

CITY OF WARRENVILLE
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. 2567

**ORDINANCE AMENDING TITLE 6, CHAPTER 7 OF
THE CITY CODE IN ITS ENTIRETY (OPEN BURNING)**

WHEREAS, the Mayor and City Council believe and hereby declare that it is in the best interests of the City and its residents to amend in their entirety the provisions regarding open burning which are set forth in Title 6, Chapter 7 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WARRENVILLE, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be, and they are hereby, incorporated within this Section One as findings of fact as if said recitals were fully set forth herein.

SECTION TWO: Title 6, Chapter 7 of the City Code of the City of Warrenville shall be and is hereby amended in its entirety so that said Chapter 7 shall hereafter be and read as set forth in Exhibit 1 attached hereto and made a part hereof.

SECTION THREE: Any policy, resolution or ordinance of the City that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 1st day of March, 2010.

AYES: Ald. Wiesbrock, Bevier, Barry, Leonard, Halley, Weidner, and Aschauer

NAYS: None

ABSENT: Ald. Schultz

APPROVED THIS 3rd day of March, 2010.

ATTEST:

CITY CLERK

LKL\147318\2/24/10

MAYOR

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF WARRENVILLE,
DUPAGE COUNTY, ILLINOIS, THIS

3 DAY OF March 2010
Emily J. Lauer
CITY CLERK

Chapter 7

OPEN BURNING

6-7-1: OPEN BURNING PROHIBITED:

No person shall cause or allow *Open Burning* except as provided for in sections 6-7-2 through 6-7-5 of this chapter. Any *Open Burning* that involves the use of wood that generates a large volume of smoke shall be extinguished immediately. The *Open Burning* of household garbage and waste, leaves, grass, automotive materials and debris, and construction debris is specifically prohibited.

6-7-2: ALLOWABLE OPEN BURNING WITHOUT PERMIT:

A. *Recreational Fires* and *Small Landscape Waste Fires* shall be allowed on all properties without prior notification to the City and without a City Burn Permit when conducted in strict conformance with the provision of this chapter.

1. All *Recreational Fires* and *Small Landscape Waste Fires* shall comply with the following requirements and restrictions:
 - a. Location:
 - i. If located in an *Approved Container*: All such fires shall be set back a minimum of fifteen feet (15') from all temporary or permanent buildings and/or wooden fences.
 - ii. If NOT located in an *Approved Container*: All such fires shall be set back a minimum of fifty feet (50') from all temporary or permanent buildings and/or wooden fences.
 - b. Supervision: Are conducted with the consent and under the constant and direct supervision of an owner, lessee, or occupant of the property where the *Recreational Fire/Small Landscape Waste Fire* is occurring who is at least sixteen (16) years of age or older.
 - c. Size: Are limited to an area that does not exceed two feet by two feet by two feet (2' x 2' x 2').
 - d. Fuel Source: The source of fuel is limited to *Seasoned Dry Firewood* and/or dry branches and limbs collected from trees, shrubs, or bushes located on the property where the *Recreational Fire* or *Small Landscape Waste Fire* is

occurring and is ignited with a small amount of clean paper. The fuel shall be chosen to minimize the generation and emission of air contaminants.

- e. Days and Duration: Are permitted any day of the week at any time.

6-7-3: ALLOWABLE BURNING THAT REQUIRES A PERMIT:

A. *Bonfires, Large Landscape Waste Fires, IEPA Fires, and Ecological Burns* shall be allowed on all properties after obtaining a City Burn Permit from the Community Development Department and when conducted in strict conformance with the provisions of this chapter.

- 1. All *Bonfires* and *Large Landscape Waste Fires* shall comply with the following requirements and restrictions:
 - a. Location: All such fires shall be set back a minimum of fifty feet (50') from all temporary or permanent buildings and/or wooden fences.
 - b. Supervision: Are conducted with the consent and under the constant and direct supervision of an owner, lessee, or occupant of the property where the *Bonfire/Large Landscape Waste Fire* is occurring who is at least sixteen (16) years of age or older.
 - c. Size: Unless specifically approved in writing by the Community Development Director, all *Bonfires* and *Large Landscape Waste Fires* shall be limited to an area that does not exceed five feet by five feet by five feet (5' x 5' x 5').
 - d. Fuel Source: The source of fuel is limited to *Seasoned Dry Firewood* and/or dry branches and limbs collected from trees, shrubs, or bushes located on the property where the *Bonfire* or *Large Landscape Waste Fire* is occurring and is ignited with a small amount of clean paper. The fuel shall be chosen to minimize the generation and emission of air contaminants.
 - e. Days and Duration: Unless specifically approved in writing by the Community Development Director, *Bonfires* shall only occur on Fridays or Saturdays for a maximum of five (5) consecutive hours.
 - f. Permits Per Month: No more than one City of Warrenville Burn/Bonfire Permit shall be issued per month to the same applicant or for the same location.

B. All *IEPA Fires* and *Ecological Burns* shall comply with the following requirements and restrictions:

- 1. Supervision: Is conducted with the consent of the property owner and under the constant and direct supervision of trained professionals experienced in the fuel types being burned.

2. Permit Requirements: All applicable State of Illinois and City of Warrenville Burn Permits shall be obtained prior to conducting an *IEPA Fire* or *Ecological Burn*.
3. Notice: The individual, company, or agency responsible for supervising a permitted *IEPA Fire* or *Ecological Burn* shall notify surrounding property owners as well as local police and fire departments of the actual day and time of said *IEPA Fire* or *Ecological Burn* a minimum of 24 hours in advance of any such fire or burn being conducted.

