

## CHAPTER 2

### ENVIRONMENTAL CONTROL

#### ARTICLE A. AIR POLLUTION; OPEN BURNING

##### SECTION:

- 4-2A-1: **Definitions**
- 4-2A-2: **Prohibited Acts**
- 4-2A-3: **Exemptions**
- 4-2A-4: **Penalties**

**4-2A-1: DEFINITIONS:** In the interpretation of this Article the following definitions shall apply:

AGRICULTURAL WASTE	Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including, but not limited to, such items as bags, cartons, dry bedding, structural materials, and landscape wastes.
AREA OF CONTROLLED BURNING	The area specified on an IEPA and Village permit subject to a controlled burning.
BURN LEADER	The person, not necessarily the applicant, responsible for oversight of the controlled burning.
CONTROLLED BURNING	The burning, pursuant to an IEPA permit, of unharvested ground cover or vegetation for the restoration or active management of a natural area for the purposes of improving native ecosystems.

ECOSYSTEM	An integrated system of living species, their habitat, and the processes that affect them.
GARBAGE	Refuse resulting from the handling, processing preparation, cooking, and consumption of food or food products.
LANDSCAPE WASTE	Any vegetable or plant refuse, except garbage. The term includes, but is not limited to, trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.
NATURAL AREA	A vegetative landscape state that features either preserved or restored native grasses, native perennials, native trees and/or other native ecosystems.
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 section 9(b) of the Environmental Protection Act of 1970. <sup>1</sup>
REFUSE	Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal. (Ord. 71-250-11)
RESTRICTED AREAS	The area within the boundaries of the Village, plus a zone extending one mile beyond the boundaries of the Village. (Ord. 91-1168-01)
TRADE WASTE	Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any governmental or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste. (Ord. 71-250-11)

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<sup>1</sup>45 ILCS 5/1

**4-2A-2: PROHIBITED ACTS:**

- A. Except as provided in Section 4-2A-3 below, no person shall cause or allow, in the restricted area, open burning of any agricultural waste, garbage, trade waste, or refuse. This provision does not pertain to open burning of landscape waste which is prohibited only as indicated in subsection B of this Section.
- B. No person shall cause or allow within the boundaries of the Village open burning of landscape waste as defined to include leaves, trees, tree trimmings, branches, stumps, brush, weeds, grass, shrubbery and yard trimmings.
- C. No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned. (Ord. 91-1188-01)
- D. No person shall cause or allow within the boundary of the Village any outside burning of any unharvested ground cover or vegetation.(Ord. Amd. 97-1537-61, eff. 11/10/97)

**4-2A-3: EXEMPTIONS:** The following activities are hereby made specifically exempt from the provisions of this Article:

- A. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible governmental official.
- B. The burning of fuels for legitimate campfire, barbecue, recreational, and cooling purposes, or in domestic fireplaces, provided that no garbage shall be burned in such cases.
- C. The controlled burning of ground vegetation for the purpose of establishing, restoring, sustaining or nurturing native ecosystems shall be permitted subject to the following:
  - 1. Permit Required. A permit for such controlled burning must be obtained from the Village of Lincolnshire Department of Public Works, Environmental Services Division.
  - 2. Conditions of Permit. No permit shall be issued unless the applicant provides to the Village each of the following:
    - a. A valid and current Open Burning Permit from the Illinois Environmental Protection Agency, along with all documents submitted to the IEPA to secure the Permit.

- b. A detailed site plan, specifying the exact area of the burn, all adjacent property boundaries, all structures and uses within fifty (50') feet of the boundaries of the burn area and the location of natural and planned fire breaks.
  - c. The name and qualifications of the burn leader. The burn leader must possess and provide proof of at least one of the following qualifications:
    - i. Certification as such by a State agency.
    - ii. Be an acting full time firefighter with an Illinois municipality or Fire Protection District with classroom and field training in open burning management.
    - iii. Proof of certified training in natural area management that has included actual classroom and field training in controlled burning of ground vegetation.
  - d. Payment of a fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. This fee shall be paid at the time of permit application.
  - e. Execution of an agreement prepared by the Village Attorney releasing and holding the Village and the Fire Protection District and their respective officials and employees harmless from any damages or injuries arising out of the controlled burn, including but not limited to any halting of the burn pursuant to paragraph 4 of this Section 4-2A-3©).
  - f. The permit applicant, as part of the burn permit application, shall provide to the Village a certificate of insurance as evidence of insurance coverage for general liability with coverage limits of not less than \$2,000,000 directly related to controlled burning activity.
3. Areas Where Controlled Burning is Permitted.
- a. This exemption shall apply only to 4-2A-3 areas which have been designated by either a federal, state, county or Village agency as being either an established natural area or being in the process of being restored as such, or areas not so designated and which are not part of a residential lot or development and which, in the opinion of the Public Works, Environmental Services Division, would benefit from a controlled burning.

