

**CHAPTER 7**  
**OPEN BURNING**

**Section**

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**§7-7-1: DEFINITIONS:**

The following words and terms shall, for the purposes of this Chapter and as stated elsewhere in this Code, have the meanings shown herein:

*AGRICULTURAL FIRES*: Open burning for recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production.

*BONFIRE*: An outdoor fire utilized for ceremonial or recreational purposes.

*CONSERVATION BURN*: Open burning for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests.

*OPEN BURNING*: The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

*RECREATIONAL FIRE*: An outdoor fire utilized to entertain, and/or to cook food for consumption by, one's family and/or guests.

(Ord. 02-017, 8-19-2002)

**§7-7-2: PROHIBITIONS:**

- (A) It shall be unlawful for any person(s), firm(s), or corporation(s) to cause or allow open burning, unless permitted or approved in accordance with this Code; and
- (B) It shall be unlawful to build, light, kindle, permit or maintain any fire so close to a building or structure as to cause danger thereto or under any other circumstances where there is a danger of the fire spreading; and
- (C) It shall be unlawful to build, light, kindle, permit or maintain any fire on any public street or sidewalk or within any right of way which has been dedicated or offered for dedication to the Village or other public body at any time, unless approved by the Village or such other public body; and

- (D) It shall be unlawful for any person(s), firm(s), or corporation(s) to cause or allow open burning of any building materials; and
- (E) It shall be unlawful for any person(s), firm(s), or corporation(s) to cause or allow open burning of any materials which would create noxious fumes; and
- (F) It shall be unlawful for any person(s), firm(s), or corporation(s) to cause or allow any open burning on or near any sewer, drain, culvert, conduit, basin, hydrant, or manhole, on or near any wetland, lake, pond, creek, stream, or other body of water, and/or on or near any driveway or parking area; and
- (G) It shall be unlawful to build, light, kindle, permit or maintain any conservation burn or agricultural fire unless a permit has been obtained and timely notification has been given to neighboring property owners as required by Section 7-7-4 of this Chapter.

(Ord. 02-017, 8-19-2002)

**§7-7-3: EXCEPTIONS:**

Provided, however, nothing contained herein shall be construed to prohibit the following:

- (A) The setting of fires to combat or limit existing fires or in emergency or other extraordinary circumstances when reasonably necessary in the judgment of the responsible officer of the applicable fire protection district.
- (B) The setting of fires for the purpose of instruction in methods of firefighting by the applicable fire protection district.
- (C) The burning of fuels in domestic fireplaces provided that no garbage shall be burned in such cases.
- (D) Recreational fires.
- (E) Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.
- (F) Bonfires as defined herein subject to the restrictions hereinafter provided:

1. Size and Duration:

A bonfire shall not be more than five feet (5') (1,524 mm) by five feet (5') (1,524 mm) by five feet (5') (1,524 mm) in dimension and shall not burn longer than four (4) hours and shall be attended as provided in Section 7-7-5 of this Chapter. The maximum size and duration of a bonfire shall not be increased by the Code Official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

2. Material:

Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.

- (G) Agricultural fires pursuant to and in compliance with a preapproved permit as hereinafter described.
- (H) Conservation burns pursuant to and in compliance with a preapproved permit as hereinafter described.
- (I) The open burning of leaves and small branches on private property owned or occupied by the person conducting such burning shall be permitted without a permit, but only between October 1 and December 15, inclusive, and between April 1 and May 31, inclusive, and only between the hours of nine o'clock (9:00) A.M. and four o'clock (4:00) P.M. provided that the requirements of Subsections 7-7-2(B), (C), and (D) of this Chapter are fully complied with.

(Ord. 02-017, 8-19-2002)

**§7-7-4: PERMITS REQUIRED; NOTIFICATION OF NEIGHBORING PROPERTY OWNERS REQUIRED:**

(A) Application:

Applications for an open burning permit shall be submitted in writing at least ten (10) days before the fire is set and shall be in such form and contain such information as required by the Code Official. Such application shall contain, as a minimum, information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, the location of the burning site and the on-site fire extinguishing equipment to be provided. Where the jurisdictional EPA written permission is not applicable, the Code Official shall give written permission, provided that approved fire safety requirements and emission standards will be met.

(B) Restriction:

No person(s), firm(s), or corporation(s) shall build, light, kindle, permit or maintain any conservation burn or agricultural fire as specified in Section 7-7-1 of this Chapter or authorize any such fire to be kindled or maintained on any premises without having obtained a written permit from a duly authorized representative of the applicable fire protection district and, where applicable, permit from the Illinois Environmental Protection Agency. All permits shall be requested by and issued to the owner of the land upon which the fire is to be kindled and any violations of the terms of any such permit shall constitute a violation of the Fire Prevention Code. No such open burning shall be conducted when the wind velocity exceeds fifteen (15) miles per hour.

(C) Notification:

No person(s), firm(s), or corporation(s) shall build, light, kindle, permit or maintain any conservation burn or agricultural fire within the Village unless all property owners within five hundred feet (500') of the boundaries of the land on which the burn shall occur shall have been notified in writing by the permittee, by first class mail, postage prepaid, and such notices shall be mailed not less than ten (10) calendar days prior to the date of the conservation burn or agricultural fire. For the purposes of this Section, ownership may be determined on the basis of the last available tax records of Lake County. An affidavit of compliance with the foregoing notice requirements shall be filed with the Village President not less than forty eight (48) hours prior to the time of the conservation burn or agricultural fire. The Village President may inquire into the

adequacy of such affidavit and/or the adequacy of the notice itself. However, the Village President may rely on any such affidavit which appears regular on its face.

(D) Written Permission:

Where the jurisdictional EPA written permission is not applicable, the Code Official shall give written permission, provided that all other applicable requirements shall be met. (Ord. 02-017, 8-19-2002)

**§7-7-5: ATTENDANCE:**

Any open burning shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two (2) portable fire extinguishers with a minimum 2-A rating each, or other approved on site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. (Ord. 02-017, 8-19-2002)

(Amd. 2014 Code)