



CODE OF ORDINANCES

Saline County, KS

<h3>CHAPTER 3</h3> <p>General Codes</p>

The resolutions in this chapter and all other chapters, sections, and appendices shall constitute and be designated the "Code of Saline County, KS". The construction of this codebook was done for the convenience of users of the Code and shall have no legal effect. The resolutions used for the construction shall supersede and have legal effect. Reference Chapter 1: Overview of Codes for further details.

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3-13.3 - SERICEA LESPEDEZA

ARTICLE 3-1 SERVICE CHARGE FOR WORTHLESS CHECK

The county shall, and does hereby, impose a service charge of \$30.00 for each worthless check given to the county, its agents, officers or employees, which service charge shall be paid by the person giving said worthless check together with the amount of the check within seven days following notice from the county.

(Res. No. 97-1512, 2-11-97; Res. No. 14-2139, 10-14-14)

ARTICLE 3-2 JUROR FEES

- a. A person summoned as a juror but dismissed without serving on a jury shall be paid at a rate of \$10.00. A person selected to serve as a juror shall be paid at a rate of \$30.00 the first day and each day of attendance thereafter.
- b. Mileage shall be paid at the rate authorized by law for necessary travel in going to and returning from court.
- c. Juror fees as prescribed in this resolution shall be paid to Saline County jurors by the 28th Judicial District Court and said fees shall become effective January 1, 2007.

(Res. No. 06-1910, 7-25-06)

ARTICLE 3-3 OPEN RECORDS

3-3.1 - INSPECTION OR COPYING; REQUESTS, PROCEDURES, SUPERVISION BY RECORD CUSTODIANS

The following regulations and procedures shall govern the inspection and copying of open records in Saline County:

- a. All county record custodians, hereinafter appointed, shall provide full access to open public records of the county; and, shall provide assistance to those persons who request access to them; provided that all requests for access to inspect or copy open records be in writing; that the essential functions of the custodian's office are not disrupted by requests for record inspection and copying; and, provided further, that all inspections



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and copying of open public records be performed by, or under the supervision of, the record custodian responsible for such records.

- b. Hours for making requests for inspection or copying shall be all regular working hours for each day the office, to which the request has been submitted, maintains regular office hours.
- c. Removal of open public records from the office where they are maintained, for purposes of inspection and/or the making of copies, shall be permitted only with the written permission of the record custodian.
- d. Denial of any request for inspection or copying of an open record shall be in writing in the form prescribed by the Kansas Open Records Act. Finable

(Res. No. 14-2145, 12-30-14)

3-3.2 - OFFICIAL CUSTODIANS

The following county officers shall be, and are hereby, appointed as official custodians for purposes of the Kansas Open Records Act; and, are hereby charged with responsibility for compliance with that act with respect to the public records, hereinafter listed, to-wit:

- a. *County commissioners office coordinator*: All public records kept and maintained by the county commissioners office;
- b. *County clerk*: All public records kept and maintained by the county clerk's office and all other public records not provided for elsewhere in this section;
- c. *County treasurer*: All public records kept and maintained by the county treasurer's office;
- d. *County sheriff*: All public records kept and maintained by the county sheriff's office;
- e. *County attorney*: All public records kept and maintained by the county attorney's office;
- f. *County register of deeds*: All public records kept and maintained by the county register of deeds office;
- g. *County appraiser*: All public records kept and maintained by the county appraiser's office;
- h. *County administrator*: All public records kept and maintained by the county administrator's office;
- i. *County engineer*: All public records kept and maintained by the county engineer's office;
- j. *County road and bridge director*: All public records kept and maintained by the county road and bridge office;
- k. *County human resource director*: All public records kept and maintained by the county personnel office;
- l. *County planning and zoning director*: All public records kept and maintained by the planning and zoning department;
- m. *County community corrections director*: All public records kept and maintained by the community corrections office;
- n. *County health department*: All public records kept and maintained by county health department;
- o. *County noxious weed director*: All public records kept and maintained by the county noxious weed office;
- p. *County expo center director*: All public records kept and maintained by the Expo Center department office;
- q. *County senior services director*: All public records kept and maintained by the Commission on Aging Office;
- r. *County emergency management director*: All public records kept and maintained by the emergency management office.

Such record custodians shall have the duties and powers set forth in the Kansas Open Records Act; shall protect public records from damage and disorganization; shall prevent excessive disruption of the essential functions of



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the county; shall provide assistance and information upon request; and, shall ensure efficient and timely action in response to all written requests for inspection of public records in compliance with the procedures, herein set forth, and those established by the Kansas Open Records Act.

