



**Office of the County Counselor**

**Rich V. Eckert**

Shawnee County Counselor

707 SE Quincy St., Rm. 310

Topeka, Kansas 66603

Phone: 785.251.4042

Email: [counselors@snco.us](mailto:counselors@snco.us)

Website: [www.snco.gov/counselor/](http://www.snco.gov/counselor/)

**MEMORANDUM**

TO: Board of Shawnee County Commissioners

FROM: Kyle Edelman, Assistant County Counselor

DATE: December 23, 2025

RE: Second Reading of Home Rule Resolution Pertaining to Open Burning.

BOARD OF CO. COMMISSION  
APPD TBLD DND PLD ACK  
DATE 12.29.25  
LJS  
COUNTY CLERK

Please place this item on the Monday, December 29, 2025 Commission Agenda for a "second reading" as a Home Rule Resolution.

The attached Home Rule Resolution is intended to repeal and replace select portions of the Shawnee County Code. Specifically, the Home Rule Resolution replaces the Open Burning Code. See Shawnee County Code Chapter 17, Article 2.

Section 1 would add a definition section that defines key terms. Open burning is the general definition and starting point. Controlled burns or burning is/are burns associated with agricultural activities or more commonly known as agricultural burns. As indicated by the definition of "County," the Resolution would only apply to unincorporated portions of Shawnee County.

Section 2 would explain the prohibited activities or conditions. The Resolution would make it unlawful to knowingly engage in open burning in the County except as permitted in the Shawnee County Code / the Resolution, to engage in open burning while a burn ban is in effect, and to knowingly make a false statement or misrepresentation to Shawnee County Emergency Management, a Fire Chief/Fire District, and/or Shawnee County Communications Center when providing any of those agencies information required by the Shawnee County Code / the Resolution. As presented, the Resolution would make burning during a burn ban a strict liability offense, otherwise, violations of the Resolution require a culpable mental state of knowingly. See K.S.A. 21-5202.

Section 3 would amend the Code to require a burn permit and prior authorization before burning unless an exception applies, and would establish the procedures for acquiring and issuing a burn permit and authorization. Section 3 would also authorize Fire Districts to refuse to issue a burn permit and/or authorization to burn in certain circumstances. Additionally, Section 3 would make clear that the permit holder or that person's designee is ultimately responsible for ensuring

the burn complies with the Resolution and must remain in attendance at the burn until it is extinguished.

Section 4 would establish the rules and regulations that would govern open burns. This section would apply to open burns that do not qualify as controlled burns, recreational burns, or household trash burns.

Section 5 would establish the rules and regulations that would govern controlled or agricultural burns.

Section 6 would establish the rules and regulations that would govern recreational fires and household trash burns. A burn that qualifies for an exemption in this section would not be required to obtain a burn permit or prior authorization.

Section 7 would authorize Emergency Management to declare and issue a burn ban.

Section 8 would establish and authorize enforcement of the Resolution and penalties to be imposed upon conviction of a violation. Section 8 would also allow for restitution and reimbursement upon conviction.

If you have any questions or concerns, please feel free to contact me.

KRE/tdp

HOME RULE RESOLUTION NO. 2025 - 4

**A RESOLUTION PERTAINING TO OPEN BURNING AND ESTABLISHING REQUIREMENTS, RESTRICTIONS, PROHIBITED ACTS, AND PENALTIES WITH RESPECT THERETO; AND RESCINDING HOME RULE RESOLUTION NO HR-99-3**

SPONSORED BY COMMISSIONER MAYS

**WHEREAS**, the Board of County Commissioners of Shawnee County, Kansas, is authorized by K.S.A. 19-101, et seq., to adopt Resolutions to promote the public health, safety, and welfare of the citizens of Shawnee County, Kansas;

**WHEREAS**, the Board of County Commissioners of Shawnee County, Kansas, may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject to the limitations, restrictions, or prohibitions in K.S.A. 19-101a(a);

**WHEREAS**, the Board of County Commissioners of Shawnee County, Kansas finds the County has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving public order;

**WHEREAS**, the Board of County Commissioners of Shawnee County, Kansas desires to provide for the protection of the inhabitants and property of Shawnee County by defining and providing for the prohibition of open burning, as defined herein, at certain times and in certain ways which will be injurious to the health, safety, and welfare of the inhabitants within Shawnee County, and to provide penalties for the defined violations; and

**WHEREAS**, the Board of County Commissioners of Shawnee County, Kansas deems it necessary to repeal Shawnee County Home Rule Resolution Number HR-99-3 adopted on the 6th day of May 1999 and now codified at Shawnee County Code Chapter 17, Article 2, and provide substitute legislation with respect thereto.

