

CHAPTER 4 OPEN BURNING OF LANDSCAPE WASTE¹

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7-4-1 DEFINITIONS

Terms used in this Chapter 4, whether capitalized or not, shall mean as follows:

Brush: Tree trunks, limbs, branches and twigs.

Ceremonial fire (bonfire): An outdoor fire larger than three feet by three feet by three feet which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

Habitable structure: Any structure with electric and heat intended to be used for living, sleeping, eating or assembly purposes, including, but not limited to, residences, multi-family dwellings, churches, schools, food facilities and industrial buildings.

Landscape waste: All accumulations of grass or shrubbery clippings or cuttings, leaves, flowers and weeds.

Litter: Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

Manure: The fecal and urinary defecations of livestock and poultry. Manure may often contain some spilled feed, bedding or litter.

Non-habitable structure: Any structure not identified as habitable, as defined, and would include, but is not limited to, garages, sheds, barns and swimming pools.

Open burning: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the provisions of the Environmental Protection Act.

¹ Ordinance 2007-08-832

Recreational fire: A temporary outdoor fire for warmth, cooking for human consumption or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet and excludes landscape waste.

Structure: The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than 180 consecutive days.

7-4-2 PROHIBITIONS:

- A. Open burning of landscape waste shall not take place within 100 feet of a habitable structure.
- B. Open burning of landscape waste shall not take place less than 50 feet from any structure that is not habitable.
- C. The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in the Village.
- D. In addition to the County Board Chairman, the President shall have the authority to prohibit all open burning of landscape waste in the event of emergencies.

7-4-3 RESTRICTIONS:

Any open burning shall be in accordance with the following restrictions:

- 1. The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.
- 2. The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
 - (a) Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.
 - (b) Burning is not permitted when the wind is in excess of 10 miles per hour.
 - (c) Burning is not permitted of any material other than dry landscape waste and/or brush.
 - (d) Burning is not permitted on public or private roads, alleys, sidewalks or easements.

- (e) Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or air fields.

7-4-4 CONDITIONS AND LIMITATIONS OF OPEN BURNING:

- A. All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.
- B. A fire extinguisher or garden hose or water source shall be available at the burning site.
- C. It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.
- D. It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of this Section.
- E. Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.
- F. The County Board Chairman or President shall have the authority to waive all or part of the requirements of this Section in the event of emergencies resulting from natural phenomenon or civil strife.

7-4-5 EXEMPTIONS:

- A. Section 7-4-2-A and B, paragraphs 2-(a), (b) and (c) of Section 7-4-3 and Section 7-4-4-B shall not apply to:
 - 1. Prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.
 - 2. The burning of brush for purposes of domestic fireplaces or cooking or external fire-places, or to self-contained outdoor wood- burning devices or fireplaces.
 - 3. Open burning of brush for purposes of recreational fires.
 - 4. Open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the McHenry County Department of Health. Failure to obtain a permit from the McHenry County Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and ob-

tain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Section.

- B. Paragraph 2(a) of Section 7-4-3 shall not apply where the fire is located 500 feet or greater from a habitable structure.

7-4-6 ENFORCEMENT, VIOLATIONS AND PENALTIES:

- A. The McHenry County Department of Health shall be primarily responsible for the enforcement of this Chapter. In addition, any enforcement officer of the McHenry County Department of Health, law enforcement agency, fire department or fire protection district is authorized to enforce the provisions of this Chapter.
- B. Any person who violates any provision of this Chapter shall be punished by a fine of \$100 for a first time offense and a fine of up to \$1,000 for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this Chapter shall be considered factors in aggravation for purposes of the assessment of any fines.