(Res. No. 14-2145, 12-30-14)

3-3.3 - FEES, CHARGES

- a. Reasonable fees and charges for the provision of access to, or copies of, open records in possession of Saline County are hereby established as follows. The following fees shall be assessed for the inspection and copying of open public records, subject to the provisions, hereinafter set forth:
 1. *Custodian's research time*: \$12.00 for each hour or part, thereof, research time for each request;
 2. *Scan/copies*: \$1.00 per copy for the first page and \$0.25 for each additional page of a document copied to fulfill a request;
 3. *Fax or e-mail*: \$1.00 for each document copied to fulfill a request.
- b. The custodian may assess such additional charges as may be necessary to pay mailing and handling costs accrued in responding to requests through the mail service; and provided further, that the record custodian may exercise his or her discretion to reduce or waive any fees or waive the necessity of a written request when it is in the public interest to do so. All fees must be paid in advance.
- c. Due to specific kinds of documents and reports and the methods used to process these documents and reports, record custodians in individual departments may at their discretion establish separate reasonable fees, in accordance with the Kansas Open Record's Act, for documents and reports unique to that department, provided the established fees are posted in full view of the public.
- d. Duplicate receipts for each fee collected shall be made for each fee collected so that said duplicates can be reviewed during any audit of the financial records of the county; and, provided that all fees collected shall be transmitted no less frequently than monthly to the county treasurer.

ARTICLE 3-4 PRIVACY OFFICER

- a. *Appointment*. The human resource director is hereby appointed as the privacy officer for the county.
- b. *Duties*. The privacy officer shall oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to county policies and procedures covering the privacy of, and access to, all employee protected health information in compliance with federal and state laws and county information-privacy practices.

(Res. No. 03-1791, §§ 1, 2, 4-22-03)



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ARTICLE 3-5 FREEDOM OF INFORMATION OFFICER

- a. *Appointment.* The county clerk is hereby appointed as the local freedom of information officer and charged with all of the statutory duties prescribed by Sub. HB 2864 and set forth in subsection.
- b. *Duties.* The local freedom of information officer or the officer's designee shall:
 - 1. Prepare and provide educational materials and information concerning the Open Records Act;
 - 2. Be available to assist the county and members of the general public to resolve disputes relating to the Open Records Act;
 - 3. Respond to inquiries relating to the Open Records Act;
 - 4. Establish the requirements for the content, size, shape and other physical characteristics of a brochure, required to be displayed or distributed or otherwise make available to the public under the open records act. In establishing such requirements for the content of the brochure, the local freedom of information officer shall include plainly written basic information about the rights of a requestor, the responsibilities of a public agency, and the procedures for inspecting and obtaining a copy of public records under the Open Records Act.

(Res. No. 00-1658, §§ 1, 2, 6-28-00; Res. No. 01-1713, §§ 1, 2, 9-25-01)

ARTICLE 3-6 OVERPAYMENT OF FEES TO THE REGISTER OF DEEDS

- a. No refund shall be required if the overpayment is determined to be equal to or less than \$10.00.
- b. A request for refund of an overpayment of fee paid to the register of deeds shall be in writing on a form provided by the register of deeds.
- c. The request shall be received by the register of deeds no later than 30 days following the date the document was submitted for filing or recording.

(Res. No. 14-2152, 12-30-14)

ARTICLE 3-7 DISCRIMINATION

3-7.1 - DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice means an act that is unlawful under Chapter 3, Article 3-7

Family includes a single individual.



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Person includes one or more individuals, corporation, partnership, legal representative, trust, unincorporated organization, trustees, receivers and fiduciaries.

(Res. No. 1076, § I, 7-22-86)

3-7.2 - UNLAWFUL DISCRIMINATORY HOUSING PRACTICES

It shall be an unlawful housing practice:

- a. For any person, owner, real estate broker, real estate salesman, or employee or agent thereof to:
 - 1. Refuse to sell, rent, lease or sublease, or offer for sale, rental, lease or sublease any housing accommodations or real property to any person based on discriminatory reasons.
 - 2. Discriminate against any person in the terms or privileges of the sale, rental, lease or sublease of any housing accommodation or real property.
 - 3. Cause or to personally print, publish, circulate, display, or mail any statement, advertisement, publication or sign which expresses, directly or indirectly, discriminatory housing practice.
 - 4. Attempt or actually induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, religion, age, color, national origin, ancestry, physical handicap or marital status.
 - 5. Commit acts of any nature, the purpose of which is to harass, or to cause physical harm or economic loss to any person attempting to exercise the rights protected by this article.
- b. For any person or financial institution to:
 - 1. Discriminate against any person in the granting of or in the provisions of financial assistance.
 - 2. Use any form of application for financial assistance which expresses directly or indirectly any discrimination or any interest to make such discrimination.

