



# Lake County Illinois

## Legislation Text

File #: 20-0624, Version: 1

### Ordinance establishing the Lake County Temporary Emergency Public Nuisance Ordinance.

- During the COVID-19 pandemic, based upon available information from the Centers for Disease Control (CDC), people of all ages with underlying respiratory medical conditions, including chronic lung disease and asthma, are at higher risk for developing more serious complications if they contract COVID-19. Smoke from open burning can exacerbate these residents' respiratory conditions and further compromise their ability to fend off potentially severe effects of COVID-19. Additionally, people who do not have underlying conditions can experience more severe COVID-19 symptoms when exposed to smoke from open burning.
- Open burning during the pandemic also increases the potential risk of uncontrolled spread of fire, which could impact fire departments and County, municipal and other local governmental first responders at a time when their resources may be otherwise needed to assist in public health and safety.
- In light of these potential risks, numerous state and local governments throughout the United States have enacted temporary bans on open burning. Several fire protection districts across Lake County encompassing unincorporated areas have likewise enacted temporary bans on open burning within their boundaries.
- Attached as Exhibit A is an Ordinance enacting a temporary prohibition of the open burning in the unincorporated area. This Ordinance would reinforce and support bans already in effect in various fire protection districts throughout Lake County and provide additional means of enforcement over prohibited open burning activity in the unincorporated area.
- This temporary emergency ordinance will go into effect immediately upon County Board adoption of Exhibit A and expire on June 10, 2020.

## ORDINANCE

**WHEREAS**, the President of the United States and the Governor of the State of Illinois have declared a state of pandemic emergency due to the presence and effects of the Coronavirus, COVID-19; and

**WHEREAS**, on March 13, 2020, the Lake County Board Chair issued a declaration of emergency proclamation, which was subsequently extended for 45 days by the County Board on March 16, 2020, and further extended until May 30 by the County Board on May 1, 2020, due to spread of coronavirus disease (COVID-19) in Lake County; and

**WHEREAS**, pursuant to 720 ILCS 5/47-5, counties have authority to declare what shall be public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town; and

**WHEREAS**, based upon available information from the Centers for Disease Control (CDC), people of all ages with underlying respiratory medical conditions, including chronic lung disease and asthma, are at higher risk for developing more serious complications if they contract COVID-19. Smoke from open burning can exacerbate these residents' respiratory conditions and further compromise their ability to fend off potentially severe effects of COVID-19. Additionally, people who do not have underlying conditions can experience more severe COVID-19 symptoms when exposed to smoke from open burning; and

**WHEREAS**, Open burning during the COVID-19 pandemic also increases the potential risk of uncontrolled spread of fire, which could impact fire departments and County, municipal and other local governmental first responders at a time when their resources may be otherwise needed to assist in public health and safety during the pandemic; and

**WHEREAS**, in light of these increased risks during the COVID-19 pandemic, several fire protection districts throughout Lake County encompassing unincorporated areas have enacted temporary bans on open burning, and open burning bans have been temporarily instituted across the US by numerous state and local governments; and

**WHEREAS**, the Lake County Temporary Emergency Ordinance reinforces and supports temporary open burning bans already in effect in various fire protection districts encompassing unincorporated areas and provides additional means of enforcement over prohibited open burning activity in the unincorporated area; and

**WHEREAS**, for the reasons stated above, at this stage in the COVID-19 pandemic, open burning in the unincorporated areas constitutes a public nuisance; and

**WHEREAS**, the Temporary Emergency Ordinance is in furtherance of the President of the United States and Governor of the State of Illinois's declaration of the state of pandemic emergency because potential respiratory issues from COVID-19 may be exacerbated open burning and because the potential increased risk of uncontrolled fire may further limit the resources of local first responders.

**NOW, THEREFORE, BE IT ORDAINED** by this County Board of Lake County, Illinois, that the Lake County Temporary Emergency Nuisance Ordinance as attached in Exhibit A be adopted and be made effective immediately and shall expire on June 10, 2020; and

**BE IT FURTHER ORDAINED** that the Clerk of the County Board shall keep a record of this action.

**DATED AT WAUKEGAN, LAKE COUNTY, ILLINOIS**, this 12<sup>th</sup> day of May, 2020.