

RESOLUTION NO. 2017-07

A RESOLUTION AMENDING CONTROLLED BURN REGULATIONS AS PREVIOUSLY
RESOLVED BY MARION COUNTY COMMISSIONERS IN
RESOLUTION 14-05

WHEREAS, the Marion County Commissioners met on their regular scheduled meeting day, same being March 13, 2017 and the following commissioners were in attendance, Randy Dallke, Dianne R. Novak and Lori L. Lalouette.

WHEREAS, a request was made to amend the controlled burning regulations originally set forth in Resolution 14-05 to read as follows:

1. Open burning, defined as the open burning of vegetation such as grass, woody species, crop residue and other dry plant growth shall be conducted only under the following conditions:
 - a. When the prevailing wind speed is at 20 m.p.h. or below. This shall be the sustained wind speed and not wind gusts. If the projected sustained wind speed within 4 hours of the time of proposed burn is 21 m.p.h. or above, the request to burn will be denied.
 - b. The burn shall be supervised from the time the fires is started until it is extinguished and reasonable means are available to control or contain the fire; and
 - c. 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;
 - d. 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
 - e. When the person conducting the burn has first met the Sheriff notification requirements of Section 2 hereof, and ;
 - f. When the local authorities have not imposed a burning ban.
2. Before commencing any burn, the person conducting the burn shall do all of the following:
 - a. Sometime within five days before the burn, notify all persons residing within one-half mile of the property proposed for burning of the intent to burn; and
 - b. Notify the Marion County Sheriff's office at (620) 382-2144 of the intent to burn, the location of the proposed burn and the estimated length of the time of the proposed burn.
3. The Sheriff's Office, upon receipt of the telephone notice of intent to burn, shall advise whether a burn ban is in place.
4. Violation of this resolution by any person conducting a burn is a misdemeanor punishable

by the penalties set forth generally for Class C Misdemeanors under the law of the State of Kansas.

WHEREAS, Marion County Sheriff Robert Craft and the Fire Chiefs present were not opposed to the proposed changes to be implemented;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS: that the hereinbefore stated controlled burning regulations are adopted on this 20 day of March, 2017, and Resolution 2014-05 is hereby repealed.



Randy Dallke
Randy Dallke, Chairman

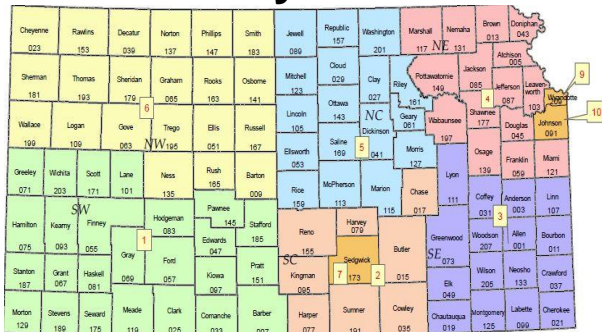
Dianne R. Novak
Dianne R. Novak, Member

Lori L. Lalouette
Lori L. Lalouette, Member

Attest:

Tina D. Spencer
Tina D. Spencer, County Clerk

Air Quality Contacts



KDHE burn permit applications can be located on the KDHE web site under the Air Compliance Section, at:

http://www.kdheks.gov/befs/dist_office.html

If located in Johnson, Sedgwick, Shawnee, or Wyandotte Counties, call your local contacts.

Local Air Quality Contacts:

7. **Sedgwick Co. Dept of Env. Health**
1900 East 9th St.
Wichita, KS 67214
(316) 268-8353
www.wichita.gov/CityOffices/Environmental/airquality
9. **Unified Gov't of Wyandotte County**
619 Ann Avenue
Kansas City, KS 66101
(913) 573-6700
www.wycokck.org
10. **Johnson Co. Env. Department**
11811 S. Sunset, Suite 2700
Olathe, KS 66061
(913) 715-6939
www.sharetheair.org/

Other Contacts:

Small Business Environmental Assistance Program (SBEAP)
1-800-578-8898
Open Burning in Kansas-when is it allowed?
http://www.sbeap.org/publications/Open_burning_in_Kansas.pdf

Kansas Open Burning Regulations

K.A.R. 28-19-645-648



Answers to the question:
What Can Be Burned?



A quick reference guide for fire departments and county staff.

KDHE District Offices:

1. **Southwest District Office**
302 West McArtor Rd.
Dodge City, KS 67801-6098
(620) 225-0596 or
Ulysses (620) 356-1075
2. **South Central District Office**
130 South Market, Suite 6050
Wichita, KS 67202-3802
(316) 337-6020
3. **Southeast District Office**
1500 West 7th Street
Chanute, KS 66720-9701
(620) 431-2390
4. **Northeast District Office**
800 West 24th St.
Lawrence, KS 66046
(785) 842-4600
5. **North Central District Office**
2501-D Market Place, Suite D
Salina, KS 67401
(785) 827-9639
6. **Northwest District Office**
2301 East 13th St.
Hays, KS 67601-2651
(785) 625-5663



The State of Kansas has adopted K.A.R. 28-19-645 as the regulation for open burning which states that there shall be no open burning of any materials unless covered by the exemptions provided in K.A.R. 28-19-647 & 648.

Exemptions can be granted by obtaining the proper permit from KDHE and any local authority with jurisdiction over the premises. Local authorities have the right to be more stringent than state regulations and may have additional burning restrictions or bans. Therefore, always contact the local authority prior to burning.

The following describes some, but not all, of the requirements and exemptions associated with the Kansas open burning regulation.

Residential Exemptions:



For residential, premises that contain five or less dwelling units, open burning is allowed when:

- Burn barrels are used for burning domestic trash only.



General Public Exemptions:

The general public can open burn when:

- Cooking or for ceremonial purposes, on public or private land used for recreational purposes.

Business Exemptions:



If you are a business, then burning requires a KDHE permit. Including for the following:

- Trees and brush from non-agricultural land clearing.
- Other items may be allowed upon review and with use of an air curtain destructor.



Agricultural Exemptions:

Before burning proceeds, the local jurisdiction must be notified unless it has a policy that notification is not required.

Agricultural open burning includes:

- Burning of grass, wood species, crop residue, and other dry plant growth for the management of crop, range, pastures, wildlife, and watersheds.

Public Health:



Permits can also be obtained for those situations that are not already exempted or if there is no other practical means of disposal if it involves:

- Fires related to the training of government or industrial personnel in the fire fighting procedures. (Specific conditions must be followed.)

- Fires set for the removal of dangerous or hazardous liquid materials;
- The interest of Public Health

Other Guidelines:



A person shall not burn heavy smoke producing materials including heavy oils, tires, and tarpaper.

Here are some guidelines that should be followed during all burn events. In general:

- Avoid cloudy days or with a low cloud cover.
- Burn during daylight hours and don't add material 2 hours prior to sunset.
- Wind speeds should be between 5 to 15 mph.
- Don't create a traffic hazard with burning.
- Supervise your fire until it's out.
- Be courteous of neighbors –houses and businesses with 1,000 ft. of a permitted burn must be notified.

When in doubt, call your KDHE district or local office or the Small Business Environmental Assistance Program for more information. See map for contact information.