BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING THE LANCASTER COUNTY AIR POLLUTION CONTROL RESOLUTION, TO INCREASE THE FEE FOR OPEN BURNING PERMITS, AS PROVIDED IN ATTACHMENT "A"	)	RESOLUTION NO. R-14-0050

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted the Lancaster County Air Pollution Control Resolution on November 16, 1993 and against on October 15, 2013, under County Resolution No. R-13-0073, for the purpose of achieving and maintaining reasonable levels of air quality which will protect human health and safety and promote the public safety, health, and welfare of Lancaster County; and

WHEREAS, pursuant to Neb. Rev. Stat. §13-801, et seq. (Reissue 2012), Lancaster County and the City of Lincoln entered into an Interlocal agreement for the purpose of providing for the establishment of the 1993 Lincoln-Lancaster County Air Pollution Program, which resolution was readopted at Lancaster County Resolution No. R-13-0073; and

WHEREAS, pursuant to Neb. Rev. Stat. § 71-1630 and § 71-1635 (Reissue 2009), Lancaster County cooperated with the City of Lincoln in the establishment and maintenance of a City-County Health Department; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended amendments to the Lancaster County Air Pollution Control Resolution to increase the cost for a burn permit, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on August 26, 2014, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-13-0073, Lancaster County Air

Pollution Control Resolution, as provided in Attachment "A," are hereby adopted, and shall become effective September 15, 2014.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 26 day of August, 2014, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 25 day of
August, 2014.

Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

Attachment "A"

SCHEDULE OF COSTS FOR SEPTEMBER 1, 2014 TO AUGUST 31, 2015
Section 13. Open Burning Permits.

(a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of ~~$140.00~~ $145.00 per day on which burning is to take place. ~~Said fee~~ All fees are be payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.

(b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.

(c) The Director is authorized to issue a permit only if:

(1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and

(2) The appropriate fire department has approved the application as meeting their fire safety requirements.

(3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.

(d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.

(e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

SCHEDULE OF COSTS FOR SEPTEMBER 1, 2015 TO AUGUST 31, 2016
Section 13. Open Burning Permits.

(a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of ~~$145.00~~ $150.00 per day on which burning is to take

place. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.

(b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.

(c) The Director is authorized to issue a permit only if:

(1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and

(2) The appropriate fire department has approved the application as meeting their fire safety requirements.

(3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.

(d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.

(e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.