

VILLAGE OF MT. AUBURN

ORDINANCE NO. 175

AN ORDINANCE REGULATING OPEN BURNING
AND YARD WASTE DISPOSAL

ADOPTED BY THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN

THIS 15th DAY OF May, 2018

VILLAGE OF MT. AUBURN

ORDINANCE NO.175

**AN ORDINANCE REGULATING OPEN BURNING
AND YARD WASTE DISPOSAL**

WHEREAS it is in the best interest of the village of Mt. Auburn to regulate open burning and yard waste disposal within the Village;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Village Trustees of the Village of Mt. Auburn as follows:

Section 1: Purpose:

The purpose of this ordinance is to regulate and control the open burning and disposal of yard waste within the Village of Mt. Auburn.

Section 2: Definition:

(A) COMMERCIAL RESIDENCE: Any business operating within the village limits.

(B) PRIVATE RESIDENCE: Any individual residence within the village limits, including single-family homes, duplexes, town houses, condominiums and multiple-unit buildings. (also referred herein as Private Premises)

(C) REFUSE: (Garbage) The day-to-day accumulations of discarded and unwanted household and kitchen wastes, including but not limited to food, food residues and materials necessarily used for packaging, storing, preparing, and consuming same, usually referred to as "garbage," and all combustible and non-combustible waste materials resulting from the usual routine of domestic housekeeping, including but not limited to boxes, cartons, wrapping, crockery, plastic containers, fixtures, and papers and small electronic appliances such as toasters, vacuum cleaners, televisions, and computers. Christmas trees (except during January), wreaths, and other ornamental indoor plants are included in this definition.

(D) RESIDENT: Refers to residents of the Village of Mt. Auburn.

(E) ROADWAY: This refers to the asphalt/chip and oil part of the road.

(F) VILLAGE: Refers to the Village of Mt. Auburn, Illinois.

(G) VILLAGE DISPOSAL SITE: The Village of Mt. Auburn will designate a location to which yard waste can be disposed of by its residents.

(H) YARD WASTE also known as "Landscape Waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs, branches, brush, vines, garden plants, and other

similar organic materials as the result of the cultivation and maintenance of lawns, shrubbery, vines, trees, and gardens

Section 3: Burning Prohibited:

A. It shall be unlawful at any time to burn under any circumstances any refuse within the Village of Mt. Auburn.

B. Any permissible burning as outlined in Section 4 below is not allowed in a burn barrel. Fire pit rings are acceptable while burning in a burn barrel is not allowed even for permissible uses.

C. It shall be unlawful at any time to light or maintain any hazardous fire near any building, structure or flammable material.

D. It shall be unlawful at any time to light or maintain any bonfire on any street or sidewalk pavement or so near to any building or other structure as to endanger such building or structure.

Section 4 Permissible Burning

A. The Village of Mt. Auburn shall allow the following permissible open burning of the following types of fires so long as it is done in accordance with the rules and regulation of this section:

- (1) Yard waste
- (2) Bonfires and campfires
- (3) Burning for fireplace, grills or the like for cooking and social heating/gathering purposes.

B. Condition Precedent for the Open Burning of Permissible Fires

- (1) Burning of yard waste is permissible between 7:00a.m. and sunset.
- (2) Burning of bonfires, campfires, grills and fireplaces are not limited by time of day or duration.
- (3) Open burning of permissible fires shall be conducted only when wind, weather and atmospheric conditions are such as to readily dissipate contaminants and minimize adverse effects.
- (4) No open burning of yard waste shall be done on any roadway, street, alley or sidewalk within the Village. This does not prohibit burning in adjacent ditches to the landowner's property.

- (5) All open burning of yard waste shall be constantly attended and supervised by a responsible adult until the fire is fully extinguished. The responsible adult should have readily available for use such proper extinguishing equipment adequate for the size of the fire a may be necessary for the total control of the fire.
- (6) All bonfires, campfires or other permissible fires not contained in a self-contained unit such as a grill or smoker, are to be constantly attended and supervised by a responsible adult until the fire is fully extinguished. The responsible adult should have readily available for use such proper extinguishing equipment adequate for the size of the fire a may be necessary for the total control of the fire.
- (7) All burning shall comply with other federal, state and local laws, rules and ordinances.

