

ORDINANCE NO. 91-8-12-1

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
FOR OPEN BURNING WITHIN THE LIMITS OF THE VILLAGE OF OAKWOOD,
VERMILION COUNTY, ILLINOIS**

WHEREAS, the council of the Village of Oakwood, Illinois determines that it be in the best interests of the public that regulations be adopted to control open burning within the Village limits.

THEREFORE, BE IT ORDAINED:

SECTION I

Definitions:

(a) Landscape waste: Any vegetable or plant refuse, except garbage and agricultural waste. This can be deemed to include trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(b) Open burning: The combustion of any matter in such a way that the products of the combustion are emitted into 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, Ill. Rev. Stat., 1981, Ch. 111 1/2, Par. 1009 (b).

(c) Domicile waste: Any refuse generated on single-family domiciliary property as a result of domiciliary activities. This term shall be deemed to exclude landscape waste, garbage and trade waste.

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

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

(f) Restricted areas: The area within the boundaries of the Village of Oakwood.

(g) 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. This term can be deemed to include landscape waste, but excludes agricultural waste.

SECTION II

Prohibitions: No person shall cause or allow the burning of any refuse, domicile waste or trade waste in the Village of Oakwood, except in a chamber or apparatus having a design approved by the Village for the purpose of disposing of the class of refuse and waste being burned.

SECTION III

The terms of the ordinance shall not be construed to prohibit the burning of fuels for cooking purposes in a domestic fireplace in areas where such burning is consistent with other Ordinances and Regulations, providing no garbage shall be burned in any case. Outside grills, either permanent or portable, shall be considered as domestic fireplaces.

SECTION IV

Open burning shall be prohibited within the corporate limits of the Village except as by this ordinance permitted.

SECTION V

Exemptions: The open burning of landscape waste shall be deemed not in violation of this ordinance when conducted to conform with the following conditions:

- (a) On the premises on which the waste is generated; and
- (b) When atmospheric conditions will readily dissipate contaminants; and
- (c) If such burning does not create a visibility hazard on roadways or railroad tracks within the Village.
- (d) Except as where otherwise herein restricted, when such burning does not become a nuisance, annoyance or discomfort by reason of smoke, fumes, fly ash, dust, soot or noxious odor.
- (e) When such burning is constantly attended by a competent person until completely extinguished. Such person shall have the means for extinguishing any fire readily available for use as required.
- (f) When the location of such burning is at a safe distance from any structure and adequate provisions are made to prevent fire from spreading to any structure.
- (g) When burning is conducted by or at the direction of Village Officials.

(h) When specific permission is given by a duly authorized Village Official in certain cases upon finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

(i) When conducted between the hours of 9:00 A.M. and 6:00 P.M. local time.

SECTION VI

Penalty:

(a) Any individual who violates any provision of this Ordinance shall be subject to a fine of not less than twenty-Five Dollars (\$25.00) for the first offense and not less than One Hundred Dollars (\$100.00) for each subsequent offense.

(b) The owner, lessee or occupant of any premises or person in charge of the burning therein and thereupon, who causes, permits or allows the violation of this Ordinance on said premises, is guilty of creating a nuisance and subject to penalty as herein provided.

PASSED: August 12, 1991

PUBLISHED: _____, 1991

EFFECTIVE: _____, 1991

David Hack
MAYOR

ATTEST:

William J. ...
VILLAGE CLERK

(VILLAGE SEAL)