



Board of County Commissioners, Pittsburg County

Charlie Rogers
District #1

Kevin Smith
District #2

Ross Selman
District #3

BOARD OF COUNTY COMMISSIONERS

EMERGENCY MEETING

AGENDA

FILED

JUL 19 2022

TIME 10:14 AM
HOPE TRAMMELL, COUNTY CLERK
PITTSBURG COUNTY
BY _____ DEPUTY

DATE: JULY 19, 2022

TIME: 11:00 A.M.

PLACE: PITTSBURG COUNTY COMMISSIONERS CONFERENCE ROOM
PITTSBURG COUNTY COURTHOUSE
115 E. CARL ALBERT PKWY.
MCALESTER, OKLAHOMA

***CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO BE TAKEN ON THE FOLLOWING LISTED ITEMS ON THE AGENDA:

1. CALL MEETING TO ORDER

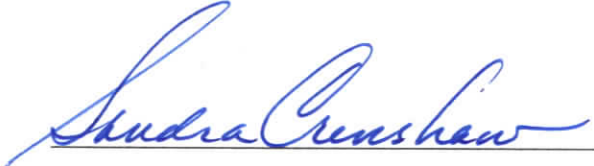
2. ROLL CALL: KEVIN SMITH - CHAIRMAN
CHARLIE ROGERS - VICE-CHAIRMAN
ROSS SELMAN - MEMBER

3. APPROVAL OF AGENDA

4. AGENDA ITEMS

A. Approve/Disapprove County-wide Burn Ban

5. RECESS OR ADJOURNMENT


CLERK

RESOLUTION
23-013

PITTSBURG COUNTY BURN BAN

WHEREAS, the Board of County Commissioners, Pittsburg County, pursuant to the authority granted to the Board by Section 16-26.B of Title 2 of the Oklahoma Statutes, do hereby proclaim that extreme fire danger exists in Pittsburg County. This situation (as defined in Section 16-26.B.1 a-d, Title 2. O.S.) has been verified by a documented concurrence of the majority of the County's municipal managers and rural fire chiefs or their designees.

WHEREAS, by virtue of this resolution, it is unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, or build a campfire or bonfire, or to burn trash or other material, or use any fireworks that may cause a forest, grass, range, crop or other wildland fire. NOTE: Outdoor welding will be allowed, provided that there is fire watch personnel on scene while welding and/or cutting activities are being performed.

WHEREAS, any law enforcement office of the State of Oklahoma may carry out the enforcement of this resolution. 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.

WHEREAS, certain exceptions are attached to this resolution by Pittsburg County.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners, Pittsburg County, made this COUNTY-WIDE BURN BAN, effective immediately for a period not to exceed Fourteen (14) days from the date of passage by the Board of County Commissioners. If extreme fire danger conditions persists, subsequent resolutions may be passed. This Burn Ban may be removed at any time during the seven day period by the same method by which it was approved.

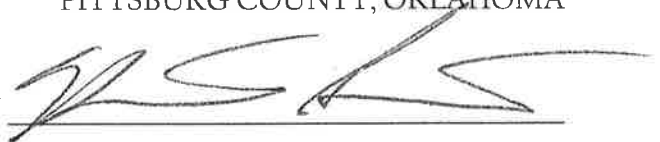
*Attachment on back.

Approved this 19th day of July, 2022.

BOARD OF COUNTY COMMISSIONERS
PITTSBURG COUNTY, OKLAHOMA

ATTEST:

CHAIRMAN

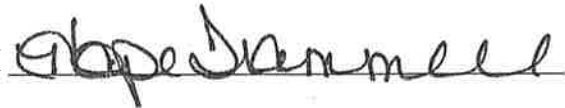


VICE-CHAIRMAN



MEMBER

COUNTY CLERK



Oklahoma Statutes Citationized

Title 2. Agriculture

Chapter 1 - Agricultural Code

Forest Fire Prevention

Article Article 16 - Oklahoma Forestry Code

Section 16-26 - Emergency Drought Conditions - Burning Prohibited - Proclamation - Notice

Cite as: 2 O.S. § 16-26 (OSCN 2022), Forest Fire Prevention

A. 1. 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 burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county, counties or area within county where, because of emergency drought conditions, there is gubernatorially proclaimed extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Division of Forestry, or unless it can be established that the setting of the backfire was necessary for the purpose of saving life or property. The burden of proving the necessity shall rest on the person claiming a defense.

2. The Division of Forestry shall advise the Governor when the lands described in paragraph 1 of this subsection in any county, counties or area within a county of this state because of emergency drought conditions are in extraordinary danger from fire. The Governor may by proclamation declare a drought emergency to exist and describe the general boundaries of the area affected.

