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**ORDINANCE NO. 2021-22-14**

***An Ordinance Amending Chapter 20, Open Burning of Landscape Waste  
of the Johnsburg Municipal Code***

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON OCTOBER 5, 2021  
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry  
Beth Foreman  
Kyle Frost  
Josh Hagen  
Greg Klemstein  
Scott Letzter

Village Administrator

Claudett Sofiakis

***ORDINANCE NO. 2021-22-14***

***An Ordinance Amending Chapter 20, Open Burning of Landscape Waste  
of the Johnsborg Municipal Code***

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsborg, McHenry County, Illinois, as follows:

SECTION 1: That Chapter 20, Open Burning of Landscape Waste be amended to read as follows:

**20.01 DEFINITIONS**

“Brush” means tree trunks, limbs, branches, and twigs.

“Ceremonial Fire (bonfire)” means an outdoor fire larger than three feet by three feet by three feet (3’x3’x3’) 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.

“Garbage” means organic waste resulting from preparation, processing, handling and storage of food and all decayed or spoiled food from any source.

“Habitable Structure” means any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multifamily dwellings, churches, schools, food facilities and industrial buildings.

“Landscape Waste” means all accumulation of shrubbery cuttings, leaves, tree limbs, and other material accumulated as the result of the care of lawns, shrubbery, vines and trees. Christmas trees and grass are excluded.

“Litter” means any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

“Manure” means the excreta of livestock and poultry, which may contain some spilled feed, bedding or litter.

“Non-habitable Structure” means any structure not identified as habitable as defined and would include but is not limited to garages, sheds, barns, and swimming pools.

“Noxious Weed” means Canada thistle (*Cirsium arvense*), perennial Sowthistle (*Sonchus arvensis*), Musk Thistle (*Carduus nutans*), and perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), and *Sorghum almum*, Kudzu (*Pueraria labata*) and within the corporate limits of cities, villages, and incorporated towns, Giant ragweed (*Ambrosia trifida* L.) and Common ragweed

“Offal” means the intestines and discarded parts from the slaughter of animals.

“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 the provisions of the Environmental Protection Act.

“Recreational Fire” means a temporary outdoor fire for warmth, cooking for human consumption, or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3’x3’x3’) and excludes leaves, grass or shrubbery clippings or cuttings.

“Residential” means that which is situated on the premises of a detached one or two-family dwelling or a one-family townhouse not more than three stories in height.

“Self-Contained Outdoor Burning Device” means a free standing or stationary apparatus that contains a burn chamber that prevents the products and omissions from combustion from immediately entering the ambient air by use of a chimney, flue, baffle, screen, grill, hood or other similar device.

“Structure” means the results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

## **20.02 OPEN BURNING OF LANDSCAPE WASTE**

**A. INTENT AND PURPOSE:** Whereas, open burning creates a risk of losses due to fire and impairs air quality, regulation of open burning is necessary to protect the public health, safety, and welfare.

### **B. REQUIREMENTS**

#### **1. Exemptions**

a. Subsections B.2.a. and B.2.b.; B.3. c.1-3.; and B.4.b. shall not apply to prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.

b. Subsections B.2.a. and B.2.b.; B.3.c.1-3.; and B.4.b. shall not apply to the burning of brush

for purposes of cooking, heating or recreational fires in domestic fireplaces or self- contained outdoor wood- burning devices.

c. Subsections B.2.a. and B.2.b.; B.3.c.1-3.; and B.4.b. shall not apply to the open burning of brush for purposes of recreational fires.

d. B.2.a. and B.2.b.; B.3.c.1-3.; and B.4.b. shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the McHenry Township Fire Protection District and a permit has been obtained from the McHenry County Department of Health. Failure to obtain a permit from the McHenry County Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Chapter. Failure to notify the McHenry Township Fire Protection District and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Chapter.

e. Subsection B.3.c.(1) shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

## **2. Prohibition**

a. Open burning of landscape waste shall not take place within one hundred feet (100') feet of a habitable structure.

b. Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.

c. The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in in the Village of Johnsburg.

d. The President of the Village of Johnsburg shall have the authority to prohibit all open burning of landscape waste in the event of emergencies that require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

## **3. Restrictions**

a. Any open burning in the Village of Johnsburg shall be in accordance with the restrictions enumerated below:

b. 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 is prohibited.

c. The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:

- (1) Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.
- (2) Burning is not permitted when the wind is in excess of ten (10) miles per hour.
- (3) Burning is not permitted of any material other than dry landscape waste and/or brush.
- (4) Burning is not permitted on public or private roads, alleys, sidewalks or easements.
- (5) Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or airfields.
- (6) Burning of grass is prohibited at all times

#### 4. Conditions and Limitations of Open Burning

- a. All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.
- b. A fire extinguisher or garden hose or water source shall be available at the burning site.
- c. It is the responsibility of the individual conducting the burning and the owner of the property to comply with all conditions upon burning as noted above during any burning.
- d. It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.
- e. Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.
- f. The President of the Village of Johnsburg shall have the authority to waive all or part of the requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

#### 5. Enforcement, Violations and Penalties

- a. The Village of Johnsburg, McHenry County Department of Health and McHenry Township Fire Protection District shall be responsible for the enforcement of this Ordinance. Any enforcement officer of the named agencies is hereby authorized to enforce the provisions of this Chapter.
- b. Any person who violates any provision of this Chapter shall be punished by a fine. First offense under this Chapter 20, may be settled by the offender by payment to the Village the sum of money stated for a Class C violation (\$200.00) in Chapter 1.07-E. The burning of any toxic material and any prior convictions under this Chapter shall be considered factors in aggravation for purposes of the assessment of any fines.

c. Any offense subsequent to the first offense under this Chapter 20, may be settled by the offender by payment to the Village the sum of money stated for a Class D violation (\$400.00) in Chapter 1.07-E. Any continued violation for the same offense shall increase the penalty to the next offense classification.

## 6. More Restrictive Requirements

This Ordinance does not supersede any requirements of a government entity that may be more restrictive.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Curry, Foreman, Frost, Hagen, Klemstein and Letzter

Voting Nay: None

Absent: None

Abstain: None

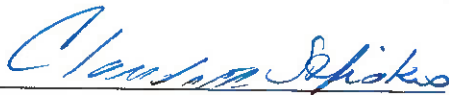
(SEAL)

APPROVED.



Village President Edwin P. Hettermann

ATTEST:



Village Clerk Claudett Sofiakis

Passed: October 5, 2021

Approved: October 5, 2021

Published: October 5, 2021

Prepared by/Mail To:

Claudett Sofiakis, Village Administrator

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

## CERTIFICATION


I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 5<sup>th</sup> day of October, 2021 the foregoing Ordinance entitled *An Ordinance Amending Chapter 20 Open Burning of Landscape Waste of the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2021-22-14 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 5<sup>th</sup> day of October, 2021 and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 5<sup>th</sup> day of October 2021.

  
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Claudett Sofiakis, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

(SEAL)