

ORDINANCE NO. 788

ORDINANCE TO AMEND TITLE 6, CHAPTER 8
ESTABLISHING BURNING RESTRICTIONS
FOR THE VILLAGE OF ERIE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF ERIE, WHITESIDE COUNTY, ILLINOIS, as follows:

SECTION ONE: Title 6 entitled Health and Sanitation, Chapter 8 shall be amended to
read in full as follows:

6-8-1: PROHIBITED; NUISANCE DECLARED:

- A. The burning of any garbage, waste, refuse, rubbish, or substance of any kind other than Landscape Waste, and clean dry paper products, within the Village limits is hereby declared a nuisance and prohibited. This prohibition shall also include the burning of any prohibited material in a "burn barrel" or other container used for the purpose of holding garbage, waste, refuse, rubbish, or any other thing for the purpose of burning. "Burn barrel" means any container of any type used for the containment while burning or any material, substance, or thing.
- B. Nothing in this Article shall be construed to prohibit the burning of fuels for cooking purposes, fuels in a domestic fireplace, recreational fires in a fire pit, campfire, or the like while burning clean wood, ceremonial bonfires authorized by the corporate authorities and the Fire Department, provided that no garbage shall be burned in any such cases.
- C. Furthermore, the restrictions herein on burning shall not apply to the Village and nothing in this Chapter shall be construed to prohibit the Village of Erie from burning any garbage, waste, refuse, rubbish or substance of any kind within the Village limits as long as such burning has been approved by the Board of Trustees of the Village of Erie.
- D. Landscape Waste in this Chapter is defined as leaves, grass, tree limbs, shrubbery cuttings, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees. Landscape Waste shall not include agricultural waste, commercial trade waste or disastrous debris as such terms are defined by the Illinois Environmental Protection Agency and the Illinois Pollution control Board.

6-8-2: EXCEPTIONS: Open burning shall be prohibited within the corporate limits of the Village except as permitted under the following conditions and subject to any other laws adopted by the Village:

- A. The burning of Landscape Waste which is the combustion of Landscape Waste in such a way that the product of the combustion is emitted to the open air, shall be permitted but only:
1. Between the hours of nine o'clock (9:00) A.M. prevailing time and six o'clock (6:00) P.M. on Tuesdays, Thursdays, and Saturdays, and at any time during the date designated as Halloween or the day designated by the Board of Trustees to celebrate Halloween each year.
 2. On the premises on which such waste is generated.
 3. That the burning does not occur within six feet (6') of any street or alley, on any street, sidewalk, alley or public ditch, and
 4. When the burning is constantly attended and supervised by a competent and responsible person over the age of 16 years until such burning is completely extinguished, and
 5. When such burning does not create a visibility hazard on streets, roadways, alleys, public sidewalks or railroad tracks, and
 6. The only Landscape Waste that can be burned are trees, leaves, and brush. No cut grass or weeds, and
 7. No burn piles on the Village streets or right of ways.
- B. The burning of dead dry patches of grass and weeds to promote new growth and clear the ground which is the combustion of patches of grass and weeds in such a way that the product or the combustion is emitted to the open air, shall be permitted but only:
1. Between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. prevailing time on Tuesdays, Thursdays, and Saturdays, and
 2. When the burning is constantly attended and supervised by a competent and responsible person over the age of 16 years until such burning is completely extinguished, and
 3. When such burning does not create a visibility hazard on streets, roadways, alleys, public sidewalks or railroad tracks.
- C. The burning of clean cardboard and clean dry paper products which is the combustion of clean dry paper products in such a way that the product of the combustion is emitted to the open air, shall be permitted but only:
1. Between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. prevailing time on Tuesdays, Thursdays and Saturdays, and

2. On the premises where such waste is generated, and
3. That the burning does not occur within six feet (6') of any street or alley, on any street, sidewalk, alley or public ditch, and
4. When the burning is constantly attended and supervised by a competent and responsible person over the age of 16 years until such burning is completely extinguished, and
5. When such burning does not create a visibility hazard on streets, roadways, alleys, public sidewalks or railroad tracks, and
6. The only products burned are clean paper products free of any plastics or other foreign material, and
7. The burning of clean paper products is contained in such a way as to not constitute an ignition hazard outside of the container.

6-8-3: **PARTIAL INVALIDITY:** If any section, subdivision, sentence or clause of this Article is for any reason, held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Chapter, or the Title, which it amends.

6-8-4: **PENALTY:** Any person, firm, or corporation who shall violate any of the provisions of this Article shall, upon conviction, be fined neither less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) for each offense, and each day on which such a violation occurs or continues shall be considered to be a separate offense. In addition, the Village may, at its sole discretion, seek any other remedy at law or in equity to restrain or enjoin violations of this Article.

SECTION TWO: Section 6-6-1-2 in Title 6, Chapter 6 entitled Solid Waste Disposal is deleted in its entirety and shall hereinafter state as follows:

6-6-1-2: Open burning is defined by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board is hereby prohibited for all garbage, rubbish, waste, Landscape Waste, agricultural waste and commercial or trade waste except as provided by Section 6-8-1 of this Code and the rules and regulations of the Illinois Pollution Control Board and the Illinois Environmental Protections Agency regarding open burning.

SECTION THREE: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the President and Board of Trustees of the Village of Erie, Whiteside County, Illinois, on the 9th day of May, 2023, and deposited and filed in the office of the Village Clerk in said Village on that date pursuant to roll call vote as follows:

Elected Trustees - 6

AYES: 4

NAYES: 1

Abstain ABSENT: 1

Gail Prossley
Village Clerk of the Village of Erie, Illinois

Approved by the President of the Village of Erie, this 9th day of May, 2023.

Marcin Smith
President of the Village of Erie, Illinois

ATTEST:

Gail Prossley
Village Clerk of the Village of Erie, Illinois

Published in pamphlet form this 9th day of May, 2023.