3. Any proclamation promulgated by the Governor under authority of this subsection shall be effective immediately upon the Governor's signed approval of the emergency proclamation and shall supersede any resolution passed by a board of county commissioners pursuant to subsection B of this section. Notice of the proclamation shall occur through posting on the Oklahoma Department of Agriculture, Food, and Forestry's website and informing local news media. Evidence of publication or posting as herein provided shall be maintained by the Forestry Division.

4. When conditions warrant, due notice of the termination of the emergency shall be promptly made by proclamation, which shall be published or posted in like manner as when officially declared.

5. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), by imprisonment for not more than one (1) year, or both.

B. 1. 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 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. As used in this subsection, "extreme fire danger" means:

a. all three of the following conditions are present:

(1) severe, extreme, or exceptional drought conditions exist as determined by the National Oceanic and Atmospheric Administration (NOAA) pursuant to its criteria,

(2) no more than one-half (1/2) inch of precipitation is forecast for the next three (3) days, and

(3) either of the following:

(a) 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, or

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

b. temperatures for any day over the next three (3) days are forecasted at or over one hundred (100) degrees Fahrenheit.

2. 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.

3. 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 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. 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.

4. 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 Section 16-28.2 of this title,
 - (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 Section 16-28.2 of this title.
5. The prescribed burn plan provided for in paragraph 4 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.
6. The prescribed burn plan provided for in paragraph 4 of this subsection shall not include campfires, household trash, debris or pi burning.
7. Nothing in paragraph 4 of this subsection shall supersede requirements set by a proclamation promulgated by the Governor und 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.
8. 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.
9. The provisions of this subsection may be enforced by any law enforcement officer of this state.
10. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and shall be subject to a fin 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.
11. The selling of fireworks shall not be considered an act in violation of this subsection.

Historical Data

Laws 1971, SB 243, c. 349, § 206, emerg. eff. June 24, 1971; Amended by Laws 2001, SB 522, c. 113, § 21, emerg. eff. April 18, 2001 (superseded document available); Renumbered from 2 O.S. § 1301-206 by Laws 2001, SB 522, c. 113, § 56, emerg. eff. April 18, 2001; Amended by Laws 2006, SB 1481, c. 209, § 2, eff. November 1, 2006 (superseded document available); Amended by Laws 2007, SB 517, c. 195, § 6, emerg. eff. May 31, 2007 (superseded document available); Amended by Laws 2008, SB 1816, c. 316, § 1, emerg. eff. June 2, 2008 (superseded document available); Amended by Laws 2010, HB 3210, c. 86, § 1, emerg. eff. April 12, 2010 (superseded document available); Amended by Laws 2013, HB 1762, c. 299, § 1, eff. November 1, 2013 (superseded document available); Amended by Laws 2015, HB 1462, c. 256, § 1, eff. November 1, 2015 (superseded document available); Amended by Laws 2016, HB 2646, c. 351, § 1, eff. November 1, 2016 (superseded document available); Amended by Laws 2019, HB 1218, c. 271, § 1, eff. November 1, 2019 (superseded document available).

Citationizer[®] Summary of Documents Citing This Document



**PITTSBURG COUNTY
BURN BAN POLL**

*Yes=20
No=7*

Roll Date 7/14/22

Do you agree with the need for a County wide Burn Ban?

Revision Date: 5/9/2022

Dept	Chief	Phone #	E-mail	Agree	Do not agree
	Chief: Alderson	918-429-4355	timccov1@yahoo.com	X	
	Asst Chief: Russell Thurman	918-302-8581	Russell1080@icloud.com		
Dept:	Chief: Ashland	918-429-9860	skw5861@yahoo.com	X	Do not agree
	Asst Chief: Kenny Weiher	918-916-1316	6719hillbilly@yahoo.com		
Dept:	Chief: Arrowhead Estates	918-339-2835	crabjid@cvok.net	X	Do not agree
	Asst Chief: Junior L Crabtree	918-470-9848			
Dept:	Chief: Blanco	918-429-5171	blancofd@kiamichiwb.org	X	Do not agree
	Asst Chief: William Johnson	918-726-1755			
Dept:	Chief: Blue	91842998271	bvamok@gmail.com	X	Do not agree
	Asst Chief: Hunter James				
Dept:	Chief: Bugtussle	918-470-4461	bugtusslefire@outlook.com		X
	Asst Chief: Jered Weeks	918-916-4743			
Dept:	Chief: Canadian	918-617-2006	mattnatt@cvok.net	X	Do not agree
	Asst Chief: Vess Neill	918-916-9249	emangstring@yahoo.com		
Dept:	Chief: Canadian Shores	918-424-0457	canadianshoresfire@yahoo.com	X	Do not agree
	Asst Chief: Donald Cathey Jr.	918-424-1924			
Dept:	Chief: Crowder	918-424-2256	hubblawfire@yahoo.com	X	Do not agree
	Asst Chief: Greg Hubbard	918-429-2324	burkskelly299@gmail.com		

