

COUNCIL WORKSHOP ITEM

ITEM: OPEN BURNING ORDINANCE

DATE: 10/01/02

PREPARED BY: Deputy Chief Kurt Bluder

PURPOSE: Change in language of ordinance

DISCUSSION:

Currently, the Village's Open Burning ordinance does not define what can or cannot be utilized as a cooking fuel. The ordinance, 13-35, allows for the, "burning of **any fuel** for cooking purposes." Under the current language it is acceptable for individuals to burn wood in various "cooking" devices. This is true for the outdoor fireplaces as well. As the ordinance stands now, individuals utilizing outdoor fireplaces can burn wood within them as long as they are cooking something over the fire. Subsection A of this ordinance clearly states that wood is not to be burned within Village limits, however, the ordinance is being circumvented because of the lack of a clear definition for cooking fuel. The argument can be made that wood is a cooking fuel.

After conferring with Village Attorney Enza Petrarca and Village Prosecutor Linda Pieczynski, it was determined that this problem can be rectified by clearly delineating what can be used as a cooking fuel. The two most common fuels utilized for cooking outdoors are charcoal briquettes and propane. By simply changing subsection B to read, "Burning charcoal briquettes or propane for cooking purposes" any future problems regarding the burning of wood within a "cooking" device would be alleviated. This would eliminate the use of the outdoor/portable fireplaces.

ATTACHMENT:

Attached is the revised ordinance

RECOMMENDATION:

I am recommending that subsection B of Village Ordinance 13-35, Open Burning Prohibited, be revised. The wording of the subsection should be changed from, "Burning any fuel for cooking purposes" to "Burning charcoal briquettes or propane for cooking purposes."

ORDINANCE NO. _____

AN ORDINANCE AMENDING OPEN BURNING PROVISIONS

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 13-35 of the Downers Grove Municipal Code is hereby amended as follows:

13-35. Open burning prohibited; exceptions.

It shall be unlawful to burn or cause the burning at any location within the Village of any paper, cardboard, leaves, twigs, branches, wood, grass, grass clippings or other refuse from farming or gardening, or other combustible materials of any nature whatsoever, except as follows:

(a) Burning any combustible materials wholly within a building in a fireplace or other equipment or facility designed and constructed for such purpose; provided, that any refuse- burning incinerator installed in any residence building shall comply with the rules and regulations of the state air pollution control board as the same may from time to time be in effect;*

(b) ~~Burning any fuel for cooking purposes~~ **Burning charcoal briquettes or propane for cooking purposes;**

(c) Burning combustible materials in a high temperature incinerator providing complete combustion and complying with the rules and regulations of the state air pollution control board as the same may from time to time be in effect;

(d) Burning wood in an outdoor campfire at a gathering conducted by religious, educational or other not-for-profit organization; provided, that a permit therefor is previously issued by the bureau of fire prevention and that such campfire is attended by adult supervision and adequate safety equipment as approved by the bureau of fire prevention; and

(e) Burning any other combustible material than those listed in the first paragraph herein; provided, (1) that the bureau of fire prevention shall find that the burning thereof will not constitute a danger to the health, safety and welfare of the citizens and residents of the Village or of other communities surrounding the Village, or constitute a danger of air pollution in any other respect, (2) that the bureau of fire prevention shall issue a permit therefor, and (3) that any such burning shall be attended by adequate personnel and safety equipment as approved by the bureau of fire prevention. (Ord. No. 1509, § 1; Ord. No. 2434, § 9; Ord. No. 2857, § 9.)

*See State of Illinois Air Pollution Control Requirements Technical Release No. 140-2, dated October, 1969, and subsequent releases.

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

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