

RESOLUTION NO. 2021-11

**AN AMENDED RESOLUTION REQUIRING PERMIT FOR BURNING IN
ANDERSON COUNTY, KANSAS**

WHERE AS, This Resolution supersedes Resolution Number 2002:05:06:1 A, which previously set up procedures for open burning.

WHEREAS, the Board of County Commissioners of Anderson County, Kansas desires to help to protect against damage by fire to property in Anderson County, Kansas; and,

WHEREAS, the Board of County Commissioners of Anderson County, Kansas is granted authority under K.S.A. 19-101 *et seq.* to help provide for the protection and promotion of the public health and welfare of Anderson County, Kansas; and,

WHERE AS, the Board of County Commissioners of Anderson County, Kansas, deems it advisable to establish a requirement for Permits for Open Burning.

WHERE AS, this resolution shall be applicable to all areas of Anderson County other than within the City limits of the City of Garnett, Kansas.

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

1. That prior to any open burning in Anderson County, Kansas, the landowner, or person doing the burning, shall notify the Anderson County Dispatch Center of the proposed burn. Such notice shall include the following information:

- a) The name of the person responsible for the proposed burn.
- b) The location of the proposed burn by address under the County Road System.
- c) The total area proposed to be burned.
- d) The expected duration of the proposed burn.
- e) Any sections of road adjacent to the proposed burn

Exceptions to prohibition on open burning.

- (a) The following open burning operations shall be exempt from the prohibition on the open burning of any materials

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(1) open burning carried out on a residential premise containing five or less dwelling units and incidental to the normal habitation of the dwelling units

(a) It is preferred that this would be done in a container to control the spread of the fire.

(2) open burning for cooking or ceremonial purposes, on public or private lands regularly used for recreational purposes;

(3) by any local fire authority for training purposes

Other rules for open burning.

(1) the person conducting the burn shall notify Anderson County dispatch Center to obtain a permit

(2) a person shall not conduct a burn that creates a traffic safety hazard. If conditions exist that may result in smoke blowing toward a public roadway, the person conducting the burn shall give adequate notification to the local traffic control authorities before burning;

(3) a person shall not conduct a burn that creates an airport safety hazard. If smoke may affect visibility at an airport, the person conducting the burn shall give adequate notification to the appropriate airport authorities before burning; and

(4) the person conducting the burn shall insure that the burning is supervised until the fire is extinguished. governing agricultural open burning operations.

(5) A person shall not burn heavy smoke-producing materials including heavy oils, tires, plastics, vinyl siding, roofing material and tarpaper

(6) person shall not burn during periods when surface wind speed is more than 15 mph.

(7) Only vegetation such as grass, woody species, crop residue, and other dry plant growth are allowed to be burnt

(8) No burning of buildings, debris from buildings, furniture and other items as determined by the county.

(9) The department may revoke any approved permit

Fines and other fees

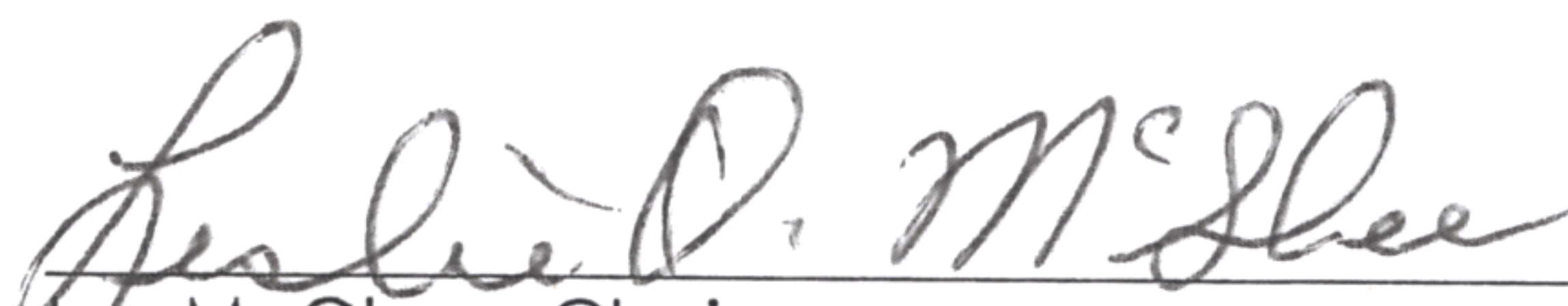
Any violation of this Resolution shall be classified as an unclassified misdemeanor and may be prosecuted by the Anderson County Attorney as other code violations. The minimum fine shall be \$100.00. If an individual is found to be in violation of this Resolution within 5 years of a prior violation for the same or substantially similar offense, the minimum fine shall be \$200.00. If a violation of this Resolution occurs during a burn ban as declared by the Anderson County Emergency Management Department, the reasonable costs of the fire equipment used to extinguish the fire may be assessed as reasonable restitution in the case.

(1) There are no fees with obtaining a permit.

This Resolution shall be published one time after adoption by the Board of County Commissioners of Anderson County, Kansas.

This Resolution shall be effective after approval and publication as set forth above.

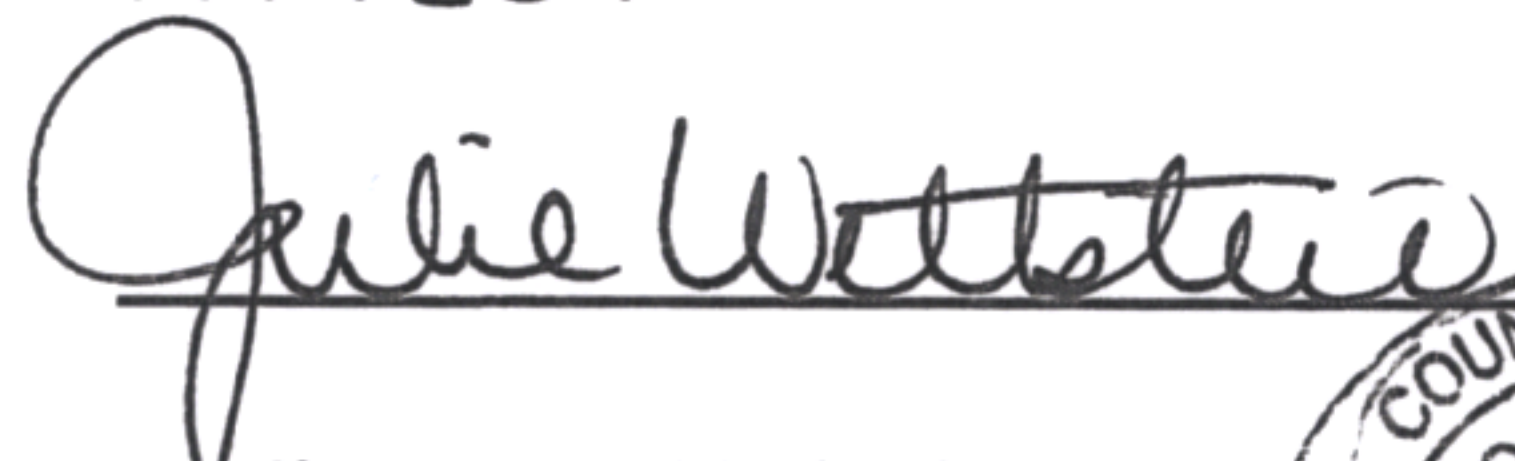
Dated this day of


Les McGhee, Chairman


David Pracht, Commissioner


Anthony Mersman, Commissioner

ATTEST:


Julie Wettstein

