

## CHAPTER 12. OPEN BURNING

12.01 Agricultural Waste: Means 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 waste.

12.02 Domicile Waste: Means any refuse generated on a single-family domiciliary property as a result of domiciliary activities. The term excludes landscape waste, garbage and trade waste.

12.03 Garbage: Means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

12.04 Landscape Waste: Means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, and shrubbery.

12.05 Open Burning: Means the combustion of any matter, in the open, in a burn barrel or in an open dump.

12.06 Refuse: Means 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.

12.07 Trade Waste: Means any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

### 12.08 Prohibitions and Restrictions:

- A. No person shall cause or allow open burning of agricultural waste, garbage, refuse, domicile waste or trade waste, unless otherwise provided herein.
- B. The open burning of landscape waste shall be permitted, but only:
  - 1. On the premises on which such waste is generated; and
  - 2. When atmospheric conditions will readily dissipate contaminants; and
  - 3. If such burning does not create a visibility hazard on roadways or railroad tracks; and
  - 4. From 7:00 A.M. to 7:00 P.M., seven (7) days per week. Such burning, shall be extinguished immediately at 7:00 P.M.
- C. No provision contained herein shall be construed to prohibit the following:

1. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible public official;
2. The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in such area where burning is consistent with other laws, provided that no garbage shall be burned in such cases;
3. The burning of waste gases, and in small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.

D. All permissible open burning shall be in accordance with the following restrictions and provisions:

1. On a person's own property, but in no event on any street, alley, public right-of-way or other public property within the limits of the Village of Pesotum; and
2. Under competent and continuous supervision by an adult during the burning.

12.09 Enforcement-Complaints for Violation-Penalties: In the event any person in the Village of Pesotum shall observe open burning in the Village of Pesotum in violation of this ordinance, such person may file a complaint for such violation through the office of the Village Clerk. Upon the filing of such a complaint with the Village, the Village Clerk shall serve a copy of the complaint upon the person complained of by regular U.S. mail. The complaint shall inform the person complained of about the violation and that the penalty provided for below shall be complied with not more than seven (7) days after the date of mailing of the copy of the complaint. The complaint shall require that the person complained of shall pay to the Village Clerk, for deposit in the Village general fund a fine, where provided for, in accordance with the following schedule.

12.10.01 First Violation: The sanction for a person who has not violated this Ordinance within the twelve (12) month period immediately preceding the date of the current violation shall be a warning contained on the face of the complaint.

12.10.02 Second Violation: The sanction for a person who has once violated this Ordinance within the twelve (12) month period immediately preceding the date of the current violation shall be a \$25.00 fine.

12.10.03 Third Violation: The sanction for a person who has twice violated this Ordinance within the twelve (12) month period immediately preceding the date of the current violation shall be a \$100.00 fine.

12.10.04 Fourth Violation: The sanction for a person who has three times violated this Ordinance within the twelve (12) month period

immediately preceding the date of the current violation shall be a \$200.00 fine.

12.10.05 Fifth Violation: The sanction for a person who has four times violated this Ordinance within the twelve (12) month period immediately preceding the date of the current violation shall be a \$300.00 fine.

12.10.06 Sixth Violation: The sanction for a person who has five times violated this Ordinance within the twelve (12) month period immediately preceding the date of the current violation shall be a \$400.00 fine.

12.10.07 Seventh and Subsequent Violations: The sanction for a person who has six or more times violated this Ordinance within the twelve (12) month period immediately preceding the date of the current violation shall be a \$500.00 fine.

In the event the fine, where provided for, is not paid and received by the Village Clerk within seven (7) days after mailing of the complaint, notice will be sent by mail to the person complained of advising that the fine plus a \$10.00 late charge is due. If the fine and late charge are not paid and received by the Village Clerk within seven (7) days after mailing of the notice, the Village authorities will be authorized to accept late payment or commence enforcement proceedings in a court of law in the name of the Village to enforce payment of the fine and charges, or alternatively, the Village authorities may seek enforcement of the applicable provisions of the Ordinance calling for a fine to be set by the Court in an amount not more than \$500.00 upon conviction of any person charged with violating the ordinance pursuant to Chapter 10 of the Village Code.