

ORDINANCE NO. 586

AN ORDINANCE REGULATING OPEN BURNING
IN THE CITY OF SUMNER, ILLINOIS

WHEREAS, the City of Sumner, Illinois (City) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois; and

WHEREAS, the City is authorized to enact such rules and regulations for the disposal of refuse, garbage and ashes as may be necessary to protect the public health and safety (65 ILCS 5/11-19-1 et seq.); and

WHEREAS, the Corporate Authorities of the City have determined that it is necessary to amend its existing ordinance regulating open burning within the corporate boundaries for the purpose of protecting the health, safety and welfare of residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sumner, Illinois, as follows:

Section 1: INCORPORATION OF RECITALS. The recitals contained in the preamble of this Ordinance are incorporated in this Ordinance as if set out fully herein.

Section 2: DEFINITIONS.

- (A) **LANDSCAPE WASTE.** "Landscape Waste" shall include grass, grass clippings, shrubbery, plant prunings, leaves, tree branches, tree trimmings, tree stumps, and fruit and vegetable garden refuse.
- (B) **GARBAGE.** "Garbage" shall include waste material resulting from the accumulation of animal, fruit or vegetable matter incidental to the preparation of, use, cooking, dealing in, or storage of meat, fowl, fish, fruits or vegetables for food stuff; offal, hair, feathers, bones, manure, and any other kind of animal waste.
- (C) **COMBUSTIBLE REFUSE.** "Combustible Refuse" shall include paper, cardboard, newspapers, paper containers, or other paper or wooden packaging.
- (D) **NON-COMBUSTIBLE REFUSE.** "Non-Combustible Refuse" shall include metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes; concrete, bricks, and plaster.
- (E) **NOXIOUS MATERIALS.** "Noxious Materials" shall include oil, rubber, plastic, petroleum, petroleum by-products, chemicals, and any synthetic materials or other products containing chlorofluorocarbons, and any other combustible toxic materials.

- (F) **OPEN BURNING.** "Open Burning" means the burning or kindling of any materials whereby the products of combustion are emitted directly into the air, without passing through a stack or chimney.
- (G) **RECREATIONAL FIRES.** "Recreational Fires" mean a campfire, small outdoor fire, or the fire of an outdoor grill, barbeque, or other cooking utensil using charcoal, wood, propane or natural gas, intended for recreation, cooking, or ceremonial purposes.
- (H) **BURN BARREL.** "Burn Barrel" means a solid metal container with a minimum height of three (3) feet and a holding capacity of fifty (50) gallons.

Section 3. **APPLICABILITY.** This Ordinance applies to all burning and outdoor fires involving the burning of any and all materials or fuels within the City, with the following exceptions:

- (A) This Ordinance does not prohibit or regulate the burning of fuels in domestic fireplaces, and areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.
- (B) This Ordinance does not prohibit, regulate or apply to grilling, barbeques, or cooking using charcoal, propane or natural gas.
- (C) This Ordinance does not prohibit, regulate or apply to recreational fires used for cooking, recreation or ceremonial purposes, provided that the fire is confined by a control device or structure, such as a fire ring or fire pit. A fire ring shall be constructed of rocks or other similar non-combustible materials.
- (D) This Ordinance does not prohibit, regulate or apply to outdoor wood-fired furnaces, in areas where such burning is consistent with other laws, providing that no garbage shall be burned in such cases.
- (E) This Ordinance does not prohibit, regulate or apply to the burning of refuse in any chamber or apparatus, provided that such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.
- (F) This Ordinance does not prohibit, regulate or apply to the burning of wood or any other material pursuant to a permit obtained from the Illinois Environmental Protection Agency and in compliance with such requirements.
- (G) This Ordinance does not prohibit or regulate fires set by the City, its employees, agents or contractors, or by any other governmental entity, when done within the scope of their governmental duties and functions.

- (H) This Ordinance does not prohibit or regulate any fire or open burning which is set or conducted pursuant to a special burn permit issued with the consent of a majority of the Corporate Authorities. Any fire or open burning pursuant to a special permit shall be conducted in accordance with the rules and conditions set forth in the permit.

Section 4: PROHIBITIONS. It shall be unlawful to burn or attempt to burn any garbage, non-combustible refuse, and noxious materials within the corporate boundaries.

