OPEN BURNING

§ 50.045 OPEN BURNING PROHIBITED.

(A) No person shall cause or allow open burning, except as provided in § 50.046.

(B) No person shall cause or allow the burning of any refuse in any container, unless the container is designed for the purpose of disposing of the class of refuse being burned.

(1986 Code, § 11-100) (Ord. 1998-08, passed 4-20-1998; Ord. 2020-22, passed 10-5-2020; Ord. 2022- 42, passed 10-3-2022) Penalty, see § 50.999

§ 50.046 EXCEPTIONS.

The following activities are not in violation of this subchapter unless they cause air pollution as defined in state statutes or regulations of the Illinois Environmental Protection Agency.

(A) *Agricultural waste*. The open burning of agricultural waste, but only:

(1) On the premises on which the waste is generated;

(2) In areas other than restricted areas;

(3) When atmospheric conditions will readily dissipate contaminants;

(4) If the burning does not create a visibility hazard on roadways, railroad tracks or air fields;

(5) More than 1,000 feet from residential or other populated areas; and

(6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(B) *Counter fire.* The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

(C) *Burning of fuel.* The burning of fuels for legitimate campfire and cooking purposes, or in domestic fireplaces or firepits, in areas where the burning is consistent with other laws, provided that no garbage shall be burned in those cases.

(D) *Waste gases.* The burning of waste gases, provided that in the case of refineries all flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

(E) *Small open flames.* Small open flames for heating tar, welding, acetylene torches, highway safety flares and the like.

(F) *Residential recreational fireplaces, firepits and bonfires.* The burning of woods, gas and fuels for legitimate residential fireplaces, firepits and campfires, as well as for cooking purposes, in areas where the burning is consistent with other laws, provided that no garbage; grass clippings, leaves, landscaping waste, refuse or construction materials shall be burned in those cases. Recreational fires shall not be conducted within 25 feet of a structure of combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

(G) *Landscape waste; the burning of landscape waste.*

(1) Outdoor burning shall be allowed only between dawn and dusk on Wednesdays and Saturdays. Burning must occur in containers located not less than 20 feet, or 50 feet if not contained, from any building or structure on private property only and be supervised at all times; except that the city may conduct outdoor leaf burning which shall be supervised by an officer or employee of the city and in compliance with the requirements set forth herein.

(2) Outdoor burning shall include only landscape waste, which excludes grass and grass clippings, and shall further exclude burning of any trash, garbage, other disposables or any other materials of any nature whatsoever.

(3) Outdoor leaf burning which is permitted under this subchapter may be prohibited at any time when atmospheric conditions or local circumstances make such fires hazardous. The appropriate city official, Mayor or Chief of Police of the city or representative of the Illinois Environmental Protection Agency, shall determine such conditions or circumstances.

(4) It shall be unlawful to burn landscape waste, or any other items, upon city streets or sidewalks.

(H) *Recreational bonfires.*

(1) Any person or organization may burn landscape waste and other wood fuels outdoors as a part of an organized activity provided that not less than seven days prior to the activity, the organizer of the activity notifies the Chief of Police in such form as the Chief of Police may reasonably determine, of the date and time, location and purpose of the activity.

(2) Outdoor burning pursuant to this division (H) shall be allowed only between the hours of 6:00 p.m. and 11:00 p.m. in a location not less than 50 feet from any building or structure on the property where the outdoor burning is to be conducted.

(3) The Mayor, Chief of Police or their respective designees may order the extinguishment of any outdoor burning pursuant to this division (H) when, in the opinion of the official, continuation of the outdoor burning constitutes a threat to persons or property or jeopardizes the health, safety and welfare of the public, any participant in the organized activity or any other person.

(1986 Code, § 11-101) (Ord. 1998-08, passed 4-20-1998; Ord. 2010-17, passed 12-20-2010; Ord. 2020-22, passed 10-5-2020; Ord. 2022-42, passed 10-3-2022)

§ 50.047 AUTHORIZATION REQUIRED FOR BURNING ON CONSTRUCTION OR DEMOLITION SITES.

During the construction or demolition of buildings or other structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without proper advance authorization by the Chief of Police.

(1986 Code, § 11-102) (Ord. 1998-08, passed 4-20-1998)

§ 50.048 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.

Open fires shall be constantly attended by a competent person not less than 18 years of age.

(1986 Code, § 11-103) (Ord. 1998-08, passed 4-20-1998)

§ 50.049 GARDEN HOSE OR FIRE EXTINGUISHMENT DEVICES REQUIRED.

A hose connected to an adequate water supply or other fire extinguishment equipment must be readily available for use within ten feet of any open fires.

(1986 Code, § 11-104) (Ord. 1998-08, passed 4-20-1998)

§ 50.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person convicted of a violation of § 50.025 shall be fined not less than $10 nor more than $500.

(1986 Code, § 11-81)

(C) Any person convicted of a violation of §§ 50.025 through 50.030 shall be fined not less than $10 nor more than $500.

(1986 Code, § 11-86)

(D) (1) Whoever violates any provision of §§ 50.045 through 50.049 for which another penalty is not provided shall be fined not more than $750, plus court costs and reasonable attorney's fees, for each offense. Each day's violation constitutes a separate offense.

(2) Violations of §§ 50.045 through 50.047 shall be punishable by a fine as follows:

First offense	$75
Second offense	Not less than $150 and up to $750 plus court costs and reasonable attorneys' fees if a hearing is sought and attended by the attorney acting on behalf of the city

(3) To avoid prosecution for a first or second offense under these sections, a violator may within ten days of receiving a citation settle the citation by payment of two-thirds of the specified fine at the City Hall. The Chief of Police is hereby authorized and directed to cease prosecution of any citation so settled.

(1986 Code, § 11-105)

(Ord. 1998-08, passed 4-20-1998; Ord. 2010-17, passed 12-20-2010; Ord. 2020-22, passed 10-5-2020; Ord. 2022-42, passed 10-3-2022)