

**Section 1.29
Article III**

**McHenry County Public Health
Ordinance
For McHenry County**

OPEN BURNING OF LANDSCAPE WASTE

**Approved December 4, 2007
Effective April 1, 2008**

SECTION 100 GENERAL PROVISIONS

Intent and Purpose Whereas, open burning creates a risk of losses due to fire and impairs air quality, regulation of open burning is necessary to protect the public health, safety, and welfare.

SECTION 200 DEFINITIONS

“BRUSH” Tree trunks, limbs, branches, and twigs.

“CEREMONIAL FIRE (BONFIRE)” An outdoor fire larger than three feet by three feet by three feet (3’x3’x3’) which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

“GARBAGE” The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“HABITABLE STRUCTURE” Any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multi family dwellings, churches, schools, food facilities and industrial buildings.

“LANDSCAPE WASTE” All accumulation of grass or shrubbery cuttings, leaves, flowers and weeds.

“LITTER” Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

“MANURE” The fecal and urinary defecations of livestock and poultry. Manure may often contain some spilled feed, bedding or litter.

“NON-HABITABLE STRUCTURE” Any structure not identified as habitable as defined and would include but is not limited to garages, sheds, barns, and swimming pools.

“OPEN BURNING” 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 issued under the provisions of the Environmental Protection Act.

“RECREATIONAL FIRE” A temporary outdoor fire for warmth, cooking for human consumption, or for nonceremonial purposes where the fire is not larger than three feet by three feet by three feet (3’x3’x3’) and excludes leaves, grass or shrubbery clippings or cuttings.

“STRUCTURE” The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

SECTION 300 EXEMPTIONS

A) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.

B) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fire-places, or to self-contained outdoor wood- burning devices or fireplaces.

C) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the open burning of brush for purposes of recreational fires.

D) Sections 400 A & B, 500 B 1-3, and 600 B shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the McHenry County Department of Health. Failure to obtain a permit from the McHenry County Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a

ceremonial fire utilizing brush shall be deemed a violation of this article.

E) Section 500 B1 shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

SECTION 400 PROHIBITION

A) Open burning of landscape waste shall not take place within one hundred feet (100') feet of a habitable structure.

B) Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.

C) The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in McHenry County.

D) The Chairman of the County Board shall have the authority to prohibit all open burning of landscape waste in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

SECTION 500 RESTRICTIONS

Any open burning in the County of McHenry shall be in accordance with the restrictions enumerated below:

A) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.

B) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:

1) Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.

2) Burning is not permitted when the wind is in excess of ten (10) miles per hour.

3) Burning is not permitted of any material other than dry landscape waste and/or brush.

4) Burning is not permitted on public or private roads, alleys, sidewalks or easements.

5) Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or air fields.

SECTION 600 CONDITIONS AND LIMITATIONS OF OPEN BURNING

A) All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.

B) A fire extinguisher or garden hose or water source shall be available at the burning site.

C) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.

D) It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.

E) Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.

F) The Chairman of the County Board shall have the authority to waive all or part of the requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

SECTION 700 ENFORCEMENT, VIOLATIONS AND PENALTIES

A) McHenry County Department of Health shall be primarily responsible for the enforcement of this Ordinance. Any enforcement officer of the McHenry County Department of Health, law enforcement agency, fire department or fire protection district is hereby authorized to enforce the provisions of this article.

B) Any person who violates any provision of this article shall be punished by a fine of one hundred dollars (\$100.00) for a first time offense and a fine of up to one thousand dollars (\$1,000) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this article shall be considered factors in aggravation for purposes of the assessment of any fines.

SECTION 800 PROGRAM OVERSIGHT

A) The McHenry County Solid Waste Manager shall endeavor to create economical alternatives to the open burning of landscape waste for McHenry County residents.

B) The Public Health and Human Services Committee of the McHenry County Board shall have oversight responsibility for, and will review quarterly, the development and implementation of all programs in all categories set forth herein and which may be recommended in the future.

This ordinance does not supersede any requirements of a government entity that may be more restrictive.