

RESOLUTION 06-16

A RESOLUTION LIMITING OPEN BURNING WITHIN THE UNINCORPORATED PORTIONS OF LYON COUNTY, KANSAS, PROHIBITING THE SAME WITHOUT A PERMIT, AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THE RESOLUTION, AND REPEALING RESOLUTION 37-09

PURSUANT TO K.S.A. §§ 19-101a; 48-932 *et seq.*

WHEREAS, the Board of County Commissioners of Lyon County Kansas deem it necessary to establish criteria for open burning within the unincorporated areas of Lyon County, Kansas, and;

WHEREAS, the governing body deems it in the best interest of the public safety and of the economy of the agricultural community that open burning shall be regulated within Lyon County, Kansas, and;

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

DEFINITION

This Resolution references the term "Red Flag Warning." The National Weather Service (NWS) issues Red Flag Warnings & Fire Weather Watches to alert land management agencies and local governments about the onset, or possible onset, of critical weather and fuel moisture conditions that could lead to rapid or dramatic increases in wildfire activity. A red flag warning is issued when the above conditions are expected to be met within the next 24 hours.

RESOLUTION

1. That the following acts are prohibited within the boundaries of the County by all citizens and visitors, 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. Written open fire burning permits are required and issued free of charge. Permits are valid for a period of up to two years. A permit is valid from January 1 of even calendar years and expires on December 31 of every odd calendar year. They can be obtained from several of the area city halls, the Lyon County Sheriff's Office, the Office of the Lyon County Clerk at the Lyon County Courthouse, or other approved designees.
3. The person setting the fire shall be responsible for all aspects of the fire and must present the written permit on demand of a law enforcement officer or fire official. Alternatively, reproduced copies of the permits are acceptable. Also acceptable will be the name of the permit holder, and the permit number, which then can be immediately verified. The Board of Lyon County Commissioners, the Lyon County Sheriff, Lyon County Emergency Management, their officers, agents and employees, assume no responsibility or liability for fire damage resulting from the use of open fire burning permits.
4. Before starting an open fire, the permit holder shall contact the Lyon County Lyon County Emergency Communications Center (620-343-4225) and report his/her name, permit number issued to them, the address where the fire will be started, and type of burning. Permit holders shall insure

they have enough manpower and equipment on hand to control their open burn. The permit holder who sets the fire is totally responsible and assumes all responsibility for his/her acts.

5. When an open burn is extinguished, the permit holder shall call in that information to the Lyon County Emergency Communications Center, advising that the fire is out.
6. As a courtesy and in the interest of public safety, it is recommended that the permit holder 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 Lyon County area fire departments, 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 all of the above permit and specification provisions, the fire district's personnel and equipment will be in service for fire extinguishment only.
8. Open burning shall not occur if the National Weather Service has issued a "Red Flag Warning" for Lyon County, and during such times, the Board of County Commissioner shall automatically declare a County-Wide Burn Ban pursuant to K.S.A. §§ 19-101a; 48-932 *et seq.*
9. During such County-Wide Burn Bans as specified in Section 8, 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.
10. County-Wide Burn Bans shall take effect immediately and automatically when the National Weather Service has issued a Red Flag Warning.
11. County-Wide Burn Bans shall end when the National Weather Service Red Flag Warning has expired.
12. 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 citations in violation of this resolution.
13. 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 Lyon County area fire

- departments, EMS, law enforcement, or emergency response units from surrounding counties via mutual aid, in controlling and/or extinguishing the fire.
14. 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.

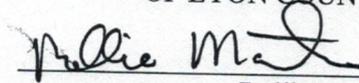
BE IT FURTHER RESOLVED, that the Board of County Commissioners of Lyon County may, when conditions warrant, declare a burning ban prohibiting those activities in Section 9 of this title, pursuant to K.S.A. §§ 19-101a; 48-932 *et seq.*

BE IT FURTHER RESOLVED, that this Resolution repeals Resolution 37-09 and shall be in full force and effect upon publication in the official County newspaper. This Resolution shall be filed promptly with the Lyon County Office of Emergency Management and the Lyon County Clerk. Further dissemination of this Resolution shall occur by means calculated to bring its contents to the attention of the general public.

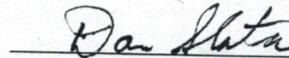
ADOPTED this 25th day of February, 2016, by the Board of County Commissioners of Lyon County, Kansas.



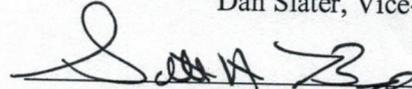
THE BOARD OF COUNTY COMMISSIONERS
OF LYON COUNTY, KANSAS



Rollie Martin, Chairman

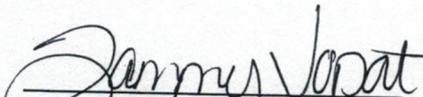


Dan Slater, Vice-Chairman



Scott Briggs, Commissioner

ATTEST:


Tammy Vopat, County Clerk