

INFORMATION PAPER



September 1, 2021
Planning, Building, and Development
Eric Waggoner, Director

SUBJ: REGULATORY OPTIONS FOR OPEN BURNING OF LANDSCAPE WASTE

Executive Summary

On August 4, staff presented to a Joint PWPT/E&E Committee their research and public engagement efforts on open burning regulatory options. The Joint Committee gave staff direction on next steps in preparing appropriate action items for Committee review for the September 1 meeting. Based on that direction, staff has prepared a draft ordinance prohibiting the burning of grass, leaves and other non-woody landscape waste; and limiting open burning of woody materials by time of year, time of day, weather, and other factors. The attached draft ordinance will be discussed at the September 1 PWPT meeting.

Draft Ordinance:

Time

- Time of Year: The burning occurs from October 1 to April 30;
 - Limiting open burning to fall, winter, and early spring avoids most poor air quality days, drought and dry weather.
 - This period matches when most residents burn landscape waste according to the Round 2 survey.
- Time of Day: The burning occurs between sunrise and sunset;
 - Regulates burning to daytime hours reduces fire risk and alleviates some enforcement burden.
- Wind Conditions: The burning occurs when wind speeds do not exceed 10 miles per hour (MPH);
 - Safety regulation preventing fires from becoming out of control in windy conditions.
- Environmental Conditions: 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;
 - Inclusion of these requirements mitigates against heightened health and fire safety risks.

Place

- Location: The burning occurs on the premises where the landscape waste was generated;
 - Limits consistent and excessive nuisance burning.
- Designated Unincorporated Area
 - Any territory meeting the definition of a designated unincorporated area (generally described as a small unincorporated area wholly surrounded by municipalities that ban open burning of landscape waste, in close proximity to a large school campus) has been subject to school-related open burning restrictions since 2011 under the County's ordinance. These restrictions would continue to apply in addition to the new restrictions on open burning.

SUBJ: REGULATORY OPTIONS FOR OPEN BURNING AND CONSOLIDATED WASTE HAULING SERVICES

Manner

- Safety: 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:
 - Requiring supervision and a means of fire suppression may help prevent dangerous fires.
- Material: The burning does not include grass clippings, leaves, weeds and other non-woody materials.
 - Grass clippings, leaves and other non-woody materials produce more smoke than cured wood.

Exceptions

- Recreational fires: 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.
 - Recreational fires, or campfires, should be permitted year-round.
- Prescribed burns: Prescribed habitat and ecological landscape burns.
 - Prescribed burns are a valuable, professionally-managed landscape management tool that promotes healthy native ecosystems.
- Disaster debris: Disposal of disaster debris as authorized by County authorities.
 - A disaster declaration or other authorization can be issued by state, county, or local authorities to allow homeowners to burn landscape waste when it would be otherwise impermissible (e.g. after a tornado or severe thunderstorm).

COORDINATION & ALIGNMENT	Staff Coordination	Strategic Initiatives			2019 Strategic Goals					2019 Strategic Themes							
	✓ CAO ✓ FAS /Purchasing ✓ IT/ET ✓ PB&D ✓ SAO	X		X				X	X	X	X		X	X			
		Regional Leadership	Fiscal Responsibility	Exceptional Service and Operational Excellence	Public Safety & Justice	Econ. Opportunities	Infrastructure	Sustainable Enviro.	Build Healthy Communities	Inter-Org. Coop.	Quality of Life	Econ. Development	Infrastructure	Enviro. Sustain.	Sustainability	County Branding	Mental Health
																Specialty Funding	Diversity & Inclusion