning is communicated to the public.

BE IT FURTHER RESOLVED, any person who engages in or permits open burning upon his/her property, whether such property is owned by, leased or rented, and has not complied with the provision(s) of this resolution shall be in violation of this resolution. Violation of this resolution shall constitute a Class C Misdemeanor; and, any person convicted of such violation shall be punished as provided by law including but not limited to restitution for fire department response costs and damages caused by the fire.

BE IT FURTHER RESOLVED, any person who is convicted violating the terms of this resolution shall lead to the revocation of their burn permit for a term of one year from the date of conviction. To reinstate the burn permit, said person must produce a certificate of successful completion of a Prescribed Burn

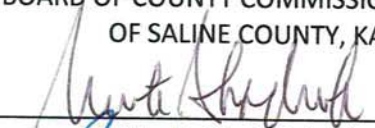
School through KSU Extension or Wild Land Fire Course to Saline County Emergency Management or the Rural Fire Chief having jurisdiction. The Rural Fire Chief having jurisdiction shall have the ultimate authority to grant permit reinstatement after a violation that leads to permit revocation.

BE IT FURTHER RESOLVED, that Resolution 97-1513 is hereby repealed and this Resolution will become effective January 1st, 2018.

ADOPTED this 12th day of December, 2017 by the Board of County Commissioners of Saline County, Kansas.



THE BOARD OF COUNTY COMMISSIONERS
OF SALINE COUNTY, KANSAS



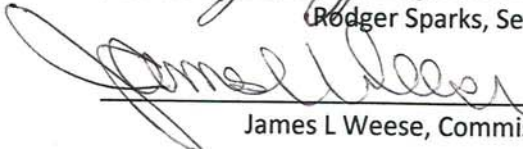
Monte Shadwick, Chairman




Robert Vidricksen, Vice-Chairman



Rodger Sparks, Secretary



James L Weese, Commissioner



Michael White, Commissioner

ATTEST:



Jamie R Allen, County Clerk

Vote: YEA 5 NAY 0