**NOW, THEREFORE**, the Board of County Commissioners of Shawnee County, Kansas, meeting in regular session on this 29 day of December, 2025, and intending to exercise its powers of home rule pursuant to K.S.A. 19-101a, does hereby resolve as follows:

**SECTION 1. Definitions.**

- (A) Unless the particular provision or context clearly indicates a different meaning, the following words, terms, and phrases, when used in this Resolution, will have the meanings ascribed to them in this Section. Where words, terms, and phrases are not defined, they will have their ordinary accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

“Agricultural activities” means the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, for the purpose of raising livestock, poultry, or dairy products, or for the purpose of wildlife or watershed management and/or conservation reserve program activities.

“Board of County Commissioners” or “Board” means the Board of County Commissioners of Shawnee County, Kansas.

“Burn ban” means the general or limited prohibition against open burning implemented pursuant to the terms of this Resolution.

“Code Enforcement Officer” means any person appointed by the Board of County Commissioners to administer and/or enforce county codes or resolutions and designated by the Board of County Commissioners as responsible code enforcement officials.

“Controlled burn” or “controlled burning” means any open burn that is associated with agricultural activities. For example, controlled burning may include, but may not necessarily be limited to, the burning of rangeland, pasture land, cultivated crop residue, dried plant growth, grassland, woodland, or stubble.

“County” means all of Shawnee County, Kansas, other than land areas within incorporated cities.

“Household trash” means solid waste, trash, organic yard waste, or other debris normally associated with the conduct of a household but does not include heavy oils, tires, tarpaper, railroad ties, structures, pallets, plastics, construction materials, furniture, metal debris, petroleum products, or anything containing or treated with a hazardous or toxic chemical.

“Open burning” means any burning, including, but not limited to, the burning of fields, stubble, trash, debris, vegetation, leaves, brush, or other matter or materials.

“Open burning of household trash” means the open burning of household trash which is carried out on a residential premises containing five (5) or less dwelling units and is incidental to the normal habitation of said dwelling(s).

“Person” means any individual, corporation, partnership, limited liability company, trust, or other entity which directly or indirectly participates or engages in open burning.

“Recreational fire” means the open burning of materials other than stubble, trash, debris, vegetation, leaves, or brush, for pleasure, religious, ceremonial, cooking, warmth or similar purpose, where the fuel being burned is not contained in an incinerator, but in an outdoor fireplace, barbeque grill, barbeque pit, or chimney.

## **SECTION 2. Activities or Conditions Prohibited.**

- (A) Except as expressly authorized in this Resolution and unless expressly allowed elsewhere in the Shawnee County Code, it shall be unlawful for any person to knowingly initiate, participate in, allow, and/or conduct open burning, including but not limited to controlled burning, in the County.
- (B) Except as expressly authorized in this Resolution and unless expressly allowed elsewhere in the Shawnee County Code, it shall be unlawful for any person to initiate, participate in, allow, and/or conduct open burning, including but not limited to controlled burning, in the County while a burn ban, issued in accordance with Section Seven (7) of this Resolution, is in effect. A violation of this subsection is subject to strict or absolute liability and will not require a culpable mental state.
- (C) Except as expressly authorized in this Resolution and unless expressly allowed elsewhere in the Shawnee County Code, open burning, as defined in this Resolution, is deemed a public nuisance and law enforcement, fire personnel, Code Enforcement Officers, and/or authorized Shawnee County personnel may, in an on-going emergency situation, abate the nuisance by taking such action deemed reasonably necessary under existing or imminent fire conditions to protect or ensure the safety and/or welfare of the public and/or property in the County.
- (D) It shall be unlawful for any person to knowingly make any false material statement, representation, or certification in any request, record, report, approval, and/or other document filed, maintained, and/or used for purposes of compliance with this

Resolution. All information required to be given or provided to the Shawnee County Department of Emergency Management and/or the Fire Chief or Fire District having jurisdiction, and/or the Shawnee County Communications Center is deemed to be material for purposes of this Resolution.

