

AN ORDINANCE AUTHORIZING PROCEDURES TO ENACT  
A COUNTY-WIDE BURN BAN PURSUANT TO THE AUTHORITY OF  
STATE LAW AND SECTION 49.266 RSMO  
ORDINANCE NO. 2013-9

BE IT ORDAINED BY THE COUNTY COMMISSION OF ADAIR COUNTY,  
MISSOURI, AS FOLLOWS:

WHEREAS, the County Commission of Adair County, Missouri, is authorized to enact ordinances to promote and enhance the public health, safety and general welfare of individuals within Adair County, Missouri; and

WHEREAS, Section 49.266 RSMO authorizes the enactment of a County-wide ban of open fires pursuant to the provisions of that Statute;

1. It shall be unlawful to knowingly start, initiate, cause, permit, or conduct a fire on property located in Adair County, Missouri, excluding outdoor grills utilized for cooking purposes. Violation of this Ordinance shall be a class A misdemeanor as defined by State Law.
2. Each violation of an open burning ban imposed under this Ordinance shall be considered a separate offense for each day or part of the day in which the violation is committed.
3. The Adair County Commission may enact a County-wide burn ban upon a determination by the State Fire Marshall that a burn ban order is appropriate for Adair County pursuant to the provisions of Section 49.266.3 RSMO
4. State agencies responsible for fire management or fire suppression activities and persons conducting agriculture burning using best management practices as defined by the Missouri Department of Conservation, shall not be subject to the provisions of this Ordinance.
5. This Ordinance shall not affect the ability of an individual, organization, or corporation to sell fireworks during the period of a burn band but it does prohibit the usage of all missile and skyrocket devices.
6. Each Order imposed under this Ordinance shall state the conditions which warrant such county-wide burn ban and notice shall be provided to the general public of the enactment of the burn ban.
7. Prior to enacting a County-wide burn ban, the Commission must receive information of the condition precedent established in Section 49.266.3 RSMO.
8. Any burn ban imposed under this Ordinance shall remain in effect for a period not to exceed thirty (30) days. However, the Adair County Commission may extend or rescind the ban if necessary.

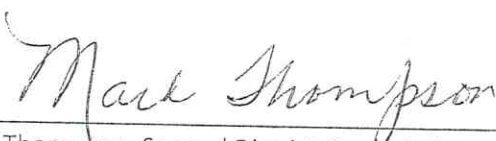
9. This Ordinance and any burn ban when enacted shall be applicable to all unincorporated areas of Adair County, Missouri, and all incorporated areas within Adair County that do not have a municipal ordinance banning open burning.
10. Burn ban violators will be subject to a minimum fine of \$250.00 up to the maximum allowed by a class A misdemeanor. Additionally, restitution for services provided will be awarded to the responding fire department(s).

This Ordinance shall be in full force and in effect from and after its passage and adoption. Should any provision within the Ordinance be adjudged invalid, said determination shall not affect the validity of the balance of this Ordinance.

THIS ORDINANCE WAS PASSED AND ADOPTED ON THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2013.

  
Stanley Pickens, Presiding Commissioner

  
Carson Adams, First District Commissioner

  
Mark Thompson, Second District Commissioner

Attest:   
Sandra Collop, Adair County Clerk