

ORDINANCE NO. 2012-39
AN ORDINANCE RESTATING A CERTAIN AMENDMENT TO
TITLE 10, CHAPTER 4,
(BUILDING REGULATIONS: FIRE PROTECTION: OPEN BURNING)
OF THE GENEVA CITY CODE

WHEREAS, the City Council, on November 7, 2011 adopted Ordinance No. 2011-49 which amended Chapter 4 of Title 10 of the Geneva City Code by regulating limited open burning within the corporate limits of the City; and

WHEREAS, Section 3 of Ordinance No. 2011-49 further provided that unless the City Council readopted the amendments set forth therein, Ordinance No. 2011-49 would automatically be rescinded on November 1, 2012; and

WHEREAS, the City Council finds that it is in the best interest of the residents of the City to maintain and carry on the modifications set forth in Ordinance 2011-49 and readopt by restating Ordinance No. 2011-49.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, that the following sections of the Geneva City Code be restated and adopted as follows:

SECTION ONE: That Chapter 4 of Title 10 of the Geneva City Code is hereby restated and adopted as follows:

"Section 307 Open Burning.

Section 307.1 Definitions: Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

- A. "Brush" means tree trunks, logs, limbs, branches and twigs.
- B. "Landscape waste" means flowers, grass and grass clippings, leaves, pine needles, roots, shrubbery clippings, weeds and any other significant accumulation of small landscape waste materials.
- C. "Open burning" means the burning of any materials outdoors.
- D. "Processed wood" means natural wood to which is added glue and other adhesives, paint, polyurethane, stain, varnish or other such materials or which is treated with chemicals or other substances to change the character of the wood. Processed wood includes, but is not limited to furniture, particle board, plywood, Wolmanized lumber and similar wood materials.

- E. "Self-contained outdoor burning device" means a freestanding or stationary apparatus that contains a burn chamber that prevents the products and omissions from combustion from immediately entering the ambient air by use of a chimney, flue, baffle, screen, grill, hood or other similar device.
- F. "Recreational Fire" means a fire set for cooking, warming, enjoyment, or ceremonial purposes.

Section 307.2 Open Fires: The open burning of any paper, garbage, refuse, waste, brush, leaves, clippings, wood, landscape waste or other combustible or offensive materials is prohibited, with the exception of the following:

- A. Fires set by a public official in the performance of an official duty.
 - 1. Permit Required: A permit shall be obtained from the fire code official prior to kindling a fire for:
 - a. Any recognized study, cultivation, and management of forest trees (silvicultural), horticultural burns, or wildlife management practices,
 - b. Prevention or control of disease or pests, or
 - c. A bonfire.
- B. Fires used for private or public recreational purposes:
 - 1. Self-contained outdoor burning device: Recreational fires may be burned in a chimenea, outdoor fireplace, or fire pit that is A commercially, prefabricated device. All parts, including, but not limited to, screen, lid, and grate shall be used according to the manufacturer's direction.
 - 2. Permanent or stationary fire pits: Each outdoor fire pit shall be dug into the ground in a manner that will prevent the burn materials from falling out of the pit. The above grade portion of the pit shall be constructed of stone, masonry, metal, or other similar noncombustible materials. The bottom of the pit shall be below grade and shall be comprised of gravel, stone, or dirt. The total open area of the pit shall no more than thirty six inches (36") in diameter and no more than twenty four inches (24") in depth (from the bottom of the pit to the top of the above-grade materials. The pit shall be surrounded by a noncombustible barrier that is at least six inches (6") above the coals or ash within the pit. A ring of sand, dirt, or other noncombustible material approximately thirty six inches (36") wide shall be provided around the pit to provide separation for combustibles. No plant material shall be allowed within said thirty six inch (36") ring.
 - 3. Outdoor stationary fire places approved and inspected by the Building Official.
- C. Barbecue grills designed and manufactured for cooking food with fire.

Section 307.3 Regulations Applying to Fires used for Private or Public Recreational Purposes

- A. Location: Portable fire places shall be located on a noncombustible, hard, level surface when in use, such as, but not limited to, concrete, paver bricks, or asphalt.

