Crawford County
FIREFIGHTERS ASSOCIATION

# Guidelines for Open Burning

For an Emergency Call: 911 Non-Emergency: (620) 724-8274

It is the Desire of the Crawford County Commissioners, the Crawford County Firefighters Association and its Member Fire Departments that all open burning conducted within the county is done in a safe manner. These guidelines are an effort to inform anyone that is performing open outdoor burning of the proper procedures and safety practices that should be followed:

## BURNING BANS

- Enactment and Enforcement of Burning Restrictions (Burn Ban)
  - Should environmental or other conditions warrant the enactment of burning restrictions the Crawford County Commissioners shall by duly adopted motion enact such burning restrictions which shall be published by official county news agencies. Burning restrictions shall become enforceable at the time of publication.
  - Enactment of Burning Restrictions may be executed for the Entire County or portions of the county and shall be clearly defined within the duly adopted motion.
  - Open Burning SHALL NOT BE PERMITTED under any circumstances in the areas designated by the enacted duly adopted motion.
  - Persons performing open burning in direct violation of county duly adopted motion will be subject to Citation and Fine.

## OPEN BURNING (BURN BAN NOT IN EFFECT)

- OPEN BURNING shall be pursuant to the regulations of the Kansas Department of Health and Environment and other government agencies regulating emissions. http://fire.fws.gov/ifcc/smoke/State%20Regs/kansas.htm
- AGRICULTURAL BURNING (FIELDS, PASTURES, WOODED AREAS) - Prior to commencement of open burning for agricultural purposes persons conducting said burn shall contact the Crawford County Sheriff's Department at (620) 724-8274. Please provide: Name of Responsible Person, Contact Number (Cell Phone Preferred, Keeping Cell Phone on you at all times), Physical Location or Address of the Burn, and Type of Burn (Brush Pile, Field, etc.....)

Crawford County
FIREFIGHTERS ASSOCIATION

*Guidelines for Open Burning (Continued)*

- FIRES MUST BE ATTENDED - Burning SHALL BE ATTENDED by an adult for the duration of the burn and be completely extinguished prior to leaving the area unattended.

- EXTINGUISHING MEASURES - A fully charged hose or other device(s)*** shall be present and available for immediate use at the site to control the fire should it extend to undesired areas or property.

- FIRE SIZES - Open burning SHALL NOT be conducted within 25 feet of any property line, structure, or combustible material when the pile size is 4 feet or less in diameter by 3 feet or less in height. Any pile larger than 4 foot diameter or greater then 3 foot in height shall be at least 100 feet from any roadway or adjacent structure, unless written permission is obtained from the neighboring property owner(s).

- RESTRICTED MATERIALS - Burning of heavy oils, roofing materials, tar paper, tires, or other similar materials is prohibited.

- BURNING TIMES - Burning SHALL NOT START until at least one half hour after sunrise. Burning SHALL NOT be conducted during inclement weather, foggy conditions, or extensive cloud cover. Wind speed SHALL NOT be more then 15 MPH. All fires shall be out by dark.

    - Exception 1 – Large Brush Piles
        - Applies to Large Brush Piles generated from the clearing of land for any purpose.
        - Large Brush Piles SHALL HAVE a clear zone created around the pile of at least 75 feet in all directions from the edge of the pile. This area shall be free from combustibles such as light vegetation and brush. Tilled or barren ground is preferred.
        - Prior to Ignition the Crawford County Sheriffs Department shall be notified. (See AGRICULTURAL BURNING)
        - Ignitions of Large Brush Piles must occur within 1 hour of Sunrise to enable as much of the pile to burn as possible prior to Sunset. It is understood that fires of this nature are most likely not going to be completely extinguished by Sunset. The intent of this guideline is to assure the bulk of the fuel is expended allowing the remaining embers to be safely left unattended.

# Crawford County
FIREFIGHTERS ASSOCIATION

*Guidelines for Open Burning (Continued)*

- Exception 2 – Fields
  - It is understood that because of windy conditions large fields may not be able to be ignited until later in the day, which in turn may lead to fires that are not completely out by night fall. The intent of these guidelines is to encourage this type of burning to start at the earliest possible time.
  - It is also recommended in situations where fields boarder Timber or Brushy areas that a tilled barrier of at least 30 feet be created prior to beginning any burning.
  - Prior to Ignition the Crawford County Sheriffs Department shall be notified. (See AGRICULTURAL BURNING)
  - It is also the responsibility of the person responsible for the burn to make certain that before leaving these fires unattended after dark that every effort is made to make certain that exterior edges of the burn are completely extinguished within 50 feet of the edge of the burn, and that debris within the burned area cannot be carried by wind gust to near by unburned vegetation.

- **CEASE AND DESIST ORDERS** - Burning shall be discontinued immediately if Law Enforcement, The Area Fire Chief, or Area Fire Chief's Authorized Personnel determine that smoke emissions are offensive to occupants of the surrounding property or if the open burning is determined to constitute a hazardous condition.

## Persons conducting open burning assume all responsibility and liability for any damage resulting from any open burning.

*** Other Device(s) may include ATV's, Farm Equipment, or other equipment adequate to achieve immediate fire control should it become necessary.

Should any open burning extend beyond your capability to safely and quickly extinguish it?

DO NOT DELAY IMMEDIATELY CALL 911.

Uncontrolled or unattended fires can cause considerable damage and inflict considerable expense on your local fire department. Please use these guidelines to help you burn safely and responsibly.

