

REVISED ELK COUNTY BURNING REGULATIONS
RESOLUTION 21-02

28-19-648. Agricultural open burning. (a) 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 shall be exempt from the prohibition on the open burning of any materials imposed by K.A.R. 28-19-645, provided that the following conditions are met:

- (1) The person conducting the burn must notify the Sheriff's Office Dispatch Center before the burning begins.
- (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 highway patrol, sheriff's office or other appropriate state or 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.
- (4) The person conducting the burn shall insure that the burning is contained before leaving the fire unattended.
- (5) A person conducting a burn shall be required to have sufficient water, fire suppression equipment and personnel to contain the controlled burn. There shall be a rebuttable presumption of a violation of this section if the fire escapes control of the person conducting the burn and any fire department responds to the fire.
- (6) That no agricultural open burn shall be conducted on a day that the National Weather Service's forecast indicates that "extreme fire danger" or red flag day conditions will exist during any portion of the day as determined by 8:00 o'clock a.m. of said day. Further, the Elk County Sheriff's dispatch will recommend all callers not to conduct open burns during forecasts indicating a "high fire danger".
- (7) Nothing in this regulation shall restrict the authority of local jurisdictions to adopt more restrictive ordinances or resolutions

governing agricultural open burning operations. (Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3005, K.S.A. 65-3010; effective P-January 18, 2001)

- (8) Any violation of Paragraphs 1-6 by an individual(s) or entity conducting an open burn is an unclassified misdemeanor and punishable by up to a \$500.00 fine and/or 30 days in jail. The Court shall assess as restitution to reimburse the costs incurred by the responding fire department(s) and
- (a) upon a second conviction of any provision of this resolution the fine shall be a mandatory minimum of \$750 and a maximum of \$1,000,
 - (b) upon a third conviction of any provision of this resolution, a minimum mandatory fine of \$1,500 shall be imposed and a maximum fine of \$2,500.

Adopted this 12th day of April, 2021.


THE BOARD OF COUNTY COMMISSIONERS
OF ELK COUNTY, KANSAS




Doug Hendricks, Chairman



Shari Kaminska, Member



Jake Liebau, Member



Paul E. Dean, County Counselor

ATTEST:



County Clerk

