

VILLAGE OF ANTIOCH

12-07-15

***AN ORDINANCE AMENDING SEVERAL SECTIONS OF
TITLE 5, CHAPTER 2 OF THE MUNICIPAL CODE OF ANTIOCH
DEALING WITH OUTDOOR BURNING REGULATIONS***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

July 16, 2012

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 18th day of July, 2012.

LAWRENCE M. HANSON	President	DENNIS B. CROSBY	Trustee
		MARY C. DOMINIAK	Trustee
LORI K. FOLBRICK	Clerk	JAY JOZWIAK	Trustee
		SCOTT A. PIERCE	Trustee
ROBERT J. LONG	Attorney	TED P. POULOS	Trustee
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ORDINANCE 12-07-15

**AN ORDINANCE AMENDING SEVERAL SECTIONS OF
TITLE 5, CHAPTER 2 OF THE MUNICIPAL CODE OF ANTIOCH
DEALING WITH OUTDOOR BURNING REGULATIONS**

WHEREAS, Chapter 2 of Title 5 of the Antioch Municipal Code is entitled “Air Pollution”, and it incorporates regulations dealing with burning of materials outdoors, and

WHEREAS, regulating fire safety and safe burning practices is a traditional core function of municipal government, and is included within the powers granted to the Village under multiple sections of the Illinois Municipal Code, and

WHEREAS, in recent years, products that are specifically designed for safer outdoor burning have reached the marketplace and have become commonly available, including items such as “chimineas” and screened, covered burning pits on wheels, and

WHEREAS, the current regulations do not allow for use of these devices, although the Village Board is aware that the same are popular and, when used correctly, are reasonably safe devices that are appropriate to backyard use, and

WHEREAS, the corporate authorities wish to allow the maximum enjoyment of our homes and the outdoor environment as possible without sacrificing safety, and as such, they find that modifying the current regulations to allow such devices is in the public interest, and

WHEREAS, the current regulations have not been reviewed in a substantial period of time and the Fire Chief has suggested that the existing allowance of permits for open burning should be revised to provide additional safeguards for the very few, limited times and locations that such burning is allowed or required by governmental authority, primarily the Illinois Environmental Protection Agency, and

WHEREAS, the corporate authorities find that such additional, revised regulations should be enacted to more carefully regulate open burning and to provide significantly enhanced public safety overall,


NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

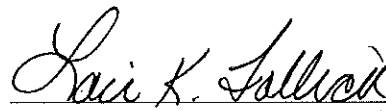
SECTION ONE: Title 5, Chapter 2 of the Antioch Municipal Code is hereby amended and shall hereafter read as set forth on Exhibit A attached hereto.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,
ON THIS 16th DAY OF JULY, 2012.

ATTEST:


LAWRENCE M. HANSON, MAYOR


LORI K. FOLBRICK, RMC/CMC
VILLAGE CLERK

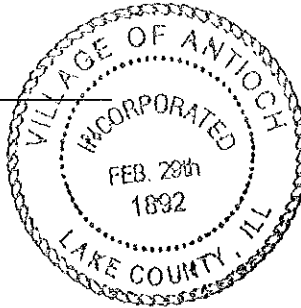


EXHIBIT A

(additions underlined, deletions ~~stricken~~)

Title 5, Chapter 2 AIR POLLUTION AND OUTDOOR BURNING

5-2-1: DEFINITIONS:

For the purposes of this chapter, unless otherwise specifically provided, the following words and phrases shall have the meanings specifically ascribed to them:

AGRICULTURAL WASTES: 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 landscape wastes.

DOMICILE WASTES: Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term includes landscape waste but excludes garbage and trade waste.

GARBAGE: Refuse resulting from the handling, processing preparation, cooking and consumption of food or food products.

LANDSCAPE WASTE: Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

OPEN BURNING: 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.

OUTDOOR FIREPLACE: An outdoor fireplace is defined to mean any construction made of stone, brick, or metal used for the exclusive use of building a fire for the aesthetic enjoyment thereof but not used for cooking.

REFUSE: Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

RESTRICTED AREAS: The area within the boundaries of the village, plus a zone extending one mile beyond the boundaries of the village.

TRADE WASTE: Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

5-2-2: PROHIBITED ACTS:

A. No person shall cause or allow open burning, except provided in this chapter.

~~B. No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.~~

5-2-3: EXEMPTIONS:

A. General: The following activities are not in violation of this chapter unless they cause air pollution as defined in section 5-2-1 of this chapter:

~~1. The open burning of agricultural waste, but only:~~

~~a. On the premises on which such waste is generated; and~~

~~b. In areas other than restricted areas; and~~

~~c. When atmospheric conditions will readily dissipate contaminants; and~~

~~d. If such burning does not create a visibility hazard on roadways, railroad tracks or airfields; and~~

~~e. More than one thousand feet (1,000') from residential or other populated areas; and~~

~~f. When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.~~

1. Burning in an outdoor fireplace, subject to the regulations provided for hereinbelow.

a. Outdoor fireplaces of permanent construction cannot be attached to any structure, accessory building, building, or other medium that is combustible. All units, permanent or portable, must be freestanding with a minimum three feet clearance on all sides. Portable units must be placed on a non-combustible surface such as concrete, patio blocks, or stone in such a way that the firebox is 18" above this surface.

