

ORDINANCE NO. 76-5

AN ORDINANCE PROVIDING REGULATIONS FOR
BURNING OF COMBUSTIBLE MATTER AND
MATERIAL WITHIN THE CORPORATE LIMITS OF
THE VILLAGE OF WINNEBAGO, ILLINOIS

WHEREAS, the increase in burning of combustible matter and material now requires reasonable and proper regulation and control to protect the general environment, health and property:

THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois:

SECTION I

Title: This Ordinance shall be known and may be cited as "THE OPEN BURNING ORDINANCE".

SECTION II

Definitions:

(a) Agricultural Wastes. 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 and structural materials.

(b) Domicile Waste. Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term excludes garbage and trade waste as defined herein.

(c) Garbage. Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

(d) Landscape Waste. Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, grass, shrubbery, and yard

trimmings.

(e) Leaves. Leaves from deciduous trees, bushes and plants, both annual and perennial, excluding agricultural crop waste and landscape waste as defined herein.

(f) Open Burning. The combustion of any matter in such a way that the products of the combustion are emitted to the open air.

(g) Refuse. Any discarded matter; or any matter excluding garbage which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

(h) Trade Waste. Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

SECTION III

Open or Outside Burning Regulations:

(a) No person shall engage in, cause, allow or permit the open or outside burning of agricultural waste, domicile waste, garbage, refuse or trade waste.

(b) No person shall engage in, cause, allow or permit the burning of domicile waste, refuse or trade waste inside any building or enclosure except within a chamber, apparatus or equipment designed for and controlling or regulating the combustion and disposal of the type of material or matter being burned.

(c)) The open or outside burning of natural deposits of leaves and landscape waste shall be permitted on private property where the leaves grew or were naturally deposited, or the landscape waste grew and/or accumulated, between the hours of 8:00 A. M. and 10:00 P. M., subject to the following provisions, to-wit:

1. Such burning must be attended by an adult at all times.
2. Following the burning of the leaves and/or landscape waste, all flames, hot coals and embers shall be fully extinguished by raking of the residue or by the use of water, sand, soil or other

nonflammable matter prior to leaving the burning site unattended.

3. Leaves or landscape waste shall not be burned in or upon public streets, alleys, sidewalks, driveways or other public property by anyone other than an employee of the Village, or so close to any building, fence or other structure as to create a fire hazard.

4. Ashes and/or partially burned leaves or landscape waste shall not be deposited in or upon or washed into or upon any public street, alley, sidewalk, driveway or other public property including storm sewers, sanitary sewer facilities and surface water drainage facilities.

SECTION IV

Exemptions:

The following activities are not in violation of this Ordinance unless engaged in to the degree that they cause air pollution as defined in Sec. 9 (c) of the State of Illinois Environmental Protection Act of 1970.

(a) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the fire chief of the Win-Bur-Sew Fire Protection District.

(b) The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

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

SECTION V

Fines and Penalties:

(a) Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00), for each offense.

(b) Any person, firm or corporation causing injury to any person or damage to the property of any person by any violation of

this Ordinance shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00).

(c) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

This ORDINANCE shall be in full force and effect from and after its passage, approval and publication, as provided by law.

APPROVED:

~~President of the Board of Trustees~~
of the Village of Winnebago

ATTEST:

~~Village Clerk~~

PASSED: July 12, 1976

APPROVED: July 12, 1976

PUBLISHED: July 15, 1976