

**Sec. 13-25. Open burning of landscape wastes on property.**

§ 13-25.1 **Definition:** The expression "open burning" as used in this section is defined as the combustion of any matter in such a way that the products of the combustion are admitted to the open air without originating in or passing through equipment for which a permit has been issued by the state Environmental Protection Agency.

§ 13-25.2 **Exceptions to "open burning":** No person shall cause or allow the open burning of any materials whatsoever in the county with the exception of the following:

- (1) a. Burning within the corporate limits of any city, village, or incorporated town which has in effect a municipal ordinance permitting open burning.
  - ~~a. Burning shall be allowed during the hours of 7:00 a.m. to 7:00 p.m.~~
  - ~~b. All fires must be maintained fifty (50) feet from the nearest building structure or combustible fencing.~~
  - ~~c. All fires shall be manned at all times that a flame, glow, or smoke is present.~~
  - ~~d. A fire extinguishing source shall be immediately available during all fires.~~
  - ~~e. No accelerant can be used in connection with any fire.~~
  - f. b. Only waste produced on the property may be burned on the property. Waste generated elsewhere may not be moved onto another property and disposed of (which includes all methods of disposal such as burning, mulching, and composting).
- (2) Burning at any time by farmers, or by their agents or employees under strict supervision and in the course of their employment on land zoned A1 or A2. As used in this section, the word "farm" shall be defined as in the 1970 Federal Census:
  - ~~a. An area of ten (10) or less contiguous acres having an annual sale of agricultural products not less than two hundred fifty dollars (\$250.00); or~~
  - ~~b. An area of greater than ten (10) contiguous acres having an annual sale of agricultural products of fifty dollars (\$50.00) or more.~~

- (3) Burning authorized by a special permit issued by the state Environmental Protection Agency, pursuant to the provisions of Rule 504 Title 35, Subtitle B, Chapter I, Subchapter i of the open burning regulations of the state, ~~as adopted by the state pollution control board, September 2, 1971, and amended November 8, 1972;~~ or
- (4) Burning of fuels for campfire, picnic, or other recreational purposes in areas where such burning is consistent with other laws.

§ 13-25.3 Open burning permitted by the terms of the exceptions stated in this section shall, under no circumstances, occur upon the sidewalk, right-of-way, or the paved or improved portions of any street, highway, or other public roadway.

§ 13-25.4 No open burning of garbage or refuse, except for yard waste, shall be permitted at any time.

#### § 13-25.5 ENFORCEMENT AND PENALTIES

(1) Authorization to Enter Premises -- The Health Authority or designee is hereby authorized to make the necessary inspections to obtain compliance with this Section. For the purpose of making such inspections, the Health Authority or designee is hereby authorized to request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this Ordinance. Refusal of right to entry shall be cause for the Health Authority or designee to seek the permission of the court for right of entry.

(2) Notice to Abate -- Upon investigation of the nuisance complaint by the Health Authority or designee, if he/she determines that a nuisance does exist, he/she shall issue a written Notice to Abate the nuisance condition within a reasonable amount of time to be determined by the Health Authority. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violation(s) and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance; however, a final date by which all violations are to be fully resolved shall be established and adhered to.

If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the Health Authority or designee may issue a Cease and Desist Order to abate the nuisance condition immediately.

(3) **Failure to Abate Condition** -- Any person, firm, or corporation who violates any of the provisions of this ordinance shall be guilty of an offense punishable by a fine not less than \$100.00:

a. **Complaints:** The Health Authority or designee shall have the authority to issue non-traffic complaint tickets (notices to appear) to any person violating any of the provisions of this Section. This is not intended as the exclusive means of initiating an action.

b. **Violations:** Any person violating any provision of the article, upon conviction, shall be fined not less than \$100.00 nor more than \$1,000.00. Each day the violation continues shall constitute a distinct and separate offense.

c. **Injunctive Relief:** Nothing herein shall be considered a waiver of the County's right to seek injunctive relief to prevent or abate a nuisance.

§ 13-25.6 Adopted by reference: Title 35, Subtitle B, Chapter 1, Subchapter i of the open burning regulations of the State of Illinois.

(Ord. No. 9103-165, 3-12-91; Ord. No. 01-05-255, 5-29-01)