THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 19-06

AN ORDINANCE AMENDING SECTION 92-43 OF THE VILLAGE CODE TO AMEND THE VILLAGE’S REGULATIONS CONCERNING THE OPEN BURNING OF LEAVES AND OTHER LANDSCAPE WASTE

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WHEREAS, the Village of Coal City (the “Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois;

WHEREAS, 65 ILCS 5/11-8-4 authorizes the regulation and prevention of bonfires;

WHEREAS, 65 ILCS 5/11-20-5 authorizes the making of regulations which may be necessary or expedient for the promotion of health;

WHEREAS, the Village has received contrasting input from residents alternately supportive of tightening and relaxing restrictions on the open burning of landscape waste, respectively, based on a variety of competing concerns ranging from public health, to cost and convenience, respectively;

WHEREAS, the Public Health and Safety Committee considered the issue and has recommended that the Village tailor landscape burning regulations on the basis of zoning classification as a means of effectively balancing the competing concerns of residents located in more versus less densely populated areas of the Village;

WHEREAS, the President and Trustees of the Village of Coal City (the “Corporate Authorities”) find that residents and businesses with relatively close proximity to neighbors are more likely to experience the negative environmental externalities associated with the burning of landscape waste, including respiratory problems stemming from smoke and airborne particulates, irritation of the eyes, nose and throat, and the aggravation of existing health conditions;
WHEREAS, the Corporate Authorities find that certain zoning classifications within the Village have relatively large minimum lot area requirements set forth in the adopted Zoning Code;

WHEREAS, owners and occupants of lots falling within zoning classifications requiring relatively large lot areas as identified herein have a greater need for a variety of landscape waste disposal options due to their generation of more landscape waste than owners and occupants of smaller lots;

WHEREAS, occupants of lots zoned RS-1 Low-Density Single-Family Residential, I-1 Industrial, I-2 Light Industrial, A Agricultural, and A-R Agricultural-Residential are situated a greater distance from other occupied structures than occupants of lots with smaller minimum lot size requirements, and the owners of such low-density zoning classifications are therefore less likely to cause or experience negative landscape waste burning externalities than occupants of smaller lots;

WHEREAS, the Corporate Authorities find that using zoning classification as a proxy for lot size will ease and improve administration and enforcement of the burning regulations and be more readily comprehensible for the public; and

WHEREAS, the Corporate Authorities find that regulating open burning is necessary for the promotion of health and safety and the protection of the environment and that amending said regulations as set forth herein is in the public interest and in furtherance of the health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. RECITALS.
That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT.

Section 92-43 of the Village of Coal City Code of Ordinances ("Burning of leaves and other yard waste") shall be, and hereby is, amended to read as follows (additions underlined in bold, deletions marked with strikethrough):

§ 92-43. Burning of leaves and other yard waste.

A. Except as otherwise provided for lots within the zoning classifications specified in subsection 92-43(B), the burning of leaves, grass and brush ("Landscape Waste") is prohibited within the Village limits between April 1 and October 31. All burning of Landscape Waste must be in strict conformance with the provisions of Section 92-43 and its subparts.

B. Notwithstanding the restrictions set forth in subsection 92-43(A) for the rest of the Village, the burning of Landscape Waste within Village limits for lots zoned RS-1 Low-Density Single-Family Residential, I-1 Industrial, I-2 Light Industrial, A Agricultural, and A-R Agricultural-Residential, is only prohibited between the Friday immediately preceding the last Monday in May and the Friday immediately following the first Monday in September. All burning of Landscape Waste must be in strict conformance with the provisions of Section 92-43 and its subparts.

C. No fires shall be lighted or kindled for the purpose of burning landscape waste between the hours of sunset and sunrise.

D. The burning of landscape waste is prohibited when the wind is in excess of 10 miles per hour.

E. Burning landscape waste is prohibited within 25 feet of any building, structure or property line.

F. All open burning must be supervised by a person of not less than 18 years of age until the fire is extinguished.

G. A fire extinguisher or garden hose or other water source shall be available at the burning site at all times until the fire is extinguished.

H. Fires shall be completely extinguished and not allowed to smolder after substantial completion of the combustion.
The burning of any rubbish, leaves, hay, grass, brush, or other materials outside the Village limits is prohibited so long as the smoke from such fire emanates into the Village limits.

Nothing in this section shall be deemed to prohibit the Village, its agents or employees from burning any leaves, hay, grass, brush, or other materials in order to clean, repair or maintain drainage ditches in the Village, or to dispose of organic materials.

K. Landscape Waste shall be burned only on the lot, as that term is defined in Section 156-3 of the Village Code, on which such Landscape Waste is generated.

SECTION 3. RESOLUTION OF CONFLICTS.

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

SECTION 4. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. EFFECTIVENESS.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this day of February, 2019, at Coal City, Grundy and Will Counties, Illinois.

AYES: 5
NAYS: 1
ABSENT: 0
ABSTAIN: 0

VILLAGE OF COAL CITY
Terry Halliday, President

Attest:

Pamela M. Noffsinger, Clerk

4851-3842-9064, v. 1