

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF OSAGE COUNTY, KANSAS**

RESOLUTION

No.22-25

**A RESOLUTION LIMITING OPEN BURNING WITHIN THE
UNINCORPORATED PORTIONS OF OSAGE COUNTY, KANSAS,
PROHIBITING THE SAME WITHOUT AN APPLICATION AND PERMIT,
ESTABLISHING PENALTIES FOR VIOLATIONS OF THE RESOLUTION,
AND REPEALING RESOLUTION 14-13 AND RESOLUTION 18-07
PURSUANT TO K.S.A. §§ 19-10a; 48-932 et seq.**

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. 19-10a; and;

WHEREAS, the Board of County Commissioners of Osage County, Kansas deems it necessary to establish criteria for open burning within the unincorporated areas of Osage County, Kansas to protect the health and property within the County;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Osage County, Kansas that effective upon publication, this resolution regulating open burning shall become enforceable as prescribed by law.

RESOLUTION

1. That the following acts are prohibited within the boundaries of the County by all citizens and visitors, the without first complying with all parts of this resolution, to-wit; Open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of land, crop, range, pasture, wildlife or watershed management.
2. The person setting the fire shall be responsible for all aspects of the fire. The board of Osage County Commissioners, the Osage County Sheriff, Osage County Emergency Management, their officers, agents and employees, Osage County fire districts and their members, assume no responsibility or liability for fire damage resulting from the use of open fire burning procedure.
3. Before starting an open fire, the applicant will follow the Osage County online burn permit procedure at osageco.org. Applicant shall ensure they have

sufficient manpower, water, and equipment on site to control their open burn fire and shall remain on site until fire is totally extinguished. The open burning procedure shall include the following:

- a. Prior to commencing a burn, the person shall ensure the county is not currently under a burn ban;
 - b. Prior to commencing a burn, the person shall EITHER: (a) Go to osageco.org and complete and submit an online burn permit; or (b) call Osage County Communication Center at 785-828-3121 to provide all requisite information for the burn permit form;
 - c. Prior to commencing a burn, review all burn permit policies posted at osageco.org;
 - d. Comply with all posted burn permit rules, regulations, and the provisions of this resolution at all times during burn.
4. The applicant who sets the fire is completely responsible and assumes all responsibility for his/her acts.
 5. When an open burn fire is extinguished, the applicant shall call Osage County Communication Center at 785-828-3121 and advise that the fire has been extinguished.
 6. As a courtesy and in the interest of public safety, it is recommended that the applicant contact their immediate neighbors, inform them of their intent to burn, and to call again when their fire is extinguished.
 7. If emergency responders from any Osage County fire districts, EMS, law enforcement, or emergency response units from surrounding counties, via mutual aid, are dispatched to an open fire burn and the party responsible for the open fire burning operation has not complied with the burn permit procedure, the fire district's personnel and equipment will be in service for fire extinguishment only.
 8. During a burn ban, it is unlawful for any person to initiate, allow, institute, or engage in open burning, including but not limited to:
 - a. Building, maintaining, attending, or using any open fire or campfire except in permanent stoves or fireplaces or barbecue grills in developed recreational sites or residential lawns. Discard of ashes shall be in a manner to preclude threat from remains or smoldering remains;

- b. Ceremonial burning;
 - c. Careless use of smoking materials, including cigarettes, cigars, and smoking pipes. Discard shall be in a manner to preclude threat from smoldering remains;
 - d. Burning of all fence rows, fields, wild lands, ravines, trash and debris;
 - e. Burning of trash in open or closed containers.
9. As provided in K.S.A § 48-939, the knowing or willful violation of any restrictions adopted pursuant to this resolution shall constitute a class A misdemeanor subject to such penalties as provided by law. Law enforcement officers, and not fire officials, are responsible for issuing notices to appear in violation of this resolution.
10. 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 area fire departments, EMS, law enforcement, or emergency response units from surrounding counties via mutual aid, in controlling and/or extinguishing the fire.
11. Nothing in this resolution shall relieve any property owner or other responsible parties from the obligations of obtaining the proper permit from the Kansas Department of Health and Environment when warranted.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Osage County, Osage County Emergency Manager, or designee, when conditions warrant, declare a burning ban prohibiting those activities in Section 8 of this title, pursuant to K.S.A. §§ 19-101a; 48-932 et seq.

BE IT FURTHER RESOLVED that this Resolution repeals Resolution 14-13 and Resolution 18-07 and shall be in full force and effect upon publication in the official County newspaper. This Resolution shall be filed promptly with the Osage County Office of Emergency Management and the Osage County Clerk. Further dissemination of this Resolution shall occur by means calculated to bring its contents to the attention of the general public.

ADOPTED this _____ day of November, 2022.

BOARD OF COUNTY COMMISSIONERS

Fred L. Diver

Fred L. Diver, 1st District Commissioner

Heather Kuder

Heather Kuder, 2nd District Commissioner

Vernon Bailey

Vernon Bailey, 3rd District Commissioner

ATTEST

Rhonda Beets

Rhonda Beets, Osage County Clerk