

VILLAGE OF FORSYTH

ORDINANCE NO. 441

AN ORDINANCE REGULATING BURNING WITHIN THE VILLAGE OF FORSYTH

ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF FORSYTH  
THIS 7th DAY OF Nov., 1994

Published in pamphlet form by  
authority of the President and  
Board of Trustees of the Village  
of Forsyth, Macon, County Illinois  
this 9th day of Nov., 1994

WHEREAS, the Board of Trustees have deemed it necessary and in the best interest of the Village of Forsyth that local open burning restrictions in addition to the regulations provided at 35 Illinois Administrative Code Section 237.120 be enacted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FORSYTH, MACON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. DEFINITIONS

- |                 |                                                                                                                                     |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Garbage         | Refuse resulting from the handling, processing, preparation, packaging, cooling, and consumption of food and food products.         |
| Landscape Waste | Any vegetable or plant refuse including but not limited to tree trimmings, weeds, leaves, grass, yard trimmings, and crop residues. |
| Open Burning    | The combustion of any matter in such a way that the products of the combustion are emitted to the open air.                         |

SECTION 2. GENERAL

The burning of any garbage, waste, refuse, rubbish or substance of any kind other than Landscape Waste, within the Village limits is hereby declared a nuisance and prohibited.

The terms of this ordinance shall not be construed to prohibit the burning of fuels for cooking purposes, fuels in a domestic fireplace, campfires, ceremonial bonfires authorized by the Village Administration and the Hickory Point Fire Protection District, any fire authorized by the Village Administration and the Hickory Point Fire Protection District, and any fire authorized by a valid IEPA permit, provided however that no garbage shall be burned in such cases.

Open burning shall be prohibited within the corporate limits of the Village except as permitted under the following conditions and subject to any other laws adopted by the Village.

**SECTION 3. EXCEPTIONS TO PROVISIONS**

The following activities shall be permitted:

The open burning of landscape waste, but only:

1. Between the hours of nine o'clock (9:00) A.M., prevailing time and sunset daily, and
2. When there is sufficient air movement to dissipate the contaminants, but not when winds are of such velocity to constitute a hazard of airborne sparks or embers which could spread fires, and
3. When the landscape waste has a moisture content sufficiently low enough to allow an open and visible flame to burn, and
4. On the premises on which such waste is generated, and
5. When the burning is constantly attended by a competent and responsible person until such burning is extinguished. Such person shall have fire extinguishing equipment readily available to use as deemed necessary by the enforcing party, and
6. When the burning does not become or create a safety hazard, nuisance, annoyance or discomfort to any person by reason of the flames, emission of smoke, fumes, fly ash, dust, soot or noxious odor, and
7. When such burning does not create a visibility hazard on streets, roadways, alleys, public sidewalks, railroad tracks, or air fields, and
8. When crop residues are ignited and burned more than 305 meter (1000 feet) from residential or other populated areas.

Notwithstanding the above, no fire may be ignited or burned if it is prohibited by the local enforcing party or the material being or to be burned has been chemically treated.

**SECTION 4. PENALTIES, FINES, and ENFORCEMENT**

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction, be fined not less than Twenty Five Dollars, (\$25.00) nor more than Five Hundred Dollars, (\$500.00) for each offense, and each day on which such a violation occurs or continues shall be considered to be a separate offense. In addition, the Village may, at its sole discretion seek any other remedy at law or in equity to restrain or enjoin violations of this Ordinance.

The enforcement of this ordinance shall be at the discretion of the local Law Enforcement Officer and/or Hickory Point Fire Protection District.

**SECTION 5. EFFECTIVE DATE**

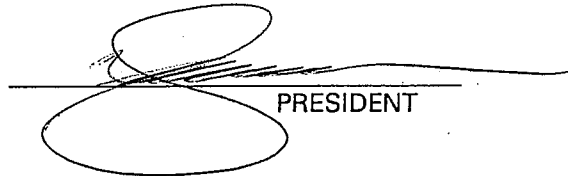
THAT this Ordinance shall be in full force and effect from and after December 1, 1994.

AYES: 6 - Idleman, Gilbert, Spriggs, Bischoff, Treat, Rawlings.

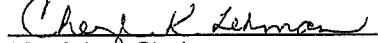
NAYS: 0 - None.

ABSENT: 0 - None.

PASSED AND APPROVED this 7th day of Nov., 1994.

  
PRESIDENT

ATTEST:

  
Municipal Clerk

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