

RESOLUTION 2008-09

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

WHEREAS, agricultural open burning is a common and prudent land management practice within Scott County; and,

WHEREAS, agricultural open burning can present risk of harm to neighboring lands, neighboring residents, and users of public roads; and

WHEREAS, it is appropriate to assist 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 COMMISSIONERS OF SCOTT COUNTY:

(1) 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. 28-19-648.

(a) The person conducting the burn shall notify the Scott County Dispatch Office (620-872-2133) 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 Scott County Dispatch Office when the burn is extinguished.

(b) 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 to the highway patrol, sheriff's office or other appropriate state or local traffic control authorities before burning.

(c) 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 to the appropriate airport authorities before burning.

(d) The person conducting the burn shall insure that the burning is supervised until the fire is extinguished.

(e) A person shall not initiate burning during the nighttime, which for the purposes of this resolution is defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire or light additional fire after two hours before sunset.

(f) A person shall not burn during periods when surface wind speed is less than 5 mph or more than 15 mph or at any time where projected wind speeds for the burn period will be outside this range.

(g) A person shall not burn when the Scott County Dispatch Office advises that burning is not permitted due to expected weather or fire safety index ratings for the area which make burning conditions unsafe or create an unreasonable risk for burning. The Scott County Fire Chief/Scott City 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 requests in compliance with the Fire Chief's determination.

(h) 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 Clerk or other appropriate City Official has been notified before the burn.

2. Violation of this resolution, upon conviction, may be punished by a fine of up to \$250.00 per day of violation per location. In addition, violators may be required to pay restitution for all damages done by a fire set in violation of this Resolution and may be required to reimburse the County for the costs of fighting said fires.

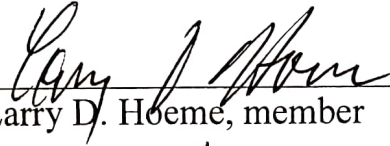
3. The County Fire Chief or the local Fire Chief having jurisdiction of the involved area in the absence of the County Fire Chief or the designee of said Chief, shall have the right to issue a cease and desist order in written form or verbally with a written confirmation and request the issuance of a Citation by the Scott County Sheriff for violations of said cease and desist order. Additionally, the local fire department has the right to extinguish all fires that are in violation of this Resolution.

4. The Board of County Commissioners may, in circumstances where public burning may jeopardize the safety and welfare of the population and/or property, ban open burning in the unincorporated areas of the County. In the event said circumstances arise when the Board of County Commissioners is not in scheduled open meeting, and when a special meeting of the Board of County Commissioners is impractical or impossible, the Chairman of the Board of the Board of County Commissioners may declare an emergency and implement 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 action of the Board of County Commissioners. This Resolution shall take effect immediately upon its passage and publication in the official County newspaper.

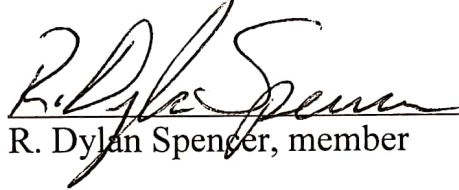
PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SCOTT, STATE OF KANSAS, THIS 29th DAY OF JULY, 2008.



Jack D. Frick, Chairman

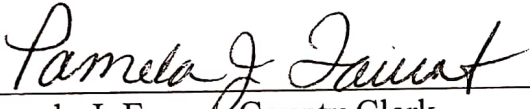


Larry D. Hoeme, member



R. Dylan Spencer, member

Attest:



Pamela J. Faurot, County Clerk