

THE BOARD OF COUNTY COMMISSIONERS OF  
OSAGE COUNTY, KANSAS

RESOLUTION NO. 14-13

A RESOLUTION LIMITING OPEN BURNING WITHIN OSAGE COUNTY,  
KANSAS AND PROHIBITING OPEN BURNING WITHOUT A PERMIT AND  
ESTABLISHING PENALTIES FOR VIOLATIONS

WHEREAS, K.S.A. 19-101, provides that a county may exercise the powers of home rule to determine its local affairs and government authorization under the provisions of K.S.A. 19-101a; and;

WHEREAS, the various fire districts that service the rural areas of Osage County have experienced increased demands for firefighting services which has placed a burden on both the fire districts' personnel and their budgets; and;

WHEREAS, the Board of County Commissioners believes that this is in the best interests of the County to adopt rules and regulations concerning open burning within the unincorporated areas of the County in order to protect the health and property of the people of Osage County, Kansas.

**SECTION ONE—OPEN BURNING PROHIBITED**

No person shall cause or permit the on-site open burning of waste material, material from salvage operations, structures, vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management, household trash, careless discharging of smoking materials, or other combustible materials within the unincorporated areas of Osage County without first obtaining a burning permit from Osage County Emergency Management, or his or her designee.

No person shall leave any fire unattended until appropriate precautions have been taken to prevent the fire from spreading or re-kindling and it is totally extinguished.

No person shall set a fire without first taking precautions to insure that the fire will be safely contained within the parameters of the area sought to be burned and will not present a danger to the health or property of adjoining landowners. Said person shall follow all guidelines and rules as set forth on the permit and in conformance with state law and regulations.

**SECTION TWO—EXEMPTIONS**

Permits shall not be required for fires set in enclosed screen covered containers used for household trash disposal, permanent stoves, campfire rings, fireplaces, fire pits or in barbecue grills in developed recreational sites or on residential home sites as long as the materials burned therein are neither hazardous nor toxic and conform to Kansas Open Burning Regulations, *i.e.* K.A.R.28-19-645 thru 648. If a fire is caused by fires in previous described devices all penalties in this resolution apply.

### **SECTION THREE—PERMITS REQUIRED**

Permits shall be required for all non-exempt types of open burning within the unincorporated areas of, Osage County Kansas, including but not limited to agricultural burning for the purpose of crop management, fires set for demonstration purposes by government or industrial personnel in fire-fighting procedures, on-site burning associated with land clearing operations, crop or game management practices.

Written open fire burning permits are required and issued free of charge. Permits are valid for a period of four years from date of issue. They can be obtained from the Osage County Sheriff's Office, Osage County Clerk, Osage County Emergency Management, Osage County Fire Districts or other approved designees.

The Osage County Emergency Management or his or her designee may deny/revoke the application if they are not satisfied that all necessary information provided, they do not believe necessary precautions are being taken to ensure that the fire will be contained or they are concerned that the fire may present a danger to the health, property, any neighbor or adjacent land owner's property.

Before starting an open fire, the permit holder shall contact the Osage County Sheriff Dispatch Center (785 828 3121) and report his/her name, telephone number, permit number that was issued to them, the address where the fire will be located, and the type of burning. Permit holders shall insure they have enough man power and equipment on hand to control their open burn. Permit holders will also contact the Osage County Sheriff Dispatch Center when the open burn is complete and totally extinguished.

The permit holder who sets the fire is totally responsible and assumes all responsibility for his/hers acts. The Board of Osage County Commissioners, Osage County Sheriff Office, Osage County Emergency Management, Osage County Fire Districts their officers, agents and employees assume no responsibility or liability for fire damage resulting from the use of open fire burning permits.

If Osage County Fire Districts are dispatched to an open fire burn and the party responsible for the open fire burning operation has not complied with all of the above permit requirements and specifications provisions, the fire district's personnel and equipment will be in service only for fire extinguishment.

#### **SECTION FOUR—BURN BAN**

The Osage County Board of County Commissioners reserves the right to ban open burning by further resolution and a burn ban would suspend the burn permits until the burn ban is lifted. Further, Osage County Emergency Management is authorized to issue burn bans on a day to day basis when it is determined through the use of the National Weather Service Rangeland Fire Danger Index, the weather conditions for the day, the ground moisture condition, the vegetation condition, and the wind conditions that burning should be prohibited. Osage County Emergency Management shall notify the Osage County Sheriff Dispatch Center of the no burn order, will broadcast such information on the County Wide Fire Radio Frequency and up-date burn information on the Osage County website.

#### **SECTION FIVE—PENALTIES**

Any person who fails to obtain a permit as required above, who abandons a fire that has not been totally extinguished, who fails to take proper precautions to control a fire, who does not have sufficient personnel and equipment at the burn site as determined by the fire district personnel, who burns on a day when burning is banned by the Commission through a resolution or on a day where Osage County Emergency Management and/or his or her designee has issued a burn ban or who otherwise violates the provisions of this resolution shall be guilty of a Class A misdemeanor punishable upon conviction of a fine of up to \$2500.00. Law enforcement officers and not fire officials are responsible for issuing notices to appear in violation of this resolution.

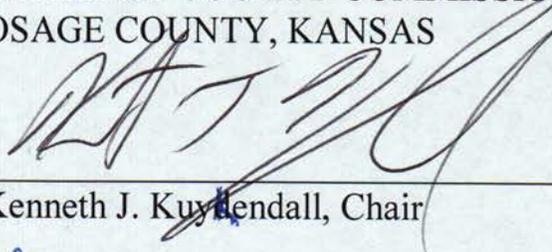
Any person convicted of violating or failing to comply with any of the provisions of this resolution may also be assessed all costs incurred by emergency responders from any Osage County fire district/department, EMS, law enforcement, emergency management or emergency response units from surrounding counties via mutual aid, in controlling and/or extinguishing the fire.

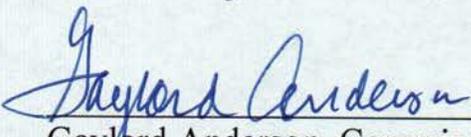
**THEREFORE, BE IT RESOLVED BY THE BOARD OF OSAGE COUNTY COMMISSIONERS,**

That this resolution regulating open fires within Osage County, Kansas is hereby adopted and shall be in full force and effect 1/11/15 upon its publication in the official county newspaper.

ADOPTED THIS 25<sup>th</sup> DAY OF AUGUST, 2014.

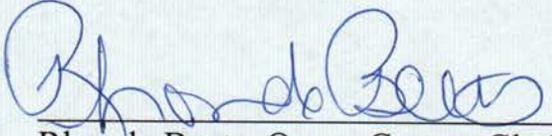
BOARD OF COUNTY COMMISSIONERS OF  
OSAGE COUNTY, KANSAS

  
\_\_\_\_\_  
Kenneth J. Kuykendall, Chair

  
\_\_\_\_\_  
Gaylord Anderson, Commissioner

  
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Carl F. Meyer, Commissioner

ATTEST:

  
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Rhonda Beets, Osage County Clerk