

**TOWN OF KIOWA, OKLAHOMA**

**ORDINANCE NO. 001-26**

**AN ORDINANCE RELATING TO OPEN BURNING; PROVIDING NO PERMIT / ENFORCEMENT MODEL; ESTABLISHING AUTHORITY FOR FIRE AND POLICE RESPONSE TO HAZARDOUS OR NUISANCE CONDITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KIOWA, OKLAHOMA:**

**SECTION 1. PURPOSE** The purpose of this ordinance is to protect the public health, safety, and welfare by addressing hazardous or nuisance conditions resulting from open burning, while recognizing that regulation of permissible materials for open burning is governed by the State of Oklahoma.

**SECTION 2. NO PERMIT REQUIRED** The Town of Kiowa shall not require or issue permits for open burning. The Town does not inspect, approve, or authorize open burning activities.

**SECTION 3. COMPLIANCE WITH STATE LAW** All open burning within the Town of Kiowa shall comply with applicable Oklahoma state laws and regulations, including those enforced by the Oklahoma Department of Environmental Quality (DEQ) and any applicable burn bans.

The Town of Kiowa does not determine, interpret, or enforce compliance with state environmental regulations regarding permissible materials for burning.

**SECTION 4. AUTHORITY TO ACT ON HAZARDOUS OR NUISANCE CONDITIONS**

The Fire Department and Police Department are authorized to respond to any open burning and may order the immediate extinguishment of any fire when it is determined that the fire constitutes a hazard or nuisance.

The determination of whether a fire constitutes a hazard or nuisance shall be at the discretion of responding personnel.

**SECTION 5. CONDITIONS CONSTITUTING HAZARD OR NUISANCE** A fire may be deemed a hazard or nuisance if it:

1. Creates a danger to persons or property;
2. Produces excessive, offensive, or objectionable smoke;
3. Impairs visibility on public roadways;
4. Is not constantly attended by a responsible person;
5. Is not adequately controlled or contained;
6. Occurs during unsafe weather conditions, including high winds; or
7. Poses a risk of spreading beyond the intended area.

**FILED**

APR 16 2026

TIME 3:12  
HOPE TRAMMELL, COUNTY CLERK  
PITTSBURG COUNTY

BY JN DEPUTY

**SECTION 6. FAILURE TO COMPLY** Any person who fails or refuses to comply with a lawful order to extinguish a fire as provided in this ordinance shall be in violation of this ordinance and subject to penalties as provided in Section 1-108 of the Town Code of Kiowa, Oklahoma.

**SECTION 7. NO ASSUMPTION OF RESPONSIBILITY / GOVERNMENTAL FUNCTION** Nothing in this ordinance shall be construed as placing responsibility on the Town of Kiowa to determine the legality of any open burning under state law. Responsibility for compliance with state law remains with the person conducting the burn.

All actions taken under this ordinance shall be considered discretionary governmental functions performed for the protection of public safety.

**SECTION 8. REPEALER** All ordinances or parts of ordinances, resolutions, policies, or rules of the Town of Kiowa that are in conflict with this ordinance, including any provisions relating to burn permits or prior regulation of open burning, are hereby repealed and superseded to the extent of such conflict.

**SECTION 9. SEVERABILITY** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 10. EFFECTIVE DATE** This ordinance shall become effective upon its passage, approval, and publication as provided by law.

**PASSED AND APPROVED** by the Board of Trustees of the Town of Kiowa, Oklahoma, this 13 day of APRIL, 2026.



Mayor

ATTEST:



Town Clerk



MCALESTER NEWS-CAPITAL  
PO BOX 987  
MCALESTER OK 74502-0987

ORDER CONFIRMATION (CONTINUED)

Salesperson: Jessica Banks

Printed at 04/15/26 14:16 by jbank-bv

Acct #: 45063

Ad #: 183277

Status: New

(Published in the McAlester News-Capital on April 18, 2026.)

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**PASSED AND APPROVED** by the Board of Trustees of the Town of Kiowa, Oklahoma, this 13 day of April, 2026.

/s/Danny Drake  
Mayor

ATTEST:  
/s/Kristina Burgett  
Town Clerk

MCALESTER NEWS-CAPITAL  
PO BOX 987  
MCALESTER OK 74502-0987

ORDER CONFIRMATION

Salesperson: Jessica Banks

Printed at 04/15/26 14:16 by jbank-bv

Acct #: 45063

Ad #: 183277

Status: New

KIOWA, TOWN OF  
ATTN: SUZI THOMAS  
BOX 69  
KIOWA OK 74553

Start: 04/18/2026 Stop: 04/18/2026  
Times Ord: 1 Times Run: \*\*\*  
18LEG 2.00 X 79.00 Words: 549  
Total 18LEG 158.00  
Class: S105 PUBLIC NOTICES  
Rate: OKLEG Cost: 122.98

Contact:

Phone: (918)432-5621

Fax#: (000)000-0000

Email:

Agency:

# Affidavits: 1  
Ad Descrpt: ORD. NO. 001-26  
Descr Cont: (PUBLISHED IN THE MCALEST  
Given by: \*  
P.O. #:  
Created: jbank 04/15/26 14:13  
Last Changed: jbank 04/15/26 14:16

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
MNC	A	95	W	Sat	04/18/26	1 Sat	04/18/26 TWTFS
MNOL	A	95	W	Sat	04/18/26	1 Sat	04/18/26 SMTWTFS

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

(CONTINUED ON NEXT PAGE)