

ARTICLE III – OPEN BURNING

16-3-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

“Agricultural Waste” means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

“Garbage or Household Trash” means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products, including plastic containers.

“Landscape Waste” means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

“Open Burning” means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

16-3-2 **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

16-3-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.**
The burning of landscape waste shall be permitted only on the following conditions:

(A) All landscape waste shall be burned on the premises on which such waste was generated; and

(B) Landscape waste consisting solely of leaves may be burned in a ditch adjoining the roadway next to the property, however, the property owner is responsible for removing all post-burn residue generated by said leaf burning from the ditch, and said owner is also expressly responsible for meeting the requirements of paragraphs (D) and (F) below; and

(C) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and

(D) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(E) Open burning of landscape waste may only take place on Fridays and Saturdays, from sunrise to sunset, with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(F) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(G) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous. **(Ord. No. 978; In Part)**

(H) No open burning shall be permitted within **twenty-five (25) feet** of any structure. **(Ord. No. 1303; 09-12-05)**

16-3-4 **EXCEPTIONS.** Devices commonly known as outdoor fireplaces such as chimineas, and charcoal/gas grills are excepted from the requirements of this Article, so long as said devices are not utilized for, and are not designed to have as their primary purpose, the burning of landscape waste or materials otherwise prohibited from burning by this Article, and are instead burning wood in the case of the outdoor fireplaces, and charcoal/propane/natural gas in the case of outdoor grills. Furthermore, outdoor wood-burning fireplaces whose primary purpose is to provide heating for an attached residence are also exempted from the requirements of this Article. **(Ord. No. 1303; 09-12-05)**

16-3-5 **PERMITS.** Any individual, business, or organization seeking in advance to deviate from the requirements of this Article, shall first seek and obtain, in writing, the permission of both the City Council and Fire Chief, and shall agree as part of said burn permit approval process to be fully responsible for fire protection on the property where the burn is to be located, and for any and all resulting property damage from said fire related activity. Persons seeking to obtain a burn permit shall pay at the time of filing of the application, a non-refundable fee to the City in the amount of **One Hundred Dollars (\$100.00)** per application, and shall also provide the following information: name, address and phone number of the City resident who agrees to assume liability for the requested burning; the date of the proposed burn; the time frame of the proposed burn; the purpose of the proposed burn; and any and all other information which the applicant feels may be relevant for consideration by the City Council. Said burn permit application is to be dated and filed with the City Clerk's office no less than **one (1) month** prior to the proposed burn date so as to allow adequate time for consideration and deliberation by the City Council. Under no circumstance shall the applicant be granted permission to burn materials otherwise prohibited to be burned by City Ordinances and/or State and Federal laws and regulations. **(Ord. No. 1303; 09-12-05)**