Section 5: BURNING OF LANDSCAPE WASTE AND COMBUSTIBLE REFUSE. The open burning of landscape waste and combustible refuse shall be allowed only in accordance with the following provisions:

- (A) Open burning is permitted only between the hours of 6:00 a.m. and 6:00 p.m. All fire and smoldering must be extinguished by 6:00 p.m.
- (B) Open burning shall be conducted in a safe, nuisance-free manner and only if it does not create a health hazard or a visibility hazard on roadways, alleyways, highways, sidewalks, or railroad tracks. Fires must be immediately extinguished if they create a fire hazard, nuisance, pollution problem, or a threat to public health. Any fire which continues after conditions have changed so that it is no longer appropriate for burning shall be extinguished promptly by the person or persons starting or attending the fire.
- (C) Open burning shall be conducted only when wind, weather, and atmospheric conditions are such as to readily dissipate contaminants and minimize adverse effects.
- (D) All burning of combustible refuse must be done in a burn barrel. The combustible refuse to be burned must be emptied into the burn barrel in such manner as to not to exceed the top rim level of the barrel, or in any manner that would likely cause any burning material to fall on the ground.
- (E) No residential dwelling shall have more than one burn barrel for use. A burn barrel must be emptied or removed from the premises when the ashes or burn material is within twelve inches of the top rim of the barrel. It shall be unlawful to use any burn barrel which is in such deteriorated condition as to allow flames or burning material to escape from any part of its circumference more than twelve inches from its top rim.
- (F) Landscape waste may be collected and burned in or along ditches adjacent to any public street, sidewalk, or alley, provided that the landscape waste so collected is burned within twenty-four (24) hours. There shall be no burning of wet landscape. Landscape waste may be burned only when the landscape waste has a moisture content sufficiently low enough to allow an open and visible flame to burn and not smolder.

- (G) All fires shall be constantly attended and supervised by a responsible adult until the fire is fully extinguished. The responsible adult shall have readily available for use such proper extinguishing equipment adequate for the size of the fire as may be necessary for the total control of the fire.

Section 6. EMERGENCY BURNING BAN. In the event of extreme weather conditions or other necessary circumstances, the Mayor, in his sole discretion, may temporarily ban all open burning permitted by this Ordinance for a period not to exceed seven (7) days. The Mayor may extend any temporary ban for a period not to exceed thirty (30) days with the advice and consent of the City Council.

Section 7. RIGHT OF ENTRY AND INSPECTION. The Chief of Police and any duly authorized law enforcement officer shall have authority to enter and inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 8. ADMINISTRATION. The provisions of this Ordinance are enforceable by the police department on the initiative of any duly authorized officer, or at the request of the Mayor or any Alderman. The Chief of Police or any duly authorized law enforcement officer may order the extinguishment of any fire, which, in the opinion of that officer, violates this Ordinance or generates excessive smoke.

Section 9. PENALTIES. All actions in violation of this Ordinance are hereby determined and defined to constitute a threat to public health, and the enforcement of this Ordinance, being in the public interest and necessary to the safety of the residents of the City, any person found in violation of this Ordinance shall be subject to the following procedures:

- (A) The Chief of Police or any duly authorized law enforcement officer shall issue a warning notice to a first time violator stating that he or she is in violation of the Ordinance if, in the opinion of the officer, there was no injury to persons, there was no damage to property, and the safety of other residents was not jeopardized. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in a citation being issued.
- (B) Issuance of a citation to any violator of this Ordinance shall result in the imposition of a minimum fine of Two Hundred Dollars (\$200.00).
- (C) The Chief of Police or any duly authorized law enforcement officer may, in his discretion, seek the assistance of any local fire protection district to any illegal fire upon the violator's failure or refusal to extinguish the fire. Any violator shall be liable for the cost of such extinguishment.
- (D) In addition to any fine or penalty and extinguishment cost, any person violating the provisions of this Ordinance shall also be required to pay the cost of any other expenses, costs and disbursements incurred by the City in enforcing or prosecuting the terms of this Ordinance.

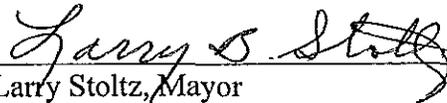
Section 10. SEVERABILITY. In the event that any section, clause, provision or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all parts that are severable shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid application shall remain in effect.

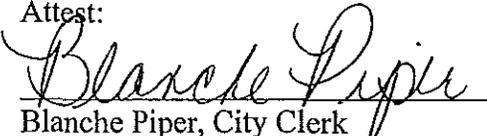
Section 11. CONFLICTING ORDINANCES. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of actions which shall have accrued to the City prior to the effective date of this Ordinance.

Section 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND ADOPTED by the City Council of the City of Sumner, Illinois and approved by the Mayor this 12 day of July, 2011.

VOTE: 6 Ayes 0 Nays 0 Absent 0 Abstain


Larry Stoltz, Mayor
City of Sumner, Illinois

Attest:

Blanche Piper, City Clerk
City of Sumner, Illinois