

RESOLUTION NO. 18R03

NOW UPON THIS 20th day of February, 2018, the Board of County Commissioners of Ellsworth County, Kansas, is met in regular session with a quorum present, and

WHEREAS said Board's home rule powers set forth and vested in K.S.A. 19-101(a) et al allows the County authority to enact this Resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLSWORTH COUNTY, KANSAS, that:

NO PERSON SHALL CAUSE OR PERMIT THE OPEN BURNING OF ANY MATERIAL EXCEPT AS PROVIDED IN K.A.R. 28-19-647(A)(1), K.A.R. 28-19-647(A)(2), AND/OR K.A.R. 28-19-647(A)(4), OR AS PROVIDED IN K.A.R. 28-19-647(A)(3), AND K.A.R. 28-19-648 AND SUBJECT TO THE FOLLOWING:

- 1. THE PERSON OBTAINS A BURN PERMIT FROM THE ELLSWORTH COUNTY CLERK.**
- 2. THE DAY OF THE BURN, THE PERSON SHALL OBTAIN APPROVAL FROM THE AREA OR DISTRICT FIRE CHIEF AND OR HIS/HER DESIGNEE AND CONTACT THE ELLSWORTH COUNTY SHERIFF'S DISPATCHER TO ADVISE THEM AS TO THE LOCATION, DATE, TIME OF THE BURN, AND THE PERSONS PERMIT NUMBER. LOCATION SHALL BE DESCRIBED BY MEANS OF BOTH QUARTER [1/4] SECTION, SECTION NUMBER, TOWNSHIP NUMBER, RANGE NUMBER, AS WELL AS RURAL ROAD ADDRESS. A CALLBACK NUMBER SHALL BE LEFT WITH THE SHERIFF'S OFFICE DISPATCH.**
- 3. ALL OTHER RULES AS SET FORTH IN THE "RULES FOR PRESCRIBED BURNS" APPROVED ANNUALLY BY THE FIRE DEPARTMENTS OF ELLSWORTH COUNTY.**

Once the person has followed the rules set forth by the Ellsworth County Fire Department's, and approval for a burn has been granted by the area or district Fire Chief and/or his/her designee and the Sheriff's Office Dispatch has been properly notified, then the person conducting the burn will be required to personally attend the fire for the duration of the burn; to complete such burn before the hours of darkness; to have a source of water on hand as set forth in the rules; and to have a cell phone with them at all times. It shall be the responsibility of the person conducting the burn to notify the Sheriff's Office Dispatch, should the burn "jump" firebreaks and/or extend beyond the control of the person conducting the burn.

Burn permits will be required to do any type of burning outside the incorporated City limits. Permits shall be obtained from the Ellsworth County Clerk. The permit shall be valid from January 1st to December 31st of a year. A person may apply for a burn permit for the upcoming year during the month of December of the preceding year. The rules set forth by the Ellsworth County Fire Department's and approved by the Ellsworth County Commissioners, shall also be

valid from January 1st to December 31st of a year. Any updates will take effect the following January 1st.

IT IS HEREWITH RESOLVED THAT ANY AND ALL FIRES WHICH ARE WILLFULLY AND INTENTIONALLY SET IN RURAL ELLSWORTH COUNTY, KANSAS, AND WHICH DO NOT MEET ALL OF THE ABOVE CRITERIA WITH RESPECT TO NOTIFICATION, AUTHORIZATION, AND BURN RULES, WILL BE DEEMED ILLEGAL.

A violation of this resolution shall be a Class C misdemeanor with a fine not to exceed \$500 and/or up to thirty (30) days incarceration the county jail. Prosecution shall be in the District Court of Ellsworth County, Kansas as authorized by K.S.A. 19-101(d) and amendments thereto.

In addition to or separate from the imposition of penalties as provided in the hereinabove mentioned paragraph, any person starting a fire or initiating an open burn without complying with this resolution may be ordered to make restitution for any damages done including fire department fees and expenses for responding to said unauthorized or improper burn. Further, the burn permit for persons convicted of violating this Resolution or any prior resolutions referencing this same matter, will be revoked until such time as all fee's to the Fire Departments and or fines are paid in full.

This Resolution shall take effect after the date of its second publication in the Ellsworth County Independent, which is the official newspaper in and for Ellsworth County, Kansas.

BE IT SO RESOLVED.

BOARD OF COUNTY COMMISSIONERS
ELLSWORTH COUNTY

Kermit Rush, Chairman

Albert W. Oller, Commissioner

Stephen S. Dlabal, Jr., Commissioner

Shelly D. Vopat, County Clerk