Section 5. Village Yard Waste Disposal Site:

The Village of Mt. Auburn maintains a Yard Waste Disposal site for its residents under the following terms and conditions:

- (1) Any Resident within the Village may dispose of yard waste at no charge by hauling them to the lot behind the water plant during permissible times. The dates and times that this site will be open to the public will be set by the Village and posted at the Village hall. Disposal can also be done by appointment.
- (2) No comingling with Yard waste. It will be unlawful to commingle any non-yard waste items with yard waste items at the Village yard waste disposal site.
- (3) The Village reserves the right for any reason to refuse to accept any load or loads of yard waste.
- (4) Yard Waste deposits will be limited to one vehicle load at a time. No limbs over 6 feet in length or 6 inches in diameter will be allowed.
- (5) It is the resident's responsibility to unload his/her vehicle. No tools or help will be allowed from Village employees.
- (6) Dumping will only be allowed in designated areas within the disposal site.
- (7) Dumping will be done at the Resident's own risk. The Village will not be responsible for any personal injury or property damage. The resident shall indemnify and hold harmless the Village for any damage or injury to a

third party or their property when utilizing this disposal site. Resident will be responsible for any damage he or she causes to any Village property.

Section 6: Violations

(a) Upon notice by the Mt. Auburn Fire Protection District, Health Committee or a Trustee of the Board of Mt. Auburn, the Mt. Auburn Police Department is authorize to issue a citation punishable by a \$50.00 fine for each offense plus costs and damages.

(b) Costs as noted in paragraph (a) above references costs associated with the dispatching of the Mt. Auburn Fire Protection District. The cost is currently set at \$35.00 per person and \$125.00 per fire truck dispatched to the scene.

(c) damages as noted in paragraph (a) above references damage to personal or village property caused by the illegal burn.

(d) Payment of the fine, cost as outlined in paragraph (b) and damages as outlined in paragraph (c) are to be paid within ten (10) days from the date of such citation.

(e) If the fine, costs as outlined in paragraph (b) and damages as outlined in paragraph (c) above are not paid in full within ten (10) days of receipt of the citation, then the original fine shall increase from \$50.00 to \$250.00 plus applicable court costs.

(f) The Village will reimburse the Mt. Auburn Fire Protection District once the fine is paid in full.

Section 7: Enforcement

Enforcement Proceedings to enforce violations of this Ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinance Providing for Administrative Adjudication of Municipal Code Violations or by any other means provided by law or ordinance of the village providing for local enforcement of code violations.

Section 8: Severability

The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 9: Effective Date

This ordinance shall be in full force and effect May 1, 2018.

ADOPTED this 1st day of May, 2018 pursuant to roll call vote as follows:

AYES: Charlene Saulsberry, Glen Goodrich, Dixie Vincent, Denise Carey, Mike Krachum, Sandra Gooder

NAYS: _____

Brent Milburn
Brent Milburn, Village Mayor

ATTEST:
Sheri Clayton
Sheri Clayton, Village Clerk

FILED IN THE OFFICE OF THE VILLAGE CLERK
VILLAGE OF MT. AUBURN, ILLINOIS
ON THE 1st DAY OF May, 2018.

CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHRISTIAN)

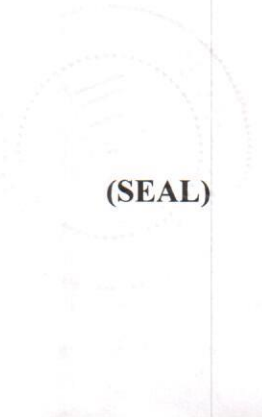
I, Sheri Clayton, certify that I am the Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on May 1, 2018, the Board of Trustees of said Village passed and approved Ordinance No. 175, entitled AN ORDINANCE REGULATING OPEN BURNING AND YARD WASTE DISPOSAL

The pamphlet form of Ordinance No. 175 including the Ordinance and the cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, Commencing on May 1, 2018, and continuing for at least ten day thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois this 1st day of May, 2018.

Sheri Clayton
Sheri Clayton, Village Clerk



(SEAL)

VILLAGE OF MT. AUBURN

ORDINANCE NO. 175

AN ORDINANCE REGULATING OPEN BURNING
AND YARD WASTE DISPOSAL

ADOPTED BY THE BOARD OF TRUSTEES

OF THE

VILLAGE OF MT. AUBURN

THIS 1st DAY OF May, 2018