

EXHIBIT A: LAKE COUNTY TEMPORARY EMERGENCY PUBLIC NUISANCE ORDINANCE

ARTICLE I – GENERAL

Section 1. This Ordinance shall be known as the Lake County Temporary Emergency Public Nuisance Ordinance.

Section 2. JURISDICTION. This Temporary Emergency Ordinance shall apply only in those areas of Lake County, Illinois which are outside the corporate limits of any city, village, or incorporated town, and also outside the 'designated unincorporated area' as defined in Chapter 94 of the Lake County Code.

Section 3. PURPOSE. The purpose of this Temporary Emergency Ordinance is to define and abate public nuisances associated with open burning in the unincorporated area of Lake County, Illinois at this stage in the temporary state of emergency resulting from the Coronavirus, COVID-19 pandemic.

Section 4. DEFINITIONS

(a) SPECIFIED LANDSCAPE WASTE. All accumulations of shrubbery cuttings, grass clippings, leaves, or other non-woody materials accumulated as a result of care of real property.

(b) OPEN BURNING. The combustion of any matter outdoors in such a way that the products of the combustion are emitted to the open air without first originating in or passing through equipment for which a permit has been issued by the state environmental protection agency.

(c) RECREATIONAL FIRE. An outdoor fire no larger than 3' X 3' X 3' which is used for warmth, cooking for human consumption and/or temporary recreational purposes where the fire does not contain garbage, junk and debris, tree trunks, or specified landscape waste.

(d) PRESCRIBED HABITAT AND ECOLOGICAL LANDSCAPE BURNS. Burns carried out by or on behalf of local governments, homeowner associations, large landowners or other entities responsible for the care and oversight of sensitive ecological areas, conducted under the management of professionals trained and/or certified in accordance with the Illinois Prescribed Burn Act (525 ILCS 37) and other state requirements, and organized and executed in accordance with an IEPA approved Open Burn Permit, associated Prescribed Burn Plan, and/or any other applicable Illinois State licensing or permitting requirements.

ARTICLE II – DECLARATION OF TEMPORARY PUBLIC NUISANCE

Section 1. ACTS CONSTITUTING A TEMPORARY PUBLIC NUISANCE. During the period of time specified in Section IV.3., it is a public nuisance to conduct open burning in the unincorporated area except as provided below.

Section 2. EXCEPTIONS. The following types of open burning shall be permitted:

(a) Recreational fires as defined herein and self-contained outdoor burn devices if no garbage, junk and debris, tree trunks, or specified landscape waste are burned in such fires.

(b) Open burning of specified landscape waste and woody materials on any day of the week between sunrise and sunset in those cases where the burning is located at least 500' from a habitable structure, provided that the burning occurs on the premises where the landscape waste was generated.

(c) Open burning of specified landscape waste and woody materials between sunrise and sunset only on Tuesdays, Thursdays, and Saturdays, provided that the burning occurs on the premises where the landscape waste was generated.

[\(d\) Prescribed habitat and ecological landscape burns.](#)

ARTICLE III – ENFORCEMENT

Section 1. ENFORCEMENT OFFICER. This Temporary Emergency Ordinance shall be primarily enforced by the Lake County Planning, Building and Development Department and may also be enforced by the Lake County Sheriff and the Lake County Health Department.

Section 2. VIOLATIONS. The County may enforce violations of this Temporary Emergency Ordinance in accordance with the Lake County Administrative Adjudication Ordinance (§§ [94.50](#) through [94.66](#)).

Section 3. NOTICE TO ABATE NUISANCE. Enforcement officers shall not be required to provide a warning prior to ticketing with respect to violations of this Temporary Emergency Ordinance.

Section 4. PENALTIES. The County may seek any other penalties as are provided by the Lake County Administrative Adjudication Ordinance (§§ [94.50](#) through [94.66](#)) and Illinois law.

ARTICLE IV – MISCELLANEOUS

Section 1. SEPARABILITY/PARTIAL INVALIDITY. The several provisions of this Temporary Emergency Ordinance shall be separable. In the event any section, clause or provision of this Temporary Emergency Ordinance is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Temporary Emergency Ordinance not specifically included in said decision which shall remain effective, it being the intent of this County Board that this Temporary Emergency Ordinance would have been approved without such invalid provisions, clauses or sections.

Section 2. SUPERIORITY. During the time of its effectiveness, this Temporary Emergency Ordinance supersedes §§ [94.04](#) and [94.05](#) of the Lake County Code of Ordinances with the exception of those provisions affecting the “designated unincorporated area” as defined in Chapter 94 of the Lake County Code.

Section 3. EFFECTIVE DATE. This Temporary Emergency Ordinance shall be in full force and effect immediately upon its passage and shall expire on [June 9, 2021](#).