

Ordinance No. 2010- 28

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
PROVIDING FOR THE REGULATION OF OPEN BURNING

WHEREAS, the United City of Yorkville (the "City") is a non home-rule municipality in accordance with the Constitution of the State of Illinois of 1970 and has the powers granted to it by law;

WHEREAS, the Mayor and City Council deem it necessary to provide for the regulation of open burning in order to promote the health, safety, and welfare of the City's residents.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. Title 4, Chapter 1, Section 1 of the United City of Yorkville Code of Ordinances is hereby deleted and replaced with the following:

4-1-1: OPEN BURNING:

A. Burning Restrictions; Nuisance Declared:

1. The open or outside burning of any materials, including plastic coated, treated paper, paper materials, leaves or plant materials within the city limits is expressly prohibited. (Ord. 1976-40, 11-4-1976)
2. Burning of campfires in connection with camping outings by organized groups; or recreational campfires by individuals are permitted, provided that the fires are conducted in such a manner so as not to constitute a hazard or nuisance to persons or property. (Ord. 1996-10, 9-12-1996)
3. Untreated paper, paper products, untreated wood, stumps, and logs may be burned, provided:
 - (a) Such burning is not conducted within twenty feet (20') of any neighboring building or structure;
 - (b) Such burning is continuously controlled and supervised by an adult with adequate fire suppression devices immediately available. All campfires shall be extinguished properly to avoid any reigniting;
 - (c) Such fires shall be contained within an adequate fixture or suitable retention device so as to prevent ambers from carrying to neighboring properties; and
 - (d) Wind conditions do not exceed ten (10) miles per hour.
4. The discharge into the outdoor atmosphere of fumes, smoke, gas or vapors or any combination from the burning of any materials other than untreated paper and paper

products and wood as provided above shall be, for the purposes of this section, declared air pollution and a public nuisance.

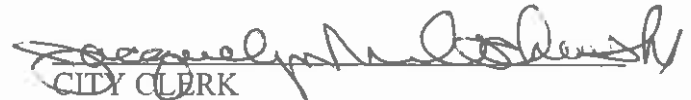
5. Controlled fires started and attended to by the personnel of the United City of Yorkville in order to control the growth of prairie grass or other vegetation to benefit the public health, safety or welfare shall be permitted. (Ord. 2003-71, 11-10-2003)





B. Nuisance Abatement: The city attorney or any citizen of the city, when such a nuisance exists as set forth in subsection A of this section, may maintain a complaint in the name of the city, perpetually, to enjoin all persons from maintaining or permitting such nuisance and to abate the same. In addition, the city police, officers, inspectors or employees, upon observing any violation of subsection A of this section, may enter upon private property and summarily abate any fires or burning that is in violation hereof. (Ord. 1970-54, 3-12-1970)





Section 2. If any Section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois, this 8 day of June 2010.


CITY CLERK

ROBYN SUTCLIFF 
GARY GOLINSKI 
WALTER WERDERICH 
ROSE ANN SPEARS 

DIANE TEELING 
ARDEN JOSEPH PLOCHER 
MARTY MUNNS 
GEORGE GILSON, JR. 

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this 16 day of JUNE 2010.


MAYOR