

Village of Thayer Ordinance

ARTICLE VIII - OPEN BURNING

27-8-1 DEFINITIONS Unless the context otherwise requires the words and phrases herein defined are used in this article in the sense given them in the following definitions:

(A) **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.

(B) **GARBAGE OR HOUSEHOLD TRASH** means as any container, product or material resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers and animal and/or pet wastes.

(C) **YARD OR LANDSCAPE WASTE** means any vegetation or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings/limbs, branches, stumps, brush, weeds, leaves, grass, lawn clippings, shrubbery, decorative plants, yard trimmings, and private vegetable gardens disposed of on the property on which it grew.

(D) **OPEN BURNING** means the combustion of any matter in the open or in an open dump. (415 ILCS 5/3.300)

27-8-2 BURNING PROHIBITED It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage. It shall be illegal to burn anything in a barrel within the corporate limits of the Village of Thayer. Barrels may be used for storage only.

27-8-3 RESTRICTIONS ON BURNING The open burning of yard or landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated.

(B) Landscape waste shall be burned only when atmospheric condition allow for safe burning. No burning shall take place when wind speeds are greater than fourteen (14) miles per hour (MPH).

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways or railroad tracks.

(D) Open burning of landscape waste may only take place during the daylight from dawn to dusk and not on the holidays listed in section, "H" of this ordinance.

Village of Thayer Ordinance

(E) Open burning of landscape waste shall be done by a person over the age of four-teen (14) with an adult on the property and in attendance during the entire period of burning.

(F) No open burning of landscape waste shall be permitted on any streets, roadways, and alleyways.

(G) No open burning shall occur during periods of time when the Fire or Police Chief or a village board member(s) determines that the atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(H) No open burning may take place on the following holidays: Thanksgiving, Christmas, New Year's Day, Easter, Memorial Day, Forth of July, and Labor Day. This shall be the holiday as listed above not the "holiday weekend".

(I) Any person that is open burning must have at least one (1) bucket full of water, (size one to five gallon) or a garden hose near by the fire, available while open burning.

27-8-4 BURNING GARBAGE PROHIBITED It shall be illegal to burn garbage within the corporate limits of the Village of Thayer.

27-8-5 RECREATIONAL BURNING/FIRES is an outdoor fire that is not contained in an incinerator but contained in a fireplace, barbecue grill or barbecue pit and has a total fuel area of three feet or less in diameter and two feet or less in height, for pleasure, cooking, warmth or similar purposes. No person shall burn agricultural, garbage or household waste as defined in 27-8-1 in a recreational fire.

27-8-6 ENFORCEMENT/PENALTY Any person(s) who violates the Village of Thayer Open Burning Ordinance or any part thereof, shall be guilty of a municipal ordinance violation and shall be fined of not less than fifty dollars (\$50.00) and no more than two hundred fifty dollars (\$250.00) for each offense, plus the cost of enforcement actions incurred by the Village of Thayer which includes but not limited to the following: attorney's fees, court costs, police cost and fees, fire department fees, if applicable and any and all additional related costs. For the first offense a violator will be issued a written warning. For all subsequent offenses a violator will be issued a citation and upon conviction will be guilty of a municipal ordinance violation and the above fine or fine will be imposed.