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**THE CITY OF AUBURN**  
SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 1498-21

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**AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT THE BURNING OF  
LEAVES AND GRASS**

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TOM BEROLA, Mayor  
JULIE BARNHILL, City Clerk

JASON GARRETT  
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ROD JOHNSON  
BILL KARHLIKER  
JOSEPH "MIKE" MARQUIS  
JOE POWELL  
BEN ROYER  
TRACY SHEPPARD  
City Aldermen

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on May 3, 2021

Sorling Northrup – One North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

**ORDINANCE NO. 1498-21**

**AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT THE BURNING OF LEAVES AND GRASS**

**WHEREAS**, the City of Auburn, Sangamon County, State of Illinois, (“City”) is a duly organized and existing City created and operating under the provisions of the Illinois Municipal Code and laws of the State of Illinois; and,

**WHEREAS**, Chapter 13 Article V Section 13-88 of the City Code of Ordinances contains the regulations applicable to burning landscape waste; and,

**WHEREAS**, the City wishes to amend its code to prohibit burning leaves and grass within the City Limits; and,

**WHEREAS**, the Corporate Authorities of the City find it in the best interest of the City and the residents of the City to amend its Code as provided for herein.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Auburn City Council, Sangamon County, Illinois, as follows:

**Section 1. Recitals.** The above recitals are incorporated herein by this reference.

**Section 2. Amending the City Code.** Section 13-88 of the City Code is hereby amended as follows (added; ~~deleted~~):

**Sec. 13-88. - Open burning.**

Unless otherwise stated herein, outdoor burning of any material is prohibited within the city limits of Auburn.

*Yard waste:* Yard waste is defined as ~~leaves, grass and~~ tree limbs/branches and other forms of untreated wood. Such items may be burned provided they are completely dry and the following provisions are adhered to:

1. Yard waste items may be burned during daylight hours between sunrise and sunset. All burning of yard waste items must be completed by sunset. At no time is it permitted for either flame or smoke to remain present after sunset.

2. Burning of yard waste items shall be continuously attended by an adult or other responsible person.
3. Yard waste may be burned only upon the property in which the items were originally gathered. Burning items on city streets is prohibited.
4. Burning of yard waste on federally recognized holidays and Halloween is strictly prohibited.

Leaves and Grass: The burning of leaves and/or grass is prohibited in the City at all times.

*Patio fireplaces/camp fires:* The city recognizes that burning wood within patio fireplaces and camp fires is enjoyable and should be permitted to the extent that such activity does not unduly inconvenience other citizens within the community. Consideration should be given to the fire's location and proximity to neighboring property, prevailing winds or other conditions that may unduly inconvenience others. Use of patio fireplaces and camp fires are permitted provided the following provisions are adhered to:

1. Material burned within patio fireplaces and camp fires is limited to dry wood only. At no time is "treated" wood or construction materials allowed to be burned.
2. Patio fireplaces and camp fires must be continuously attended by an adult.
3. There are no time restrictions for using patio fireplaces or camp fires.
4. Patio fireplaces and camp fires are permitted during such times as do not unduly inconvenience other citizens within the community. Police officers shall have final authority to determine whether or not operation of a patio fireplace or camp fire is allowed to continue.

Burning in barrels. The burning of anything in barrels, chambers or other apparatus is prohibited within the city limits.

Penalty for anyone violating the provisions of this section shall be first warned and then after one (1) warning be subject to a fine of one hundred dollars (\$100.00), then a fine of two hundred fifty dollars (\$250.00) for the next violation; then a fine of five hundred dollars (\$500.00) for the next violation and all violations thereafter.

**Section 3. Severability.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not

affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City prior to the effective date of this ordinance.

**Section 5. Effectiveness.** This ordinance, in accordance with the provisions of Section 2-48(b) of the City Code, shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law and the penalty provisions therein shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities.

SO ORDAINED this 3<sup>rd</sup> day of May, 2021 at the City of Auburn, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
GARRETT		X		
HEMMERLE	X			
JOHNSON		X		
KARHLIKER		X		
MARQUIS	X			
POWELL	X			
ROYER		X		
SHEPPARD	X			
BEROLA	X			
TOTAL	5	4		

**CITY OF AUBURN**

  
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TOM BEROLA, Mayor

Attest:

  
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JULIE BARNHILL City Clerk