



OPEN BURN RULES & REGULATIONS
PERMIT FEE: \$100 PER DAY

Application Requirements:

Review Ordinance: All applicants are required to review and adhere to the City's open burning ordinance.

Rules and Regulations: All applicants are required to review this document and adhere to the City's open burn rules and regulations. Additional requirements or restrictions are at the Fire Chief's discretion.

Permit Application: Permits shall be complete and filled out entirely with the requested information and attachments. Any permit received not properly filled out will automatically be denied. Once denied, permits cannot be amended; you will be required to fill out and submit a new application.

Two-week notice: Applications must be filed with the Administration Department at least **two weeks before the requested start date**, with no exceptions. Any applications received not adhering to the minimum notice requirement will be automatically denied. Once denied, permits cannot be amended; you will be required to fill out and submit a new application.

Fees: Effective 12/19/2023, open burn permit fees are \$100 per day.

Time: Open burns are only allowed to take place during daylight hours.

Winds: Winds must be less than 10 m.p.h. to conduct open burns. Excessive wind, wind direction complications, and other weather conditions or conditions that may affect the City's ability to monitor the open burn may result in the Fire District's cancellation, rescheduling, or stopping of a burn in progress.

Neighbor notification: The permit applicant shall notify all residents in close proximity of the property for which the open burning permit is sought, in writing at least 72 hours in advance of the proposed burn. Such notice shall give the location of the proposed burn, the primary date and any approved alternate dates of the burn, approximate times and length of burn, and provide a telephone number of the applicant or the applicant's representative that the resident can call to receive further information if desired.

Close Proximity: Proximity is described as

- Zero (0) to one (1) acre, proximity is defined as any area located within 600 feet of the burn area perimeter.
- Greater than one (1) acre and up to three (3) acres, proximity is defined as any area located within 1,000 feet of the burn area perimeter.
- Greater than three (3) acres, proximity is defined as any area located within 1,300 feet of the burn area perimeter.

Required Permit Attachments

Illinois Environmental Protection Agency Open Burning permit (IEPA permit): Is required for any open burn larger than a 3' x 3' x 3' brush pile intended for ecological restoration, burning of leaves or other debris, or uses other than recreational purposes and where a city permit is required per the open burning ordinance. *The requirement of an IEPA permit for brush piles 3' x 3' x 3' or smaller is at the City Administrator's discretion.*

Certificate of Insurance: This is required for any open burn taking place on public property and required for contractors conducting burns on public or private property. Certificate of Insurance minimum requirement: \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) aggregate with the City of Lake Forest named as additional insured. *Not required for homeowners who are approved to conduct small brush pile burns on private property, subject to the City Administrator's discretion.*

Site Map: An aerial view of the burn location is required. The map must show the complete proposed burn area and containment methods used to prevent the spread of any fire. The map shall identify the total acreage and any building or structures in the perimeter or within proximity as described above.

List of Approved Subcontractors: This is required for contractors who have subcontractors burning on their behalf under an approved permit. Subcontractors must provide their business name and onsite contact information when calling in for authorization to proceed with a burn. The applicant for the approved permit is solely responsible for any burns and subcontractors working on their behalf.

Violating City Ordinances, Rules, and Regulations

The Fire Chief, Police Chief, City Administrator, or authorized representative has authority to fine per the City's fee schedule or prohibit any person or entity found violating city ordinances, rules, and or regulations.



CITY OF WILMINGTON
 1165 S. Water Street Wilmington, IL 60481
www.wilmington-il.gov

OPEN BURN RULES & REGULATIONS
PERMIT FEE: \$100 PER DAY

Open burn permit applications must be submitted two weeks before the requested date and must comply with the open burn ordinance. Permit extensions may be requested by emailing jsmith@wilmington-il.gov before the expiration of the original permit. A certificate of insurance is required for burns on public property and contractors conducting burns on public or private property.

APPLICANT INFORMATION	
Applicant Name:	
Business/Applicant Address:	
Phone:	Email:

OPEN BURN INFORMATION		
Address of burn (provide site map):		
Approximate size of burn area:		
Reason for the burn:		
Person(s) in charge and their experience/certifications:		
Number of additional individuals working burn site:		
Suppression Equipment on-site during burn:		
Requested Burn Window		
Please use a 30-day window for date ranges.		
Start Date:	End Date:	# of Burn Days:

REQUIRED ATTACHMENTS	
<input type="checkbox"/>	Valid Illinois Environmental Protection Agency permit (<i>not required for brush piles 3'x 3' x 3' and smaller</i>)
<input type="checkbox"/>	Certificate of insurance (<i>\$1,000,000 per occurrence and \$2,000,000 aggregate. Name City as additionally insured</i>)
<input type="checkbox"/>	Site map: Must show an aerial view of the burn location with an indicator of approx. burn area.
<input type="checkbox"/>	List of approved subcontractors (<i>if applicable</i>)

SIGNATURE	
<input type="checkbox"/>	By checking this box, I confirm I have reviewed, understand, and will adhere to all city ordinances, rules, and regulations.

