

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

**AN ORDINANCE AMENDING THE TOLONO MUNICIPAL CODE TO REGULATE
BURNING**

ORDINANCE NO. 14-O- 15

Adopted by the
Board of Trustees of the Village of Tolono
This 18th day of November, 2014.

Published in pamphlet form by authority of the President and the Board of Trustees of the Village of Tolono, Champaign County, Illinois this 18th day of November, 2014.

**AN ORDINANCE AMENDING THE TOLONO MUNICIPAL CODE
TO REGULATE BURNING**

ORDINANCE NO. 14-0-_____

WHEREAS, 65 ILCS 5/11-8-4 authorizes the regulation and prevention of bonfires; and

WHEREAS, 65 ILCS 5/11-20-5 authorizes the making of regulations which may be necessary or expedient for the promotion of health; and

WHEREAS, the Village of Tolono Board of Trustees has determined that open burning creates emissions that, coupled with poor dispersion, results in exposure by high risk groups and neighboring residents to poor air quality thereby creating health hazards and nuisance conditions. High risk groups include newborn infants, children, the elderly and those with respiratory issues, allergies and cardiovascular conditions; and

WHEREAS, the Village of Tolono finds that the further regulation of open burning is necessary for the alleviation of suffering of those citizens sensitive to smoke and the promotion of health and safety; and

WHEREAS, the Village of Tolono has determined it necessary and appropriate to provide for provisional burning for 2015 and 2016 with complete prohibition in 2017 all pursuant to the terms of the within Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS, THAT TITLE 8 OF THE TOLONO MUNICIPAL CODE PERTAINING TO HEALTH AND SAFETY IS HEREBY AMENDED TO ADD THE FOLLOWING CHAPTER 8.4:

Section 1.

“LIMITS ON BURNING

8.401 Outdoor fires and open burning.

8.401.010 Except as otherwise provided in this Section, no person shall set fire to or cause or permit to be burned in any yard, lot, street or alley, any rubbish, garbage, paper or other combustible material.

8.401.020 For the years 2015 and 2016 the burning of leaves and other landscape waste material only is allowed during the period beginning on September 1 and ending on December 15 of each year and during the period beginning on April 1 and ending on May 15 of each year. No such burning shall be permitted commencing 2017 and all years thereafter. However, the above indicated time spans may be expanded, shortened or completely abolished in the following manner:

- (a) If the Police Chief in his/her discretion determines that conditions will not permit a safe and proper burning of leaves and other landscape waste material, he/she may, by written notice posted in the Village Hall and distributed through such media as the Police Chief in his/her discretion deems appropriate, entirely prohibit the burning of leaves and other landscape waste material during all or a portion of the period when such burning would otherwise be authorized by this subsection 8.401.020.
- (b) In any event, no person shall burn leaves or other landscape waste material if, in the judgment of the Police Chief or his/her designee, the burning of such material creates a general health hazard, creates a special health hazard for any nearby person who encounters or may encounter the products of combustion or endangers any adjoining building, structure or other property by the communication of smoke or fire.
- (c) If the Police Chief in his/her discretion determines that due to unusual seasonal conditions it would be appropriate to allow the burning of leaves and other landscape waste material at times other than those specified in this subsection 8.401.020, he/she may, by written notice posted in the Village Hall and distributed through such media as the police chief in his/her discretion deems appropriate, extend the above specified time periods for the burning of leaves and other landscape waste material for a period of time not to exceed fifteen (15) days prior to or subsequent to the times specified in this subsection 8.401.020.

For purposes of this subsection, the term "landscape waste material" is defined as dry leaves, the dry trimmings or fallen pieces of trees or bushes not more than two inches in diameter, and other dry vegetative matter as is ordinarily produced by any yard, garden or lot. "Dry" material includes only material which is not damp or wet as a result of rainfall, frost, dew or other external sources of moisture and is also seasoned by the evaporation of internal moisture commonly found in material recently cut from living plants. No landscape waste material may be burned that is transported from another yard, garden, lot or place except as is blown by the wind.

8.401.030 The burning of material as authorized under subsections 8.401.010 and 8.401.020 of this section may occur only under the following conditions:

- (1) Such burning may occur only on Mondays through Saturdays between sunrise and sunset. Any fires shall be extinguished at sunset. There shall be no burning on Sundays except as permitted under Section 8.401.040.
- (2) Burning may be conducted only on days when the wind will not carry smoke or other products of combustion in the direction of structures or persons on nearby parcels.
- (3) Fires shall be small and capable of being readily controlled or extinguished in the event that a change in wind direction or other factors would result in a violation of the regulations established in this section.
- (4) A responsible person of not less than eighteen years of age shall be present at the site of the fire at all times to observe and control the fire.
- (5) Water shall be available by way of a hose connected to an operational water source which hose shall have a sufficient length and capacity to promptly extinguish the fire.
- (6) Fires shall be completely extinguished and not allowed to smolder after substantial completion of the combustion.

8.401.040 Any other provision of this section to the contrary notwithstanding, it shall be lawful for any person as a means of cooking food to burn combustible material ordinarily used for the purpose of cooking food outdoors in any permanent or temporary outdoor

fireplace, grill or barbecue pit. Provided, however, that any such fire must be kept under competent and continuous supervision and must be kept a sufficient distance from any building, structure or other material so as not to constitute a fire hazard. The recreational Burning of Fuel for pleasure, religious, ceremonial, cooking, warmth or similar purposes may be allowed where the fire is contained to a Recreational Fire Enclosure on property for which the owner of the property has consented to such fire. A "Recreational Fire Enclosure" shall mean a pit on cleared earth enclosed on all sides by masonry, concrete, rock materials or metal not exceeding sixteen square feet or a metal, masonry or ceramic container designed for such purposes not exceeding sixteen square feet. Burn barrels of any sort are prohibited. "Fuel" shall mean dry, seasoned wood logs, branches or charcoal briquettes, as well as starter fluids or materials designed and used solely for the purpose of starting a fire.

8.401.050 If the Police Chief or any officer of the Police Department concludes that material is being burned in violation of any provision of this section or any other provision of the Village of Tolono Ordinances, then the Police Chief or any officer of the Police Department may in his or her sole discretion order corrective measures including, without limitation, that the fire be immediately extinguished. It shall be unlawful for any person to fail to comply with the orders of the Police Chief and any officer of the Police Department regarding any fire, including without limitation fires burning leaves and other landscape waste material pursuant to subsection (b).

8.401.070 Any person convicted of violating any provision of this section shall be subject to a fine of \$250.00."

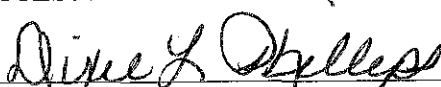
Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the Village of Tolono Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern. All other portions not otherwise amended shall remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

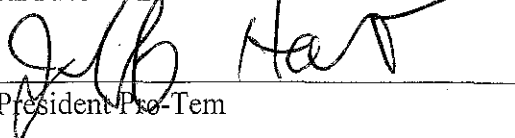
**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO,
CHAMPAIGN COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS
18th DAY OF NOVEMBER, 2014.**

ATTEST:



Village Clerk

APPROVED:



President Pro-Tem