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RESOLUTION NO. 07-2022

**A RESOLUTION BY THE BOARD OF CHEROKEE COUNTY COMMISSIONERS  
IMPOSING TEMPORARY BAN ON OUTDOOR BURNING AND OPEN FIRES**

**WHEREAS**, K.S.A. 19-101 *et. Seq.*, and K.S.A. 19-212 authorize the Board of County Commissioners to transact all County business and perform all powers of local legislation deemed appropriate, and to make all contracts and do all other acts in relation to the property and concerns of the county, necessary to the exercise of its corporate or administrative powers; and

**WHEREAS**, Cherokee County, Kansas Resolution 10-2011 authorizes the Board of County Commissioners to implement a temporary ban on outdoor burning;

**WHEREAS**, Cherokee County has recently sustained periods of extremely dry weather conditions producing extremely dry vegetation and ground cover in the Cherokee County, Kansas area. Consequently, vegetation and ground cover is highly combustible and outdoor burning of any kind under the current conditions is extremely hazardous; and

**WHEREAS**, the Board has determined there is a significant fire danger in all Cherokee County and that the conditions justify the imposition of a temporary outdoor burning ban in order to protect the health, safety, and welfare of the general public;

**NOW, THEREFORE**, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session on August 1, 2022, does hereby impose a temporary ban on outdoor burning and open fires as follows:

**SECTION 1. SCOPE OF RESOLUTION**

**A.** This Resolution shall apply to all areas of Cherokee County, Kansas but shall not interfere with the enforcement of nor supersede those ordinances adopted by the cities, townships, or incorporated areas located within Cherokee County, Kansas. Those cities, townships, or incorporated areas that have adopted ordinances relating to open fires within said entities shall remain in full force and effect.

**B.** No part of this Resolution shall be construed to affect prior resolutions or orders of this governing body concerning the issue of county-wide burn bans nor the inherent authority of the governing body to protect the health, safety and welfare of the citizens of Cherokee County, Kansas.

**SECTION 2. TIME PERIOD OF TEMPORARY BAN**

The temporary ban on outdoor burning and open fires in Cherokee County shall remain in effect for thirty (30) days or until the temporary ban is rescinded, whichever occurs first. The Board of

County Commissioners may extend the temporary ban for successive thirty (30) day increments if conditions warrant.


**SECTION 3. NOTICE**

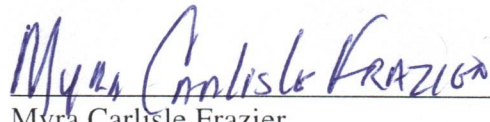
The Board of County Commissioners shall take reasonable steps to disseminate any findings, resolutions or bans issued under this Resolution. Reasonable steps to disseminate findings, resolutions, or bans shall include, but not be limited to, press releases, publication in the newspaper or local television stations, or postings on social media by the Cherokee County Emergency Management Department.


**SECTION 4. ENFORCEMENT AND PENALTIES**

Violation(s) of this temporary burn ban shall be enforceable criminally and civilly as set forth in Cherokee County, Kansas Resolution 10-2011.

**PASSED and APPROVED** by the Board of County Commissioners of Cherokee County, Kansas, this 13<sup>th</sup> day of August, 2022.

  
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Cory Moates, Chairman  
Cherokee County Commissioner

  
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Myra Carlisle Frazier  
Cherokee County Commissioner

  
\_\_\_\_\_  
Lorie Johnson  
Cherokee County Commissioner

ATTEST:

  
\_\_\_\_\_  
Rebecca Brassart, County Clerk

