

Resolution 2022-04

A RESOLUTION TO ENACT AND/OR RELAX A BURN BAN IN ELLIS COUNTY, KANSAS, WITH DETAIL TO THE PROCESS FOR BURNING, AND CLARIFYING THE PENALTY CLAUSE.

WHEREAS, the Ellis County Commission is authorized by K.S.A. 19-101(a) to perform power of local legislation, and

WHEREAS, The Ellis County Commission recognizes the need to establish a burn ban in rural Ellis County due to the drought conditions existing at the present time, and

WHEREAS, the Ellis County Commission recognizes that weather conditions may change from time to time making it a good plan to relax and/or re-establish a burn ban,

NOW, THEREFORE, BE IT RESOLVED by the Ellis County Commission that:

1. Based on precipitation, the Ellis County Fire Chief is authorized to establish or relax a burn ban in Ellis County whenever it is believed such actions are appropriate;
2. Anyone desiring approval to burn in the rural areas of Ellis County must contact the Ellis County Public Safety Communications Center at 785-625-1011 to learn if a burn ban is in effect before attempting to burn anything in the County. Based on the weather conditions, the Ellis County Public Safety Communications has the authority to deny controlled burns in the weather conditions during the burn to not meet the conditions stated in section 3 of this resolution. Weather conditions will be determined by a weather station located at the Ellis County Law Enforcement Center;
3. When approval is granted for controlled burning operations, it is necessary and in the best interest of the public that all controlled burning is subject to the following conditions pursuant to the Kansas Air Quality Regulations, including, but not limited to the following:
 - a. The person conducting the burning shall stockpile the material to be burned, dry it to the greatest extent possible before it is burned, and assure that it is free of matter that will inhibit good combustion;
 - b. A person shall not burn heavy smoke-producing materials including heavy oils, tires, and tarpaper;
 - c. A person shall not initiate burning during the nighttime, which for the purposes of this regulation is defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire two hours before sunset;
 - d. A person shall not burn during inclement or foggy conditions or on very cloudy days, which are defined as days with more than 0.7 cloud cover and with a ceiling of less than 2,000 feet;
 - e. A person shall not burn during periods when surface wind speeds are less than 5 mph or more than 15 mph;
 - f. A person shall not burn within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn;
 - g. A person shall not conduct a burn that creates a traffic or other safety hazard. If burning is to take place within 1,000 feet of a roadway, the person conducting the burn

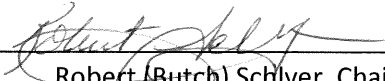
shall notify the highway patrol, sheriff's office, or other appropriate state or local traffic authority before the burning begins. If burning is to take place within one mile of an airport, the person conducting the burn shall notify the airport authority before the burning begins.

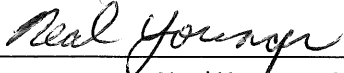
- h. The person conducting the burn shall insure that the burning is supervised until the fire is extinguished;
 - i. The Ellis County Fire Chief may revoke any approved allowance of any controlled burn;
 - j. If any controlled burn begins to get out of control, any person involved with the burn should call 911 immediately.
4. When in effect, the burn ban prohibits all outdoor burning including fire pits, trash pits, ornamental fire chimneys, fields, and any other form of open burning not to include barbeque grills and household waste being burnt in a barrel no larger than 55 gallons with a protective screen;
5. It shall be unlawful to violate this burn ban and anyone violating this burn ban may be charged with an unclassified misdemeanor and if convicted, will be subject to a fine not to exceed \$500;

BE IT FURTHER RESOLVED that this resolution will take effect immediately this 10th day of January 2022.




BOARD OF COUNTY COMMISSIONERS


Robert (Butch) Schlyer, Chairman


Neal Younger, Member

Dean F. Haselhorst, Member


Attest: Bobbi Dreiling, County Clerk