JIM FREENY
DISTRICT 1
BROKEN BOW

JOE COFFMAN
DISTRICT 2
IDABEL

JIMMY WESTBROOK
DISTRICT 3
VALLIANT

THE BOARD OF COUNTY COMMISSIONERS
McCURTAIN COUNTY
P.O. Box 1078 • Idabel, Oklahoma 74745
580-286-7428 • Fax: 580-286-7495

RESOLUTION

October 5th, 2015

We, the undersigned McCurtain County Board of Commissioners, do hereby resolve to approve Resolution to declare Burn Ban effective for McCurtain County for the next 30 days. Authority is given by Senate Bill 1816, signed into law June 3, 2008, modified Section 16-26.

Board of County Commissioners

Chairman

Vice Chairman

Member

Attest _____ County Clerk

COUNTY CLERK McCURTAIN COUNTY, OKLAHOMA

Oklahoma Forestry Services
County Ban on Outdoor Burning Guidelines
(Effective date: November 1, 2013)

Introduction
The 2008 Legislature passed and Governor Brad Henry signed into law Senate Bill 1816 that authorizes Boards of County Commissioners to enact a ban on outdoor burning at the county level. Forestry Services has developed these guidelines to help county commissioners comply with the law and to assure proper communication of Board actions that might result.

Burn Ban Statutory Authority
Legal authority for a ban on outdoor burning is located in Title 2 of the Oklahoma Statutes. Article 16 Section 16-26 of the Oklahoma Forestry Code authorizes the Governor to declare a ban on outdoor burning based upon drought conditions and the recommendation of the Oklahoma Forestry Services, in order to reduce the threat of wildfire. Senate Bill 1816, signed into law June 3, 2008, modified Section 16-26 to authorize county commissioners to exercise similar authority at the county level, under certain conditions and with certain restrictions. A burn ban proclaimed by the Governor will supersede a county ban on outdoor burning.

> (Any person who violates a Governor's ban on outdoor burning is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000), and/or imprisonment for not more than on (1) year.)

Additional information on State statutes and legislation can be found at the website of the Legislative Services Bureau: http://www.lsb.state.ok.us/. Consult the Secretary of State's website for legislation signed into law (Enrolled Bills): http://www.sos.state.ok.us/

County Burn Ban Procedures
On April 14, 2010, Governor Brad Henry approved House Bill 3210, which modified the Oklahoma Forestry Services Code to empower Boards of County Commissioners to ban outdoor burning for up to a thirty-day period.

On May 16, 2013, Governor Mary Fallin approved House Bill 1762, which modified the definition of "Extreme Fire Danger."

Prior to passage of a burn-ban resolution, the board of county commissioners must declare the existence of extreme fire danger. As defined in the law, extreme fire danger means:

1. Severe, extreme, or exceptional drought conditions exist within the county as determined by the National Oceanic and Atmospheric Administration (NOAA).

   http://droughtmonitor.unl.edu/

2. No more than one-half (1/2) inch of precipitation is forecast for the next three (3) days by the National Weather Service.

   Websites for Oklahoma's four National Weather Service Forecast Offices:
   Norman – http://www.srh.noaa.gov/oun
   Tulsa - http://www.srh.noaa.gov/tsa/
   Amarillo - http://www.srh.noaa.gov/ama/
   Shreveport - http://www.srh.noaa.gov/shv/

Either of the following:

3. 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,

4. Where data is available, more than twenty percent (20%) of the wildfires in the county have been caused by escaped debris burning or controlled burning.

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.

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 (30) days from the date of passage, unless the burn ban is removed earlier by the method by which it was approved**. If extreme fire danger conditions persist, the board of county commissioners may pass subsequent resolutions 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.

Other Provisions in the Law

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 Dept. 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.

The Board may authorize exceptions to the ban on burning and prescribe appropriate precautionary measures for those exceptions. Landowners in the Forestry Services' Protection Area (http://www.forestry.ok.gov/reporting-a-wildfire) that are granted exceptions must still adhere to Procedures to Lawfully Burn Land found in the Oklahoma Forestry Code (Section 16-28, Title 2, Oklahoma Statutes). This section states, "Notification to burn shall be made by the owner to the local office or local representative of the Oklahoma Forestry Services' at least four hours in advance and verbal or written approval obtained."

