

CONDITIONS OF FRANKLIN COUNTY BURN PERMIT

This permit is authorized by and issued pursuant to Franklin County Resolution 19-0?? and K.A.R. 28-19-645, 646, 647 and 648 and amendments thereto. The following conditions and regulations apply to all permits issued pursuant to the foregoing authority.

1. It shall be prima facie evidence that the person who owns, leases or otherwise controls property on which open burning occurs has caused or permitted the open burn.
2. The person conducting the burning shall stockpile the material to be burned, dry it to the extent possible before it is burned and assure that it is free of matter that will inhibit good combustion.
3. The burning of heavy, smoke-producing materials, including but not limited to, petroleum products, all oils, tires, composition shingles and tar paper, is prohibited, including their use to ignite or accelerate an otherwise legal burn.
4. No burning is permitted during the nighttime, which is defined as that period from two (2) hours before sunset until one (1) hour after sunrise. No material shall be added to a fire after two (2) hours before sunset.
5. No burning is permitted during periods when surface wind speed is less than five (5) miles per hour or more than fifteen (15) miles per hour.
6. No burning is permitted within one thousand (1,000) feet of an occupied dwelling, unless the occupant of that dwelling has been notified before the burn.
7. No burning is permitted which creates a traffic or other safety hazard. If a burn is to be conducted within one thousand (1,000) feet of a state or federal highway, the person conducting the burn shall notify authorities of the fact when reporting the burn. If a burn is to be conducted within one (1) mile of an airport, the person conducting the burn shall notify the airport authority before the burning begins.
8. No person shall leave any fire unattended until appropriate precautions have been taken to prevent the fire from spreading.
9. A person shall conduct an open burning operation under such additional conditions as the local fire authority may deem necessary to prevent emissions which:
 - a. May be injurious to human health, animal or plant life or property; or
 - b. May unreasonably interfere with the enjoyment of life or property.

Penalty

Any person who fails to obtain a permit as required, who fails to abide by the conditions set forth in the permit, who abandons a fire that has not been extinguished, who fails to take proper precautions to control a fire, who burns on a day when burning is banned by the Commission through a resolution or on a day where the Fire Marshal and/or his or her designee has issued a burn ban or who otherwise violates the provision of this resolution shall be guilty of a Class A nonperson misdemeanor punishable upon conviction by up to one year in the county jail and/or a fine of up to \$2,500.00. Law enforcement officers are responsible for issuing notices to appear for violations of this resolution. Violations of this resolution shall be prosecuted in the name of the county by the office of the County Attorney.

Any person convicted of violating or failing to comply with any of the provisions of this resolution may also be assessed all costs incurred by emergency responders from any Franklin County fire district/department, EMS, law enforcement, emergency management, or emergency response units from mutual aid agencies/departments, in controlling and/or extinguishing the fire.