

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2023-30

"AN ORDINANCE RE: BURNING WITHIN THE VILLAGE OF HAMMOND"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
13th day of December, 2023

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois

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Be it, and it is hereby ordained by the President and the Board of Trustees of the Village of Hammond, Piatt County, Illinois, as follows:

Section 1: Definitions: For the purpose of this Ordinance, the following meanings:

- A. Agricultural Wastes – any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials and crop residues, but excluding landscape wastes.
- B. Garbage – refuse resulting from the handling, processing, preparation, cooking, and consumption of food products.
- C. Landscape Waste – any vegetable or plant refuse, except garbage, and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
- D. 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 Illinois Environmental Protection Act, Ill.Rev.Stat., c.111 ½ para. 1009(b).
- E. 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.
- F. Hazardous Waste – A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly can contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.A. 94-580 (42 USCA Section 6921) or pursuant to Pollution Control Board regulations. (ILCS Ch. 415, Act 5 & 3.220)
- G. Raised – Elevated to a higher position or level; lifted.
- H. Seasoned Wood - Wood that has been thoroughly dried for a proper amount of time.

Section 2: Prohibition:

- A. All open burning within the Village of Hammond is hereby prohibited except as otherwise provided in Section 3 hereof.
- B. The piling of leaves in the catch basins or the roadway is prohibited.
- C. Yard waste is to be taken to the Village's yard waste pile, located across from the Post Office on 1st Street.

Section 3: Exceptions: The following activities are not a violation of Section 2 hereof:

1. The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces in areas where such burning is consistent with other laws provided that no garbage, junk and debris, grass clippings, tree trunks, leaves, flowers, or weeds shall be burned in such cases. Fires for the express purpose to cook food for human consumption, such fires shall be contained in grills, charcoal burners, or the like.
2. If such burning is conducted under the supervision of a person at least 18 (eighteen) years of age; No fires shall be left unattended until entirely extinguished.
3. All recreational fires shall be in an approved and permitted fire pit structure. All fire pits shall be between twelve inches (12") and twenty-four inches (24") in height and shall be constructed of non-combustible materials. Permanent fire pits are not allowed to exceed 42-inches in diameter. This raised firepit – a ground level fire pit is not acceptable - can be made of dry stacked stone, masonry, or metal; or, it can be a commercially manufactured portable fireplace. The location of this raised fire pit made of dry stacked stone, masonry, or metal, shall be at a safe and reasonable distance from any building, structure, or vehicle and from any container or other source of flammable liquids or vapors. A metal fire ring or commercially manufactured portable fireplace shall not be placed on any combustible surface.
4. The fuel shall be dry, seasoned, wood, or equal and no garbage, household waste, municipal waste, hazardous waste, or leaves shall be burned. Cover stacked wood, but allow good air flow so it can dry.
5. Tree stump burning is prohibited.
6. On public property, owned or leased by the Village, where the Village has posted a sign indicating "Private Landscape Waste Only", people may dump, deposit, drop, leave, or discard private landscape waste only, but nothing else.
7. Private landscape waste is hereby defined as leaves, brush, grass clippings, timber smaller than four inches in diameter from any private property located within the Village of Hammond. Any of said specified items generated or emanating from private or public property located outside of the Village of Hammond, for the purpose of this exemption shall not be considered private landscape waste and its deposit on public property within the Village of Hammond is hereby prohibited.
8. The Village of Hammond and their employees while performing Village activities shall be exempt from the provisions of this Ordinance.
9. Fire pits shall not have an inside diameter of more than 42 inches.
10. Fireplaces or fire pits shall not be used within fifteen (15) feet of a building or lot line.
11. Portable fire pits shall be used only on a level and stable surface.
12. Only clean/dry wood is permitted to be burned in fireplaces or fire pits.
13. No trash, yard waste, or construction material shall be burned.
14. If a fireplace or fire pit is a propane unit, only propane shall be burned.
15. The smoke from a fireplace or fire pit shall not become a nuisance.
16. A garden hose, fire extinguisher, or other method of fire control shall be readily available.

- 17. The fireplace or fire pit shall be supervised at all times by a responsible adult.
- 18. The fire must be completely extinguished before the fire is left unattended.
- 19. Manufactured fireplaces and fire pits shall be used in accordance with manufacture’s recommended guidelines for safe use.
- 20. Barbecue grills may be used for grilling on ground level at a multi-family dwelling as long as the grill is fifteen (15) feet or more from the nearest overhang or any other part of the dwelling.

Section 4: Penalty: Any person, firm, or corporation violating any provisions of this Ordinance shall be notified as follows:

- 1. Place phone call to homeowner notifying them of the violation on their property and giving them 10 days in which to fix the violation.
- 2. If compliance is not met in the 10 days, a non-certified letter will be sent reiterating the violation that needs to be corrected. Allow another 10 days.
- 3. If compliance is still not met, a certified violation letter is mailed to the homeowner. The first fine will be charged at this time for non-compliance and due within 10 days. The fine structure is as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

Each day that a violation continues beyond the 10-day notice period described above shall constitute a separate offense.

Notice shall be deemed to be properly served by:

- Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- Personal service; or
- Posting of notice upon property

Section 5: Effect: This Ordinance shall be in full force and effect from and after its passage and approval. Any and all Ordinances not in conformity herewith are hereby revoked and declared to be null and void.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 13th day of December, 2023, by the following roll call vote:

AYES: 4
 NAYS: 0
 ABSENT: 2

Approved by the President of the Board of Trustees of the Village of Hammond, this 8th day of November, 2023.

Marsha Burgener
President, Board of Trustees
Village of Hammond, Piatt County, Illinois

ATTEST:

Brenda Sebens
Village Clerk
Village of Hammond, Piatt County, Illinois

State of Illinois)
) ss.
 County of Piatt)
 Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on December 13, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-30, entitled "An Ordinance Re: Burning Within the Village of Hammond", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2023-30, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on December 14, 2023 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 13th day of December, 2023.

(SEAL)