

AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY LIMITS OF BASEHOR, KANSAS; SETTING FORTH THE PERMITTING REQUIREMENT FOR OPEN BURNING FOR AGRICULTURAL PURPOSES; SETTING FORTH RESTRICTIONS ON THE BURNING OF HOUSEHOLD TRASH IN THE CITY LIMITS OF BASEHOR, KANSAS; SETTING FORTH PENALTIES FOR THE VIOLATION OF THE REGULATIONS REGARDING OPEN BURNING; REPEALING PRIOR ORDINANCE ON OPEN BURNING.

WHEREAS, it has been determined by the City of Basehor, Kansas that there is a need to set out a comprehensive regulatory practice regarding open burning in the city limits of Basehor, Kansas; and

WHEREAS, the practice of open burning is vital to the conduct of certain agricultural practices in Basehor, Kansas; and

WHEREAS, it is in the best interest of the citizens of Basehor, Kansas that proper fire protection be afforded during the conduct of such open burning; and

WHEREAS, it has been determined that a permitting process wherein the person conducting an open burn would be required to notify the Leavenworth County Sheriff's Office dispatch of the conduct, time and location of any open burn.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1: That the open burning of any fields, lots, garden plots or household trash shall be regulated at all times in the city limits of Basehor, Kansas, as follows:

Section 2: That the burning of household trash shall be allowed in the city limits of Basehor, Kansas, without permit or prior notice, said burning being limited to the use of a metal screened container with a volume not to exceed 55 gallons, said container to be mounted on a non-combustible surface in an area free of vegetation within a three foot radius of the container. "household trash" is defined as being that solid waste normally associated with the conduct of a household and does not include old tires, metal debris, petroleum products, construction debris, or any material designated by the Secretary of the Department of Health and Environment of the State of Kansas.

Section 3: All open burns authorized herein, including the disposal of household trash as defined in Section 2 herein shall

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take place no sooner than one hour after sunrise nor later than two hours prior to sunset.

Section 4: Permits for open burning shall be issued in the following manner: any person or entity of whatever kind designed to obtain permission to conduct open burning for agricultural purposes within the city limits of Basehor, Kansas, shall contact the Leavenworth County Sheriff's Office Dispatch and inform that office of their request for permission to conduct open burning. The Dispatch Office shall, in the absence of any countywide, townshipwide or citywide ban on burning issued by the Board of County Commissioners of Leavenworth County, Kansas, or the Director of the Office of Emergency Preparedness or the City of Basehor shall grant permission for the conduct of an open burn to take place, noting the location of the proposed burn, the time of the proposed burn and the nature of the proposed burn. If either a countywide, townshipwide or citywide burning ban has been issued by any of the above listed individuals the office of the Dispatch of the Leavenworth County Sheriff's Office shall deny permission for the conduct of an open burn. All burning shall comply with the rules and regulations contained in K.A.R. 28-1945, 28-1946 and 28-1947. The request for permission to conduct open burning shall be made prior to the conduct of the burn and said permission shall be valid for one day only. Permission for an open burn may be revoked at any time either by the Leavenworth County Sheriff's Department or the Office of Emergency Preparedness or the City of Basehor.

Section 5: For the purpose of any penalty to be assessed pursuant to any violation of this Ordinance it shall be considered prima facie evidence that the person owning, occupying or controlling any premises upon which an open burn is being conducted voluntarily allow said open burn to take place; this presumption is rebuttable.

Section 6: In the event that any person shall allow an open burn to take place in the city limits of the City of Basehor in violation of this Ordinance, the City Attorney shall be directed to proceed in competent jurisdiction against the person or persons responsible for any open burn in violation of this Ordinance. Violation of the terms of this Ordinance shall contain the following penalties.

a) That the violation of the terms of this Ordinance be construed as a Class U, undefined misdemeanor and shall be subject to the penalties for such misdemeanor as set forth by State Statute.

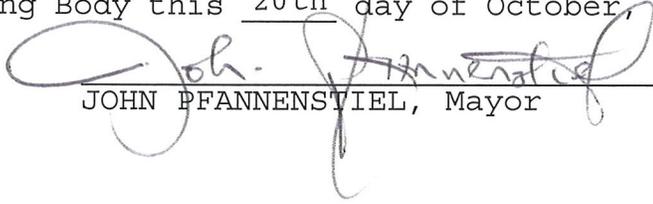
b) That the city is authorized to seek a civil penalty against any person violating the terms of this Ordinance in the sum of not less than \$100.00 nor more than \$1,000.00 plus any costs incurred by the County directly by any person's violation of the terms of this Ordinance.

c) Any violation of the terms of this Ordinance by any person shall lead to the prohibition of the issuance of any permit to said person or persons for a term of one year from the date of said violation.

Section 7: All prior Ordinances relating to the conduct of open burning are hereby repealed.

Section 8: This ordinance shall take effect according to law upon publication.

Passed by the Governing Body this 20th day of October, 1997.



JOHN PFANNENSTIEL, Mayor

ATTEST:



Mary A. Mogle, City Clerk

READ AND APPROVED BY:



John F. Thompson
Basehor City Attorney
Davis, Beall, McGuire & Thompson
117 Cherokee Street
Leavenworth, KS 66048

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cc: Herb Nye, Leavenworth County Sheriff
Alan Goens, Chief, Fairmount Fire Dept.
Vincent Weston, Basehor Police Chief

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