

## ARTICLE V. OPEN BURNING OF LANDSCAPE WASTE

### Sec. 11.5-61. Definitions:

*Agricultural purposes:* The growing, developing, processing, conditioning, or selling of farm crops and farm seeds, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

*Brush:* Tree trunks, limbs, branches, and twigs.

*Ceremonial fire:* An outdoor fire larger than three feet by three feet by three feet (3' x 3' x 3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

*Landscape waste:* All accumulations of grass or shrubbery cuttings, leaves, flowers, and weeds.

*Recreational fire:* An outdoor fire for warmth, cooking for human consumption or temporary nonceremonial purposes where the fire is not larger than three feet by three feet by three feet (3' x 3' x 3') and excludes leaves, grass or shrubbery clippings or cuttings. (Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

### Sec. 11.5-62. Exemptions:

- (a) The terms and provisions of this article shall not apply to property zoned or used for any agricultural purpose.
- (b) The terms and provisions of this article shall not apply to any burning of landscape waste for purposes of habitat reclamation or firefighter training.
- (c) The terms and provisions of this article shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fireplaces, or to self-contained outdoor wood-burning devices or fireplaces.
- (d) The terms and provisions of this article shall not apply to the open burning of brush for purposes of recreational fires.
- (e) The terms and provisions of this article shall not apply to the open burning of brush for purposes of ceremonial fires provided that notice of any ceremonial fire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the Kane County health department. Failure to obtain a permit from the Kane

County health department prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. (Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

### **Sec. 11.5-63. Restrictions:**

Any and all burning in the unincorporated areas of the county shall be in accordance with the restrictions enumerated below:

- (1) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste and brush is prohibited.
- (2) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
  - a. Burning is permitted only on sunny days between ten o'clock (10:00) A.M. and three o'clock (3:00) P.M.
  - b. Burning is not permitted when the wind is in excess of ten (10) miles per hour.
  - c. Burning is not permitted within twenty feet (20') of any building, structure or property line.
  - d. Burning is not permitted when it is determined and announced by the Kane County health department that inversion conditions or an ozone-alert exist.
  - e. Burning is not permitted of any material other than dry landscape waste or brush.
  - f. Burning is not permitted on public or private roads, alleys, sidewalks or easements.
  - g. All open burning must be supervised until the fire is extinguished.
  - h. A fire extinguisher or garden hose or water source shall be available at the burning site.
  - i. It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.

j. It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape wastes and/or other materials in violation of the above regulations and restrictions. (Ord. 99-260, 10-12-1999; Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

### **Sec. 11.5-64. Prohibition:**

Effective on the date of passage of the ordinance codified herein, the open burning of leaves and other landscape waste shall be permitted only from April 1 to May 1 and from October 15 to December 15 in the unincorporated areas of the county. Effective January 1, 2003, the open burning of landscape waste and/or other materials, with the exception of brush, is prohibited in the unincorporated areas of Kane County. The aforesaid date limitations and the aforesaid prohibition shall not apply to residential property currently located within the geographical areas currently defined by any of the following zip code areas, as established by the U.S. postal service on the effective date of the ordinance codified herein: 60109, 60119, 60140, 60142, 60144, 60147, 60151, 60178, 60182, 60511, and 60554, unless or until such time as the state of Illinois expands its vehicle emission testing program to include any of the aforesaid zip code areas. Upon the state of Illinois expanding its vehicle emission testing program to include any such zip code area, this prohibition shall automatically apply to the area included in the vehicle emission testing program. Any and all open burning within the aforementioned zip code areas shall comply with the restrictions enumerated in subsections 11.5-63(1) and (2)a through (2)j of this article. (Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

### **Sec. 11.5-65. Enforcement, Violations And Penalties:**

- (a) Any enforcement officer of the Kane County health department and any peace officer is hereby authorized to enforce the provisions of this article.
- (b) Any person who violates any provision of this article shall be punished by a fine not to exceed one hundred dollars (\$100.00) for a first offense and a fine of five hundred dollars (\$500.00) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this article shall be considered factors in aggravation for purposes of the assessment of any fines. (Ord. 99-260, 10-12-1999; Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)