

CITY OF VILLA GROVE
DOUGLAS COUNTY, ILLINOIS

ORDINANCE NO. 2018-MC01

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
AS IT PERTAINS TO THE BURNING OF WASTE IN THE CITY**

PASSED BY THE CITY COUNCIL AND
APPROVED BY THE MAYOR OF THE
CITY OF VILLA GROVE, ILLINOIS
THIS EIGHTH DAY OF JANUARY, 2018

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY
OF VILLA GROVE, DOUGLAS COUNTY, ILLINOIS THIS NINTH DAY OF JANUARY 2018.

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ORDINANCE NO. 2018-MC01

January 8, 2018

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
AS IT PERTAINS TO THE BURNING OF WASTE IN THE CITY**

WHEREAS, the City of Villa Grove, Douglas County, State of Illinois (the "City") is a duly organized and existing City created under the provisions of the laws of the State of Illinois, and is not operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the City and the City previously enacted the Code of Villa Grove; and

WHEREAS, the City has considered the detrimental health aspects of the breathing of smoke laden air; and

WHEREAS, the City has determined that asthmatic residents, elderly residents, and children are put at risk when breathing smoke; and

WHEREAS, the City has ascertained that regulation of burning in the City shall alleviate such concerns; and

WHEREAS, the City Council has determined that in order to provide adequate protection against the burning of waste that the Code of Ordinances be amended as provided herein.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL, CITY OF VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, as follows:

SECTION 1: Incorporation Clause. The Mayor and City Council of the City of Villa Grove, Illinois hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance.

SECTION 2: Purpose. This Ordinance is to amend Chapter 92 of the Villa Grove Code to regulate burning in the City.

SECTION 3: Code of Villa Grove Amendment. Section 92.06 of Chapter 92 of the Code of Villa Grove is hereby repealed and Sections 92.01 through 92.005 of Chapter 92 are hereby amended to now read as follows:

CHAPTER 92 *GENERAL PROVISIONS BURNING*

92.01 CITY EXEMPTION: The City of Villa Grove and their employees while performing City activities shall be exempt from the provisions of this Chapter.

92.02 DEFINITIONS: Where used in this Ordinance, the following words and phrases shall have the meanings set out in this Section:

- (A) "Garbage" is waste resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (B) "Household Waste" is any solid waste (except garbage but including sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, camp grounds, picnic areas and day-use recreation areas).
- (C) "Landscape Waste" is all accumulation of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

(D) "Municipal Waste" is commercial waste, industrial, lunchroom or office waste and construction or demolition debris.

(E) "Open Burning" is 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 issue under the Illinois Environmental Protection Act.

(F) "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent, or assigns.

(G) "Bonfire" is an unenclosed celebratory or food preparation fire, on private property only, which contains no garbage or items which would violate Federal and State EPA regulations, and is substantially a wood product fire used to prepare for food preparation or as part of a celebration.

92.03 PROHIBITIONS: No person shall cause or allow the open burning of garbage, household waste or municipal waste within the City, pursuant to Illinois EPA Regulations. No person shall cause or allow the open burning of landscape waste within the City except as hereinafter provided.

92.04 PROHIBITION OF LANDSCAPE WASTE BURNING: The burning of landscape waste is prohibited within the City of Villa Grove or any territories under its authority pursuant to law.

92.05 PENALTY FOR VIOLATION: Any person who violates any of the foregoing provisions 92.02 though 92.04 of this Ordinance shall, upon conviction thereof, be fined not less than One Hundred dollars (\$100.00) nor more than Seven Hundred Fifty dollars (\$750.00) for each and every offense. A separate offense shall be deemed committed upon each day during or on

which a violation occurs or continues. In addition to such fine, all Court costs and reasonable attorney's fees incurred by the City in prosecuting the case shall be recoverable from anyone convicted of a violation of this ordinance. In addition to such fine and additional costs as stated above, any person who violates any of the provisions of this Ordinance resulting in the need for emergency services to extinguish the fire or otherwise respond to the violation shall be responsible for the cost of such services.

The foregoing portions of this Ordinance shall not apply to wood, charcoal, gas operated grills and small wood bonfires."

All other portions of the Code of Villa Grove including but not limited to Section 92.15 through 92.47 not otherwise amended shall remain in full force and effect. If any part of this Ordinance shall be held void, such part shall be deemed severable and the invalidity of this shall not affect the remaining parts of this Ordinance.

SECTION 4: State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

SECTION 5: Approval and Execution of Documents. The City Mayor, and City Clerk are hereby authorized and directed to execute and/or publish documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

SECTION 6: Other Actions Authorized. That the Mayor, City Clerk and City Employees are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

SECTION 7: Acts of City Officials. That all acts and doings of the officials of the City, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

SECTION 8: Headings. The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation of construction of any substantive provisions of this ordinance.

SECTION 9: Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

SECTION 10: Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

SECTION 11: Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

PRESENTED, PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA GROVE, ILLINOIS, at its regular meeting on this eighth day of January, A.D., 2018, by a roll call vote as follows:

Allen, Bruce D. yea

Griffith, Darrel M. no

Blaney, Thelma I. yea

Leon, Michael S. yea

Cheely, Jennifer J. yea

Stipp, Robert L. no

Eversole-Gunter, Cassandra A. _____

APPROVED:



CASSANDRA EVERSOLE-GUNTER
Mayor

ATTEST:



MICHELLE L. OSBORNE
City Clerk

SEAL

