

**AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A BAN ON OPEN BURNING DURING FIRE HAZARD PERIODS.**

WHEREAS, KRS 149.401 authorizes a city or a county to enact an ordinance banning all open burning during periods of extraordinary forest fire hazard or fire occurrence.

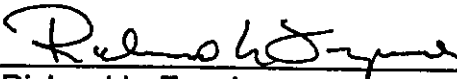
WHEREAS, such ordinance may authorize the implementation of such a ban by executive order of the chief executive officer (Hopkins County Judge/Executive) upon notice by the Division of Forestry that a period of extraordinary forest fire hazard or fire occurrence exists.

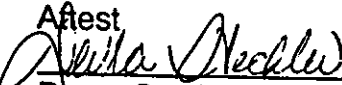
NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Hopkins County that a ban against open burning during fire hazard periods is hereby authorized and the Hopkins County Judge/Executive may, by executive order, implement said ban upon notice by the Division of Forestry that a period of extraordinary forest fire hazard or fire occurrence exists.

Any person in violation of said ban against open burning shall be fined not less than \$50.00 nor more than \$500.00.

Such ban may be enforced by any law enforcement officer in Hopkins County and referred to the appropriate County or Commonwealth Attorney for prosecution.

Upon motion by Patricia Hawkins, seconded by Purdy, the first reading was held and approved on the 23rd day of November, 1999.

  
\_\_\_\_\_  
Richard L. Frymire  
Hopkins County Judge/Executive

Attest  
  
\_\_\_\_\_  
Devra Steckler, Hopkins County Clerk

On second reading of the foregoing Ordinance, it was moved by Magistrate Hamilton and seconded by Magistrate Purdy, that this Ordinance be duly adopted.

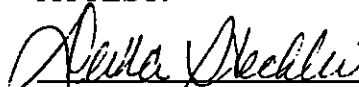
WHEREUPON, the vote was called.

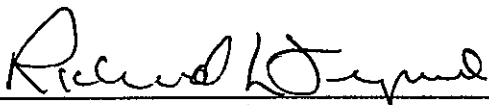
On roll call the vote stood:

Magistrate Welch	<u>YES</u>
Magistrate Wheeler	<u>YES</u>
Magistrate Stanley	<u>YES</u>
Magistrate Donald Hawkins	<u>YES</u>
Magistrate Hamilton	<u>YES</u>
Magistrate Purdy	<u>YES</u>
Magistrate Patricia Hawkins	<u>YES</u>

WHEREUPON, County Judge/Executive Richard L. Frymire declared the Ordinance adopted on its second reading, affixed his signature and the date thereto and declared that the same be recorded.

ATTEST:

  
\_\_\_\_\_  
Devra Steckler  
Hopkins County Clerk

  
\_\_\_\_\_  
Richard L. Frymire  
Hopkins County Judge/Executive

December 9, 1999  
Date

**149.401. City or county ordinance banning open burning during fire hazard periods.**

(1) Without limiting the general authority granted to a county by KRS 67.083 and the general authority granted to a city by KRS 82.082, a city or county may enact an ordinance banning all open burning during periods of extraordinary forest fire hazard or fire occurrence. Such ordinance may authorize the implementation of such a ban by executive order of the chief executive officer upon notice by the division of forestry that a period of extraordinary forest fire hazard or fire occurrence exists.

(2) Any ordinance promulgated by a city or county pursuant to subsection (1) of this section may establish penalties for violation of the ordinance not to exceed the penalties set forth in KRS 149.990(2).

(3) Any ordinance promulgated by a city or county pursuant to subsection (1) of this section may be enforced by the promulgating body, or by the cabinet, and referred to the appropriate county or Commonwealth attorney for prosecution.

(Enact. Acts 1986, ch. 17, § 1, effective July 15, 1986.)