**SECTION 3. Procedure for Burn Permit Registration and Authorization for Acts of Open Burning**

- (A) Except as provided in this Resolution, any person initiating, participating in, allowing, and/or conducting an open burn must ensure a burn permit is obtained from the Fire District having jurisdiction over the area of the burn before the burn is initiated or conducted.
- (B) A burn permit must not be issued pursuant to this Resolution to any individual who is less than eighteen (18) years of age.
- (C) Unless a burn permit is revoked, as provided in this Resolution, burn permits issued pursuant to this Resolution will expire on the 31st day of December of the year the permit was issued.
- (D) The burn permit must, at minimum, contain the date the permit was issued, the name of the permit holder, phone number for the permit holder, a valid physical address where service of process may be perfected on the permit holder, and a statement that the permit holder is the person responsible for the burn and ensuring the burn complies with the terms of this Resolution. The Fire District having jurisdiction may, in its discretion, make any additions to the foregoing list it deems pertinent and/or require additional information to be provided by the person requesting a permit. If the person requesting a permit refuses to provide the additional information requested by the Fire District having jurisdiction, the Fire District having jurisdiction may, in its discretion, refuse to issue the requested permit.
- (E) It is the duty of the permit holder to ensure the information provided to the Fire District having jurisdiction is and remains current during the entirety of the time the permit is valid.
- (F) Except as provided in this Resolution, any person initiating, participating in, allowing, and/or conducting an open burn must ensure authorization to burn is requested from the Fire District having jurisdiction. Said authorization must be requested no more than one (1) hour prior to initiating and/or conducting an open

burn. The following information must be provided to and recorded by the Fire District having jurisdiction:

- (1) The applicable burn permit number;
  - (2) The exact location, by address or closest intersection, of the intended burn;
  - (3) The type of matter or material being burned;
  - (4) The approximate length of time intended for the burn, including the beginning time and estimated completion time;
  - (5) The speed and direction of the wind at the time of the call;
  - (6) The emergency contact information of the permit holder and person responsible for the burn, if different from the permit holder;
  - (7) An acknowledgment, by the permit holder, that the burn will be conducted in accordance with the terms of this Resolution; and
  - (8) Any other information deemed necessary or relevant by the Fire District having jurisdiction.
- (G) Authorization to burn must be denied when the Shawnee County Department of Emergency Management has issued a burn ban in accordance with Section Seven (7) of this Resolution.
- (H) Authorization to burn must be denied if the Fire Chief who has jurisdiction of the area where the burn will be located has determined the resources of the Fire Department(s), Fire District(s), or Fire Service(s) in the area are committed and/or unavailable.
- (I) Authorization to burn may be denied if the rangeland fire danger index is VERY HIGH OR EXTREME and/or if the National Weather Service has issued a Red Flag Warning.
- (J) The permit holder is the person responsible for the burn and ensuring the burn complies with the terms of this Resolution. The permit holder may name a designee as the person responsible for the burn. The designee must be eighteen (18) years of age or older and have written permission from the permit holder to oversee the burn.

The permit holder or the designee must remain in continuous attendance of the burn until the burn is extinguished and be able to accurately report the burn's status if necessary. Failure to assure attendance and supervision of the burn is a violation of this Resolution by the permit holder and, where applicable, the designee.