OFFICE USE ONLY		
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with restrictions	<input type="checkbox"/> Denied
Approver Signature:		Date:
Reason(s) for denial/Restrictions/Additional equipment required:		

Permit Extension Approval		
Start Date:	End Date:	# of Burn Days:
Approver Signature:		Date:

Approved permit reminders for applicants:	
<input checked="" type="checkbox"/>	Review and understand the City's open burn ordinance, rules, and regulations
<input checked="" type="checkbox"/>	Deliver neighbor notifications at least 72 hours in advance
<input checked="" type="checkbox"/>	Contact Dispatch <i>burn day, before start</i> (815) 476-2811
<input checked="" type="checkbox"/>	Contact Fire Department <i>burn day, before start</i> (815) 476-6675

Completed permits may be submitted via email to jsmith@wilmington-il.gov or mailed/dropped off at City Hall located at 1165 S. Water Street, Wilmington, IL 60481. Payment is not required upfront. You will receive an invoice for the permit fee upon approval.

ORDINANCE NO. 23-12-19-03

**ORDINANCE AMENDING CHAPTER 93 ARTICLE 4 OF THE CITY OF WILMINGTON
CODE OF ORDINANCES TO REGULATE OPEN BURNING**

WHEREAS, the City of Wilmington is a non-home rule Illinois municipal corporation; and

WHEREAS, Section 9 of the Environmental Protection Act (415 ILCS 5/9) prohibits open burning, but such regulations do not prohibit the burning on agriculture or landscape waste; and

WHEREAS, Section 237.120 of the Illinois Administrative Code provides regulations for local restrictions to be placed on the open burning of agriculture or landscape waste; and

WHEREAS, the Illinois Environmental Protection Agency indicates that State law does not override local prohibitions or limitations on open burning; and

WHEREAS, the Corporate Authorities of the City of Wilmington find that it is in the best interest of the citizens to regulate open burning similar to the regulations set forth in the Environmental Protection Act, but with more restrictive measures to protect its residents.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: AMENDMENT TO CHAPTER 93 ARTICLE 4

That Article 4 of Chapter 93—FIRE PREVENTION of Title IX – General Regulations of the Code of Ordinances of the City of Wilmington is hereby amended to state as follows:

Article 4. Burning Regulations

93.24 Definitions.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Open Burning” shall mean intentionally ignited bonfire, grass fire or other similar burning conducted by any person or persons in the open air or in an incinerator or similar device, where from the flame, smoke, burning embers or ash enter or discharge into the open air.

"Clean wood" shall mean dry, seasoned wood and not including (a) landscape waste, including but not limited to leaves; (b) painted wood or lumber; (c) treated wood or lumber; or (d) any wood product which produces noxious odors or black smoke when burned.

93.25 Open burning prohibited; Permit Required.

(A) It shall be unlawful to build, ignite or maintain any open burning at any place within the city except as hereinafter provided.

(B) Open burning is permitted in accordance with all of the following standards, no permit is required:

- (1) On property zoned for residential use on lots of 60,000 square feet or larger;
 - (2) The site of the open burning is located at least 50 feet from all structures and no conditions exist that could cause a fire to spread to within 50 feet of a structure;
 - (3) The open burning is located outside of the applicable zoning setback;
 - (4) The open burning is constantly attended until the fire is extinguished;
 - (5) Clean wood is used for fuel, no burning of trash, leaves, or other debris is permitted; and
 - (6) A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment or materials, such as sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.
- (C) Portable, outdoor fire places or containers are permitted in accordance with all of the following standards, no permit required:
- (1) On property zoned for residential use;
 - (2) The fire place or container is located at least 20 feet from all structures and property lines;
 - (3) The fireplace or container is covered to contain burning embers and ash;
 - (4) The fire is constantly attended until the fire is extinguished; and
 - (5) Clean wood is used for fuel, and no burning of trash, leaves, or other debris is permitted.
- (D) Outdoor fireplaces constructed in accordance with approved plans and a permit issued by the city, no permit required.
- (E) Unless otherwise provided, a permit must be obtained prior to open burning in accordance with the following:
- (1) The City Administrator, or his/her designee, may grant a permit to build, ignite or maintain an open burning for the purpose of burning leaves or other landscape material for natural area management purposes and for recreational or ceremonial purposes as long as the proposed open burning complies with this Article and any other applicable standards and guidelines.
 - (2) An application for such permits, shall be filed with the Office of the City Administrator on a form provided by the city.
 - (3) The City Administrator shall establish open burning standards and guidelines which impose reasonable conditions upon each permit including, but not limited to, a limitation of time, place and duration and a requirement of insurance.