(Res. No. 1076, § II, 7-22-86)

State Law reference— Provisions on similar subject matter, K.S.A. 44-1016, 44-1017.

3-7.3 - ADMINISTRATION

- a. The county planning and zoning director is the authority responsible for administering and enforcing this article.
- b. The county planning and zoning director may delegate any of these duties and powers to employees of the county.
- c. All county departments and agencies shall administer their programs related to housing in a manner that furthers the purpose of this article.

(Res. No. 1076, § III, 7-22-86; Res. No. 02-1763, 9-24-02)

3-7.4 - ENFORCEMENT

- a. Any person who claims to have been injured by a discriminatory housing practice may file a written complaint with the county administrator. The county administrator will provide a copy of the complaint to the persons



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who allegedly committed or are about to commit the discriminatory practice. Within 30 days, the county administrator shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the county administrator decides to resolve the complaints, he shall proceed to try to eliminate the alleged discriminatory housing practice by informal methods. Nothing said or done during such informal endeavors may be made public.

- b. If the county administrator has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development.
- c. If the county administrator has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days thereafter, commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights protected by this article.

ARTICLE 3-8 OPEN BURNING

3-8.1 - GENERAL RULES FOR ALL OPEN BURNING OPERATIONS

- a. Prior to burning, anyone conducting open burning operations, to include household trash must obtain a permit to conduct open burning operations exempt by K.A.R. 28-19-647 and K.A.R. 28-19-648 from the Rural Fire Chief having jurisdiction and/or the Saline County Emergency Management office and/or via on-line burn permit application through the Saline County website www.saline.org.
- b. Burn permits in Saline County shall be valid for the lifetime of the permit holder unless otherwise suspended or revoked by Saline County Emergency Management or the Rural Fire Chief having jurisdiction. Emergency Management will conduct periodic reviews of all permit holders to ensure current contact information.
- c. The Permittee or their designee shall call the Saline County Emergency Management Office at 785-826-6511 or the Law Enforcement Communications Center at 785-826-7210 no more than 1 hour prior to commencing the burn. The following information will be recorded by either agency:
 - 1. Burn Permit number;
 - 2. Exact location by address or closest intersection of intended burning operation;
 - 3. Type of material being burned;
 - 4. Wind speed and direction at the time of the call; and
 - 5. Emergency telephone contact number of person conducting the burn.
- d. Permit holders burning household trash only are exempt from calling prior to the burn but must adhere to the rules set forth in this resolution.
- e. The person named on the burn permit is the responsible person. The responsible person may name a designee who is 18 years of age or older and whom has written permission to oversee the burn. The registrant or the designee shall remain in continuous attendance with the burning operation and maintain the ability to control the fire and report its status, if necessary. Failure to assure attendance and supervision of the burn is a violation of this Resolution by the registrant.
- f. Weather:
 - 1. Wind speed shall not exceed 15 miles per hour as defined by K.A.R. 28-19-647(5), and



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2. Grassland Fire Danger Index issued by the National Weather Service Forecast Office out of Wichita, Kansas shall not be in the Extreme category.
 3. Burning shall not be initiated during nighttime, which for the purpose of this resolution is defined as the period from one (1) hour before sunset until one (1) hour after sunrise unless special permission in writing has been obtained from the Rural Fire Chief having jurisdiction.
- g. A person shall not conduct a burn that creates traffic or other safety hazard.
 - h. Any open burn will not constitute a smoke nuisance or a hazard to neighboring property or persons.
 - i. A person shall not burn within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn.
 - j. The person conducting the burning shall stockpile the material to be burned; dry it to the extent possible before it is burned, and assure that it is free of matter that will inhibit good combustion.
 - k. A person shall not burn heavy smoke-producing materials including heavy oils, tires, tarpaper, metal debris, petroleum products, construction debris, or any material designated by the Secretary of the Department of Health and Environment of the State of Kansas.
 - l. An adequate water supply or other mechanical equipment must be on hand and readily available to control any fires which may occur.
 - m. Businesses must obtain a permit through the Kansas Department of Health and Environment for burning of trees and brush from non-agricultural land clearing in addition to a burn permit issued through Saline County.

At any time there is more than one Fire District responding to any fire call or calls, that a suspension of further burns may be imposed by authority of Saline County Emergency Management Duty Officer or the Rural Fire Chief until the fire is under control and supporting agencies have been dismissed from the scene.