**SECTION 4. Rules and Regulations for Open Burning.**

- (A) Unless Section Five (5) or Section Six (6) of this Resolution apply, any person initiating, participating in, allowing, and/or conducting an open burn must comply with the following:
- (1) The person must ensure the material to be burned is stockpiled and dried to the extent possible before it is burned, and ensure that the material is free of matter that will inhibit good combustion.
  - (2) The person must not burn heavy smoke-producing materials, including, but not limited to, heavy oils, tires, tarpaper, or anything containing or treated with a hazardous or toxic chemical. This provision does not prohibit the reasonable use of fuels such as kerosene and diesel fuel as accelerants for the purpose of igniting or beginning the burn.
  - (3) The person must not ignite or begin the burn during nighttime and the person must not add matter or material to a burn after two hours before sunset.
  - (4) The person must not burn during inclement or foggy conditions or on very cloudy days, which are considered days with more than 0.7 cloud cover and with a ceiling of less than two-thousand (2,000) feet.
  - (5) The person must not burn during periods when surface wind speeds are below five (5) miles per hour or more than fifteen (15) miles per hour.
  - (6) The person must take precautions to ensure confinement of the burn, and limit the intensity of the burn.
  - (7) The person must ensure that adequate clearance is provided from all combustible materials which are not intended to be part of the burn, and the burn should at all times be one-hundred (100) feet from any structure and ten (10) feet from any property line.

- (8) The person must not burn within one-thousand (1,000) feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn is ignited or begun.
- (9) The person must ensure the burn does not create a traffic hazard or other safety hazard. If burning is to take place within one-thousand (1,000) feet of a roadway, the person must notify the highway patrol, sheriff's office, or other appropriate state or local traffic authority before the burn is ignited or begun. If burning is to take place within one (1) mile of an airport, the person must notify the airport authority before the burn is ignited or begun.
- (10) The person must ensure that adequate and appropriate fire extinguishment equipment is available at the location of the burn throughout the entirety of the burn.
- (11) The person must obtain the required permission of the person owning, occupying, controlling, leasing, or renting any property upon which the burn is being conducted.
- (12) The person responsible for the burn must have a valid burn permit in their possession at all times during the burn.
- (13) If open burning privileges have been temporarily suspended, pursuant to Subsection 3(H) of this Resolution, within the area of the burn, the person must ensure that no burning is ignited or begun until such time as burning privileges are reinstated.
- (14) The person must ensure that all other applicable federal, state, and local laws, rules, and regulations are complied with.
- (15) For purposes of this Section, "nighttime" means the period from two (2) hours before sunset until one (1) hour after sunrise.

**SECTION 5. Rules and Regulations for Controlled Burning.**

- (A) Any person initiating, participating in, allowing, and/or conducting a controlled burn must comply with the following:
  - (1) The person must not burn heavy smoke-producing materials, including, but not limited to, heavy oils, tires, tarpaper, railroad ties, structures, pallets,

plastics, construction materials, furniture, metal debris, or anything containing or treated with a hazardous or toxic chemical. This provision does not prohibit the reasonable use of fuels such as kerosene and diesel fuel as accelerants for the purpose of igniting or beginning the burn.

- (2) The person must not burn during inclement or foggy conditions or on very cloudy days, which are considered days with more than 0.7 cloud cover and with a ceiling of less than two-thousand (2,000) feet.
- (3) The person must not burn during periods when surface wind speeds are below five (5) miles per hour or more than fifteen (15) miles per hour.
- (4) The person must ensure that a fire break (plowed, disked, or mowed) of at least fifty (50) feet wide on all sides of the area to be burned is established.
- (5) The person must ensure that adequate clearance is provided from all combustible materials which are not intended to be part of the burn, and the burn should at all times be one-hundred (100) feet from any structure and ten (10) feet from any property line.
- (6) The person must not burn within one-thousand (1,000) feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn is ignited or begun.
- (7) The person must ensure the burn does not create a traffic hazard or other safety hazard. If burning is to take place within one-thousand (1,000) feet of a roadway, the person must notify the highway patrol, sheriff's office, or other appropriate state or local traffic authority before the burn is ignited or begun. If burning is to take place within one (1) mile of an airport, the person must notify the airport authority before the burn is ignited or begun.
- (8) The person must ensure that no burn is ignited or begun in the same mile section as, directly across the road from, or on a parcel immediately adjacent to an active emergency fire scene, until the fire has been extinguished and all fire apparatus, equipment, and personnel have left the scene. If a burn is ignited or begun before such an active emergency fire scene develops, the person must ensure the burn does not spread or grow until all fire apparatus, equipment, and personnel have left the scene. The person may be made to extinguish portions or the entirety of any burn if said portions are deemed dangerous or a hindrance to fire personnel responding to the active emergency fire scene. Refusal to extinguish any portion of the burn when

requested to do so by fire personnel responding to an active emergency fire scene is a violation of this Resolution.

