

**ORDINANCE MODIFYING THE VILLAGE OF ST. JACOB OPEN BURNING RULES
VILLAGE OF ST. JACOB**

ORDINANCE NO. 21-616

An Ordinance modifying the Village of St. Jacob Open Burning Rules

BE IT ORDAINED by the Mayor and the Board of Trustees of the Village of St. Jacob, Madison County, Illinois:

SECTION 1: That rules governing the open burning of items including but not limited to Landscape Waste are set out within the St. Jacob Village Code, within Article IX, Section 27-9-1 *et seq.*

SECTION 2: That the Board determines to modify that portion of the code, to adopt the modified language for Sections 27-9-2 and 27-9-3, attached.

ADOPTED THIS 4th day of August 2021, pursuant to a roll call vote by the Board of Trustees of the Village of St. Jacob, Madison County, Illinois.

AYES: 5
NAYS: 0
ABSENT: 1

APPROVED THIS 4th DAY OF August 2021.

Attest: Kathy Becker
Village Clerk

Richard L. Schiefer
Mayor Richard L. Schiefer

ARTICLE IX – OPEN BURNING

27-9-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in the Article in the sense given them in the following definitions:

“AGRICULTURAL WASTE” means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

“GARBAGE OR HOUSEHOLD TRASH” means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

“LANDSCAPE WASTE” means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

“OPEN BURNING” means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 **BURNING PROHIBITED.** It is illegal to burn anything except Landscape Waste, as defined above. This means it is illegal to burn Agricultural Waste (as defined above), Garbage or Household Trash (as defined above), or anything else that is not Landscape Waste. Landscape Waste may only be burned under the conditions outlined in 27-9-3.

27-9-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of Landscape Waste (as defined above) shall be permitted only on the following conditions:

- (A) Landscape Waste shall be burned on the premises where such waste is generated, with the exception of “firewood,” which is wood that is cut and delivered specifically for the purposes of recreational campfires; and
- (B) Landscape Waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and
- (C) Landscape Waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and
- (D) Open burning of Landscape Waste may only take place during daylight hours with a person over **eighteen (18) years** of age present, and overseeing the fire, during the entire time of burning; and
- (E) No open burning of Landscape Waste shall be permitted on any streets or roadways; and
- (F) No open burning of Landscape Waste shall occur during periods of time when the Fire Chief or the Chief of police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous; and
- (G) All open burning of Landscape Waste shall occur between **8:00 a.m. and 5:00 p.m.**, provided however that any such fires shall be extinguished by sunset
- (H) None of the foregoing restrictions apply to prohibit a recreational campfire or firepit after sunset, so long as the fire is well contained and does not pose a health or safety hazard, within the discretion of the police chief and fire department.

(See, 415 ILCS 5/1 et seq.)