

RESOLUTION NO. 06-03

A RESOLUTION LIMITING OPEN BURNING WITHIN  
WOODSON COUNTY, KANSAS, PROHIBITING THE SAME  
WITHOUT A PERMIT AND ESTABLISHING PENALTIES FOR  
VIOLATIONS OF THE RESOLUTION.

*WHEREAS*, Woodson County, Kansas (hereinafter "the County") is a county corporation with the power of home rule as granted by the Kansas Constitution, K.S.A. 19-101, and K.S.A. 19-101a; and

*WHEREAS*, the State of Kansas, through administrative regulations, has ruled that the regulation of open burning in a rural area is the responsibility of local governments; and

*WHEREAS*, Woodson County Rural Fire #1, which serves Woodson County, have experienced increased demands for fire fighting services which has placed a stress on the fire departments personnel and budget; and

*WHEREAS*, it is the finding of the Board of County Commissioners, Woodson County, Kansas (hereinafter "the Board") that it is necessary for the County to adopt rules and regulations concerning open burning within the area of said County as part of said Board's police powers and in order to protect the health and property of the populace of the County;

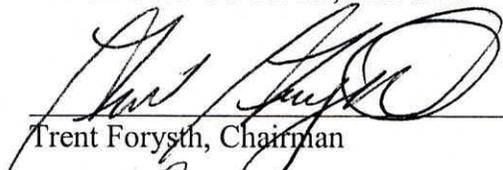
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WOODSON COUNTY, KANSAS, AS FOLLOWS:**

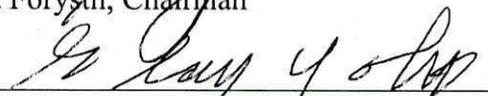
1. That the following acts are prohibited within the boundaries of the County by all citizens and visitors, without first complying with all parts of this resolution:  
**"Open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management."**
2. Written open fire burning permits are required. They are issued free of charge and are valid and filed from January 1, to December 31, of each calendar year. They can be obtained from the sheriff's office.
3. The person setting the fire shall be responsible for all aspect 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.

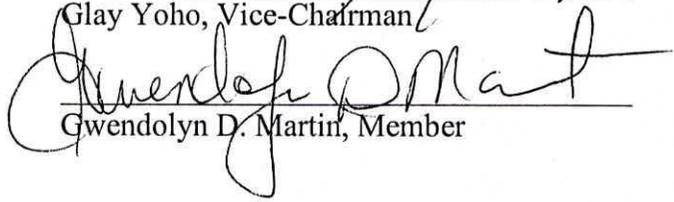
4. Before starting an open fire, the permit holder shall contact the Woodson County Sheriff Office Dispatch Center (620-625-8640 or 1-800-496-3009) and report his/her name, the permit number that was issued to them, the address where the fire will be started, and the type of burning. Permit holders shall insure they have enough manpower and equipment on hand to control their open burn. On a day to day basis the Woodson County Rural Fire #1 Fire Chief, or his/her designee, will state their concurrence/non-concurrence with the intended burn, based on the current fire index and wind speed, and advise the permit holders whether or not permission to burn is granted. If permission to burn is not granted, the proposed open burn shall be prohibited. Granting permission thus in no way obligates that official for any result of the open burn. The permit holder who sets the fire is totally responsible and assumes all responsibility for his acts. The Board of Woodson County Commissioners, the Woodson County Rural Fire #1 Department, their officers, agents and volunteers, assume no responsibility or liability for fire damage resulting from the use of open fire burning permits.
5. When an open burn is extinguished, the permit holder shall call in that information to the Woodson County Sheriff Office Dispatch Center advising that the fire is out.
6. As a courtesy and in the interests 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 Woodson County Rural Fire #1 is 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 Rural Fire #1 department personnel and equipment will be in service only for fire extinguishment.
8. From time to time depending on moisture and fire hazard conditions, the Board may impose a county wide burning ban; in such event, no permission to burn shall be granted within Woodson County Rural Fire #1 jurisdiction.
9. A person violating or failing to comply with any of the provisions of this resolution or attempting to violate or fail to comply with the provisions of this resolution shall be guilty of a Class C Misdemeanor. Any person convicted shall be subject to a maximum fine of Five-Hundred Dollars (\$500.00) and imprisonment in the county jail for a period not to exceed thirty (30) days.
10. Any person convicted of violating or failing to comply with any of the provisions of this resolution may also be assessed all cost incurred by Woodson County Rural Fire #1 in controlling and /or extinguishing the fire.
11. This Resolution shall be in full force and effect upon publication one (1) time in the official County newspaper.

ADOPTED THIS 16<sup>th</sup> DAY OF February, 2006, BY THE BOARD OF COUNTY COMMISSIONERS, WOODSON COUNTY, KANSAS.

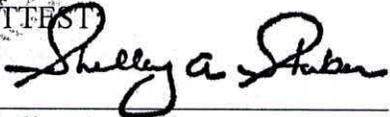
BOARD OF COUNTY COMMISSIONERS  
WOODSON COUNTY, KANSAS

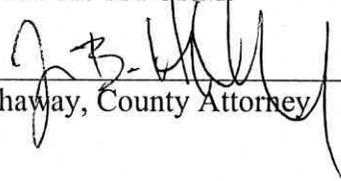
  
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Trent Forysth, Chairman

  
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Glay Yoho, Vice-Chairman

  
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Gwendolyn D. Martin, Member



  
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Shelley A. Stuber, County Clerk

APPROVED AS A FORM:  
  
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Jerry Hathaway, County Attorney