6-7-4: PERMITS AND ADMINISTRATION:

- A. Permit Application Requirements: Applications for all *Open Burning* that requires a City Burn Permit shall be submitted in writing to the City of Warrenville Community Development Department at least seven (7) days before the *Open Burning* is proposed to be conducted. Such applications shall be on the form provided by the City and shall contain the following information:
 - (i) Purpose of the proposed *Open Burning*,
 - (ii) The location/address of the burning site,
 - (iii) The nature and quantities of material/fuel to be burned,
 - (iv) A site map showing the location of the *Open Burning*, all nearby structures and wood fences, and the location of any extinguishing mechanism including hoses, buckets and fire extinguishers,
 - (v) Name, age, and contact information (including business, home, and mobile phone numbers) of the individual responsible for supervising the *Open Burning* during its duration, and
 - (vi) The date and exact times when the proposed *Open Burning* will take place, and
 - (vii) Applications for Ecological Burns and IEPA Fires shall include a copy of the approved IEPA Burn Permit.
- B. Permit Approval and Denial: Before issuing an Open Burn Permit, the Community Development Director, or his duly authorized representative, shall (i) review and verify that all applicable open burning application requirements and restrictions have or will be satisfied, and (ii) consider then current weather conditions, past problems with burning on the property/site of the proposed *Open Burning*, past violations of the provisions of this chapter, and any other factor which may affect the health and safety of persons and property in the City.

The Community Development Director shall have the authority to deny an open burning permit application if all application requirements and restrictions have not been met, weather conditions would not allow the proposed *Open Burning* to be conducted safely, or if there has been a violation of this Chapter on the property/site of the proposed *Open Burning*, by the

owner of the property/site of the proposed *Open Burning*, or by the individual responsible for supervising the proposed *Open Burning* within 1 year from the City's receipt of the then pending *Open Burning* application. The Community Development Director or his duly authorized representative shall approve or deny all *Open Burning* permit applications within five (5) days after receipt of the application.

- C. **Permit Cost:** There shall be no City fees or charges associated with the review of an Open Burn Permit application or issuance of an Open Burn Permit.
- D. **Special Permit Conditions:** The Community Development Director may allow the size and duration of a *Bonfire* to be increased when it has been shown by the Applicant that fire safety requirements of the situation and the desirable duration of the *Bonfire* warrant the increase. Any such special approval shall be documented in written form.

When weather or locational requirements dictate, the Community Development Director may require the applicant for an *Ecological Burn* or an *IEPA Fire* to submit and follow a detailed burn plan designating the preferred wind direction and speed, location of firebreaks, and necessary personnel and equipment shall be prepared and utilized in planning and burn implementation.

6-7-5: DEFINITIONS:

- A. **Approved Container:** A manufactured or constructed outdoor fireplace, permanent or portable fire pit, and chimenea when all are fitted and operated with a spark arrestor designed to reduce hot embers emitted by the fire from being carried in the wind to nearby structures.
- B. **Bonfire:** A fire which does not exceed five feet by five feet by five feet (5'x5'x5') in area that is used for entertainment gatherings on residentially zoned properties or for the disposal of seasoned dry firewood.
- C. **IEPA Fires:** A fire that is specifically authorized by the Illinois Environmental Protection Agency (IEPA) for the disposal of hazardous or toxic material where the IEPA determines that there is no practical alternative method of disposal, instruction in methods of firefighting or for research in control of fires, in emergency or other extraordinary circumstances for any purpose determined to be necessary by the IEPA.
- D. **Ecological Burns:** A fire that is conducted in accordance with generally accepted industry practices to (i) promote responsible silvicultural, ecological, range or wildlife management and/or prairie restoration, (ii) prevent or control disease or pests, and/or (iii) maintain or increase the quantity or quality of agricultural or horticultural production.
- E. **Small Landscape Waste Fire:** A fire that is conducted by the owner or lessee of a property that is used to dispose of dry branches and limbs collected from trees, shrubs

and/or bushes located on the property where the fire is being conducted and does not exceed two feet by two feet by two feet (2' x 2' x 2') in area.

- F. Large Landscape Waste Fire:** A fire that is conducted by the owner or lessee of a property that is used to dispose of dry branches and limbs collected from trees, shrubs and/or bushes located on the property where the fire is being conducted and does not exceed five feet by five feet by five feet (5' x 5' x 5') in area.
- G. Open Burning:** All intentionally ignited outdoor fires including, but not limited to recreational fires, campfires, ecological burns, IEPA fires, and bonfires.
- H. Recreation Fire:** A campfire or fire used for cooking or warmth of workers which does not exceed two feet by two feet by two feet (2' x 2' x 2') in area.
- I. Seasoned Firewood:** Wood that has completed the drying process and is identified by bark that has no green on the underside, darkened cracks shaped like bicycle spokes in the cut ends, is light in weight, and emits little to no smoke when ignited. Seasoned firewood does not contain any leaves or needles. Seasoned firewood includes dry branches and limbs from trees, and/or shrubs or bushes only when they are collected from the property where the open burning is being conducted.
- J. Spark Arrestor:** A screen or other similar tightly interwoven wire gauze device intended to prevent combustible materials, usually sparks or other tiny flaming debris, from escaping into areas where they might start unintended fires.