

ORDINANCE NO. 3830

AN ORDINANCE TO AMEND SECTION 94.01, OPEN BURNING, OF THE KEWANEE CITY CODE, AND DECLARING THAT THIS ORDINANCE SHALL BE IN FULL FORCE IMMEDIATELY.

**WHEREAS,** Open burning of landscape waste is currently permitted on certain days and times and under certain conditions in the City of Kewanee; and,

**WHEREAS,** Weather conditions resulting in excess precipitation during the scheduled open burning periods effectively reduces opportunity to conduct open burning, which may be a hardship on those residents desiring to lawfully dispose of landscape waste via open burning; and,

**WHEREAS,** The previous day's weather conditions may not have always been taken into consideration resulting in wet landscape waste being burned, resulting in excessive smoke; and

**WHEREAS,** The forecasted weather conditions have not been required to be taken into consideration when determining burn days; and,

**WHEREAS,** The City Council desires to alleviate the excessive smoke caused by open burning, by disallowing grass clippings and other such items that do not allow air to circulate through a fire and tend to continue to smolder; and,

**WHEREAS,** The City Council wishes to include weather forecasts, as well as previous day's rain events into the criteria for designating burn days, for the safety of our stakeholders.

NOW THEREFORE BE IT ORDAINED, BY THE KEWANEE CITY COUNCIL, IN COUNCIL ASSEMBLED, AS FOLLOWS:

**Section 1** Section 94.01 Chapter 94 Fire Prevention; Fireworks, of the Kewanee City Code is hereby amended by inserting the words shown as underlined (sample) at their respective locations.

**OPEN BURNING, § 94.01**

A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPROVED INCINERATORS.** Any incinerator for which a current permit has been granted by the Illinois Environmental Protection Agency. Any container used as a burning barrel or other similar device shall not be considered to be an approved incinerator.

**BURNING BARREL.** Any barrel, receptacle or container used to burn trash, garbage, refuse or waste and not constituting an approved incinerator.

**LANDSCAPE WASTE.** Any vegetable or plant refuse, including weeds, leaves, grass, shrubbery, yard trimmings and tree limbs, but not to include garbage, agricultural waste, refuse, trash or other waste.

**OPEN BURNING.** Any combustion of any matter in the open or in an open dump.

(B) It shall be unlawful for any person to cause or allow open burning in the city, except as otherwise provided in this section.

(C) It shall be unlawful for any person to maintain or use a burning barrel.

(D) Open burning shall be permitted in the city in any approved incinerator at any time provided that the approved incinerator is being operated in compliance with the requirements of the Illinois Environment Protection Act and the rules and regulations of the Illinois Pollution Control Board and the Illinois Environmental Protection Agency.

(E) The burning of landscape waste shall be permitted only in compliance with the requirements of the Illinois Environmental Protection Act and the rules and regulations of the Illinois Pollution Board and the rules and regulations of the Illinois Environmental Protection Agency, and shall be subject to the following restrictions:

(1) Only on the premises on which waste is generated and the following criteria are followed;

(a) Landscape material has dried, or is dry and will not result in excessive smoke;

(b) No burning shall be conducted within ~~10~~ 20 feet of any structure or combustible material, or directly under any tree limbs or wires;

(c) Burn piles must be kept manageable by those attending to them, and attendant must be able to see around pile while it is burning which shall result in burn piles of less than four feet in height;

(d) Ash resulting from the burning of landscape waste should be allowed to cool through the adding of water, and shall then be disposed of;

(e) Burning of grass clippings and weeds prohibited;

(2) Only on Wednesdays and Saturdays, during the months of April, May, ~~June, September,~~ October and November, or on other days as stipulated in a motion approved by the City Council assembled, from 8:00 a.m. until sunset when permitted by the Chief of the Fire Department of the city. All fires must be attended by a responsible person and shall be extinguished and no fires shall be allowed to remain burning or continue to smoke after sunset. Open burning shall be prohibited when the following conditions exist as determined by the Fire Chief or his designated agent:

(a) Wind speed exceeding 20 miles per hour.

(b) Wind speed less than 5 miles per hour.

(c) Drought conditions which present an excessive risk for spreading of the open fire.

(d) During a water shortage or other emergency.

(e) ~~If measurable amounts more than one-half inch of rain have fallen in the prior two days of the allowed burn day, which would and it is felt that moisture levels would result in heavy smoke.~~

(f) An outdoor event of community-wide interest may be disrupted by nuisance smoke from said landscape waste burning activities.

(g) If a severe weather event (Thunderstorms, Tornado, Severe Wind or other weather event) is determined to be a possible safety concern as forecast in the Hazardous Weather Outlook published by the National Weather Service office in the Quad Cities or by data received from any other NWS or NOAA group. These reports shall be read and considered on each burn day prior to determination to prohibit or allow open burning.

(3) The determination to prohibit open burning shall be made prior to 8:00 a.m. on Wednesdays and Saturdays and communicated to the Police Department, local media and citizens. Once made, the determination to prohibit open burning will apply for the remainder of the day on which the determination is made and shall not be reversed. It is the responsibility of

each citizen openly burning landscape waste to verify that open burning is allowed for the day of burning prior to commencing such activity.

(F) The maintenance and use of camp fires and barbecue grills for cooking purposes shall not be prohibited by this section except that said camp fires or barbecue grills shall be extinguished immediately after their use for cooking purposes and said camp fires and barbecue grills shall otherwise comply with the requirements of the Illinois Environmental Protection Act and the rules and regulations of the Illinois Pollution Control Board and the Illinois Environmental Protection Agency.

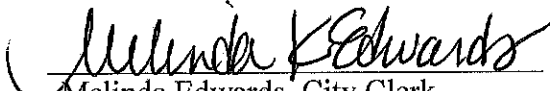
(G) Open burning of landscape waste on public streets, alleys, highways and public sidewalks shall be prohibited.

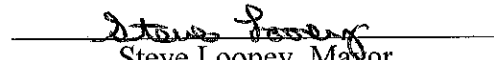
(H) The prohibition of and restriction against open burning as provided hereunder shall not apply in the event of the granting of a permit which may be authorized in the exercise of the appropriate discretion of the Fire Chief, Code Enforcement Officer or designee, which application for permit shall be considered in conjunction with cleanup efforts as directed or approved by the City Code Enforcement Officer, provided all previous stipulations hereunder are met.

**Section 2** This Ordinance shall be in full force and effect immediately upon its passage and approval as provided by law.

Passed by the Council of the City of Kewanee, Illinois this 23<sup>rd</sup> day of May, 2016.

ATTEST:

  
Melinda Edwards, City Clerk

  
Steve Looney, Mayor

| RECORD OF THE VOTE                   | Yes | No | Abstain | Absent |
|--------------------------------------|-----|----|---------|--------|
| Mayor Steve Looney                   |     | X  |         |        |
| Councilmember Andy Koehler           | X   |    |         |        |
| Councilmember Deann Schweitzer       |     | X  |         |        |
| Councilmember Kellie Wallace-McKenna | X   |    |         |        |
| Councilmember Mike Yaklich           | X   |    |         |        |

