

ORDINANCE 2011-1 first reading 10/2/10, Second reading 11/6/10, Amended 1/11/11

AN ORDINANCE RELATING TO OPEN BURNING

WHEREAS, the Limestone Township Fire Protection District ("the District") finds it in the public interest and desires to promote and protect the health, safety, welfare and convenience of the public and otherwise provide adequate protection from fire for lives and property;

WHEREAS, it is at times in the public interest to regulate open burning; and

WHEREAS, the rights of the people of the District to receive adequate protection from fire for lives and property remains paramount;

IT IS, THEREFORE, ORDAINED by the Board of Trustees of the Limestone Township Fire Protection District as follows:

Section 1 – General Scope/Definitions

- A. This Ordinance is passed pursuant to 70 ILCS 705/8.20 and the District is authorized to enforce this Ordinance under that statute and all other applicable authority existing in statute, regulation, or common law. This includes, but is not limited to, the Illinois Environmental Protection Act.
- B. For the purpose of this Ordinance, "open burning" is defined as the combustion of any matter in the open or in an open dump.
- C. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect the validity of any of the other provisions of this Ordinance.
- D. This Ordinance shall be in full force and effect upon its adoption and ten (10) days after publication in a newspaper of general circulation within the District.
- E. All other District ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.
- F. If any part of this Ordinance is found to be in conflict with any other ordinance, resolution or order, or parts thereof, legally enacted by any other public body within the District's jurisdiction, the most restrictive or highest standard will prevail, except that any conflict shall not limit the District's ability to extinguish any fire, provide any other services deemed appropriate by District personnel, or recover its costs related thereto in any way.

Section 2 – Prohibition and Regulation of Open Burning

- A. The location for any permissible open burning shall not be less than twenty-five (25) feet from any structure. Individual(s) in control of such burn shall prevent the fire from spreading within twenty-five (25) feet of any structure.
- B. No open burning shall occur on any public rights of way or public property.

- C. The District shall extinguish any open burn that presents a clear, present, and unreasonable danger to persons or property, or that presents an unreasonable risk because of wind, weather, or the type of combustible(s) used.
- D. All open burning occurring within the boundaries of the District that do not comply with the Illinois Environmental Protection Act will be automatically subjected to suppression, with the District entitled to collect all costs and penalties given in this Ordinance.
- E. The District has sole discretion as to when an open burn requires suppression.

Section 3 – Recovery of Costs, Penalties, Appeal

- A. Should the District exercise the authority to extinguish an open burn, any person, firm, entity, association or corporation who has ownership or control of the property, or is found to have set or control the open burn, shall be responsible for the reasonable costs of the suppression of the open burn, not to exceed the published rate structure attached hereto as Exhibit A.
- B. If the District determines a violation of this Ordinance exists, written notice will be provided to those deemed to be in violation. Anyone in violation of this Ordinance may appeal the decision of the District, which will then hold a hearing on the issue at its next regularly scheduled Board of Trustees meeting. Any appeal must be in writing and filed with the Secretary of the District Board of Trustees within thirty (30) days of the date of receiving notification from the District of the violation.

ADOPTED this 12 day of MARCH, 2011, by a vote of
5 AYES, 0 NAYS, and 0 ABSTENTIONS.

Andrew Bland
President, Board of Trustees

Valie Baeseth
Secretary, Board of Trustees