In addition, to the notification requirements of the above mentioned paragraph, any landowner conducting a prescribed burn in a protected area shall comply with all provisions of the Oklahoma Forestry Services' Code (Title 2, Oklahoma Statutes). Counties may wish to refer to Oklahoma Forestry Services' website www.forestry.ok.gov to review burn ban guidelines when weather and wildfire conditions warrant.

Any law enforcement officer of Oklahoma may enforce the provisions of this law.

Any person who violates a County ban on Outdoor Burning is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500), and/or imprisonment for not more than one (1) year.

The selling of fireworks shall not be considered an act in violation of this law.

Notification Requirements

For a burn ban to be effective, the Board should make the general public, county landowners and other interested parties aware of Board actions, as soon as possible. The Board is required by law to notify the entities listed below on the **same day** that a resolution is passed placing a ban in effect or cancelling such ban. The law does not prescribe the method of notification, but a faxed copy of the approved and signed resolution is preferred. The County must maintain evidence that notification or posting is done according to the law.

A. **George L. Geissler, State Forester**
Oklahoma Department of Agriculture, Food and Forestry-Forestry Services'
2800 North Lincoln Boulevard
Oklahoma City, OK 73105
Fax: 405-522-4583 Phone: 405-522-6158 ✓

The Forestry Division maintains the official burn ban website (www.forestry.ok.gov) and includes information about burn bans declared by a county or by the Governor.

B. **Michael C. Thompson, Commissioner**
Department of Public Safety
P.O. Box 11415
Oklahoma City, OK 73136
Fax: 405-419-2050 Phone: 405-425-2424 ✓

C. **Kristina Marek, Director**
Oklahoma Tourism and Recreation Department
P.O. Box 52002
Oklahoma City, OK 73152-2002
Fax: 405-230-8676 Phone: 405-230-8476 Left msg
Email: kmarek@oklahomaparks.com

D. **Alan Peoples, Chief**
Department of Wildlife Conservation
P.O. Box 53465
Oklahoma City, OK 73152
Fax: 405-521-4706 Phone: 405-521-2739 ✓
E-mail: apeoples@odwc.state.ok.us

need to Email
Heather.BELMORAL@odwc.ok.gov

E. Local news media - County officials are advised to develop a list of local media contacts to help make sure the public is aware of burn ban activity.

F. Local law enforcement officials - County officials are advised to develop a list of local law enforcement personnel who may be called upon to enforce the burn ban.

Contact the State Forester's office for additional information about burn bans, wildfire conditions, the Firewise program or other efforts to reduce the threat of wildfires in Oklahoma.

Oklahoma Department of Agriculture, Food and Forestry
Forestry Services
2800 North Lincoln Boulevard
Oklahoma City, OK 73105
405-522-6158
Fax 405-522-4583
www.forestry.ok.gov

Revised: May, 2013

County Ban on Outdoor Burning Checklist

The purpose of this checklist is to help County Commissioners follow the steps necessary to comply with state law when placing a ban on outdoor burning within their county, or removing such a ban. These steps are included in the Oklahoma Statutes in Title 2, Article 16, Section 16-26, and Sub-section B.

County: McCurtain County Type of Action: X Ban On ____ Ban Off

1. Document that a period of extreme fire danger does or does not exist:

Yes	No	
X	____	Drought conditions exist within the county
X	____	Less than one-half (1/2) inch of precipitation is forecast during the next 3 days
X	____	Fire occurrence is above normal levels/initial attack is unsuccessful
X	____	Where data is available, more than twenty percent (20%) of wildfires have been caused by escaped debris burning or controlled burning.
X	____	Most municipal and certified rural fire departments support the resolution
X	____	In passing a resolution to ban outdoor burning, exceptions to the ban were considered. If any exceptions were authorized, the resolution will include appropriate precautionary measures to prevent wildfires.

2. Based upon an assessment of this information, the Board took the following action:

By Resolution the BOCC Passed Unanimous

Date and time of action: 9:15 10-5-15

3. The Board notified each of the following entities of this action (all are required):

- ✓ Forestry Services - Oklahoma Department of Agriculture, Food and Forestry
- ✓ Department of Public Safety
- ✓ Department of Tourism and Recreation
- ✓ Department of Wildlife Conservation
- ✓ Local news media
- ✓ Local law enforcement officials

4. __ The Board has retained the original resolution, proof of notification of the agencies and other groups required, and other public posting activities.

Checklist completed by: Jimmy Westbrook Date: 10-5-15