



EMERGENCY MANAGEMENT

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Justin Beaver, Communications Systems Manager

To: Burn Ban Notification List Fax:

From: Donald D. Lynch, Director *D.L.* Date: February 10, 2017

Re: County-Wide Burn Ban Pages: 5 Including Cover

CC:

Urgent For Review Please Comment Please Reply Please Recycle

Notes: Be advised that the Pottawatomie County Board of County Commissioners adopted a resolution this afternoon placing a burn ban into immediate effect. A copy of the resolution is attached hereto.

Thanks for your assistance in this matter.

POTTAWATOMIE COUNTY BURN BAN RESOLUTION

WHEREAS: The Pottawatomie County Board of County Commissioners pursuant to the authority granted to The Board under Title 2, Article 16 Section 16-26 of the Oklahoma Statutes, finds that moderate to severe drought conditions exist in Pottawatomie County; and,

WHEREAS: Pottawatomie County is in a severe, extreme, or exceptional drought as defined by the National Oceanic and Atmospheric Administration (NOAA); and,

WHEREAS: No more than one-half inch of precipitation is forecast by the National Weather Service for the next three days; and,

WHEREAS: Initial fire attack on a significant number of wildland fires has been unsuccessful due to extreme fire behavior; and,

WHEREAS: A majority of the county's municipal and certified rural fire departments agree that a period of extreme fire danger exists and request that a county burn ban be instituted,

NOW THEREFORE BE IT RESOLVED: That the Pottawatomie County Board of County Commissioners does hereby declare a period of extreme fire danger exists in Pottawatomie County effective immediately upon passage of this resolution.

BE IT FURTHER RESOLVED: That by virtue of this resolution, in accordance with 2 O.S. Chapter 1, Article 16, Section 16-26 Paragraph 5B, it is unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire; and,

Any law enforcement officer of the State of Oklahoma may carry out the enforcement of this resolution; and,

Any person convicted of violating this resolution shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), to imprisonment of not more than one (1) year, or to both such fine and imprisonment.

BE IT FURTHER RESOLVED: That this Resolution shall be in effect for a period of fourteen (14) days from the date of passage by the Board of County Commissioners unless the burn ban is removed earlier by the same method by which it was approved; and

If extreme fire danger conditions persist, subsequent resolutions may be passed by the Board of County Commissioners in the same manner as provided in the law.

BE IT FURTHER RESOLVED: That an exception to the fire prohibition may be granted during periods of cooler temperatures with low wind speeds, and higher relative humidity values or precipitation, based on appropriate precautionary measures being taken at the burn location when an application for such exception is approved by the Fire Chief or his designee for the fire department designated to respond to the location of the proposed burn. It shall be left to the discretion of the local Fire Chief or his designee to determine if weather conditions and forecasted conditions are appropriate to issue such exception permits. An application form is included as Attachment A to this Resolution. A copy of each approved exception application shall be filed with the Pottawatomie County Emergency Management Director and included in the file containing the record of passage and filing of this Resolution.

BE IT FURTHER RESOLVED: That agricultural producers burning cropland, rangeland, forests or pastures as a preferred method of managing their property shall be exempt from this resolution so long as the agricultural producer has complied with the statutory procedures.

BE IT FURTHER RESOLVED: That nothing in this resolution shall supersede requirements set by a proclamation promulgated by the Governor under statutory authority, interfere with the authority of the Oklahoma Department of Agriculture, Food, and Forestry to enforce burning laws or change the burner's liability as prescribed by law.

BE IT FURTHER RESOLVED: That The Board of County Commissioners hereby directs the Pottawatomie County Emergency Management Director to file a notice of this Resolution with the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry, all local news media, local law enforcement officials, and the Department of Wildlife Conservation and to maintain evidence of publication or posting in accordance with the Open Records Act.

Approved by the Board of County Commissioners meeting at 1:00 P.M. this tenth day of February, 2017.

[Handwritten signature]

Vice Chairman, Board of County Commissioners



[Handwritten signature]
County Clerk

Approved As To Form By:

[Handwritten signature]
District Attorney

Attachment A

Application for an Exception During a Pottawatomie County Burn Ban

To the Fire Chief of the _____ Fire Department:

I hereby recognize that Severe Drought Conditions Exist, and request permission to have an exception to the Pottawatomie County Burn Ban in order to burn as described on this application under the conditions specified.

Applicant Name: _____ Phone: _____

Address: _____

City/St/Zip: _____

Legal description of area to be burned: _____

Number of Acres to be burned: _____

Material/Items to be burned: _____

Planned Date of Burn: _____ Approximate Time Frame: _____

Objective of Burn: _____

Adjacent Residents Contacted Yes No

Minimum Precautions Required:

1. Describe how adequate control lines surrounding the burn area are established to prevent the fire from escaping:

2. The following resources will be on-site during the burn to be able to maintain control of the fire at all times:

⁺ tractor with plow or disk ⁺ sprayer with tank and pump ⁺ water supply

Other (specify):

3. Burns shall be conducted only when wind speeds do not exceed fifteen miles per hour

I attest that said land is owned by me or under my legal control. I understand my responsibilities in conducting this burn, and accept the liabilities prescribed under the law. I further understand that approval of this exception by the Fire Department in no way absolves me from liabilities under the Oklahoma Statutes governing the use of fire.

Applicant's Signature: _____

Date: _____

FOR LOCAL FIRE OFFICIAL'S USE ONLY

I have reviewed this application for controlled burning and approve the exception based upon the minimum precautions listed and the following special conditions (wind direction, etc.):

Fire Official Signature: _____

Date: _____

A copy of the approved application is to be filed by the approving fire department with the Pottawatomie County Emergency Management Director. This can be accomplished by faxing the copy to 405-878-1643, by emailing the copy to dlynch@shawneeok.org, by mailing the copy to Shawnee/Pottawatomie County Emergency Management P.O. Box 1448 Shawnee, OK 74802-1448 or by delivering the copy in person to Shawnee City Hall 16 West 9th Street Room 112, Shawnee, OK 74801.