

LAKE COUNTY ORDINANCES

ORDINANCE NO. 30

AN ORDINANCE PROHIBITING THE BURNING OF WASTE AND RESTRICTING OPEN BURNING.

WHEREAS, the health, safety and welfare of the citizens of the Town of Lakeview and the surrounding Urban Growth Boundary are adversely affected by the deterioration of air quality within that area; and

WHEREAS, unrestricted open burning and the burning of waste are injurious to public health and are a primary source of causing the deteriorated air quality; and

WHEREAS, unrestricted open burning is a safety hazard during certain periods of the year; and

WHEREAS, an open burning and waste burning curtailment ordinance is essential in complying with the provisions of the federal Clean Air Act and to assure healthful air quality; now, therefore.

THE COUNTY OF LAKE ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS: As used in this ordinance, the following words, except where the context clearly indicates otherwise, mean:

(a) Open Burning: Burning in burn barrels or incinerators, open outdoor fires and any other burning where combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(b) Permit: Written or verbal evidence indicating that an open burning activity, which would otherwise be prohibited by this ordinance, is permissible under certain

circumstances and which is obtainable from the Lakeview Fire Department.

(c) Person: Any individual, partnership, corporation, company or other association.

(d) Solid Fuel Burning Device: A device designed for solid fuel combustion so that usable heat is derived for the interior of a residence and includes, without limitation, solid fuel burning stoves, fireplaces or woodstoves of any nature, combination fuel furnaces* or boilers used for space heating which can burn solid fuel. Solid Fuel Burning Devices do not include barbecue devices, natural gas fire and artificial fireplace logs or pellet stoves.

(e) Waste: Wet or dry garbage, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated materials, rubber products, animal remains, or animal or vegetable matter resulting from the preparation, cooking or service of food, disposable diapers, styrofoam, chemically treated lumber, or any other material, including commercial and industrial waste, which normally emits dense smoke or noxious odors. Not included are clean wood wastes such as lumber, tree branches, paper and garden and yard waste.

(f) Green Day: An Air Quality Advisory provided by the Town of Lakeview which forecasts acceptable air quality for the following 24 hour period.

(g) Yellow Day: An Air Quality Advisory provided by the Town of Lakeview which forecasts increased PM10 concentrations over the following 24 hour period. A Yellow Day

forecast signifies that average PM10 concentrations are expected to reach levels of health concern, but which are not expected to approach the 24 hour national ambient air quality particulate health standard of 150 ug/m3.

(h) Red Day: An Air Quality Advisory provided by the Town of Lakeview which forecasts average PM10 concentrations at levels which are at risk of reaching and/or exceeding the 24 hour national ambient air quality particulate health standard of 150 ug/m3.

SECTION 2. BURNING OF WASTE: The burning of waste at any time, whether by open burning or in a solid fuel burning device, as defined herein, is prohibited within the Urban Growth Boundary of the Town of Lakeview.

SECTION 3. RESTRICTIONS ON OPEN BURNING: All open burning is prohibited within the Urban Growth Boundary of the Town of Lakeview unless a permit for the same has been obtained (see Section 4).

SECTION 4. OPEN BURNING PERMITS: Open burning, which would otherwise be prohibited by the terms of this ordinance, may be permitted if a permit for the same is obtained from the Lakeview Fire Department. An open burning permit shall not be issued during a Yellow or Red Advisory Period. Permits shall only be used on the day that it is issued and all open burning shall be completed prior to sundown. The Fire Chief of the Town of Lakeview is hereby authorized to issue such permits to residents of the Town of Lakeview and the surrounding Urban Growth Boundary subject to such reasonable terms and conditions

as the Fire Chief, in his sole discretion, shall deem advisable for the protection of the residents of the Town of Lakeview and surrounding Urban Growth Boundary. The terms and conditions of the open burning permit shall be specifically and expressly set forth on the permit or otherwise communicated to the requesting party. The issuance of a permit imposes no liability on the Town of Lakeview for any damage caused by open burning and the sole risk thereof lies with the person obtaining the permit.

SECTION 5. ABATEMENT, ENFORCEMENT AND PENALTIES: Any violation of this ordinance or non-compliance with any of the provisions hereof shall be subject to legal proceedings to abate or enjoin such violation or non-compliance. In addition to abatement or injunctive proceedings, the following penalties may be imposed for violations or non-compliance:

(a) First offense violators of this ordinance shall receive a warning. The Town of Lakeview Air Quality Office shall notify the violator of their non-compliance by registered mail, which notice shall contain the penalty schedule.

(b) Second offense violators of this ordinance shall be punishable by a fine not to exceed \$25.00.

(c) Third offense violators of this ordinance shall be punishable by a fine not to exceed \$100.00.

(d) Subsequent violations shall be punishable by a maximum fine not to exceed \$250.00 per occurrence.

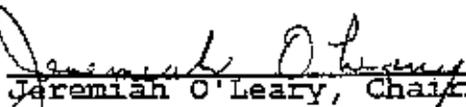
SECTION 6. SEVERABILITY: If any section, subsection, sentence or clause, or any portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portion thereof.

This ordinance and its purposes being necessary for the preservation of public peace, health and safety of Lake County and its inhabitants, an emergency is hereby declared to exist and this ordinance shall be in full force and effect after its passage by the Commissioners of Lake County.

No commission member present requested that this ordinance be read in full so the same was read by title only and therefore passed unanimously by the Commissioners of Lake County and adopted on March 15, 1995.

Dated this 15 day of March, 1995.


Jeremiah O'Leary, Chairman


Jane O'Keeffe, Commissioner


Robert M. Pardue, Commissioner