- (9) The person must ensure that adequate and appropriate fire extinguishment equipment is available at the location of the open burn throughout the entirety of the open burn.
- (10) The person must ensure that the burn is continuously supervised by a person experienced with controlling and extinguishing such fires and such additional personnel as are reasonably needed for such purposes.
- (11) The person must obtain the required permission of the person owning, occupying, controlling, leasing, or renting any property upon which the open burn is being conducted.
- (12) The person responsible for the burn must have a valid burn permit in their possession at all times during the burn.
- (13) If burning privileges have been temporarily suspended, pursuant to Subsection 3(H) of this Resolution, within the area of the burn, the person must ensure that no burning is ignited or begun until such time as burning privileges are reinstated.
- (14) The person must ensure that all other applicable federal, state, and local laws, rules, and regulations are complied with.

**SECTION 6. Recreational Fires; Open Burning of Household Trash; Other Exceptions.**

- (A) Any person may initiate, participate in, allow, and/or conduct a recreational fire without a burn permit or prior authorization.
- (B) Any person initiating, participating in, allowing, and/or conducting a recreational fire must comply with the following:
  - (1) The person must not burn during periods when the rangeland fire danger index is VERY HIGH OR EXTREME and/or if the National Weather Service has issued a Red Flag Warning.

- (2) The person must ensure the burn is constantly attended by at least one individual of suitable age and discretion from the time of ignition until the time of extinguishment.
  - (3) The person must ensure that adequate and appropriate fire extinguishment equipment or material is available from the time of ignition until the time of extinguishment.
  - (4) The person must ensure that all other applicable federal, state, and local laws, rules, and regulations are complied with.
- (C) Any person may initiate, participate in, allow, and/or conduct the open burning of household trash without a burn permit or prior authorization.
- (D) Any person initiating, participating in, or permitting the open burning of household trash must comply with the following:
- (1) The person must ensure the burn is conducted in an acceptable metal container, which is mounted on a non-combustible surface.
  - (2) An area of bare soil or other non-combustible material must surround the acceptable metal container for ten (10) feet in all directions.
  - (3) The person conducting the burn must ensure that the burn is supervised by at least one individual of suitable age and discretion from the time of ignition until the time of extinguishment.
  - (4) The person conducting the burn must ensure that adequate and appropriate fire extinguishment equipment or material is available from the time of ignition until the time of extinguishment.
  - (5) The person must not burn during periods when the rangeland fire danger index is VERY HIGH OR EXTREME and/or if the National Weather Service has issued a Red Flag Warning.
  - (6) For purposes of this Section, "acceptable metal container" means any non-combustible metal container which is structurally sound, has a non-combustible protective screen with a maximum weave of 1/4 inch or vent holes no larger than one inch square securely installed on top of the container, and a volume not exceeding fifty-five (55) gallons.

- (7) The person conducting the burn must ensure that all other applicable federal, state, and local laws, rules, and regulations are complied with.
  
- (E) Any person may initiate, participate in, allow, and/or conduct an open burn related to the training of governmental or industrial personnel in firefighting procedures without a burn permit, provided prior authorization is obtained from the Fire Chief having jurisdiction over the area of the burn. Such burning will also be exempt from the requirements in Section 4 of this Resolution, however, the Fire Chief having jurisdiction over the area of the burn may impose any requirement(s) deemed necessary to ensure the safety and/or welfare of the public and/or property. Any person initiating, participating in, allowing, and/or conducting the burn must comply with the requirement(s) imposed by the Fire Chief having jurisdiction over the area of the burn, K.A.R. 28-19-645 through 28-19-648, and any and all other applicable federal, state, and local laws, rules, and regulations.
  
