

# RESOLUTION 2025-6

## A RESOLUTION TO ENACT AND/OR RELAX A BURN BAN IN PHILLIPS COUNTY, KANSAS, WITH DETAIL TO PROCESS FOR BURNING, AND CLARIFYING THE PENALTY CLAUSE

**WHEREAS**, the Phillips County Commission is authorized to perform the power of local government

**WHEREAS**, the Phillips County Commission recognizes the need to establish a burn ban in Phillips County during drought conditions, existing at the present time, and

**WHEREAS**, the Phillips County Commission recognizes that weather conditions may change from time to time making it a good plan to relax and/or re-establish a burn ban,

**NOW, THEREFORE, BE IT RESOLVED** by the Phillips County Commission that:

The Phillips County Emergency Management Office in coordination with local Fire Chiefs is authorized to establish or relax a burn ban whenever it is believed such actions are appropriate. Burning restrictions will be based on a combination of the following conditions: drought with minimal precipitation, relative humidity of 25% or less, sustained surface winds and/or frequent gusts of 15mph or greater, temperatures of 75F degrees or higher, and a Fire Danger Index of Very High or Extreme. Weather conditions will be determined by the National Weather Service (Hastings) forecast.

**Procedures:** The Emergency Management Office will review the NWS forecast daily and calculate the fire danger levels based on the combination of the conditions described above. The Emergency Management Office will then notify the Sheriff's Office of the current day's burning authorization (**permitted or restricted**).

**Restricted:** When in effect, a burn ban (restriction) prohibits all outdoor burning including fire pits, trash pits, ornamental fire chimneys, fields, brush piles, gardens, any other form of open burning (not to include propane or gas barbeque grills).

**Permitted:** When approval is granted for open burning operations in accordance with (*K.A.R. 28-19-647. Exceptions to prohibition on open burning. (a)*). It is necessary and in the best interest of the public that all open burning is subject to the following conditions including, but not limited to:

- Stockpile the material to be burned
- Dry the material to the greatest extent possible before it is burned
- Ensure material is free of matter that will inhibit good combustion
- Do not burn heavy smoke-producing materials - heavy oils, tires, tarpaper, etc.
- Burning should NOT be initiated during the nighttime (period from 2 hours before sunset until 1 hour after sunrise)
- Burning should not take place during inclement or foggy conditions, or on very cloudy days (0.7 cloud cover with a ceiling of less than 2,000 ft.)
- Do not burn when wind speeds are more than 15mph
- Do not burn within 150 feet of any structure, oil tank(s), or vehicles.
- Do not conduct a burn that creates a traffic or safety hazard. If burning is to take place within 1,000 ft. of a roadway, 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 1 mile of an airport, notify the airport authority before burning begins

- Supervise the burn until the fire is extinguished (once extinguished perform at least two more verifications (recommended every 4 hours) to validate the fire is completely out
- The local Fire Chief or Emergency Manager may revoke any approved allowance of any open burn
- If any controlled burn begins to get out of control, call 911 immediately

**Open Burning Instructions:** Call the Phillips County Sheriff's Department, 785-543-6885 to ensure burning is allowed **BEFORE STARTING** an open burn. Include the following information: the name, address, and phone number of the person responsible for the burn, the exact location of the intended burn, start time, and type of materials to be burned. Once the fire has been extinguished, please call the Sheriff's Department and notify them that your controlled burn has been extinguished.

**Prescribed Burns:** Prescribed burning of agricultural land in Kansas is an excellent range management tool. Practiced properly, the ecological and economic benefits to the landowner can be substantial. But a burn must be conducted within the framework of existing regulations. Kansas administrative regulations set forth the rules for conducting prescribed burns. *K.A.R. §28-19-645 et seq.* One exception is for open burning of agricultural lands that is done in accordance with existing regulations. *K.A.R. §28-19-647(a)(3).* Under that exception, 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 is exempt from the general prohibition on open burning. *K.A.R. §28-19-648(a).*

**Prescribed Burn Instructions:** Prescribed Burns in Phillips County Require a burn permit. Applications may be completed in person with the Phillips County Emergency Management (PCEM) Office or emailed to ([pcem@phillipscountyem.com](mailto:pcem@phillipscountyem.com)). Prescribed burn applications will be approved by: Local Fire Chief(s), PCEM, & County Commissioners. Submit your application at least two weeks in advance of the projected burn date. Once approved you are still required to call the Sheriff's Department, 785-543-6885 to notify them of the burn. Include the following information: the name, address, and phone number of the person responsible for the burn and the reference number of your application (dispatch will have a copy on record). Once the fire has been extinguished, the party responsible is required to call the Sheriff's Department and notify them that your prescribed burn has been extinguished.

Prescribed burners with an approved application on file, may be authorized to burn during a burn ban (under specific circumstances), however they are not authorized to burn during a Red Flag Warning.

**Penalties:** It shall be unlawful to violate this burn ban and anyone in violation may be charged with an unclassified misdemeanor and if convicted, will be subject to a fine not to exceed \$2000 dollars. Further, any person starting said fire without complying above may be ordered to make restitution for any damages done including fire department fees and expenses.

**BE IT FURTHER RESOLVED** that this resolution will take effective immediately this day 14 October 2025.

**BOARD OF COUNTY COMMISSIONS**

*Douglas B. Zillinger*

Doug Zillinger, District #1 Chairman

*Brenda Chance*

Brenda Chance, District #2, Member

*Jerry Gruwel*

Jerry Gruwel, District #3, Member

**ATTEST**

*Grant Rahjes*

Grant Rahjes, County Clerk

