

ORDINANCE NO. 02-11-12-01

AN ORDINANCE RESTRICTING OUTDOOR BURNING  
WITHIN THE VILLAGE OF NORTH AURORA

WHEREAS, the burning of leaves, brush, and yard waste, especially in the Fall, produces volumes of smoke and emissions which aggravate and jeopardize the health of individuals who suffer from asthma, allergies, emphysema, and other breathing difficulties; and

WHEREAS, the burning of processed materials and waste causes noxious fumes and pollutants, in addition to smoke and other emissions, and presents a significant health, safety and welfare risk.

NOW THEREFORE BE IT ORDAINED by the President and the Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.

2. Chapter 8.28 is hereby added to the North Aurora Municipal Code, to read as follows:

**Section 8.28.010 Definitions**

*“Brush”* means tree trunks, logs, limbs, branches and twigs.

*“Garbage”* is defined as provided in Section 8.12.010.

*“Landscape waste”* means flowers, grass and grass clippings, leaves, pine needles, roots, shrubbery clippings, weeds, and any other significant accumulation of small landscape waste materials.

*“Open burning”* means the burning of any materials out of doors other than in a Self-Contained Outdoor Burning Device with a burn chamber of no greater than twenty seven (27) cubic feet.

*“Person”* is defined as provided in Section 1.04.010.

*“Processed materials”* means any materials other than wood, brush or landscape waste.

*“Processed wood”* means natural wood to which is added glue and other adhesives, paint, polyurethane, stain, varnish, or other such materials or which is treated with chemicals or other substances to change the character of the wood. Processed wood includes, but is not limited to, furniture, particle board, plywood, Wolmanized lumber, and similar wood materials.

*“Refuse”* is defined as provided in Section 8.12.010.

*"Self-Contained Outdoor Burning Device"* means a freestanding or stationary apparatus that contains a burn chamber that prevents the products and emissions from combustion from immediately entering the ambient air by use of a chimney, flue, baffle, screen, grill, hood or other similar device.

*"Unprocessed wood"* means any wood, including brush and lumber, which is not processed.

*"Village"* is defined as provided in Section 1.04.010.

#### **Section 8.28.020 Burning Restrictions**

Open burning, including bonfires, is strictly prohibited.

The outdoor burning of any of the following materials is prohibited:

- A. Garbage or refuse;
- B.. Processed materials
- C. Processed wood;
- D. Landscape waste;

The outdoor burning of unprocessed wood and brush, or any other materials, is prohibited except as specifically provided in Section 8.28.030.

#### **Section 8.28.030 Permitted Outdoor Burning**

Outdoor burning shall be allowed only in the following circumstances:

- A. Unprocessed wood and brush in a Self-Contained Outdoor Burning Device with a burn chamber of no greater than twenty seven (27) cubic feet.
- B. Unprocessed wood, brush, charcoal or propane gas in a gas grill, charcoal grill or similar device for the purpose of cooking food.

#### **Section 8.28.040 Further Restrictions**

- A. All permitted outdoor burning shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, or garden hose, shall be available for immediate utilization.

- B. If any complaint is received of any permitted outdoor burning due to the emission of smoke or odors, except for cooking purposes, and notification is made to a person engaged in the permitted outdoor burning by a Village employee or official, a police officer on duty, or Fire District employee or official on duty, the otherwise permitted outdoor burning shall cease and be immediately extinguished.

**8.28.050 Fines and Penalties**

- A. Any violation of the restrictions on outdoor burning may subject the offender to a fine of no less than fifty dollars (\$50) and no greater than seven hundred and fifty dollars (\$750) in lieu of or in addition to any other penalty that may be imposed pursuant to local ordinance or state law for the violation of an ordinance.
- B. Warnings may be given for first time offenders, and the amount of the fine or the type of penalty may be proscribed in light of the seriousness of the offense, the number of past offenses, the degree of risk of or actual harm to individuals or damage to property, and other such factors as may indicate the carelessness, recklessness or willfulness of the offender.
- C. Each day that a violation occurs or continues shall be considered a separate offense.

3. This Ordinance shall take and be in full force and effect from and after its passage, approval, publication and such other acts as required by law.