



City of Grand Island

Tuesday, January 31, 2012

Study Session

Item -2

Discussion Concerning Open Burning

Staff Contact: Tim Hiemer

Council Agenda Memo

From: Tim Hiemer, Interim Fire Chief
Meeting: January 31, 2012
Subject: Ban on Open Burning
Item #'s: 2
Presenter(s): Tim Hiemer, Interim Fire Chief

Background

The first restriction on open burning in the City of Grand Island was passed in 1909, this prohibited the burning of paper or refuse in the streets and alleys of the City. Then in 1951 an ordinance was passed that restricted burning to set hours on certain days of the week. This was then amended on June 1, 1972 to permit open burning on Wednesday and Saturday. At this time the Fire Chief was also empowered to ban open burning when warranted.

On July 8, 1991 Ordinance 7729 was approved that banned open burning in the City with very few exceptions.

At the May primary election in 1994 the citizens of Grand Island overturned the ban on open burning by approving a ballot referendum. This resulted in council passing Ordinance 7993 on May 23, 1994 allowing for open burning for two weeks in the fall and two weeks in the spring, with a written permit. This resulted in the Fire Department issuing an average of 43 permits per day during the two week burn period. Since that time only minor modifications have been made to the ordinance.

It should be noted that according to State Statute 81-520.01 there is a state wide ban on all open burning, with few exceptions.

Discussion

The issue with open burning of yard waste in the City of Grand Island is twofold, with the first being environmental. During the burn period there is a consistent haze over the city, which infiltrates homes and causes health issues. The burn period is also used by some people to burn non-yard waste, which includes treated lumber, old carpet and furniture. These products produce toxic gases which linger in the smoke.

The second issue is public safety. These fires are not always burned according to safety regulations, this leads to the possibility of spreading to structures. Fires are also started in city right of ways, which include under power lines. They also generate unnecessary complaint calls to 911; this in turns commits our limited emergency response resources.

It should also be noted that Grand Island is one of three surveyed cities in Nebraska that allows open burning.

So why change the open burning policy now?

During the early 1990's this issue came before the council several times before being placed on the 1994 primary ballot. One of the arguments at the time was that the citizens had no way of disposing of yard waste without paying a fee. Since this time, a composting program has been established at the Transfer Station located on Old Potash, which allows for dumping of yard waste at no cost. This allows for an environmentally responsible way of disposing yard waste.

People's attitudes have also changed over the years and we are now more aware of how our actions affect others. People have come to expect clean air, free of smoke, year round. We want a safe and clean living environment for ourselves and children.

I would like to offer the following options to be considered. The open burning policy can be left as is, with no modification. Adopt state statute and allow the fire chief to set stringent regulations and charge a \$10 fee for each permit. This would allow burning year round or stay with the two week policy.

My recommendation is to adopt state statute and not allow open burning within the city limits, except for the following special considerations: live fire training, essential agricultural operations, the destruction of dangerous or storm damaged materials and diseased trees, clearing of land for development and recreational or cooking fires.

Since this issue had been voted on by the people it will require a 2/3 vote by the council to overturn.

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for the consideration of approving the recommendation to discontinue open burning in the City of Grand Island.

History of Open Burning

- Up until July, 1991 burning was allowed on Wednesdays and Saturdays. At this time a complete burn ban was issued.
- March 17, 1994 council voted to place a repeal of burn ban on the May ballot.
- May 23, 1994 council passed Ordinance 7993 to allow opening burning for two weeks in the fall and two weeks in the spring.
- Currently open burning of yard waste is allowed two weeks in October and two weeks in April.

City Ordinance 7993

- Allows for the burning of yard waste for two weeks in the fall and two weeks in the spring. Fire Chief may modify time period due to incimate weather.
- Material must be indigenous to the property. Must be yard waste (leaves and brush), no household waste.
- This ordinance is in effect up to the city limits. Fire Chief has no jurisdiction outside of city limits.

State Statute 81-520.01

- Statewide open burning ban on all bonfires, outdoor rubbish fires, and fires to clear land.
- Local fire chief may waive burning ban by issuing a written permit, and may charge a fee for the permit not to exceed \$10.
- Local fire chief may adopt rules and regulations listing the conditions acceptable for issuing a permit.

Problems with Open Burning

- Consistent smoky haze over the city for the two week period.
- Generates unnecessary complaint calls to 911.
- Endangers property.
 - Has the ability to spread to structures.
- Unable to ensure safety regulations are followed.

- Encourages the burning of non-yard waste.
- Has included treated lumber, old carpet and furniture. This in turns creates toxic gases.
- One of only three surveyed cities in Nebraska that allow open burning.
- Currently not issuing burn permits, as per state statute, do to shear number being issued.

Why Change Now

- Residents can now dispose of yard waste, free of charge, at the Transfer Station. This was not the case in 1994.
- In general society is recycling.
- People enjoy clean air year around.
- Enforce the State Statute on open burning.
- Promote safe and clean living.

Options

- Leave open burning as is and allow for open burning twice a year.
- Adopt State Statute and allow fire chief to set stringent regulations and charge a \$10 fee for each permit.
- Regulations to include: no burning with winds over 15mph, fire danger in the high category, limit size of fire and distance from structures.
- Allow for burning year around with permit.

Recommendation

Adopt State Statute and not allow permits for open burning, except for special considerations, and encourage use of the free composite site.

- 🇺🇸 This would require a 2/3 vote of the council to overturn the 1994 election vote.

Recommended special consideration.

- Live fire training
- Essential agricultural operations
- Destruction of dangerous or storm damaged materials or diseased trees.
- Clear of land for development.
- Require permit from NE Dept. of Environmental Quality before issuing a burn permit for above fires.
- Recreational or cooking fires in approved containers.