- (F) Any person may initiate, participate in, allow, and/or conduct an open burn related to the use of safety flares for the disposal of flammable gases, or an open burn related to the removal or disposal of dangerous or hazardous liquid materials or flammable gasses for which there is no other practical means of disposal, without a burn permit, provided prior authorization is obtained the Fire Chief having jurisdiction over the area of the burn. Such burning will also be exempt from the requirements in Section 4 of this Resolution, however, the Fire Chief having jurisdiction over the area of the burn may impose any requirement(s) deemed necessary to ensure the safety and/or welfare of the public and/or property. Any person initiating, participating in, allowing, and/or conducting the burn must comply with the requirement(s) imposed by the Fire Chief having jurisdiction over the area of the burn, K.A.R. 28-19-645 through 28-19-648, and any and all other applicable federal, state, and local laws, rules, and regulations.

**Section 7. Burn Ban.**

- (A) The Shawnee County Department of Emergency Management, after consulting with the Fire Chief(s) having jurisdiction of the area(s), is authorized to issue a burn ban prohibiting all open burning within the County, or any portion(s) thereof, whenever circumstances exist where open burning may jeopardize the safety and/or welfare of the public and/or property.
  
- (B) Any burn ban issued, as authorized in this Section, will become effective upon notice to the general public by any or all of the following methods:

- (1) Written notification, which includes but is not limited to e-mail, to the Fire District(s) having jurisdiction over the area(s);
  - (2) Written publication in the official County newspaper;
  - (3) Written notice on the County's official website, e.g., the Shawnee County Emergency Management webpage;
  - (4) Written or oral announcements through official County social media pages; and/or
  - (5) Oral announcements through local media outlets.
- (C) A burn ban may be terminated once the Shawnee County Department of Emergency Management determines that the conditions causing the burn ban to be instituted no longer exist or have sufficiently diminished to no longer constitute a danger to the population or property.
- (D) Notwithstanding the foregoing notice provisions, failure to receive notice as to a burn ban will not be a defense to violating the burn ban. The permit holder or designee and/or any person initiating, participating in, allowing, and/or conducting an open burn in the County is responsible for determining if there is a burn ban in effect prior to igniting or beginning the burn.
- (E) Any person seeking authorization to burn pursuant to Subsections 6(E) and 6(F) of this Resolution, may request and be granted permission to burn during a burn ban issued pursuant to this Section. Such exception may be granted by the Fire Chief having jurisdiction over the area of the burn, after consultation with the Shawnee County Department of Emergency Management, if the Fire Chief having jurisdiction over the area of burn determines the burn can be conducted without jeopardizing the safety and welfare of the public and/or property. The Fire Chief having jurisdiction over the area will retain authority to impose any requirements deemed necessary to ensure the safety and/or welfare of the public and/or property. If such exception is not granted, the person requesting said exception must comply with the burn ban.

**Section 8. Violations and Enforcement.**

- (A) It will be considered prima facie evidence that the person owning, occupying, or controlling any premises and/or property upon which an open burn is ignited or

begun has voluntarily caused or allowed the open burn. This presumption is rebuttable.

- (B) Any law enforcement agency or officer having jurisdiction, any Code Enforcement Officer, and/or the Fire Chief having jurisdiction or that individual's designee may investigate alleged violations of this Resolution. The Fire Chief having jurisdiction shall have the right, following an investigation, to request the issuance of a complaint or citation by any law enforcement agency with jurisdiction or Code Enforcement Officer.
- (C) The Fire Chief having jurisdiction or that individual's designee, any Code Enforcement Officer, and/or any law enforcement agency or officer having jurisdiction will have the right to enter private property:
  - (1) To inspect lands or property actually or reported to be burned as a result of open burning;
  - (2) To inspect and investigate alleged violations of this Resolution;
  - (3) To inspect burning permits; and
  - (4) To observe open burning to ensure the burn is adequately supervised and adequate and appropriate fire extinguishment equipment is available at the location of the burn.
  - (5) Nothing in this Resolution, or this subsection specifically, authorizes entry into any dwelling, building, or other constitutionally protected area without consent, a warrant, or exigent circumstances.
- (D) The Fire Chief having jurisdiction or that individual's designee, any Code Enforcement Officer, and/or any law enforcement agency or officer having jurisdiction shall have the right to issue a cease and desist order in written or verbal form and to extinguish all burns that are in violation of this Resolution.
- (E) When the same act or conduct of a person may establish the violation of more than one section, subsection, clause, and/or portion of this Resolution, the person may be charged and convicted for each such violation, and each such violation, if so alleged, will constitute a separate violation of this Resolution.

