

ORDINANCE NO. 8, SERIES 2020

VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS

AN ORDINANCE TO AMEND REGULATIONS REGARDING OUTDOOR BURNING WITHIN THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO.

WHEREAS, smoke from outdoor burning in populated areas can present a serious health hazard to individuals with respiratory ailments, including children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, smoke from outdoor burning is a common cause of complaints between neighbors and may become a public nuisance to residents of the Village of Joy and the traveling public; and

WHEREAS, smoke from outdoor burning may pose significant visibility problems for individuals driving within the Village of Joy, resulting in accidents and other public safety issues; and

WHEREAS, the Board of Trustees of the Village of Joy finds that it is in the interest of the public health, safety, and welfare of the citizens of the Village to strictly regulate outdoor burning:

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Joy, County of Mercer, State of Illinois that the following regulations are hereby adopted with regards to outdoor burning:

SECTION 1. DEFINITIONS: Unless otherwise specified, the words and phrases herein defined are to be used in this Ordinance in the sense given them as follows:

A. Village: The Village of Joy, County of Mercer, State of Illinois.

B. Open Burning: The residential burning of any matter if the resulting combustion products are emitted directly into the atmosphere without passing through a stack, duct, or chimney, except a recreational or camp fire as defined herein. Mobile cooking devices such as charcoal grills, wood smokers, manufactured hibachis, and propane and natural gas devices are not considered open burning devices.

C. Recreational Fire: A fire set with an approved starter fuel, no more than three (3) feet in height or diameter, contained within a recreational fire site, using dry, clean wood; producing little detectable smoke, odor, or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, or social gatherings or food preparation; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality

requirements so that nuisance, health, or safety hazards will not be created. A campfire is a type of recreational fire.

D. Recreational Fire Site: An area of no more than a three (3) foot diameter circle (as measured from the inside of the fire ring or border); completely surrounded by bare earth or non-combustible and non-smoke or odor-producing material, either natural rock, cement, brick, tile, blocks, or ferrous metal. Burning barrels are not recreational fire sites.

E. Starter Fuels: Dry, untreated, or unpainted kindling, branches, or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open burn.

F. Wood: Dry, clean fuels such as twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. "Wood" does not include wood that is green with leaves or needles, rotten, wet, oil-soaked, or treated with paint, glue, or preservatives. Clean pallets may be use for recreational fires when cut into less than three (3) foot lengths.

G. Prohibited Materials:

1. Oils, petroleum fuels, rubber, plastic, chemically treated materials, or other materials that produce excessive or noxious smoke such as, but not limited to: tires; railroad ties; treated, painted, or glued wood composite, shingles; tar paper; insulation; composition board; sheet rock; wiring; or paint or paint filters.

2. Hazardous waste or materials from salvage operations; solid waste generated from an industrial or manufacturing process; materials from a service or commercial establishment; or building materials generated from the demolition of commercial or institutional structures.

SECTION 2. REGULATION OF OPEN BURNING: No person shall kindle or maintain any open burning or authorize any open burning to be kindled or maintained within the incorporated areas of the Village of Joy, except as stated in this Ordinance. The residential burning of leaves, landscape waste, other waste, newspapers and other refuse is expressly prohibited within the jurisdiction of the Village, except as follows:

A. The burning of leaves, grass, and small limbs and branches shall be permitted:

1. Only Wednesday and Saturday of each week,
2. Only on the premises on which such said waste is generated,
3. Only if attended at all times,
4. Only between dawn and dusk,

5. Not on a burn site larger than four (4) feet in diameter,
6. Not during times of excessive winds or drought conditions,
7. Not during a water shortage or other emergency.

SECTION 3. REGULATION OF RECREATIONAL FIRES: Wood fueled recreational fires are allowed in the Village, if located on proper recreational fire sites, but safety precautions as herein set forth shall apply.

A. Recreational fires, recreational fire sites, starter fuels, and wood must meet the conditions outlined in Section 1, paragraphs C, D, E, and F above.

B. No person shall kindle or maintain any recreational fire within twenty-five (25) feet of any structure, combustible, or adjoining property.

C. Recreational fires shall be allowed between the hours of 10:00 A.M. and 12:00 midnight. All recreational fires shall be fully and properly extinguished no later than 12:00 midnight.

D. No more than one (1) recreational fire is allowed on any property at one time.

SECTION 4. REGULATION OF YARD WASTE AREA: The Village has designated a Yard Waste Area to be used by residential property owners.

A. A residential property is defined as a property that is classified as “residential” for purposes of water and sewer service, and is billed by the Village for water and sewer service.

B. Yard Waste is defined as grass clippings, leaves, branches up to ten (10) inches in diameter and up to but not exceeding ten (10) feet in length, and brush.

C. Village residents may dump only yard waste originating from within Village limits.

D. Commercial contractors may not use the yard waste area for any reason unless special approval is obtained from the Village President or Village Clerk and payment of two hundred dollars (\$200.00) in advance is received by Village Clerk. A commercial contractor is defined as a business, corporation, or sole proprietor hired or paid to remove yard waste or trees.

SECTION 5. PENALTY FOR VIOLATION: Any person found liable for violating any provision of this Ordinance shall be subject to a fine and penalties in accordance with the following schedule:

A. First violation shall result in the issuance of a warning;

B. Second violation within the calendar year shall result to the revocation of any permit issued by the Village and, in addition, a fine of Twenty-Five Dollars (\$25.00);

C. Third violation within the calendar year shall result in a fine of no less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00);

D. Fourth and subsequent violations within the calendar year shall result in a fine of no less that fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

E. Each violation by a non-resident or commercial entity shall result in a fine of Three Hundred Fifty Dollars (\$350.00) per occurrence.

SECTION 6. ENFORCEMENT: Proceedings to enforce violations of this ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinances providing for Administrative Adjudication of Code Violations, or by any other means provided by law.

SECTION 7. SEVERABILITY: The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portion of this Ordinance, which shall be enforced to the fullest extent possible.

SECTION 8. REPEALER: All ordinances or portions of ordinances previously passed or adopted by the Village of Joy that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 21st day of October, 2020 and approved by the President of the Village of Joy, Mercer County, Illinois this 21st day of October, 2020.

Mark Heater, Village President

ATTEST:

Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)
)
County of Mercer)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **“ORDINANCE NO. 8, SERIES 2020, AN ORDINANCE TO AMEND REGULATIONS REGARDING OUTDOORBURNING WITHIN THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS; TO PROVIDE FOR THE ENFORCEMENT THEREOF; AND MATTERS RELATEDTHEREOF”**, which was adopted by the President and Board of Trustees of said Village on the 21ST day of October, 2020 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 21st day of October, 2020.

Clerk of the Village of Joy, Illinois

(CORPORATE SEAL)