

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 prairie or savanna ecosystem.

DOMICILE WASTE	Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term includes, but is not limited to, landscape waste, but excludes garbage and trade waste.
GARBAGE	Refuse resulting from the handling, processing preparation, cooling, 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.
NATIVE PRAIRIE	A vegetative landscape state that features either preserved or restored grasses and other ecosystems as they existed prior to agricultural, residential or industrial development in this area.
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. ¹
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)

¹45 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 prairies 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 Community Development.
 - 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 training in open burning management.
 - iii. Proof of certified training in prairie management that has included actual classroom and field training in controlled burning of ground vegetation.
 - d. Payment of a fee of One Hundred Fifty Dollars (\$150.00) to the Village of Lincolnshire.
 - 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(C).
3. Areas Where Controlled Burning is Permitted.
- a. This exemption shall apply only to (i) areas which have been designated by either a federal, state, county or Village agency as being either an established native prairie area or being in the process of being restored as such, or (ii) areas not so designated and which are not part of a residential lot or development and are at least an acre in size and which, in the opinion of the Village Forester, 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.

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 Community Development 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 the date and a three hour time period for the expected commencement of the burn.
- b. Proof of written notification to the Village of Lincolnshire Department of Community Development and the local Fire Protection District of the exact time of expected commencement of the burn given not more than forty-eight (48) and not less than twenty-four (24) hours prior to such commencement.

6. Post Burn Report.

Within seventy-two (72) hours of the controlled burning, the applicant must file a report with the Department of Community Development stating whether the burn took place, whether the purpose was accomplished,

whether the burn exceeded the specified area and whether any damage was done outside of the specified area.

4-2A-4: PENALTIES: The violation of any of the provisions of this Article shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1. 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)

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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.**