

# Exhibit A: Amendments to Chapter 94 of the Lake County, Illinois Code of Ordinances

Underline and ~~Strikethrough~~—Staff recommendations

## I. Open Burning of Landscape Waste

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### **Amendment #01**

**Summary:** Amend 94.05/ Exterior Property Areas to enact certain restrictions on the open burning of landscape waste in unincorporated areas.

**Amend Chapter 94 to read as follows and renumber subsequent sections accordingly.**

(I) *Open burning of landscape waste.* It is a public nuisance to conduct open burning of ~~grass clippings and tree trunks~~ specified landscape waste in the ~~designated~~ unincorporated area, subject to the following exceptions:

(1) The prohibition specified in this subsection (I) shall not apply to: recreational fires, campfires, self-contained outdoor burn devices, and ceremonial fires if no garbage, junk and debris, grass clippings, tree trunks, leaves, flowers, or weeds are burned in such fires.

(a) Recreational fires, campfires, self-contained outdoor burn devices, and ceremonial fires if no garbage, junk and debris, grass clippings, leaves, flowers, or weeds are burned in such fires.

(b) Prescribed habitat and ecological landscape burns.

(c) Disposal of disaster debris as authorized by County authorities.

(2) Notwithstanding the prohibition of this subsection (I), open burning of specified landscape waste shall be allowed in the ~~designated~~ unincorporated area when all of the following restrictions are met:

~~(a) The burning is conducted between 5:00 p.m. and 8:00 p.m. or sunset, whichever is earlier, Monday through Friday, and between 12:00 p.m. and 8:00 p.m. or sunset, whichever is earlier, on Saturdays, Sundays, and legal holidays;~~

~~(b) The burning has been extinguished with no smoke emanating after 8:00 p.m. or sunset whichever is earlier;~~

~~(c) The burning occurs on the premises where the landscape waste was generated; and~~

~~(d) The burning is conducted no closer than 50 feet from a school property line, 50 feet from the centerline of the road, 25 feet from a building, and 25 feet from the side property line.~~

(a) The open burning occurs from October 1 to April 30;

(b) The open burning occurs between sunrise and sunset;

(c) The open burning occurs when wind speeds do not exceed 10 miles per hour (MPH);

(d) The burning occurs on a day during which Lake County is not subject to an advisory from the National Weather Service regarding critical fire weather conditions nor an air quality advisory from the Environmental Protection Agency wherein air quality in Lake County is designated as unhealthy for sensitive groups or the general public;

COMMENTARY: Critical fire weather conditions means conditions related to a combination of wind, high temperatures and low humidity leading to an increased risk of erratic or extreme fire behavior and new fire starts, or similar circumstances, as determined by the National Weather Service as referenced in [www.weather.gov](http://www.weather.gov).

COMMENTARY: The Air Quality Index was devised by the Environmental Protection Agency to communicate air quality conditions to the public. The Air Quality Index is available at [www.airnow.gov](http://www.airnow.gov).

(e) The burning occurs on the premises where the landscape waste was generated;

(f) The burning is supervised until the fire is extinguished. A fire extinguisher or garden hose or water source shall be available at the burning site;

(g) The burning does not include grass clippings, leaves, weeds and other non-woody materials.

(h) The burning, if located within the Designated Unincorporated Area, meets the following additional conditions:

(i) The burning is conducted between 5:00 p.m. and 8:00 p.m. or sunset, whichever is earlier, Monday through Friday, and between 12:00 p.m. and 8:00 p.m. or sunset, whichever is earlier, on Saturdays, Sundays, and legal holidays;

(ii) The burning is conducted no closer than 50 feet from a school property line, 50 feet from the centerline of the road, 25 feet from a building, and 25 feet from the side property line.

## **Amendment #02**

**Summary:** Modify ordinance to define prescribed habitat and ecological landscape burns.

**Amend Section 94.04/ Definitions to read as follows.**

[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.](#)

## **Amendment #03**

**Summary:** Modify ordinance to redefine junk and debris to exclude properly stored landscape waste.

**Amend Section 94.04/ Definitions to read as follows.**

***JUNK AND DEBRIS.*** Includes but is not limited to garbage, tree branches, grass clippings, yard trimmings, leaves, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or creating a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of Lake County, Illinois. As used herein, the phrase ***JUNK AND DEBRIS*** does not include inoperable vehicles- [or landscape waste stored in accordance with Section 94.05B.](#)

## **Amendment #04**

**Summary:** Modify ordinance to redefine...

**Amend Section 94.04/ Definitions to read as follows.**

***SPECIFIED LANDSCAPE WASTE.*** All accumulations of shrubbery cuttings, leaves, [grass, or non-woody and](#) ~~or~~ other materials accumulated as a result of care of real property.

## **Amendment #05**

**Summary:** Modify ordinance to allow for the storage of landscape waste.

**Amend Section 94.05/ Exterior Property Areas to read as follows and renumber subsequent sections accordingly.**

(B) *Junk and debris.* It is a public nuisance to keep or store junk and debris on public or private property, except in a state-permitted landfill or on premises properly zoned for, and engaged in the business of, a junk yard. Excluded from this provision are the following:

(1) *Landscape waste:* Storage of woody materials to be burned as allowed during the permitted open burning season in a designated enclosure or area shall not be considered junk and debris when all of the following restrictions are met.

(a) No landscape waste pile (including woody and non-woody materials) shall exceed four feet in height and no single landscape waste pile can be in excess of 100 square feet in area. More than one pile shall be permitted if necessary to accommodate storage.

(b) Any landscape waste pile shall be set back a minimum of 25 feet from any existing structure on any adjoining parcel, not including storage structures such as garages or sheds.