

ORDINANCE NO. 2010-06-048

An Ordinance Amending Chapter Eleven, Section 19 of the Code of Ordinances

(Allowable Open Burning)

WHEREAS, the City of Urbana has a population of more than 25,000 and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970 and 65 ILCS 5/1-1-10; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, and welfare; and

WHEREAS, it is in the best interest of the citizens of Urbana that the burning of materials in an open manner be controlled and regulated;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section One.

Section 11-19 shall be, and is hereby, amended as follows:

Sec. 3.5-60. ~~Open Burning~~ Allowable Open Burning.

~~(a) Within the city limits, the open burning of any paper, leaves, refuse, garbage, or any other materials, including those from construction, demolition or alteration of any building, structure or equipment, is prohibited, except in the following instances:~~

~~(1) Fires set by a public official in the performance of the official's duties;~~

~~(2) In open fireplaces designed for cooking, and fires in outdoor cooking devices, when such fires are in fact being used for cooking purposes;~~

~~(3) Fires used for recreational purposes such as campfires;~~

~~(4) Fires authorized by permit from the fire chief, which the fire chief may issue in his discretion upon a showing of need for the removal of brush, debris or other materials where burning is the only feasible method.~~

~~(b) No fire permitted by this section may be used as an incinerator, or permitted to become a nuisance by reason of the emission of smoke, fumes, fly ash, dust or soot.~~

The only open burning that shall be allowed without prior approval by notification to the code official are highway safety flares, smudge pots and/or fires set by a public official in the performance of their duties, and

recreational fires used for cooking provided the fires are in a device designed for cooking.

Section Two.

A. Effective Date.

That this Ordinance shall be in full force and effect, and shall be controlling, _____

B. Conflicts.

That all ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

C. Severability.

If any provision or provisions of this Ordinance shall be held, by a court of competent jurisdiction, to be invalid, illegal, unenforceable or in conflict with the law of this jurisdiction, the validity, legality and enforceability of the remaining valid provisions shall continue to be in full force and effect.

Section Three.

Reserved.

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

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