

**CITY OF VIENNA
CITY COUNCIL MEETING
VIENNA CITY HALL
205 North 4th St
December 4, 2019
6:30 P.M.**

AGENDA

1. Mayor Calls Meeting to Order.

2. Roll Call:

Hill_____ Riddle_____ Owen_____ Racey_____ Tuey_____ Penrod_____

NEW BUSINESS

3. Omnibus Consent Agenda

- Approval of the November 20, 2019 Meeting Minutes
- Approval of the Warrant

Motion_____ Seconded_____

Hill_____ Riddle_____ Owen_____ Racey_____ Tuey_____ Penrod_____

4. Authorization and Approval of Ordinance 19-07, An Ordinance Repealing Ordinance 99-05 Prohibiting Burning inside City Limits and Amending Title IX By The Addition of Chapter: 97: Opening Burning Prohibitions and Restrictions

Motion to Approve the Appeal of Ordinance 99-05 and Chapter 94.07 of the City Code

Motion_____ Seconded_____

Hill_____ Riddle_____ Owen_____ Racey_____ Tuey_____ Penrod_____

Motion to Approve the Amendment of Title IX by the addition of Chapter 97: Open Burning Prohibitions and Restrictions

Motion_____ Seconded_____

Hill_____ Riddle_____ Owen_____ Racey_____ Tuey_____ Penrod_____

5. Authorization and Approval of Winter Fire School Training January 25 & 26, 2020 at University of Illinois.

Motion_____ Seconded_____

Hill_____ Riddle_____ Owen_____ Racey_____ Tuey_____ Penrod_____

6. Additional Handicapped Parking Spot on Court Street

PUBLIC COMMENT/ADDITION TO THE AGENDA

7. City Elected and Appointed Officials:

- Jon Simmons, Mayor
- Melissa Presser, City Attorney
- Aleatha Wright, City Clerk
- Shane Racey, City Supt
- Michelle Meyers, Treasurer
- Jim Miller, Chief of Police
- Brent Williams, Fire Chief
- Phil Morris, Depot
- Margaret Mathis, City Librarian
- City Council

8. Adjournment:

POSTED: 12-2-19

BY: *AWright*

ORDINANCE NO. 19-07

AN ORDINANCE REPEALING ORDINANCE 99-05 PROHIBITING BURNING INSIDE CITY LIMITS AND AMENDING TITLE IX BY THE ADDITION OF CHAPTER 97: OPENING BURNING PROHIBITIONS AND RESTRICTIONS.

WHEREAS, the City has the authority to adopt ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, on December 1, 1999, the City passed and imposed Ordinance 99-05 prohibiting all open burning inside the City at a time when the City was experiencing a prolonged drought and dire shortage of water; and

WHEREAS, Ordinance 99-05 was memorialized in Chapter 94.07 of Title IX of the City of Vienna's Code of Ordinances; and

WHEREAS, the City is no longer subject to the extreme conditions in effect at the time of the passage of Ordinance 99-05; and

WHEREAS, a complete prohibition on all open burning is no longer necessary to protect the public interest; and

WHEREAS, the City desires to amend the Code of Ordinances to address the potential risks and fire hazards of opening burning by imposing restrictions and regulations that would allow for open burning while also protecting the interest of the health, safety, and welfare of its citizens;

NOW, THEREFORE, IT BE SO ORDAINED by the City Council of the City of Vienna as follows:

Section 1. Recitals.

The recitals above are incorporated by reference into this Section 1 as if fully set forth herein.

Section 2. Repeal.

Ordinance No. 99-05, An Ordinance Prohibiting Burning Inside City Limits, dated December 1, 1999, is hereby repealed in its entirety effective immediately and declared null and void. Chapter 94.07 (Burning) of Title IX of the City Code of Ordinances is hereby repealed and stricken from the City's Code of Ordinances.

Section 3. Amendment of Code.

Title IX (General Regulations), of the Municipal Code of the City of Vienna shall be amended by the addition of Chapter 97: Open Burning Prohibitions and Restrictions, which shall read as follows:

- (a) Natural yard waste (leaves, lawn clippings, small limbs) may be burned within the corporate limits of the City of Vienna during daylight hours and ending at dusk, subject to the following conditions:

1. Only on the premises on which such yard waste is generated or fallen upon;
2. When atmospheric conditions will readily dissipate contaminants;
3. If such burning does not create a visibility hazard on roadways;
4. No burning shall be left unattended and fires must be supervised by an adult;
5. No burning shall occur on a city street;
6. No burning shall occur within 25 feet of a residence or building;
7. No waste such as "garbage" or agricultural waste shall be burned;
8. No building materials shall be burned at any time, including sawed lumber;
9. No one shall burn at any time the wind velocity, to a prudent person, is such as to cause the burning to be a hazard to life or property. A violation of this paragraph shall be presumed if atmospheric conditions allow contaminants to be blown on the property of another causing both damage to real property and creating a nuisance to another person(s); and
10. No one shall burn during periods of time when the Fire Chief or Chief of Police have determined that winds or other atmospheric conditions are such that burning would cause a hazard to life or property.

(b) Recreational fires shall consist of the burning of fuels for a legitimate campfire, recreational and cooking purposes, or in a domestic fireplace in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such case. Recreational fires shall be subject to the following conditions:

1. Fire shall occur in a cleared open area, and area shall be no less than a 20 foot radius;
2. Fire shall be in an appliance designed for such burning, a burn pit not larger than a 3 foot by 3 foot area, or an area surrounded by noncombustible material; and
3. No fires shall occur during periods of times when the Fire Chief or Chief of Police have determined that winds or other atmospheric conditions, including dry conditions, are such that fires would cause a hazard to life or property.

(c) Restricted Areas. Pursuant to Chapter 93.06 of the City's Code, burning along the south side of Route 146, between the highway and the back of buildings from Fourth to Fifth Streets in the City is prohibited. Nothing in the passage of this ordinance and addition of Chapter 97 herein shall be construed to allow opening burning or recreational fires otherwise prohibited in the area designated by Chapter 93.06.

(d) Penalty. Any person or business found to be in violation of said ordinance shall be subject to a fine not to exceed \$100.00. Subsequent violations by the same person or business shall be subject to a fine not to exceed \$500.00. Each day the violation continues by a person or business shall constitute a new and separate offense.

Section 4. 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 5. Effective Date. This ordinance shall be in full force and effect after final passage, approval, and publication as provided by law.

Record of Motion to approve the repeal City Ordinance No. 99-05 and Chapter 94.07 of the City Code.

Ayes:

Nays:

Absent:

Record of Motion to approve the amendment of Title IX by the addition of Chapter 97: Open Burning Prohibitions and Restrictions.

Ayes:

Nays:

Absent:

Adopted and approved this _____ day of November, 2019.

Jon A. Simmons, Mayor

Attest:

Aleatha Wright, City Clerk