

ORDINANCE NO. 515

AN ORDINANCE LIMITING OPEN BURNING WITHIN THE CITY OF POMONA,  
FRANKLIN COUNTY, KANSAS, AND ESTABLISHING PENALTIES FOR  
VIOLATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POMONA ,  
KANSAS :

Section 1. APPROPRIATE PRECAUTIONS. No person shall leave any fire unattended until appropriate precautions have been taken to prevent the fire from spreading. No person shall set a fire without first taking precautions to insure that the fire will be safely contained within the perimeters of the area sought to be burned and will present no danger to the health or property of adjoining landowners. Said person shall follow all City of Pomona guidelines and rules as set by state law and regulations.

Section 2. NO BURN ORDERS. The Pomona City Council reserves the right, at any time that the weather dictates, to ban open burning by ordinance, the Pomona City Council approves and support by this ordinance, the practice of the Pomona Fire Chief, or his or her designate, declaring a No Burn Order for a particular day when it is determined through the use of one or more of the following conditions, (The NWS Rangeland Fire Danger Index, Weather conditions for the day, Ground moisture condition, Vegetation condition or Wind conditions), that burning should be prohibited. This decision will be made by the Pomona Fire Chief, or his or her designee, no later than 9:00 a.m. on any day conditions warrant a No Burn Order. The Fire Chief or his designate will notify the Franklin County Emergency Communications Center (911) of the Sheriff's Office of the No Burn Order along with KOFO Radio and the Ottawa Herald of such order.

Section 3. PENALTIES. (a) Any person who abandons a fire that has not been extinguished, who fails to take proper precautions to control a fire, who burns on a day when burning is banned by the Pomona City Council or determination of the Pomona Fire Chief, or designee, or who otherwise violates the provisions of this ordinance by issuance of a citation by the Fire Marshall or by an authorized law enforcement officer, or by the filing of a citation by the City prosecutor. A fine of not to exceed two hundred dollars (\$200.00) per violation may be assessed against a violator of this resolution upon conviction.

(b) Any person convicted of violating this ordinance may also be assessed all costs incurred by any fire department, including any fire department called to assist the Pomona Fire Department, in the fighting of fires within the City of Pomona, Kansas, resulting from actions contrary to the mandates of this ordinance and upon which the violation has been convicted.

Section 4. CONFLICTING ORDINANCES. That all ordinance and parts of ordinances in conflict herewith are hereby amended and repealed. That in the event part or portion of this ordinance is found to be invalid, the invalidity of such shall not effect the other provisions or applications of the ordinance which can be given without the invalid part or portions.

Section 5. PUBLICATION. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Pomona, Kansas, this 3<sup>rd</sup> day of October, 2006.

Kirk Lauritsen

Mayor

ATTEST:

Linda Servaes

City Clerk