

ORDINANCE AMENDING SECTION 4-2-3 OF THE VILLAGE CODE

WHEREAS, the Village of Barrington Hills (the "Village") regulates open burning pursuant to Title 4, Chapter 1 ("Building Code") of the Village Code; and

WHEREAS, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village that Section 4-2-3 of the Village Code be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section 1. Incorporation of Preambles. The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

Section 2. BOCA Fire Prevention Code. Section 4-2-3(C)3 of the Village Code, shall be, and the same hereby is, deleted in its entirety and the following is inserted in lieu thereof:

3. Open Burning (Section F-403.0):

In lieu of F-403.1 General:

General: An outdoor fire shall occur in accordance with the provisions of this Code by burning certain material and releasing the products of combustion in the air without the use of a chimney.

F-403.2 Definitions: The following words and terms shall, for the purposes of this section and as stated elsewhere in this code, have the meanings shown herein.

In lieu of F-403.2 Definitions, "Bonfire":

Bonfire: An outdoor fire used for ceremonial purposes or for the disposal of landscape waste upon the premises where it is produced.

Additions to F-403.2 Definitions:

Landscape Waste: All accumulations of grass or shrubbery cuttings, leaves, cuttings and other materials accumulated as a result of lawns, shrubbery, vines and trees.

In lieu of F-403.2 Definitions, "Open Burning":

Open Burning: The burning of the material permitted by this Code in an outdoor fire wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Recreational Fire: An outdoor fire utilized to cook food for human consumption.

In lieu of F-403.3 Allowable Burning:

Allowable Burning: Open burning shall be allowed without prior notification to the code official for bonfires, recreational fires or highway safety flares, smudge pots or similar occupational needs.

In lieu of F-403.4 Permit required:

Notification Required: Open burning for recognized silvicultural, prairie, range or wildlife management practices, and prevention or control of disease or pests shall require the prior notification to the code official from the owner of the land to be kindled.

In lieu of F-403.4.1 Application:

Notification: Notification of an open burning shall occur at least two (2) days before the fire is set, shall be provided in written or verbal form, and shall provide such information as required by the code official. Such notification shall provide, at a minimum, information regarding: the purpose of the proposed burning, the nature and quantities of material to be burned, the date and time when such burning shall take place, the location of the burning site, and the person who shall supervise the burning.

F-403.4.2 Authorization: (Deleted)

In lieu of F-403.4.3 Open Burning Prohibited:

Open Burning Prohibited: Open burning shall not be utilized for waste disposal purposes, shall be of the minimum size for the intended purpose and the fuel shall be chosen to minimize the generation and emission of air contaminants. The code official shall prohibit open burning which will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The code official shall order the extinguishment, by the property owner or the fire department, of any open burning which creates or adds to a hazardous or objectionable situation.

(Ord. 95-10,10-23-1995)

F-403.5 Location: The location for any open burning shall not be less than 100 feet (30480mm) from any structure and provisions shall be made to prevent the fire from spreading to within 100 feet (30480 mm) of any structure. Fires in approved containers

shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure. No more than one bonfire shall occur at any one time on the premises. Bonfires on any property shall be maintained in the same location on the premises throughout the year.

(Ord. 00-16, 11-27-2000)

F-403.6 Materials: (Deleted)

F-403.7 Attendance: Any open burning shall be constantly attended by the resident of the premises with a shovel or a rake until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as a garden hose attached to a water barrel, water truck or other method of water supply shall be available for immediate utilization.

(Ord. 95-10, 10-23-1995)

F-403.8 Bonfire Size and Duration: A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) in dimension and shall not burn longer than 3 hours in any 24 hour period from the start of the bonfire. No bonfire shall be started or maintained other than between the hours of 10:00 a.m. to 10:00 p.m. The maximum size and duration of a bonfire shall not be increased by the code official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

(Ord. 00-16, 11-27-2000)

In lieu of F-403.8.1 Material:

Material: Fuel for a bonfire shall consist only of seasoned dry firewood, landscape waste, or untreated or unpainted lumber or scrap wood which is produced or obtained for use on the premises where the materials are burned. The fuel shall be ignited with a small quantity of paper. The fire shall not be used for any other waste or refuse disposal purposes and the fuel shall be chosen to minimize the generation and emission of air contaminants.

F-403.8.2 Permit: (Deleted)

(Ord. 95-10, 10-23-1995)

Section 3. Validity. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 4. Superseder and Effective Date. All resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this

Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 28th day of April, 2008.

AYES: 4 NAYS: 2 (Abboud)
(Ramesh) ABSENT: 1 (Knoop)

APPROVED THIS 29th day of April, 2008.

ATTEST:


Village Clerk


Village President