b. Outdoor fireplaces are strictly limited to burning the following materials:

i. Cut wood (dry, unpainted, unfinished).

ii. Manufactured logs.

iii. Manufactured non-wood logs specifically made for use in fireplaces.

c. No other material may be burned in outdoor fireplaces. Pressure treated wood, wet wood, rubbish; leaves, garbage, landscape waste, agricultural waste, and other waste are expressly prohibited.

d. The fire in an outdoor fireplace must be maintained in such a manner as to minimize the generation of smoke. Smoke that is a result of a smoldering or dying fire shall be eliminated. Generation of such smoke is considered a public nuisance punishable by fine.

e. All fires in an outdoor fireplace are prohibited between the hours of twelve o'clock (12:00) midnight to six o'clock (6:00) A.M. daily. Fires must be extinguished in such a manner that all air to the fire is cut off or the burning material is wet down with water until it is cool to the touch.

f. All outdoor fireplaces must have a screen covering the flame or glass doors that prevents the distribution of hot embers or sparks outside of the firebox.

g. Outdoor fireplaces shall be attended by an adult at all times. Precautions shall be taken to avoid touching hot surfaces, particularly when children are present. Manufacturer's installation, operating, and safety instructions shall be followed at all times.

~~2. The open burning of domicile waste, but only:~~

~~a. On the premises on which such waste is generated; and~~

~~b. In areas other than restricted areas; and~~

~~c. When atmospheric conditions will readily dissipate contaminants; and~~

~~d. If such burning does not create a visibility hazard on roadways, railroad tracks or airfields.~~

2. Prescribed burning for control of growth in prairie or wetland areas. This shall be strictly limited as follows:

a. burning is allowed for environmental or ecological purposes only;

b. Any prescribed burn shall be conducted by trained personnel who meet the minimum requirements and capabilities prescribed by the Fire Chief;

c. No such burn shall be allowed unless and until the personnel conducting the burn have obtained the required permit from the Illinois Environmental Protection Agency (EPA) and shall have placed on file with the Fire Chief their written plan for conducting the burn in a safe manner.

d. The Fire Chief shall have plenary power to directly regulate and oversee any such burn, including prohibiting it when, in his or her sole discretion and ultimate authority, atmospheric conditions or other factors suggest that it may pose a danger to life or property.

3. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

4. The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases;

5. The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

4. 6. Small open flares for heating tar, for welding, acetylene torches, highway safety flares, and the like.

B. Explosive Wastes: Open burning of wastes creating a hazard of explosion, fire or other serious harm, unless authorized by other provisions of this chapter, shall be permitted only upon application for and grant of a variance as provided in this chapter.

5-2-4: PERMIT REQUIREMENTS:-

A. Granting: The chief of the village fire department may grant permits for open burning in the following instances:

1. for instruction in methods of firefighting, or for testing of equipment for extinguishing fires, of flares and signals, or of experimental incinerators, or for research in control of fires;

2. for the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;

3. For the destruction of landscape wastes, provided that such burning shall not occur:

a. In restricted areas, unless burning is conducted with the aid of an air curtain destructor or comparable device to reduce emissions substantially; or

b. Within one thousand feet (1,000') of any residential or other populated area.

4. For the destruction of oil sludge in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require such burning may be done without a permit, and a report shall be filed with the chief of the village fire department within ten (10) days, thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.

B. Application for Permit:

1. An application for a permit shall be in such form and shall contain such information as shall be required in procedures adopted by the chief of the village fire department. Such application shall contain, as a minimum, data and information sufficient to inform the chief of the village fire department with respect to:

a. The exact quantities and types of material to be burned;

- ~~b. The exact nature and exact quantities of air contaminant emissions which will result;~~
- ~~e. The exact frequency, including date where appropriate, when such burning will take place;~~
- ~~d. The exact location of the burning site including a map showing distance to residences, populated areas, roadways, airfields and the like;~~
- ~~e. The methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; and~~
- ~~f. The reasons why such burning is necessary to the public interest.~~

~~2. No permit shall be granted unless the applicant proves to the satisfaction of the chief of the village fire department that the open burning:~~

- ~~a. Is necessary to the public interest;~~
- ~~b. Will be conducted in such a time, place, and manner as to minimize the emission of air contaminants; and~~
- ~~c. Will have no serious detrimental effect upon adjacent properties or the occupants thereof.~~

~~3. The chief of the village fire department may impose such conditions in the permit as may be necessary to accomplish the purposes of this chapter.~~

~~C. Termination of Permit: No permit shall be valid for longer than one year. Applications for renewal of a permit shall be submitted to the chief of the village fire department at least ninety (90) days prior to the expiration of the prior permit, and shall conform to subsection B1 of this section. The standards for issuance of renewal permits shall be as set forth in subsection B2 of this section.~~

5-2-5: PENALTY:

Whoever violates any provision of this chapter shall be fined as provided in the schedule of fines set forth in subsection 1-3-1A of this code for each offense. Each day's violation shall constitute a separate offense.