Sincerely,

Crawford County Firefighters Association and its Member Departments

# Kansas Department of Health and Environment

## Open Burning Conditions Pursuant to K.A.R. 28-19-647(e)

Each open burning operation for which Department approval is required to be obtained shall be subject to the following conditions as provided in Kansas Administrative Regulation (K.A.R.) 28-19-647(e), as follows:

1. The person conducting the burn shall stockpile the materials to be burned, dry it to the extent possible before it is burned, and assure the pile is free of matter that will inhibit good combustion.

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

3. A person shall not initiate burning during the nighttime, which for the purposes of this regulation shall be defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire after two hours before sunset.

4. A person shall not burn during inclement weather or foggy conditions or on a very cloudy day which are defined as days with more than 0.7 cloud cover and with a ceiling of less than 2,000 feet.

5. A person shall not burn during period when surface wind speed is less than 5 mph or greater than 15 mph.

6. A person shall not burn within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn is initiated.

7. A person will not conduct a burn which creates traffic or other safety hazard. If burning is to take place within 1,000 feet of a roadway, the person conducting the burning will notify the Highway Patrol, sheriff's office, or other appropriate state or local traffic control authority before burning begins. If burning is to take place within one mile of an airport, the person conducting the burning will notify the airport authority before burning begins.

8. The person conducting the burn will insure that the burning is supervised until the fire is extinguished.

9. The Department may revoke any approval with a thirty (30) day notice.

**28-19-645. Open burning prohibited.** A person shall not cause or permit the open burning of any wastes, structures, vegetation, or any other materials on any premises except as authorized by K.A.R. 28-19-647 and K.A.R. 28-19-648. (Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3005, K.S.A. 65-3010; effective March 1, 1996.)

**28-19-646. Responsibility for open burning.** It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted the open burning. (Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3005, K.S.A. 65-3010; effective March 1, 1996.)

**28-19-647. Exceptions to prohibition on open burning.** (a) The following open burning operations shall be exempt from the prohibition on the open burning of any materials imposed by K.A.R. 28-19-645:

(1) open burning carried out on a residential premise containing five or less dwelling units and incidental to the normal habitation of the dwelling units, unless prohibited by any local authority with jurisdiction over the premises;

(2) open burning for cooking or ceremonial purposes, on public or private lands regularly used for recreational purposes;

(3) open burning for the purpose of crop, range, pasture, wildlife or watershed management in accordance with K.A.R. 28-19-648; or

(4) open burning approved by the department pursuant to paragraph (b).

(b) A person may obtain an approval from the department to conduct an open burning operation that is not otherwise exempt from the prohibition imposed by K.A.R. 28-19-645 if it is demonstrated that the open burning is:

(1) necessary, which in the case of burning for the purpose of disposal of any materials, shall mean that there is no other practical means of disposal;

(2) in the public interest; and

(3) is not prohibited by any local government or local fire authority.

(c) Open burning operations for which an approval is required but which are deemed to be necessary and in the public interest include the following:

(1) the use of safety flares for disposal of flammable gases;

(2) fires related to the training of government or industrial personnel in fire fighting procedures;

(3) fires set for the removal of dangerous or hazardous liquid materials;

(4) open burning of trees and brush from non-agricultural land clearing operations; and

(5) open burning of clean wood waste from construction projects carried out at the construction site.

(d) Each person seeking an approval to conduct an open burning operation pursuant to this regulation shall submit a written request to the department containing the following information:

(1) the location of the proposed open burning and the name, address and telephone number of the person responsible for the open burning;

(2) a description of the open burning including:

(A) the estimated amount and nature of material to be burned;

(B) the proposed frequency, duration and schedule of the burning;

(C) the size of the area to which the burning will be confined;

(D) the method of igniting the material;

(E) the location of any public roadways within 1,000 feet of the proposed burn;

(F) the number of occupied dwellings within 1,000 feet of the proposed burn; and

(G) evidence that the open burning has been approved by appropriate fire control authority having jurisdiction over the area; and

(3) the reason why the proposed open burning is necessary and in the public interest if the activity is not listed in subsection (c) of this regulation.

(e) Each open burning operation for which the department issues an approval pursuant to paragraph (b) shall be subject to the following conditions, except as provided in paragraph (f):

(1) 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.

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

(3) A person shall not initiate burning during the nighttime, which for the purposes of this regulation is defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire after two hours before sunset.

(4) A person shall not burn during inclement or foggy conditions or on very cloudy days, which are defined as days with more than 0.7 cloud cover and with a ceiling of less than 2,000 feet.

(5) A person shall not burn during periods when surface wind speed is less than 5 mph or more than 15 mph.

(6) A person shall not burn within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn.

(7) A person shall not conduct a burn that creates a traffic or other safety hazard. If burning is to take place within 1,000 feet of a roadway, the person conducting the burn shall notify the highway patrol, sheriff's office, or other appropriate state or local traffic authority before the burning begins. If burning is to take place within one mile of an airport, the person conducting the burn shall notify the airport authority before the burning begins.

(8) The person conducting the burn shall insure that the burning is supervised until the fire is extinguished.

(9) The department may revoke any approval upon 30 days notice.

(10) A person shall conduct an open burning operation under such additional conditions as the department 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.

(f) The department may issue an approval for an open burning operation that does not meet the conditions set forth in subsection (e) upon a clear demonstration that the proposed burning:

(1) is necessary and in the public interest;

(2) can be conducted in a manner that will not result in 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; and

(3) will be conducted in accordance with such conditions as the department deems necessary. (Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3005, K.S.A. 65-3010; effective March 1, 1996.)

**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 shall notify the local fire control authority with jurisdiction over the area before the burning begins, unless the appropriate local governing body has established a policy that notification is not required;

(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; and

(4) the person conducting the burn shall insure that the burning is supervised until the fire is extinguished.

(b) 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 March 1, 1996.)