Certain conditions such as extended periods with little or no rain or snow fall, may create dangerous conditions which will require that all open burning be prohibited. Upon recommendations of the Saline County Fire Chief's Association and/or Saline County Emergency Management, the Board of County Commissioners of Saline County, Kansas may impose a ban on all outdoor burning, including household trash, for all incorporated and unincorporated areas of Saline County through a Proclamation of a State of Local Disaster. Every effort will be made to ensure notification of such ban on burning is communicated to the public.

Any person who engages in or permits open burning upon his/her property, whether such property is owned by, leased or rented, and has not complied with the provision(s) of this resolution shall be in violation of this resolution. Violation of this resolution shall constitute a Class C Misdemeanor; and, any person convicted of such violation shall be punished as provided by law including but not limited to restitution for fire department response costs and damages caused by the fire.

Any person who is convicted violating the terms of this resolution shall lead to the revocation of their burn permit for a term of one year from the date of conviction. To reinstate the burn permit, said person must produce a certificate of successful completion of a Prescribed Burn School through KSU Extension or Wild Land Fire Course to Saline County Emergency Management or the Rural Fire Chief having jurisdiction. The Rural Fire Chief having



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jurisdiction shall have the ultimate authority to grant permit reinstatement after a violation that leads to permit revocation.

(Res. No. 1233, 7-24-90; Res. No. 1252, 2-12-91; Res. No. 92-1283, 2-18-92; Res. No. 97-1513, 2-11-97, Res. No. 17-2237, 1-1-18)

3-8.2 - RECREATIONAL FIRES

Recreational Fires are defined as an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, but in an outdoor fireplace, barbeque grill, barbeque pit, or chiminea and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

- a. Recreational open flame devices shall not be stored or operated on or under balconies of multifamily dwellings.
- b. Open flame recreational devices shall not be operated within 25 feet of combustible material including but not limited to walls, floors, household items and combustible vegetation.
- c. Such devices shall not be used when wind speed is in excess of 15mph or a ban has been placed on all outdoor burning for all areas of Saline County through a Proclamation of a State of Local Disaster.
- d. Recreational fires shall be constantly attended until the fire is extinguished. Extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- e. Recreational fires do not require prior authorization or permission.

(Res. No. 1233, 7-24-90; Res. No. 1252, 2-12-91; Res. No. 92-1283, 2-18-92; Res. No. 97-1513, 2-11-97, Res. No. 17-2237, 1-1-18)

3-8.3 - OPEN BURNING OF HOUSEHOLD TRASH

Open burning of household trash shall be defined as the burning of trash or other debris which is carried out on residential premises containing five (5) or less dwelling units and is carried out incidental to the normal habitation of said dwelling(s). Open burning of household trash shall be permitted only after the following fire safety precautions have been taken:

- a. All such burning shall be conducted in an approved metal container, which is structurally sound to ensure the contents of said container will remain contained.
- b. An approved protective screen with a maximum weave of 1/4 inch shall be installed on top of the container.
- c. An area of bare soil or other approved non-combustible material shall surround the burn container for ten (10) feet in all directions.
- d. The person conducting the burn shall insure that the burning is supervised by an adult until the fire is extinguished.
- e. A charged garden hose or a full bucket of water shall be readily available to control any fires, which may occur.
- f. Trash burning shall not be conducted when the wind speed is in excess of fifteen (15) miles per hour.
- g. Grassland Fire Danger Index issued by the National Weather Service Forecast Office out of Wichita, Kansas shall not be in the Extreme category.



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- h. Trash burning shall not be conducted when a ban has been placed on all outdoor burning for all areas of Saline County through a Proclamation of a State of Local Disaster.
- i. Due to the volume of household trash burning which occurs on a routine basis within Saline County, Kansas, unless required by a Fire Chief and/or Saline County Emergency Management no notification is required for the burning of household trash in an approved container.

(Res. No. 1233, 7-24-90; Res. No. 1252, 2-12-91; Res. No. 92-1283, 2-18-92; Res. No. 97-1513, 2-11-97, Res. No. 17-2237, 1-1-18)

3-8.4 - DEFINITIONS

Agricultural Open Burning. Agricultural Open Burning shall be defined as open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management as defined by K.A.R. 28-19-648.

Non-Agricultural Open Burning. Non-Agricultural Open Burning shall be defined as the burning of unwanted materials such as paper, trees, brush, leaves, grass clippings, and other debris, where smoke and other emissions are released directly into the air without passing through a chimney or stack.