1. All outdoor fire places including fire pits, permanent fire places, and portable fire places shall be located a minimum of ten feet (10 ft.) from the nearest property line.
- B. Distances from Structures and Combustibles: Structures and combustibles include, but are not limited to, homes, garages, sheds, playhouses, wood decks, wood fences, trees, bushes, and other items that are combustible. The following distances from structures and combustibles shall be maintained for all recreational fires:
 1. A minimum clearance of twenty five feet (25') from all structures and combustibles shall be maintained for fire pits, stationary outdoor fire places, or prefabricated portable units where the total fuel area is thirty six inches (36") or less in diameter and twenty four inches (24") or less in height.
 2. A minimum clearance of fifteen feet (15') from all structures and combustibles shall be maintained for prefabricated portable fire pits, chimeneas or similar outdoor wood burning devises, where the total fuel area is thirty inches (30") or less in diameter and twenty four inches (24") or less in height.
- C. Approved Fuel: Wood burning recreational fires shall be limited to burning untreated, unpainted, clean, seasoned, dry wood and manufactured fire logs. Propane and other similar gases may also be burned. Burning of processed wood is strictly prohibited.
- D. Supervision: Recreational fires shall be constantly attended by a person over the age of eighteen (18), until the fire is extinguished.
- E. Extinguishment: On site fire extinguishing equipment, such as dirt, sand, water, garden hose, or fire extinguisher shall be available when any permanent fire structure or self-contained outdoor burning device or fire pit is in use.
- F. Odors and Fumes: Escape or emission from any source whatsoever of fumes or odors that are detrimental or injurious to the property, health, safety, comfort or welfare of inhabitants of the community is hereby declared to be a public nuisance and is punishable by a fine. A sworn police officer or fireman of the City may determine and order the extinguishment of any burning that creates a nuisance by the emission of smoke or noxious gases upon a neighboring property, or contributes to a hazardous condition to health or life safety.
- G. Smoke Generation: Recreational fires must be maintained in such a manner as to minimize the generation of smoke. Smoke that is a result of a smoldering or dying fire shall be prohibited. Generation of such smoke is considered a public nuisance punishable by a fine.
- H. Hours: Recreational fires are prohibited between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. Fires must be extinguished in such a manner that all air to the fire is cut off or the burning material is wet down with water until it is cool to the touch.
- I. Maximum Duration: The fire shall not burn for more than a total of four (4) hours in any twenty four (24) hour period of time.
- J. Weather Conditions: Burning is prohibited when winds exceed ten (10) miles per hour, on cloudy days, during announced inversion conditions or ozone alerts, or other local circumstances that make such fires hazardous.

K. Inspections: Inspections may be conducted by the City Fire Department, Police Department, and/or Building Office at such times as deemed necessary by the City.

Section 307.4 Violations: Any person convicted of a violation of any section or provision of this chapter, where no other penalty is set forth, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for any one offense."

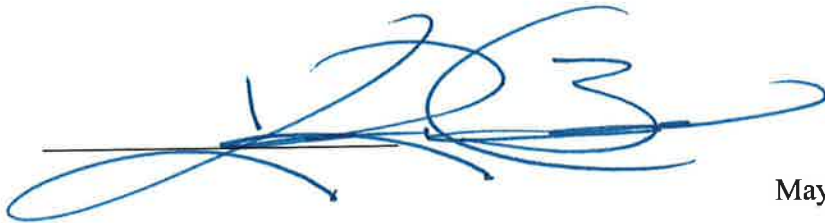
SECTION TWO: That Title 10 of said Geneva City Code as heretofore and hereinabove amended shall otherwise remain in full force and effect. Section Three of Ordinance No. 2011-49 providing for the automatic rescission of Ordinance 2011-49 is null and void.

SECTION THREE: This ordinance shall become effective from and after its passage as in accordance with law. Publication of this ordinance is approved to be published in pamphlet form.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 5th day of November, 2012.


AYES: 9 NAYS: 0 ABSENT: 1 ABSTAINING: 0 HOLDING OFFICE: 10

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this 5th day of November, 2012.



Mayor

ATTEST:



City Clerk