Dept:	Elm Point	Phone #	E-mail	Agree	Do not agree
Chief:	Dale Mason	9184246784	jackdalmason53@gmail.com	X	
Asst Chief:	Dennis Mason	918-470-7143			
Dept:	Haileyville	Phone #	E-mail	Agree	Do not agree
Chief:	Kevin Mick	918-429-8575	haileyvillefd@yahoo.com	X	
Asst Chief:	Bobby Morrow	918-429-9365			
Dept:	Hartshorne	Phone #	E-mail	Agree	Do not agree
Chief:	Gerry Barone	918-470-7864	hartshornefiredept@gmail.com	X	
Asst Chief:					
Dept:	Haywood/Arpelar	Phone #	E-mail	Agree	Do not agree
Chief:	Randy Crone	918-302-8960	randcro42@yahoo.com		X
Asst Chief:	Dale Brown	918-470-9848	gdalebrown1974@yahoo.com		
Dept:	High Hill	Phone #	E-mail	Agree	Do not agree
Chief:	Richard Howry	918-470-8429	highhillfd@gmail.com	X	
Asst Chief:	Billy Howry Jr.	918-297-5586			
Dept:	Highway 9	Phone #	E-mail	Agree	Do not agree
Chief:	Danny Choat	918-617-0653	9fireline9@gmail.com		X
Asst Chief:	Mike Rhodes	918-617-2751	9fireline9@gmail.com		
Dept:	Indianola	Phone #	E-mail	Agree	Do not agree
Chief:	Jimmy Herrin	918-470-0758		X	
Asst Chief:	Michelle Mulliniks	918-916-1647	indianolafire@yahoo.com		
Dept:	Kiowa	Phone #	E-mail	Agree	Do not agree
Chief:	Clifford Sexton	918-916-3792		X	
Asst Chief:	Body Jameson	918-916-9643			
Dept:	Krebs	Phone #	E-mail	Agree	Do not agree
Chief:	Chuck Nelms	918-429-6061	nelms_chuck@yahoo.com		X
Asst Chief:	Jim Cortassa	918-916-0383	cortassa@att.net		
Dept:	McAlester	Phone #	E-mail	Agree	Do not agree
Chief:	Brett Brewer	918-424-1352	brett.brewer@cityofmcalester.com		X
Asst Chief:	Benny Brooks	918-429-5570	benny.brooks@cityofmcalester.com		X
Dept:	Pittsburg	Phone #	E-mail	Agree	Do not agree
Chief:	Ty Sullivan	918-429-4027		X	
Asst Chief:	Holly Sweetin (SEC)	918-429-4214	hollysullivan10@gmail.com		

918-429-5570

~~Richard Howry~~

msg

Dept:	Quinton	Phone #		E-mail		Agree	Do not agree
Chief:	Scott Daniels	918-448-1558		luther.daniels@oneok.com			X
Asst Chief:	Mike West	918-839-5146		mikewest@corrwelldealer.com			

Dept:	Russellville	Phone #		E-mail		Agree	Do not agree
Chief:	Clayton Potts	918-429-8511		spots756@gmail.com		X	
Asst Chief:	Hank Eakle	918-500-6990		hank.eakle@gmail.com			

Dept:	Sams Point	Phone #		E-mail		Agree	Do not agree
Chief:	Duane Rodgers	402-578-8537		samspointnr@gmail.com			X
Asst Chief:	Brandy Nichols	918-891-1588					

Dept:	Savanna	Phone #		E-mail		Agree	Do not agree
Chief:	Jeff Jones	918-916-2258		savannafiredept@gmail.com	MSJ	X	
Asst Chief:	Coy Holt	918-429-2484					

Dept:	Shady Grove	Phone #		E-mail		Agree	Do not agree
Chief:	Chris Herrin	918-318-9195		seyfd@hotmail.com		X	
Asst Chief:	Anthony Wesley	918-479-5312					

Dept:	Tannehill	Phone #		E-mail		Agree	Do not agree
Chief:	Ricky Compton	918-429-4299		tannehillfiredepartment@gmail.com		X	
Asst Chief:	Gene Dalmont	918-429-9897					

Dept:	Union Chappell	Phone #		E-mail		Agree	Do not agree
Chief:	Jason Myers	918- 470-5925		918-470-6180			
Asst Chief:	Clayton Rice	918-470-5925				X	

Dept:		Phone #		E-mail		Agree	Do not agree
Chief:							
Asst Chief:							

Email Contact: Verna Caudill v_caudill@yahoo.com

Requested by Rick Murphy

Seen by Dan Specker

yes - 20
NO - 7