

RESOLUTION NO. 2017- 12

A RESOLUTION PERTAINING TO OPEN BURNING AND ESTABLISHING REQUIREMENTS, RESTRICTIONS AND PROHIBITED ACTS WITH RESPECT THERETO; AND RESCINDING RESOLUTION NO. 2016-07

WHEREAS, K.S.A. 19-101a, et seq., authorizes the board of county commissioners to transact all county business and to perform all powers of local legislation and administration it deems appropriate; and

WHEREAS, on April 5, 2016, the Board of County Commissioners of Reno County adopted Reno County Resolution No. 2016-07, a Resolution which established notification requirements for open burning and certain rules with respect thereto; and

WHEREAS, the Board of County Commissioners desires to provide substitute legislation with respect to Resolution No. 2016-07.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RENO COUNTY, KANSAS, that the following regulations, restrictions and prohibited conduct be adopted in Reno County, Kansas:

SECTION 1 – DEFINITIONS: “Open burning” shall mean for purposes of this Resolution the burning of brush, structures and construction debris, trash and debris piles. “Open burning” shall not include burning conducted in a safe and fireproof container with cover sufficient to prevent embers from escaping, fire pits, warming fires, camp fires, or fires of similar recreational purpose, including open burning for cooking or ceremonial purposes; provided, such fires are manageable and attended by a responsible person.

“Agricultural Open Burning” shall mean the open burning of vegetation such as grass, woody species, crop residue and other dry plant residue for the purpose of crop, range, pasture, wildlife, or other watershed management.

SECTION 2 – This Resolution shall be applicable in the unincorporated area of Reno County, Kansas.

SECTION 3 – No person in an individual capacity or on behalf of a corporation, LLC, partnership or other legal entity, shall conduct, permit or allow Open Burning or Agricultural Open Burning when prohibited by this Resolution or when conducted in violation of the requirements hereinafter prescribed.

- a. Prior to commencement of Open Burning or Agricultural Open Burning, the party responsible for the burn shall notify Hutchinson/Reno County Emergency Communications Center (HRCECC) by telephone at 694-2800 of his or her intent to burn and shall provide his or her name, address, telephone number, and the location, nature and circumstances of the proposed burn. Failure to provide prior notification of intent to burn as herein provided shall constitute a violation of this Resolution and subject the violator upon conviction to the penalties specified at Section 6.

HRCECC personnel shall advise the caller of the existence of any burn ban then in effect in Reno County. HRCECC personnel are not expected to otherwise advise the caller with respect to burning eligibility or criteria.

- b. Open Burning and Agricultural Open Burning are prohibited when any of the following factors are applicable, to wit:
 - 1) When a burn ban is in effect;
 - 2) When the wind speed is less than 5 mph or more than 15 mph as applied to Open Burning only;
 - 3) When the grassland fire danger index is VERY HIGH OR EXTREME;
 - 4) When the burn will commence earlier than one hour before sunrise or later than two hours prior to sunset;
 - 5) When a burn creates a safety hazard at an airport or a traffic safety hazard.

- c. No open burning or agricultural open burning may be commenced later than thirty (30) minutes following notification of the proposed burn to the Emergency Communications Center.
- d. For Agricultural Open Burning, a fire break of at least twenty (20) feet on all sides of the field proposed to be burned shall be provided by the responsible party.
- e. For Open Burns, adequate clearance from combustible materials unintended for burning and a minimum of one hundred (100) feet from all structures shall be provided and maintained by the responsible party.
- f. Open Burning materials shall not include heavy smoke-producing materials, such as heavy oils, tires, pallets, railroad and bridge lumber, treated lumber, plastics or rubber.
- g. The responsible party shall ensure that all Open Burning and Agricultural Open Burning conducted shall be supervised at all times by a responsible, competent individual of majority age until the threat of fire has been eliminated.
- h. In any prosecution for violation of this Resolution made pursuant to Section 6 below, it shall be prima facie evidence that the person who owns or controls the property on which burning occurs has caused or permitted the open burning.

SECTION 4 – TEMPORARY BURN BAN. In addition to other burn ban authority, the County Emergency Management Director (the “Director”) or the County Administrator (the “Administrator”) in the absence of said Director, shall have the authority to issue a Temporary Burn Ban Order to be effective for up to twelve (12) hours. Said Order may be issued when in the discretion of the Director or the Administrator insufficient fire apparatus or fire response personnel are available for emergency response. Temporary Burn Ban Orders shall be issued in written form and provided to HRCECC by hand delivery, by e-mail, or by fax.

SECTION 5 – No District Fire Chief or his designee shall have the authority to waive or contravene the provision of this regulation; PROVIDED, fire suppression

activities supervised by Fire District personnel during an emergency response shall be exempt from the requirements of this regulation.

SECTION 6 – PENALTY. 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 Five Hundred Dollars (\$500.00) or confinement in the Reno County Correctional Facility (Jail) for a period not to exceed thirty (30) days, or both such fine and imprisonment. Further, in the discretion of the presiding Judge, any person convicted for violating this Resolution shall make restitution for costs and expenses incurred by Fire District and other firefighting and emergency personnel responding to the scene of the burn due to the conduct constituting the violation.

SECTION 7 – This Resolution shall be published one time in the official County newspaper and shall take effect upon said publication. Simultaneously with the effective date of this Resolution, Reno County Resolution No. 2016-07 is rescinded.

ADOPTED in regular session this 30th day of May, 2017.

BOARD OF COUNTY COMMISSIONERS
OF RENO COUNTY, KANSAS



DAN DEMING, Chairman



RON HIRST, Member



BOB BUSH, Member

ATTEST:



Reno County Clerk

Revised 5/23/17