

VILLAGE OF ELBURN

ORDINANCE NO. 2011-15

**ORDINANCE AMENDING SECTION 624.02 "GARBAGE, REFUSE, AND ASHES",
(b) Open Burning Prohibited; (c) Permits; and (e) Accumulation of Materials That
Can Be Blown Away, OF THE VILLAGE OF ELBURN CODIFIED ORDINANCES**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF ELBURN**

Published in pamphlet form by authority of the Board of Trustees
of the Village of Elburn, Kane County, Illinois
this 20 day of June, 2011.

ORDINANCE AMENDING SECTION 624.02 "GARBAGE, REFUSE, AND ASHES" OF THE VILLAGE OF ELBURN CODIFIED ORDINANCES TO ADD A PROVISION TO BAN BURNING OF LEAVES, YARD, AND LANDSCAPE WASTE AND TO PERMIT COMPOST STRUCTURES

WHEREAS, 65 ILCS 5/11-19.1-1 provides, in part, that the corporate authorities may abate air contamination; and

WHEREAS, 65 ILCS 5/11-60-2 provides that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the corporate authorities find that many individuals are adversely affected by smoke generated from the burning of leaves and yard and landscape wastes; and

WHEREAS, the corporate authorities find that said smoke is a public nuisance.

THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Elburn, Kane County, Illinois as follows:

SECTION ONE: That Section 624.02 "Garbage, Refuse, and Ashes" of the Village of Elburn Codified Ordinances is amended in its entirety to read as follows:

624.02 GARBAGE, REFUSE AND ASHES; OPEN BURNING; COMPOST STRUCTURES.

(b) Open Burning Prohibited. The open burning of yards and fields, herbage, shrubbery, leaves, grass, brush, trimmings from trees, bushes, landscape waste, wood, paper, garbage, refuse, yard waste or other combustible material on any property, public or private, from any source whatsoever within the Village is unlawful and is hereby prohibited, with the following exceptions:

- (1) Fires set and supervised by the Elburn & Countryside Fire Protection District for public safety and training.
- (2) Horticultural, wildlife management, prairie restoration, or similar purposes that have been approved by the State or local governmental agency having jurisdiction.

(3) Recreational fires.

- a. Fires for the express purpose to cook food for human consumption. Such fires shall be contained in grills, charcoal burners, or the like.
- b. Fires within a dry stacked stone, masonry, or metal fire pit or ring or within commercially manufactured portable fireplaces, but only if:
 - 1. Location: The location of the stone, masonry, or metal fire pit or ring or commercially manufactured portable fireplace shall be at a safe and reasonable distance from any building, structure, or vehicle and from any container or other source of flammable liquids or vapors. A metal fire ring or commercially manufactured portable fireplace shall not be placed on any combustible surface.
 - 2. Fuel: The fuel shall be dry, seasoned wood or equivalent. No household or landscape wastes or leaves shall be burned.
 - 3. Attendance: No burning shall take place on private property without the presence and oversight of an adult over 18 years of age. No fires shall be left unattended until entirely extinguished.
 - 4. Size: Fuel Pile cannot be larger than 27 cubic feet nor higher than 2 feet.

(4) Fires started by Village of Elburn personnel or Village-authorized contractors to burn materials collected within the corporate limits of the Village shall be authorized on any Village-owned property.

(5) Burning of brush, but only if:

- a. Burning is conducted on the property on which the materials to be burned are generated.
- b. Burning is conducted on sunny days between 10:00 a.m. and 3:00 p.m.
- c. Burning is conducted when the wind is less than ten miles per hour.

- d. Burning is not conducted within 25 feet of any building or structure.
- e. Burning is not permitted when it is determined by the Village that inversion or ozone alert conditions exist.
- f. Burning is not conducted on public property, including, but not limited to, roads, alleys, or sidewalks.
- g. Only clean dry materials are burned. Burning that is offensive or objectionable due to smoke or odor emissions or atmospheric conditions, or when circumstances exist that make such fires hazardous shall be prohibited.
- h. Burning is supervised by a person over the age of 18 until the fire is extinguished.
- i. An operating fire extinguisher or garden hose or water source shall be available at the burning site.
- j. It is the sole responsibility of the individual conducting the burning to satisfactorily determine that all conditions permitting burning as noted above are met during any given period when conducting a burning authorized by a permit issued by the Elburn & Countryside Fire Protection District.

(c) Permits. All burning, except that specified in paragraph (b) above, requires the issuance of a permit issued by the Elburn and Countryside Fire Protection District Fire Chief, or his designee. Such permits are subject to the following restrictions:

- (1) The open burning permit shall be good only for the date or period on or for which it is issued.
- (2) All approved permits must be approved a minimum of 24 hours prior to commencement of the open burning.
- (3) That a copy of the Elburn & Countryside Fire Protection District permit is immediately available on the site for viewing by members of the Elburn Police Department, Village of Elburn public officials, and members of the Elburn and Countryside Fire Protection District, otherwise the open burning will be immediately ordered extinguished.
- (4) Burning is conducted on the property on which the materials to be burned are generated.

- (5) Burning is conducted on sunny days between 10:00 a.m. and 3:00 p.m.
- (6) Burning is conducted when the wind is less than ten miles per hour.
- (7) Burning is not conducted within 25 feet of any building or structure.
- (8) Burning is not permitted during announced inversion or ozone alert conditions.
- (9) Burning is not conducted on public property, including, but not limited to, roads, alleys, or sidewalks.
- (10) Burning that is offensive or objectionable due to smoke or odor emissions or atmospheric conditions, or when circumstances exist that make such fires hazardous shall be prohibited.
- (11) Burning is supervised by a person over the age of 18 until the fire is extinguished.
- (12) An operating fire extinguisher, garden hose or water source is available at the burning site.
- (13) It is the sole responsibility of the individual conducting the burning to satisfactorily determine that all conditions permitting burning as noted above are met during any given period conducting a burning authorized by a Village of Elburn permit.

(e) Accumulation of Materials That Can Be Blown Away. No person shall cause or permit to accumulate any dust, ashes or similar materials that can be blown away by the wind. Such materials must be stored in a covered or secure container.

SECTION TWO: That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION THREE: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees.

AYES: Grabarek, Gualdoni, Haskett, Schmidt, Walker

NAYES: none

ABSENT: Ken Anderson

PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 20 day of June, 2011.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 20 day of June, 2011.

SIGNED by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 20 day of June, 2011.



(SEAL)

David L. Anderson
David L. Anderson
Village President
Village of Elburn, Kane County, Illinois

ATTEST: Diane McQuilkin

Diane McQuilkin
Village Clerk
Village of Elburn, Kane County, Illinois

STATE OF ILLINOIS)
)SS
COUNTY OF KANE)

CLERK'S CERTIFICATE

I, Diane McQuilkin, the duly qualified and acting Village Clerk of the Village of Elburn, Kane County, Illinois, do hereby certify that attached hereto is a true and correct copy of an ordinance entitled:

ORDINANCE AMENDING SECTION 624.02 "GARBAGE, REFUSE, AND ASHES" OF THE VILLAGE OF ELBURN CODIFIED ORDINANCES TO ADD A PROVISION TO BAN BURNING OF LEAVES, YARD, AND LANDSCAPE WASTE AND TO PERMIT COMPOST STRUCTURES

Which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 20 day of June, 2011, and that said Ordinance has been duly published in pamphlet form in accordance with Section 1-2-4 of the Illinois Municipal Code.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board of Trustees complied with all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of June, 2011.

(SEAL)



Diane McQuilkin

Diane McQuilkin
Village Clerk
Village of Elburn, Kane County, Illinois