93.26 Paper products; fire limits.

- (A) Paper products. The open burning of paper products shall be permitted in all business or industrial zoning districts, subject to the following conditions:
- (1) Burning shall only be permitted when recycling is not available and the establishment's storage bins are full;
 - (2) Burning shall be within an approved incinerator stove, furnace, fireplace, or metal drum no more than five (5) feet in width and not more than five (5) feet in height. Said incinerator shall be constructed of steel or firebrick and be equipped at the top with a spark arrestor or screen having openings of not more than three-fourths ($\frac{3}{4}$) of an inch; and

- (3) The area in which the incinerator is located shall have a surface of gravel, cinders, cement, or similar noncombustible material extending at least five (5) feet from each side of the incinerator.

(B) Site and weather restrictions.

- (1) No fire shall be lit within thirty (30) feet of any building or structure or within ten (10) feet of a fence or property line.
- (2) No person shall light, kindle, or maintain any fire, or burn any material or substance on or upon any paved street, road, alley, or on upon any sidewalk, or on or upon the curb and gutter portion of any street, road, or alley, or on or upon any paved public square or paved grounds of the city. For the purposes of this section, "paving" or "paved" shall include concrete, blacktop, tar and chip, or other like surface.
- (3) All burning permitted herein shall be extinguished and put out before the attendant leaves the burn area, when the wind, smoke, or ash make such fire dangerous or likely to emit noxious fumes and smoke, and prior to dusk.
- (4) A hose or other sufficient extinguisher device shall always be readily available.
- (5) No burning of any kind shall be allowed on a day or evening when the wind is predicted to be in excess of ten (10) miles per hour, by the National Weather Service or within forty-eight (48) hours after a rain totaling one-quarter ($\frac{1}{4}$) inch or more, as reported by the National Weather Service.
- (6) No burning shall create a visibility hazard on streets and roadways.

(C) Fire limits. This section shall not apply within the designated fire limits of the city, in which the open burning of any substance or material is prohibited. Said limits are as follows:

The area bounded on the north by Canal Street, on the south by Jefferson Street, on the east by Main Street, and on the west by Water Street.

93.27 Accumulation of waste and debris prohibited.

It shall be the duty of the owner and occupant of any dwelling, store, shop, or other building in the city to prevent the accumulation of large quantities of ashes, shavings, waste paper, kindling, or other combustible materials from which immediate danger of fire may be apprehended, within 10 feet of the building. No ashes, shavings, waste paper, kindling, or other combustible materials shall be accumulated or piled within 10 feet of any building.

93.28 Authority to Direct Extinguish.

- (A) The Wilmington Fire Protection District Fire Chief, Police Chief, City Administrator, or their authorized representatives shall have the authority to direct and require that any fire within the city be extinguished immediately, when, in any of their opinions, such open fire creates a hazard to property or persons or constitutes a violation of this subchapter.
- (B) Failure to obey such an order or directive, whether delivered orally or otherwise, shall be deemed to constitute a violation of this Article.

93.29 Reserved.

93.30 False alarms.

No person shall knowingly start or spread any false alarms in the city.

SECTION 2: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 3: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: EFFECTIVE DATE


This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 19th day of December 2023 with 7 members voting aye, 0 members voting nay, the Mayor voting N/A, with 0 members abstaining or passing and said vote being:

Kevin Kirwin	<u>aye</u>	Ryan Jeffries	<u>aye</u>
Dennis Vice	<u>aye</u>	Ryan Knight	<u>aye</u>
Leslie Allred	<u>absent</u>	Jonathan Mietzner	<u>aye</u>
Todd Holmes	<u>aye</u>	Thomas Smith	<u>aye</u>

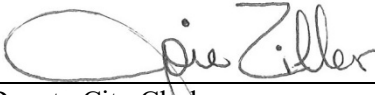
Approved this 19th day of December 2023





Ben Dietz, Mayor

Attest:



Deputy City Clerk