
THE VILLAGE OF HOMER GLEN

WILL COUNTY, ILLINOIS

ORDINANCE

NUMBER 13-055

**AN ORDINANCE REQUIRING A PERMIT FOR THE
OPEN BURNING OF LEAVES IN THE VILLAGE OF
HOMER GLEN**

JAMES P. DALEY, Village President

Gale Skrobuton, Village Clerk

Village Trustees

**MICHAEL COSTA
MARCIA DEVIVO
TEDD KAGIANAS
MARGARET SABO
SHARON SWEAS
GEORGE YUKICH**

**AN ORDINANCE REQUIRING A PERMIT FOR THE OPEN BURNING OF LEAVES
IN THE VILLAGE OF HOMER GLEN**

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, the Village of Homer Glen may regulate the open burning of leaves on certain private properties to define, prevent and abate nuisances; and

WHEREAS, because of the threat to the health, safety and welfare of members of the public presented by the aforementioned practice of open burning of leaves the Corporate Authorities of the Village of Homer Glen hereby declare such open burning to constitute a public nuisance, and further declare the necessity of regulating the same; and

WHEREAS, the Village of Homer Glen has contracted the necessary refuse collection services providing for the disposal of yard waste including accumulations of grass or shrubbery cuttings, leaves, tree limbs, branches, brush, vines, garden plants, and other similar organic materials as the result of the cultivation and maintenance of lawns, shrubbery, vines, trees and gardens; and

WHEREAS, the Village of Homer Glen has determined that permitting of open leaf burning is beneficial in assuring the compliance of the adopted International Fire Code as it pertains to open burning; and

WHEREAS, as a means to determine the number of residents who legally find it necessary to open burn leaves as a means to dispose of an abundance of leaves on their property and evaluate possible leaf disposal options.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, BY AND THROUGH IT’S HOMERULE POWERS, AS FOLLOWS:

Section 1: Recitals. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Purpose. This Ordinance is enacted to provide and ensure the compliance of adopted codes and to safeguard the health, public safety, welfare and the protection of property by regulating and controlling open leaf burning.

Section 3: Permits. A permit shall be obtained in advance of the open burning of leaves. There is no fee for the permit. Permits shall be valid for a period of six (6) months from the time of issuance.

Section 4: Scope of Regulations. The open burning of leaves is subject to the following regulations from the International Fire Code, 2006 Edition.

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.2 Permit required. A permit shall be obtained from the fire code official prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention of control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire district of open burning that creates or adds to a hazardous or objectionable situation.

307.4 Location. The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

307.4.1 Bonfires-An outdoor fire utilized for ceremonial purposes. A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires-An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

307.5 Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished, A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire- extinguishing equipment, such a dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

The open burning of leaves is subject to the following additional regulations:

1. Not less than two hours prior to beginning an open burn the licensee shall notify adjacent property owners or occupants.
2. The location of open burning shall not be less than 50 feet from any property line.
3. Accelerants shall not be used in aiding the burning of leaves.
4. Only landscape material that is completely dry and free from non-organic debris may be burned.
5. Open burning is only permitted when the wind speed is between 5 mph and 15 mph.
6. Open burning on any federal or state holiday is prohibited.
7. The open burning of leaves shall occur between the time of sunrise and sunset.
8. Compliance with Ordinance 01-078 Prohibiting Open Burning on Village Roadways and other Village Property.

Section 5: Administrative Adjudication of Violations. Proceedings to enforce violations of this Ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinances providing for Administrative Adjudications of Code Violations or by any other means provided by law.

Section 6: Penalty. Any persons violating of failing to comply with the provisions of this Ordinance shall upon finding of such violation be fined not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Seven Hundred and Fifty and 00/100 Dollars (\$750.00) for each offense.

Section 7: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8: Conflicts. All ordinances or parts thereof in conflict herewith are hereby repealed.

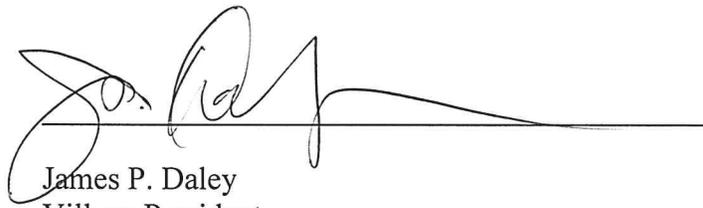
Section 9: Effective Date. This Ordinance shall take effect from and after its passage, approval and publication in pamphlet form as provided by law.

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Adopted this 8th day of October pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
DeVivo	X			
Kagianas	X			
Sabo	X			
Sweas	X			
Yukich	X			
Daley (Village President)	-			
TOTAL	6	0	0	-

APPROVED by the Village President on October 8, 2013.



James P. Daley
Village President

ATTEST:



Gale Skrobuton
Village Clerk