BEFORE THE BOARD OF COUNTY COMMISSIONERS
OTTAWA COUNTY, KANSAS
RESOLUTION NO. 16-24 PERTAINING TO OPEN BURNING

WHEREAS, the Board of County Commissioners of Ottawa County, Kansas, by the powers vested in it by K.S.A. 19-101 (a) may perform powers of local legislation, and

THEREFORE, BE IT RESOVLED BY THE BOARD OF COUNTY COMMISSIONERS OF OTTAWA COUNTY, KANSAS, that:

No person shall cause or permit the open burning of any material except: (1) as provided in Kansas Administrative Regulation 28-19-647(a)(1)(2), and (4); or (2) as provided in Kansas Administrative Regulation 28-19-647(a)(3), 28-19-648 and subject to the following:

Purpose: To establish procedures requiring registration and notification for acts of open burning as described in Kansas Administrative Regulation 28-19-648 and penalties for acts of open burning in violation of Kansas Administrative Regulation 28-19-645 *et seq* and this Resolution.

Summary: This resolution establishes a two-step approach to burn control by requiring that prior to any act of open burning under KAR 28-19-647(a)(3), a person seeking to perform an act of such open burning must: (1) pre-register with the Ottawa County Emergency Management and obtain a registration number identifying that individual; (2) on the day they wish to burn, call Ottawa County Dispatch with their registration number and obtain a Burn Notice Number ("BNN").

1. The application for registration of individuals wishing to perform open burnings under KAR 28-19-647(a)(3) shall be in a form provided by the Ottawa County Emergency Management Department and may be updated or renewed at the discretion of that department. Such registration shall consist of submitting a completed registration form, no fee will be charged.

2. Any individual who has been cited for violation of this resolution, violation of any burn ban, or who intends to conduct any open burning of any material(s) under KAR 28-19-647(a)(3) shall first be required to obtain a Burn Notice Number ("BNN") from the Ottawa County Dispatch. Each person has only one registration number, but a different BNN is required for each act of open burning.

3. Any individual requesting a BNN must contact Ottawa County Dispatch at (785) 392 2157 prior to the start of any burning activity and must provide the following information:
    a. Registration Number of person responsible for burn;
    b. Contact information for the person supervising the burn (if different or

updated from the information on the registration);
c. Exact location of intended burning operation
d. Type of material being burned;
e. Time of burning operation including beginning time and estimated time burn will be completed;
f. Any other information requested by Dispatch.

4. If the times provided to Ottawa County Dispatch as required in Paragraph 3(e) above are different by more than two hours, the person responsible for the burn must call Ottawa County Dispatch and provide the accurate time for the beginning and ending of the burn.

5. Under the provisions of this resolution, prior to performing any open burning of any material(s) under KAR 28-19-647(a)(3) a registered individual must call Ottawa County Dispatch and obtain a BNN. That individual, or that individual's designee, must be present and have both the BNN and the corresponding individual's registration number available at the burn site for the entirety of the burn. Even if all numbers are properly issued, failure to have this information at the burn site for the entirety of the burn is a violation of this resolution and subject to the penalty provisions listed below.

6. The person named on the registration and requesting a BNN is the responsible person. The responsible person may name a designee 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, to Ottawa County Dispatch. Failure to assure attendance and supervision of the burn is a violation of this Resolution by both the registrant and the designee.

7. Regardless of the issuance of a BNN, absolutely no burning shall take place within 150 feet of any structure, oil tank or vehicle(s) not owned or operated by the Registrant. It is the responsibility of the person conducting the burn to make sure this provision is not violated.

8. Regardless of the issuance of a BNN, absolutely no burning shall take place when wind speeds are 15 mph or greater.

9. Regardless of the issuance of a BNN, absolutely no burning shall be initiated after sunset or before sunrise unless conducted for agricultural or crop rotation purposes.

10. Burning shall not be allowed or conducted during any times when dry conditions are prevalent to a level such that initiating any burning operations would be considered hazardous and dangerous to the surroundings. The Fire Chief of the jurisdiction for where the fire will be located shall have and retain the authority to instruct Ottawa County Dispatch not to issue any BNN's. The Fire Chief shall also have the authority to reinstate burning operations in the same manner by contacting Ottawa County Dispatch. If no communication is made from the respective Fire Chief, Ottawa County Dispatch shall assume burning is to be allowed and may issue a BNN in compliance with this resolution.

11. A violation of this resolution shall be a Class C misdemeanor with a fine not to exceed $1,000 and/or up to six (6) months incarceration in the county jail. Prosecution shall be in the District Court of Ottawa County, Kansas, as authorized by K.S.A. 19-101d and amendments thereto.

12. In addition to or separate from the imposition of penalties as provided for in Paragraph 11, any person starting a fire or initiating or approving an open burning without complying with the above may be ordered to make restitution for any damages done including fire department fees and expenses up to but not exceeding $250 per truck and $10 per hour per fireperson responding to said unauthorized or improper open burn.

BE IT FURTHER RESOLVED that this Resolution shall be published for three consecutive weeks in the official county newspaper, and take effect after said publication.

Adopted by the Board of County Commissioners, Ottawa County, Kansas this 24th day of ~~August~~ October, 2016.

Kathy M. Luthi, Chairman

Kathy M. Luthi

James P. Kay, Member

James P Kay

Karen Brumbaugh, Member

Karen S. Brumbaugh

BOARD OF COUNTY COMMISSIONERS OF

OTTAWA COUNTY, KANSAS October 24, 16

ATTEST:

Mary Arganbright

Mary Arganbright, County Clerk