

CHARTER RESOLUTION NO. 16

A CHARTER RESOLUTION ESTABLISHING REGULATIONS AND PENALTIES FOR OPEN BURNING IN SEWARD COUNTY, KANSAS.

WHEREAS, the Board of County Commissioners of Seward County, Kansas, have determined that the practice of using, attending, and maintaining an open fire, crop fire, or any other open burning in Seward County has the potential of creating substantial loss to property and life; and

WHEREAS, the Board of County Commissioners of Seward County, Kansas desire to provide for a strict penalty for violation of open burning including any public open burning or agricultural burning in Seward County which does not comply with all notice requirements and other burning requirements as provided by Kansas statute or regulation of the Kansas Department of Health and Environment; and

WHEREAS, the Board of County Commissioners of Seward County, Kansas pursuant to K.S.A. 19-101b hereby enact the following prohibitions and penalties hereinafter set forth in this Resolution finding that the same does not conflict with existing state law uniform to all counties and enhance the penalties provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEWARD COUNTY, KANSAS AS FOLLOWS:

SECTION 1. Seward County hereby adopts and incorporates by reference all Kansas Statutes, regulations, and rules issued by the Kansas Department of Environment and Health and the Kansas State Fire Marshal's Office governing open burning, agricultural burning and related activities. All individuals conducting any open burning in Seward County, Kansas shall be responsible for complying with said Statutes, rules, and regulations.

SECTION 2. Open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the propose of crop, range, pasture, wildlife, or water shed management shall be exempt from prohibition on open burning as provided by Kansas law and regulations so long as the following conditions are met:

- a. The person conducting the burn shall notify the Seward County Fire Rescue Department (SCFR) if his or her intent to burn. This notification shall include specific information regarding the area to be burned and the nature of the burn. A permit will be issued by Seward County Fire Rescue Department authorizing the burn so long as the following conditions are met.
 1. No permit will be authorized for burning on overcast or foggy days.
 2. The wind speed, as determined by SCFR must be below Fifteen (15) miles per hour.
 3. The burn must be completely extinguished before sundown and must be fully supervised at all times. Burns must be disc under or sprinklers in operation after the burn operation is completed.

4. No person shall conduct a burn that creates any traffic hazard or obstruction. If conditions exist that may result in smoke obstructing a public roadway, the person conducting the burn shall give immediate notification to the Highway Patrol, Sheriff's Office, or other appropriate state or local traffic control authority before burning.
5. A person shall not conduct a burn that creates any airport safety hazard.
6. Prior to obtaining a burn permit, SCFR may require the applicants to disc 100 feet wide fire guard barrier around the area to be burned.
7. SCFR may require that County Road and Bridge Department road graders and/or fire apparatus be available for standby with sufficient notice as condition of granting the burn permit.
8. No burn permit will be issued when the fire index rating is elevated, high, extreme, or red flag warnings are in place.
9. SCFR may require burn permits to have discs and water sources available during the entire burn operation. Tractor operators must be 18 years or older during burn operations.

SECTION 3. It shall be prima fascia evidence that the person who owns or controls property on which open burning occurs has caused or permitted said open burning.

SECTION 4. All Kansas Statues, Fire Marshal rules and regulations and the regulations of the Kansas Department of Health and Environment not in conflict here within shall be enforceable under penalty section of this Resolution together with the prohibition set out herein.

SECTION 5 PENALTY. Any person who violates any provision of this resolution or the rules and regulations issued by the State Fire Marshal office or the Kansas Department of Health and Environment, shall be guilty of a Class A misdemeanor and any person convicted of such violation shall be punished as provided by law (K.S.A. 48-939).

SECTION 6. This resolution repeals in full, and replaces Charter Resolution 12 (CR 02-12).

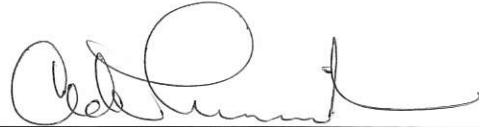
SECTION 7. This Charter Resolution shall be recorded by the Seward County Clerk in a book maintained for that purpose.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, SEWARD COUNTY, KANSAS, this 5th day of February, 2018 by a two-thirds majority of all board members.

Board of County Commissioners
Seward County, Kansas



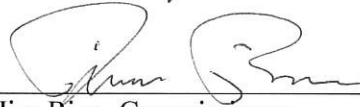
Nathan McCallrey, Chairman




Ada Linenbroker, Commissioner



Randy Malin, Commissioner



Jim Rice, Commissioner



C.J. Wettstein, Commissioner

ATTEST:



Stacia Long, Clerk
Seward County, Kansas

