

RESOLUTION No: 2025-4 PUBLISHED ON: _____

**RESOLUTION REGULATING BURNING
IN MORTON COUNTY, KANSAS**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
MORTON COUNTY THAT THE FOLLOWING RESOLUTION BE ADOPTED.**

WHEREAS, the Board of Morton County Commissioners, by the powers vested in it by Chapter 19, Article 1 of the Kansas Statutes Annotated may perform powers of local legislation, and

WHEREAS, the Board has determined that unregulated burning in Morton County has the potential of creating unreasonable loss to property and life, and

WHEREAS, the Board hereby enacts the following regulations regarding open burning in Morton County, Kansas and finds that the same do not conflict with existing state law uniform to all counties.

NOW, THEREFORE, THE BOARD OF MORTON COUNTY COMMISSIONERS HEREBY ADOPT THE FOLLOWING:

SECTION 1 – DEFINITIONS

1. **County Burn Ban** is a ban on Open, Management and Recreational Burning within specified areas of the County implemented by the Morton County Fire Chief or Morton County Sheriff when the Fire Chief is unavailable.
2. **Open Burning** is burning not defined herein as management, recreational, or residential burning.
3. **Management Burning** is burning for the purpose of crop, range, pasture, wildlife or watershed management.
4. **Recreational Burning** is burning for cooking or ceremonial purposes, on public or private lands regularly used for recreational purposes, when done in a way that is reasonable for existing conditions.
5. **Residential Burning** is burning carried out on a residential premises and incidental to the normal habitation of the dwelling.
6. **Inclement Weather** are weather conditions that are not conducive to safe or efficient burning operations as reported and forecast at the Morton County Airport (620-697-4973)

or by the National Weather Service (<https://www.weather.gov/>) for the period in which burning is to be conducted, including:

- a. Steady state or wind gusts exceeding 15 m.p.h. for Open, Management, or Residential Burning;
- b. Visibility less than one mile for Open, Management, or Residential Burning;
- c. Overcast ceiling of less than 2,000 feet for Open, Management, or Residential Burning;
- d. Steady state or wind gusts exceeding 25 m.p.h. for Recreational Burning;
- e. Any period for which the National Weather Service has issued a Fire Weather Watch or Red Flag Warning for any portion of Morton County; or
- f. Any period for which a County Burn Ban has been put in place that affects the location of a proposed burn.

SECTION 2 – JURISDICTION

This Resolution shall be applicable to all unincorporated areas of the County. This resolution may be adopted by any city or other authority inside the County.

SECTION 3 – PROHIBITED BURNING

No person shall cause or permit Open, Management, Recreational, or Residential Burning on any premises except as provided herein.

SECTION 4 – RESPONSIBILITY FOR BURNING

Unless clearly established to the contrary, it will be presumed that the person who owns or controls property on which burning occurs has created or permitted the burn.

SECTION 5 – CONDITIONS AND RESTRICTIONS

All Burning

1. There shall be no burning during periods of Inclement Weather as defined herein.

2. All material must be dry to the extent possible and free of matter that will inhibit good combustion prior to being burned.
3. No person shall burn heavy smoke-producing materials including heavy oils, tires, and tarpaper.
4. No person shall conduct a burn that creates an unreasonable traffic, property or other safety hazard.
5. All burns shall be attended until completely extinguished.

Open, Management and Residential Burning

1. All planned Residential Burning must be reported to the Morton County Law Enforcement Center at 620-697-2151 prior to the planned burn.
2. There shall be no Open, Management, or Residential Burning from one hour before official sunset to one hour after official sunrise.

Open and Management Burning

1. All planned Open or Management Burning must be reported to the Morton County Law Enforcement Center at 620-697-2151 no more than 24 hours or less than 12 hour prior to the planned burn.
2. There shall be no Open or Management Burning within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified prior to the burn.
3. There shall be no Open or Management Burning within 50 feet of any unoccupied structure.

Open Burning

1. Open Burning must comply with K.A.R. § 28-19-645 *et seq.*

SECTION 6 – PENALTIES

1. Any person who conducts burning operations in violation of this Resolution resulting in injury to the persons or property of others shall be guilty of a Class B nonperson misdemeanor.
2. Any person who conducts burning operations in violation of this Resolution shall be guilty of a Class C nonperson misdemeanor.

3. Any person who conducts burning operations in violation of this Resolution resulting in dispatch of emergency service personnel shall be responsible for the following costs to be paid within 30 days of dispatch:

a. \$150 per hour per emergency vehicle dispatched.

b. \$35 per hour per emergency personnel dispatched.

BE IT FURTHER RESOLVED: That this resolution shall be published once in the official county newspaper.

ADOPTED by the Board of County Commissioners of Morton County, Kansas, this 27th day of May, 2025.

BOARD OF MORTON COUNTY COMMISSIONERS



J.W. FINN – CHAIRMAN

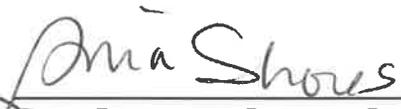


JIM TUCKER



ED ANDERSON

ATTEST:



GINA SHORES – COUNTY CLERK

