

**VILLAGE OF HOMER  
CHAMPAIGN COUNTY, ILLINOIS**

**ORDINANCE NO. 081108**

**AN ORDINANCE AMENDING THE VILLAGE OF HOMER'S  
OPEN BURNING REGULATIONS**

**Passed by the Board of Trustees and  
Approved by the President  
of  
Village of Homer, Illinois  
on August 11, 2008**

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**Published in pamphlet form by authority of the President and Board of  
Trustees of the Village of Homer, Champaign County, Illinois, this 12<sup>th</sup> day of  
August, 2008.**

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**AN ORDINANCE AMENDING THE VILLAGE OF HOMER'S  
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**WHEREAS**, The Village of Homer, Illinois is a municipality consisting primarily of residential properties on single family residential lots in rural Champaign County, Illinois; and

**WHEREAS**, the lots and homes within the Village are located in close proximity to each other; and

**WHEREAS**, the health, safety and welfare of the Village residents is a legal and actual concern of the Board of Trustees of the Village of Homer; and

**WHEREAS**, the burning within the Village of materials creates a hazard to the health safety and welfare of Village residents; and

**WHEREAS**, it is within the statutory powers of the Village of Homer to make reasonable provisions for the health, safety and welfare of its residents; and

**WHEREAS**, the burning of such materials constitutes a public nuisance as it creates a risk of fire and resulting damage to the person and property of Village residents, generates smoke which is injurious to the health of persons who inhale said smoke and generates smoke which is offensive and irritating to the eyes, nose and lungs of those who are affected by the smoke; and

**WHEREAS**, the Village of Homer has heretofore enacted ordinances regulating the burning of property within the Village of Homer, Illinois, most recently Ordinance No. 8-3-92A, duly adopted by the President and Board of Trustees of the Village of Homer on August 3, 1992; and

**WHEREAS**, the open burning laws and regulations of the state of Illinois and the Illinois Environmental Protection Agency also apply within The Village, and the village's ordinances should conform thereto; and

**WHEREAS**, the Village of Homer has determined that it is necessary to further regulate such burning for the protection, health, welfare and safety of the residents of the Village of Homer.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HOMER, ILLINOIS AS FOLLOWS:**

**Section 1. Burning of Garbage Prohibited.**

No person, firm or corporation shall burn tires or garbage within the Village of Homer, Illinois. Garbage within the meaning of this Ordinance means bones, meat, animal skin, feathers, entrails, organs, non-edible animal parts, grease, food and food by-products thereof, coffee grounds, table scraps and similar materials.

**Section 2. Burning of Paints and Hazardous Materials Prohibited.**

No person, firm or corporation shall burn aerosol containers or any hazardous materials, including but not limited to oils, paints, thinners, fertilizers, herbicides, insecticides, petroleum products, plastic articles, rubber products, petrochemical products or any volatile substances, within the Village of Homer, Illinois.

**Section 3. Open burning of Leaves/Brush Regulated.**

No person, firm or corporation shall burn leaves, brush, sticks, dry foliage, or other plants, excluding grass, within the Village of Homer, unless such material was grown upon or generated from trees, plants, brushes and shrubs (excluding grass) growing upon their own property located within the Village of Homer, Illinois.

**Section 4. Hours of Burning.**

1. No fire shall be set nor any burning continue except between sunrise and sunset and only when winds, dryness and other weather conditions are such that the fire can be contained, controlled and maintained in a manner that will not be likely to

endanger, damage or injure any person, any building or other property.

2. Provided, however, that the Police Chief, Fire Chief of Village President or someone designated by any of said officers, can prohibit open fires and/or all burning if he determines, in his absolute discretion, that drought, winds, weather, smoke, odors, public health and safety or other conditions are factors to justify cessation of fires otherwise in compliance with this Ordinance.

### **Section 5. Burning Restrictions.**

1. Burning shall be restricted to: private property and not on any Village public Parkway, terrace, curb, gutter, sidewalk, park or easement, or other property, or upon any other public property in the Village.

2. Burning shall be no closer than 20 feet to any building, vehicle or other property likely to be endangered thereby, and shall be no closer than 10 feet to any tree, bush or growing crops, unless in a constructed fireplace or barbecue grill.

3. All fires shall be personally attended at all times by an adult owner or occupant of the property upon which burning is taking place or by another adult designated and authorized by such owner or occupant.

4. No burning barrels, incinerators or other enclosed containers or structures shall be utilized for burning.

### **Section 6. New Construction.**

Any person, firm or corporation, whether for one's self or for hire, in the process of new construction or razing of existing structures, shall contain all scrap materials so as to not jeopardize the health, safety and welfare of the residents of Homer, Illinois. No scrap materials can be burned on the construction site, unless such burning complies with applicable Illinois Environmental Protection Agency regulations, which presently prohibit any such burning.

### **Section 7. Exceptions.**

Outdoor wood, charcoal or gas fires used for the purpose of cooking food for human consumption, fires in fireplaces, and recreational fires shall not be

subject to all restrictions provided in this Ordinance, except the provisions of Section 1, 2, 4 (2), 4(3), 8, 9 and 10 shall apply to such fires.

2. A recreational fire must be contained in an area not to exceed 48" in diameter, or 16 sq. feet.

3. Materials: Used for fuel for such cooking, fireplaces, or recreational fires is limited to dry logs or branches that are untreated, or commercially available charcoal briquettes. No other fuels are permissible except a starter fuel designed for use on recreational fires.

**Section 8. Violations.**

All actions in violation of this Ordinance are hereby determined and defined to constitute a public nuisance and it is in the public interest that such a nuisance be prohibited and if they occur in violation of this Ordinance, that they be abated by the Village through appropriate judicial order. Each day that said Ordinance violation continues is deemed a separate violation.

**Section 9. Enforcement/Extinguishing Fires.**

The Village Police Department, the local Volunteer Fire Department and Village employee(s) or officer(s) designated by the Village President or Village Police Chief has authority to enforce this Ordinance by extinguishment of any fire in violation of the terms of this Ordinance and by issuance of a Citation or Complaint or Notice of Violation; the violator is liable to the Village or local Volunteer Fire Department for the costs of extinguishing any illegal fires.

**Section 10. Fines.**

Any person, firm or corporation who violates the terms of this Ordinance shall be punished by a fine of not less than \$150.00 and not more than \$750.00 per violation. Prosecution of violations may be conducted in the name of the Village by the Village Attorney in any court having jurisdiction thereof.

**Section 11. Effective Date.**

This Ordinance shall be effective upon its passage, approval and publication in pamphlet form pursuant to law.

**Section 12. Publication of Ordinance.**

The Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form.

**PRESENTED, PASSED APPROVED, and ADOPTED** by the President and Trustees of the Village of Homer, Illinois, at a duly conducted meeting thereof this 11<sup>th</sup> day of August, 2008.

APPROVED:

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David Lucas  
President of the Board of Trustees

ATTEST:

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Sharon Jeffers  
Village Clerk

VOTING ON SAID ORDINANCE NO. 081108

Trustee	Aye	Nay
Patricia Butler, Trustee	_____	_____
Jeanine Bensken, Trustee	_____	_____
Kevin Knott, Trustee	_____	_____
Guy James, Trustee	_____	_____
Roy Woodmansee, Trustee	_____	_____
Ray Cunningham, Trustee	_____	_____
David Lucas, President	_____	_____