- (F) A violation of this Resolution must be fined as set out below, except that when any act or incident violates this Resolution and a more serious offense under the laws of the State of Kansas, the more serious offense may be charged.
- (G) Any person convicted of a violation of this Resolution must be fined as follows:
- (1) For the first violation, a fine of not more than \$500.00;
  - (2) For the second violation, a fine of not more than \$1,000.00; and
  - (3) For the third or subsequent violation, a fine of not more than \$1,500.00.
- (H) In addition to any other fines or penalties, any person convicted of any violation of this Resolution may be ordered to pay for the costs associated with the prosecution and may be ordered to reimburse any governmental entity for the costs associated with responding to, controlling, and/or extinguishing the open burn.
- (I) In addition to any other fines or penalties, any person convicted of any violation of this Resolution must be ordered to pay restitution to any other person(s) for all damage caused by the violation.
- (J) In addition to any other fines or penalties, any person convicted of any violation of this Resolution must have their burn permit revoked for a minimum period of one (1) year from the date of judgment.
- (K) In addition to, and independent of, the fines and penalties set forth in this Section, the County Counselor may seek, in a civil action governed by the Kansas Code of Civil Procedure, a declaratory judgment, an injunction, and/or other appropriate relief, against any person for committing any act or practice that violates this Resolution.
- (L) The Board of County Commissioners, the Shawnee County Sheriff, the Shawnee County Department of Emergency Management, their officers, agents, and employees, Shawnee County Fire Departments and/or Fire Districts and their members, assume no responsibility or liability for damage resulting from the use of the procedures or terms of this Resolution and nothing in this Resolution shall be construed as creating a cause of action on behalf of any person against the County, a municipality, or any other agencies, departments, instrumentalities, agents or employees responsible for the application or enforcement of the provisions of this Resolution.

**Section 9. Other Remedies Unaffected.**

Except as stated elsewhere in this Resolution, nothing in this Resolution should be construed to limit or forbid the County or any other person from pursuing any other remedies available at law or equity for damages or other relief related to injury to persons or property and to maintain any action or other appropriate proceeding.

**Section 10. Savings Clause.**

If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion thereof would be declared invalid or unconstitutional.

**Section 11. Repeal of Previous Resolution.**

This Resolution shall supersede all resolutions or rules, or portions thereof, which are in conflict with the provisions of this Resolution. Specifically, but not limited to, Shawnee County Home Rule Resolution 99-3, which is now codified at Shawnee County Code Chapter 17, Article 2.

**Section 12. Effective Date.**

This resolution shall take effect upon publication in the official County newspaper.

**BOARD OF COUNTY COMMISSIONERS  
SHAWNEE COUNTY, KANSAS**

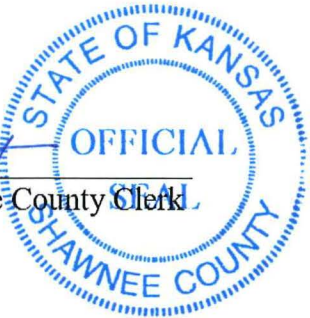
  
\_\_\_\_\_  
Aaron D. Mays, Chair

  
\_\_\_\_\_  
William D. Riphahn, Vice-Chair

  
\_\_\_\_\_  
Kevin J. Cook, Member

ATTEST:

  
\_\_\_\_\_  
Lisa J. Schmitt, Shawnee County Clerk



APPROVED AS TO FORM AND LEGALITY	
BY THE SHAWNEE COUNTY COUNSELOR'S OFFICE	
DATE <u>12/11/2025</u>	BY <u>Kyle R. Edelman</u>