

**FILED**

JAN 26 2024

*Amy Button*  
County Clerk Clay Co., IL

**VILLAGE OF IOLA  
CLAY COUNTY, ILLINOIS**

ORDINANCE NO. 2024-1-9

**AN ORDINANCE REGULATING BURNING WITHIN THE LIMITS OF THE  
VILLAGE OF IOLA, ILLINOIS**

**PASSED BY THE  
BOARD OF TRUSTEES  
OF THE  
VILLAGE OF IOLA**

THIS 8th DAY OF January, 2024

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF IOLA, CLAY COUNTY,  
ILLINOIS, THIS 8th DAY OF January, 2024**

ORDINANCE NO. 2024-1-9

**AN ORDINANCE REGULATING BURNING WITHIN THE LIMITS OF THE  
VILLAGE OF IOLA, ILLINOIS**

**WHEREAS**, the Village of Iola, Illinois, is authorized, pursuant to 65 ILCS 5/11-20-5, to do all acts and make all regulations which may be necessary or expedient for the promotion of health and the conservation of the safety and welfare of the public; and,

**WHEREAS**, the Village of Iola, Illinois, is further authorized, pursuant 65 ILCS 5/11-60-2 to define, prevent and abate nuisances; and,

**WHEREAS**, the Village of Iola, Illinois, is also authorized, pursuant to 65 ILCS 5/11-8-1, et. seq., to enact such regulations necessary to prevent fire hazards; and,

**WHEREAS**, the Illinois Environmental Protection Act, 415 ILCS 5/9(c), prohibits any person from causing or allowing open burning except in cases where the Illinois Environmental Protection Agency and the Illinois Pollution Control Board have adopted regulations allowing such burning, and such regulations are based upon a finding that no harm will result from such burning, and such burning will occur only in a chamber specifically designed for such burning; and,

**WHEREAS**, the Illinois Environmental Protection Agency and the Illinois Pollution Control Board have adopted certain regulations, specifically 35 Ill. Admin. Code 237.120, finding that burning of materials that constitute Landscape Waste (as defined herein) generated on site will not cause harm provided that such burning occurs only in a chamber specifically designed for such burning; and,

**WHEREAS**, 35 Ill. Admin. Code 237.110 states that local governments shall enforce the provisions of 415 ILCS 5/9(c) by appropriate means; and,

**WHEREAS**, the Board of Trustees of the Village of Iola, Illinois, has determined that in order to promote and conserve the health, safety and welfare of the citizens of the Village of Iola, Illinois, and in order to prevent fire hazards, it is necessary to enact certain regulations restricting open burning within the corporate boundaries of the Village of Iola, Illinois.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF  
TRUSTEES OF THE VILLAGE OF IOLA, ILLINOIS, THAT:**

**Section 1:** The findings made in the prefatory portion of this Ordinance are hereby adopted.

**Section 2: Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicate a different meaning:

- A. **“Garbage”** shall mean debris, junk, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, inoperable appliances, unusable furniture, and dimensional lumber from dismantled buildings, and putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- B. **“Landscape Waste”** shall mean any and all accumulations of grass clippings, shrubbery and vine cuttings, leaves, trees, tree limbs, stumps, brush, and other materials accumulated from or as the result of the care of lawns, shrubbery, vines, trees, and other natural landscaping.
- C. **“Open Burning”** shall mean the combustion of 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 has been issued by the Illinois Environmental Protection Agency.
- D. **“Person”** shall mean any individual, firm, partnership, organization, corporation, limited liability company, association, proprietorship or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word “Person” appears in any section of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations or limited liability company, shall include the officers, agents or members thereof who are responsible for any violation of this Ordinance.
- E. **“Refuse”** shall mean any discarded matter and/or combustible and non-combustible trash, including, but not limited to, barrels, excelsior, furniture, junk, bedding, plastics, metals, scraps, shavings, tires, petroleum-based products or other similar items.

**Section 3: General Prohibition:** Except as provided in Section 4 of this Ordinance, it shall be unlawful and a public nuisance for any Person to cause, suffer, or allow any Open Burning of any kind within the Village, including, without limitation, the burning of Landscape Waste, Garbage, or Refuse.

