

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, STATE OF OKLAHOMA

RESOLUTION # 2017- 196

ROGERS COUNTY BURN BAN RESOLUTION

WHEREAS, the Board of County Commissioners for Rogers County, Oklahoma, is authorized to declare that an extreme fire danger exists in Rogers County pursuant to Okla. Stat. Ann. tit. 2, § 16-26 (B)

WHEREAS, the term "extreme fire danger" as defined in Okla. Stat. Ann. tit. 2, § 16-26 (B) (1) means:

- a. moderate, severe or extreme drought conditions exist as determined by the National Oceanic and Atmospheric Administration (NOAA) pursuant to its criteria; and
- b. no more than one-half (1/2) inch of precipitation is forecast for the next three (3) days, and
- c. fire occurrence is significantly greater than normal for the season and/or initial attack on a significant number of wildland fires has been unsuccessful due to extreme fire behavior, and
- d. more than twenty percent (20%) of the wildfires in the County have been caused by escaped debris or controlled burning.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (1) provides that 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 in any county of this state in which the board of county commissioners of the county has passed a resolution declaring a period of extreme fire danger.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (2) provides that a majority of the board of county commissioners may call an emergency meeting at any time to pass or revoke a resolution declaring a period of extreme fire danger in accordance with this section.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (3) requires that a board of county commissioners shall have the documented concurrence of a majority of the chiefs, or their designees, of the municipal and certified rural fire departments located in the county that a period of extreme fire danger exists prior to passage of a resolution declaring a period of extreme fire danger in the county. The resolution shall be effective for a period not to exceed thirty (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. If extreme fire danger conditions persist, subsequent resolutions may be passed by the board of county commissioners in the same manner as provided in this paragraph. The board of county commissioners, in the resolution, may grant exceptions to the fire prohibition based on appropriate precautionary measures.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (4) provides that any resolution passed by a board of county commissioners under authority of this subsection shall be effective immediately upon passage of the resolution. Notice of the resolution shall be submitted to the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry, all local news media, local law enforcement officials,

and the state headquarters of the Department of Public Safety, the Oklahoma Tourism and Recreation Department and the Department of Wildlife Conservation on the day of passage of the resolution. Evidence of publication or posting as provided in this paragraph shall be maintained by the county.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (5) provides that the provisions of this subsection may be enforced by any law enforcement officer of this state.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (6) provides that any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), to imprisonment for not more than one (1) year, or to both such fine and imprisonment.

WHEREAS, Okla. Stat. Ann. tit. 2, § 16-26 (B) (7) provides that the outdoor gas grilling and welding shall not be considered an act in violation of this subsection.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of County Commissioners, having received the documented concurrence of a majority of the municipal and certified rural fire departments located in Rogers County, does hereby declare that an extreme fire danger exists in Rogers County, Oklahoma; and
2. 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 in Rogers County, for a period of time not to exceed seven (14) days from the date hereof, unless the burn ban is removed earlier by subsequent Resolution of this Board; and
3. This Resolution shall be effective immediately upon the passage hereof; and
4. Notice of the resolution shall be submitted to the entities listed in Okla. Stat. Ann. tit. 2, § 16-26 (B) (4) and shall be posted at the Rogers County Courthouse; and
5. The Board of County Commissioners grants the following exception to the fire prohibition based on appropriate precautionary measures: Gas grills and welding with no open exposed flames and a hooded cooking area may be used.
6. Agricultural producers burning cropland, rangeland, forests or pastures as a preferred method of managing their property shall be exempt from any resolution passed by a board of county commissioners that declares a period of extreme fire danger so long as the agricultural producers have complied with the following procedures:
 - a. submit a written prescribed burn plan to the local fire department and, if within a protection area, the local office or local representative of the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry nearest the land to be burned that shall include the following information:

- (1) the name and telephone number of the agricultural producer conducting the burn,
 - (2) the address and legal description of the area to be burned,
 - (3) the objective and purpose of the burn,
 - (4) a list of fire departments and sheriff's offices that are required to be notified pursuant to subparagraph c of this paragraph,
 - (5) a list of adjoining landowners required to be notified pursuant to Okla. Stat. Ann. tit. 2, § 16-28.2,
 - (6) a description of any firebreaks used to define the boundary of the prescribed burn,
 - (7) a statement of prescribed weather conditions,
 - (8) a description of any smoke-management considerations, and
 - (9) an ignition plan for the burn,
- b. keep a copy of the written prescribed burn plan provided for in subparagraph a of this paragraph on site when conducting the prescribed burn,
- c. notify the county sheriff and the dispatch center of the local fire department prior to conducting the prescribed burn, and
- d. comply with the notification procedures outlined in Okla. Stat. Ann. tit. 2, § 16-28.2 (B) (4).
- (1) The prescribed burn plan provided for in paragraph 6 of this subsection shall be deemed approved seventy-two (72) hours after submission to the local fire department; provided, that the local fire department may amend the submitted burn plan within seventy-two (72) hours after submission.
 - (2) The prescribed burn plan provided for in paragraph 6 of this subsection shall not include campfires, household trash, debris or pile burning.
 - (3) Nothing in paragraph 6 of this subsection shall supersede requirements set by a proclamation promulgated by the Governor under authority of this section, 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.

PASSED AND ADOPTED at a Regular Meeting of Board of County Commissioners at the County Courthouse on the 3 day of March, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS



Jeanne M. Heidlage
County Clerk

Dan DeLozier, Commissioner District #1

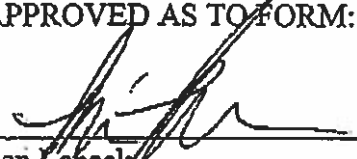


Steve Hendrix, Commissioner District #2



Ron Burrows, Commissioner District #3

APPROVED AS TO FORM:



Ben Cepack
Assistant District Attorney