(Res. No. 1233, 7-24-90; Res. No. 1252, 2-12-91; Res. No. 92-1283, 2-18-92; Res. No. 97-1513, 2-11-97, Res. No. 17-2237, 1-1-18)

ARTICLE 3-9 ELECTRIC FENCES

The construction of an electric fence in accordance with the following minimum specifications shall constitute a legal fence as defined in K.S.A. 29-101 et seq., as amended:

- a. *Posts.* The posts shall be spaced no further apart than that sufficient to hold the wire, hereinafter described, and shall be constructed of wood or metal and equipped with an insulator between the wire bearing the electrical energy and the post with sufficient insulation quality so as to prevent the grounding out of the wire bearing the electrical energy.
- b. *Wire.* The wiring may consist of a single strand of wire no smaller than gauge no. 14, which shall be bare, and shall transmit the electrical energy. The wire, which bears the electrical energy, shall be no less than 20 inches above the ground.
- c. *Voltage.* The fence shall at no time, while it is in use, carry electrical energy of less than 500 volts.

(Res. No. 1029, 5-14-85)



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ARTICLE 3-10 PERSONS KNOWINGLY INHALING OR BREATHING FUMES OF TOXIC VAPORS; PROHIBITED

- a. It shall be unlawful for any person to knowingly inhale or breathe the fumes of toxic vapors for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or to possess, buy, or use any such substance for the purpose of violating or aiding another to violate this section. However, this section does not apply to the inhalation of anesthesia for medical or dental purposes, when directed or prescribed by a duly licensed physician or dentist.
- b. As used in this section, the term "toxic vapors" means and includes any glue, cement, paint, gasoline, aerosol, drug or other substance or combination of substances of whatever kind containing one or more of the following chemical compounds: acetone, an acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene or any group of polyhalogenated hydrocarbons containing fluorine and chlorine.
- c. The inhaling or breathing fumes of toxic vapors as provided for these sections shall be a class C misdemeanor, punishable by a fine not more than \$200.00 or by imprisonment not to exceed 30 days in the county jail, or both such fine and imprisonment.

(Res. No. 00-1676, 10-24-00)

ARTICLE 3-11 FISHING WITH BANK LINE, LIMB LINE, TROTLINE

It shall be unlawful to fish with bank line, limb line or trotline unless such bank line, limb line or trotline has a tag or label securely attached or affixed thereto on which shall be plainly written or printed the name, address and fishing license number of the person fishing with the same line. This section does not apply to such fishing in a privately owned pond or strip pit by the owner, tenant or his guest.

(Res. No. 301, 7-1-63)

ARTICLE 3-12 TRANSPORTING, COVERING OF LOAD

It shall be unlawful for any person to transport or move or to aid, permit or abet another person to transport or move garbage, papers, slop cans, sacks, glass, bottles, leaves, tree limbs, boxes, offal filth, rubbish, debris or trash of any nature or description whatsoever on any street, alley, avenue, road or highway unless in so doing the aforesaid materials are continuously covered and controlled, excepting only the unloading thereof at publicly owned sanitary landfills.



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The violation of this section shall be enjoined by a court of competent jurisdiction and any person found guilty of the violation thereof shall be deemed to be guilty of a public offense and punished by a fine of not less than \$25.00 nor more than \$200.00.

(Res. No. III, 1-14-75)

ARTICLE 3-13 VEGETATION CONTROL

3-13.1 - TREE TRIMMING OR CUTTING

- a. Before any trees are trimmed or cut the landowner must be notified. If the landowner wants the wood, he should be informed that once we leave the area, the county employees are not responsible for who might pick the wood up.

Anyone who stops and asks if it is OK to pick up wood should be informed if the landowner wants the wood himself and given the name of the landowner. It will be the responsibility of the person requesting permission to pick up the wood to contact the landowner.

- b. County employees who wish to pick up wood may do so before or after regular working hours, however, at no time will personal vehicles be taken to the job site and wood loaded during regular working hours. Employees who want to take vacation or personal leave may pick up wood anytime.
- c. Citizens or employees who wish to pick up wood while we are cutting should be one-eighth mile from the work area.

(Res. No. 04-1846 (Policy No. 1-2588), 12-7-04)

3-13.2 - REMOVAL OF VOLUNTEER TREES

- a. Before any volunteer trees can be removed from the county right-of-way for transplanting, etc., the interested party shall submit to the county written permission from the adjoining property owner.
- b. Each hole shall be properly backfilled after the removal of any volunteer tree.
- c. The county reserves the right to approve or deny any request made.

3-13.3 - SERICEA LESPEDEZA

Effective March 21, 1995, sericea lespedeza (*Lespedeza cuneata* [Dumont] G. Don) is declared a noxious weed within the boundaries of the county.

(Res. No. 95-1428, 3-21-95)