**Section 4: Exceptions to Prohibition of Open Burning.** The following instances of Open Burning shall be permitted, but only under the terms, limitations, and standards set forth in this Section 4:



**A. Burning of fuels for legitimate campfire, recreational, heating and cooking purposes, or in domestic fireplaces, in accordance with the following standards:**

1. No Open Burning of Garbage or Refuse shall be allowed;
2. Campfires or fires for recreational purposes must be set in an adequate container assembled or premanufactured for such use and, if premanufactured, set according to manufacturer's specifications, or a fire bowl of earth or other noncombustible of adequate assembly and construction, and, a minimum distance of ten (10) feet from weeds, grass or other combustible materials and twenty (20) feet from any adjacent residence so as to present no hazard;
3. A means of fire extinguishment must be present and easily accessible during any Open Burning;
4. All burning shall be prohibited when wind speed exceeds ten (10) miles per hour as determined in the Village by the National Weather Service;
5. The burning shall not create a visibility hazard on any roadway or railroad track;
6. No Open Burning shall be conducted at any time when the Village President has issued an order for the cessation of burning as provided in subparagraph 7 below; and,
7. If the Village President determines that weather conditions, environmental conditions, or local conditions make the burning of leaves unsafe, the Village President may issue an order prohibiting any and all Open Burning for a period of time, which shall be designated in the order.

**B. Open Burning of Landscape Waste, but only in accordance with the following standards:**

1. No burning shall be conducted before 7:00 a.m. or after sunset;
2. All burning shall be attended continuously by a responsible person over the age of 12 years;
3. No matter other than Landscape Waste shall be burned;

4. No Landscape Waste may be burned that is transported from another premises, property, yard, garden, lot or place, except as is blown by the wind;
5. No burning shall be conducted or permitted to occur on any street, alley, sidewalk, or other public way upon property owned by the Village;
6. All burning shall be prohibited when wind speed exceeds ten (10) miles per hour as determined in the Village by the National Weather Service;
7. The burning shall not create a visibility hazard on any roadway or railroad track;
8. No Open Burning shall be conducted at any time when the Village President has issued an order for the cessation of burning as provided in subparagraph 9 below; and,
9. If the Village President determines that weather conditions, environmental conditions, or local conditions make the burning of leaves unsafe, the Village President may issue an order prohibiting the burning of leaves for a period of time, which shall be designated in the order.

C. This Ordinance shall not apply to the Village or to any other governmental agency properly conducting a controlled fire or burn.

**Section 5: Construction.** This Ordinance shall not be construed to allow or permit any burning of materials prohibited by any other ordinance of the Village or any statute or regulation of the State of Illinois.

**Section 6: Penalty for Violation.** Pursuant to 65 ILCS 5/1-2-1, any Person violating any of the provisions of this Ordinance shall, upon conviction thereof, be deemed guilty of a civil ordinance violation and shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. Any such Person may be further ordered to pay restitution to the Village for any costs incurred by the Village as a result of the violation of this Ordinance, excluding attorney fees incurred in the prosecution of such violation. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

**Section 7: Miscellaneous Provisions.**

**A. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval and may be published in pamphlet form as required by law.

**B. Invalidity.** In the event a court of competent jurisdiction declares any particular provision of this Ordinance to be invalid or unenforceable, the remaining provisions of this Ordinance shall be construed to be valid and enforceable. The invalidity of any part of this Ordinance shall not affect any other part or parts thereof.

**C. Repeal.** Any and all prior ordinances or resolutions of the Village of Iola, Illinois, contrary to the terms and conditions of this Ordinance shall be deemed to be repealed.

Placed on file this 26<sup>th</sup> day of January, 2023.

Presented, passed and approved this 8<sup>th</sup> day of January, 2023.

Trustee Kevin Horath	<input checked="" type="checkbox"/>
Trustee Michael Bryant	<input checked="" type="checkbox"/>
Trustee Christopher Scott	<input checked="" type="checkbox"/>
Trustee Joe Thomson	<input checked="" type="checkbox"/>
Trustee Beth Jones	<input checked="" type="checkbox"/>
Trustee Ron Strackeljohn	<input type="checkbox"/>

YEAS: 5  
NAYS:       
ABSENT: 1

**VILLAGE OF IOLA, ILLINOIS**

  
\_\_\_\_\_  
Michael Butts, Village President

ATTEST:

  
\_\_\_\_\_  
Carol Oestreich, Village Clerk