- b. No portion of an area of controlled burning may be within fifty feet (50') of any residential structure. This restriction shall not apply to a controlled burning conducted and supervised by the Village on Village property or to a controlled burn supervised by the Village and performed pursuant to an obligation undertaken as a condition of Village approved covenants or Special Use or PUD zoning.
- c. Residential property shall require a site inspection, conducted by the Village of Lincolnshire. In addition to all other permit criteria, the following criteria must be met for residential controlled burning:
  - i. the site must contain burn buffers on all sides. Buffers shall be a minimum of 5 feet in width for woodland controlled burns. Buffers shall be a minimum of 10 feet in width for prairie controlled burns.
  - ii. the site must exhibit restoration efforts, i.e., evidence of buckthorn removal, brush and debris removal, existence of a minimum of five native perennial or grass species.
  - iii. if any residence, sharing a common border or boundary with the residence conducting the controlled burning objects to the controlled burning, no permit will be issued.
- d. Any area requested for a controlled burning shall have adequate fuel to carry the fire. No additional fuel, including but not limited to leaves, grass or other materials not naturally occurring in the area to be burned, shall be added to the controlled burn location.

4. Denial of Permit.

A permit shall be denied if any of the conditions of subparagraphs 2 or 3 above are not met. Further, either the Village or the local Fire Protection District having jurisdiction may halt any controlled burning, either before or after commencement of such burn if, weather or other conditions are such that, in the sole discretion of either, the burning would constitute a hazard to other properties.

5. Notification.

Prior to the commencement of the controlled burning, the applicant must provide the following to the Department of Public Works, Environmental Services Division, or the person, if any, designated by the Village to observe the controlled

burning:

- a. A sample Notification and Certified mail receipt showing proof of such notification to all property owners within two hundred fifty feet (250') of the boundaries of the burn area. The notification must indicate a time frame and duration of when the burning will take place. For example: Controlled burning shall take place between April 15<sup>th</sup> and 22<sup>nd</sup>, between the hours of 9:00 a.m. and 3:00 p.m. It is estimated the burning will be completed within one day.

Included in this notification shall be a contact name and phone number for those property owners wishing to be contacted within three hours of any controlled burning. It shall be the responsibility of the burn leader to contact each of these property owners not more than twenty-four (24) hours and not less than three (3) hours prior to the start of any burn.

- b. Proof of written notification to the Department of Public Works, Environmental Services Division, the Police Department and the local Fire Protection District of the time frame of when the burning will take place as detailed in "a" above
- c. At least one hour prior to the start of the burning, the burn leader shall contact the Department of Public Works, Environmental Services Division, the Police Department, and the local Fire Protection District to obtain permission to burn that day, providing the location and anticipated completion time. No burning shall be allowed unless all of these departments provide permission for the burn at the time of the contact.
- d. Thirty minutes prior to the start of the burning, the burn leader shall contact by phone Red Center (Regional Emergency Dispatch Center).
- e. At the conclusion of the burning, the burn leader shall contact the Department of Public Works, Environmental Services Division, the Police Department, the local Fire Protection District and Red Center to advise that the burning has been completed and all fire and smoldering have been completely extinguished.

## 6. Post Burn Report.

Within forty-eight (48) hours of the controlled burning, the applicant must file a report with the Department of Public Works, Environmental Services Division, stating whether the purpose was accomplished, percentage of area burned and whether any damage was done outside of the specified area. Included in this report shall be a site

diagram identifying the area burned.

**4-2A-4: PENALTIES:** The violation of any of the provisions of this Article shall be in accordance with the Comprehensive Fine/Penalty Schedule set forth in Chapter 17 of Title 1 of this Code. Each day any violation of any provision of this Article shall continue shall constitute a separate offense. (Ord. 71-250-11) (Amd. Ord. 10-3131-08, eff. 3/22/10)

(Ord. Amd. 11-3195-17, eff. 3/14/11)

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**CHAPTER 2**  
**ENVIRONMENTAL CONTROL**  
**ARTICLE B. PESTICIDES**

**This section is being deleted in its entirety per  
Ordinance 01-1743-01, effective 2/12/01.**