

A RESOLUTION ESTABLISHING A BURN BAN IN THE UNINCORPORATED AREAS OF HARPER COUNTY

WHEREAS, Harper County, Kansas is a county government with the power of home rule pursuant to K.S.A. 19-101 and the Board of County Commissioners is the governing and legislative body of said municipality;

IT IS THE FINDING OF THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KANSAS, that the grassland and cropland of Kansas form an important part of our economy, and provide for protection of watersheds, forage for livestock, refuge for wildlife, and recreational opportunities. Wildfires endanger these resources, real and personal property, and the lives of residents and visitors in these areas. Extremely dry and windy conditions have created an extreme fire hazard in the grassland and cropland of Kansas. Fires have been reported throughout the County and have caused substantial damage. Once started, these fires are difficult to control and strain both paid and voluntary fire department manpower and resources. The fire danger is "extreme" in many portions of this County. The dry conditions, above normal temperatures and fire danger will continue unabated until sufficient rainfall occurs across the area.

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KANSAS, that the following resolution is hereby adopted, and that this Resolution take effect immediately.

- A. For the purpose of this Resolution, "open burning" means setting, starting, igniting, maintaining, spreading, fueling or failing to extinguish or taking precautions to prevent the spread of an open fire. An "open fire" shall be defined as the burning of fields, pastures, stubble, vegetation, debris, waste, trash, garbage, structures or any other material or matter when the resulting fire is not contained within a safe and fire proof container, with such container being constructed of fire resistant materials and with a lid, top or door that confines the sparks, ashes and embers of the fire safely within the container.
- B. No person shall set, cause, or permit open burning within the unincorporated area of Harper County, Kansas.
- C. A violation of this Resolution shall constitute a class C misdemeanor for the first offense and a class B misdemeanor for the second offense.
- D. The Court, upon conviction of the person so charged and upon the County Attorney introducing a written invoice from the fire chief or duly authorized representative of the responding fire department(s) stating an itemized list of the costs incurred by the fire department(s) for responding to the fire, may order that a person convicted of violating this Resolution be required to reimburse the fire department(s) for the costs incurred in fighting and extinguishing the fire caused by violating of this Resolution and make the reimbursement of such costs a condition of probation.

E. This Resolution shall be in full force and effect for a period of seven (7) days, unless terminated sooner according to law; and may be extended by the action of the Board of County Commissioners for additional seven (7) day periods according to law.

Adopted this 6th Day of April 2016 by the Board of County Commissioners of Harper County, Kansas.



Attested:

Ruth A. Elliott

Ruth Elliott, County Clerk

(absent)

Carla Pence, Chairman

Lee Adams

Lee Adams, Commissioner

Brian Waldschmidt

Brian Waldschmidt, Commissioner