

Resolution No. 22-03

A RESOLUTION AMENDING WOODSON COUNTY RESOLUTION NO. 06-03A and 17-02 PROHIBITING OPEN BURNING WITHIN WOODSON COUNTY, KANSAS, PROHIBITING SAME WITHOUT A PERMIT AND ESTABLISHING PENALTIES FOR VIOLATIONS

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 and Toronto Township Fire, which serves Woodson County, have experienced increased demands for firefighting services which has placed a stress on the fire departments personnel and budget; and

WHEREAS, the County has previously enacted Woodson County Resolution No. 06-03A and Woodson County Resolution No. 17-02 prohibiting open burning within Woodson County, Kansas, prohibiting same without permit, and establishing penalties for violations.

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 amend the 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 welfare, safety and health of the populace of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WOODSON COUNTY, KANSAS, that Woodson County Resolution No. 06-03A and 17-02 are amended, 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 part of this resolution. "Any open burning". Open burning is defined as the open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, and wildlife or watershed management. Open burning excludes burning trash in a covered barrel, fire pit/campfires, or barbecue grills.
2. Written open fire burning permits are required. The permits are issued free of charge. They can be obtained from the Woodson County Sheriff's Office. Permits issued after July 1st, 2022 are permanent and must be retained by the permit holder. Replacement permit cards will be available upon request and payment of any fees associated with the re-printing of said permit.
3. The person setting the fire shall be responsible for all aspects of the fire, and must present the permanent written burn permit at the request of any law enforcement officer, or fire official.

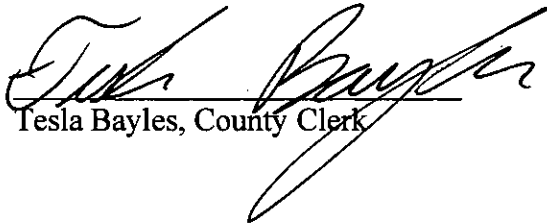
Alternatively, reproduced copies of the permits are acceptable. Also acceptable will be the name of the permit holder, and the permit number, which can then be verified.

4. Before starting an open fire, the burn permit holder must contact the Woodson County Sheriff Office Dispatch Center (620-625-8640) and report his/her name, the burn permit number, the address where the fire will be started, and the type of burning.
5. Permit holders shall insure that they have enough manpower and equipment on hand to control their open burn. The individual setting the open fire assumes responsibility for any fire damages that may result from said fire, to neighboring property. The Woodson County Rural Fire # I Department, and the Toronto Township Fire Department, their officers, agents, and volunteers, assumes no responsibility or liability for fire damage resulting from the use of open fire burning permits.
6. On a day-to-day basis the Woodson County Rural Fire #1 Fire Chief, or his/her designee, may issue a burn ban, based on the current fire index, wind speed, humidity, he/she will advise the Woodson County Sheriff Dispatch Center whether or not permission to burn will be granted. If permission to burn is not granted, the proposed open burn shall be prohibited.
7. When an open burn is extinguished, the permit holder shall call in that information to the Woodson County Sheriff Office Dispatch Center advising them that the fire is out.
8. As a common courtesy and in the interests of public safety, it is recommended that the permit holder contact their immediate neighbors; inform them of the intent to burn, and call again when the fire is extinguished.
9. 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 will be granted within Woodson County (excluding all incorporated unless written approval for the intended burn is given by either Woodson County Rural Fire # 1 Fire Chief or his/her designee, or Toronto Township Fire Department Fire Chief or his/her designee. If the approved open burn becomes out of control, the person given written approval, will be responsible for all costs associated with the out-of-control fire.)
10. If the Woodson County Rural Fire # 1, or the Toronto Township Fire Department is dispatched to an open burn and the party responsible for the open fire burning operation has not complied with all of the above permit and specification provisions, the respective fire chief and his/her designee may extinguish the fire.
11. Any person violating or failing to comply with any of the provisions of this resolution or attempting same shall be guilty of a Class C Unclassified 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.
12. Any person violating any provision of this resolution or attempting to violate said provisions shall be assessed all costs incurred by the Woodson County Rural Fire # 1, or the Toronto Township Fire Department in controlling and/or extinguishing the fire.
13. This Amended Resolution shall be in full force and effect upon publication in the official county newspaper and supersedes Woodson County Resolution 06-03A originally adopted the 30th day of March 2006.

Adopted this ___ day of January 2022, BY THE BOARD OF COUNTY COMMISSIONERS, WOODSON COUNTY, KANSAS

**BOARD OF COUNTY
COMMISSIONERS WOODSON
COUNTY, KANSAS**

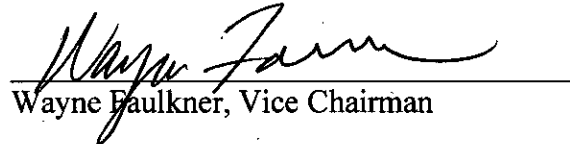
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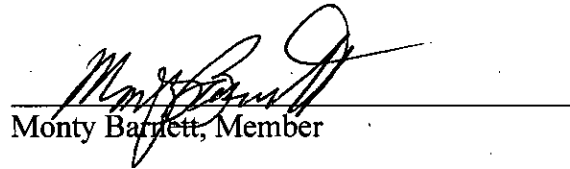
Tesla Bayles, County Clerk



Justin Clark, Chairman



Wayne Faulkner, Vice Chairman



Monty Barnett, Member