

ORDINANCE NO. 13-6
VILLAGE OF STRASBURG, SHELBY COUNTY, ILLINOIS

**AN ORDINANCE REGULATING THE PROHIBITION OF OPEN BURNING
AND OPEN FIRES WITHIN THE VILLAGE OF STRASBURG**

WHEREAS, the Village of Strasburg has determined that the open burning within the corporate limits is a nuisance if not properly administered and regulated; and,

WHEREAS Ordinance No. 93-3, passed on October 4, 1993, no longer sufficiently regulates the open burning and open fires within the Village of Strasburg; and,

WHEREAS, after due deliberation and consideration, it has been determined to be in the best interest of the Village of Strasburg and the health and safety of its residents that open burning and open fires within the corporate limits shall be regulated in a manner set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STRASBURG, SHELBY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Ordinance No. 93-3, adopted on October 4, 1993, shall be and the same is hereby repealed.

SECTION 2. TITLE: This ordinance shall be known and may be cited as the Village of Strasburg Burning Ordinance.

SECTION 3. DEFINITIONS: For the purpose of this ordinance, whenever the following words or terms are used herein they shall be the meaning ascribed to them in this section.

(A) **Garbage:** Refuse resulting from the handling, processing, preparation, cooling and consumption of food or food products.

(B) **Open Burning:** The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act, 415 ILCS 5/9.

(C) **Person:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or other legal entity, or their legal representative, agent or assigns.

(D) **Refuse:** Any discarded matter, including garbage, or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties in order to facilitate its discard, removal or disposal.

SECTION 4. PROHIBITIONS:

(A) No person shall cause or allow the open burning of refuse, except as provided in Section 5 of this ordinance.

(B) No person shall cause or allow the burning of refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

SECTION 5. EXCEPTIONS: The following activities are not in violation of this ordinance:

(A) The burning of leaves;

(B) The setting of fires to combat or limit fires when reasonably necessary in the judgment of the fire chief of the Strasburg Fire Protection District, or his authorized designees;

(C) The burning of fuels for legitimate campfires, recreational and cooking purposes, or in domestic fireplaces, in areas when such burning is consistent with other laws, provided that no garbage shall be burned in such cases;

(D) The burning of waste gases, provided that all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution;

(E) Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like; and,

(F) Open burning conducted in accordance with a permit granted by the Environmental Protection Agency of the State of Illinois.

SECTION 6. BURNING REFUSE: It shall be unlawful for any person to burn at any time any garbage, rubber or other highly odorous substance. It shall be unlawful for any person to burn, or cause to be burned, any leaves, paper, brush, or other type of refuse within the Village limits in any open areas before sun up on any day, and after dusk on any day.

SECTION 7. PENALTY: Any person violating any provision of this ordinance shall be fined not less than TEN DOLLARS (\$10.00), nor more than FIVE HUNDRED DOLLARS (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which violation occurs or continues.

SECTION 8. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9. REPEAL: All ordinances or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. COURT COSTS: The Village is entitled to recover court costs from any non-prevailing party for any and all actions brought to enforce any fine or penalty or contesting any fine or penalty brought pursuant to this Ordinance.

SECTION 11. PUBLICATION: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication by the Village Clerk in pamphlet form as provided by law for 10 days after its passage and approval.

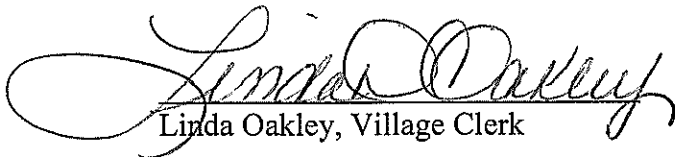
PRESENTED, PASSED, APPROVED and published in pamphlet form by the President and the Board of Trustees of the Village of Strasburg, Shelby County, Illinois, this 21st day of October, 2013. by the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Trustee Anita Renshaw	X			
Trustee Chuck Wade	X			
Trustee Thomas Grove	X			
Trustee Shane Corley	X			
Trustee Sara Kramer	X			
Trustee Dawn Schlechte				X
President Michael Antonacci				
TOTAL	5	0	0	1

The Village of Strasburg, Shelby
County, Illinois

by: Michael Antonacci
Michael Antonacci, President

ATTEST:


Linda Oakley, Village Clerk

(SEAL)

STATE OF ILLINOIS)
COUNTY OF SHELBY) SS.
VILLAGE OF STRASBURG)

CERTIFICATE

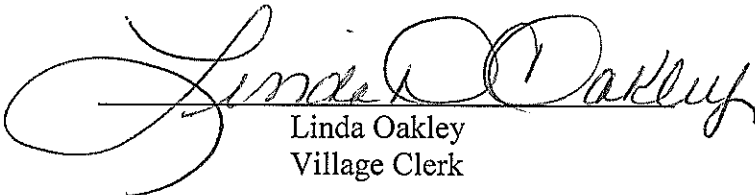
I, LINDA OAKLEY, certify that I am the duly elected and acting Village Clerk of the Village of Strasburg, Shelby County, Illinois. I further certify that on the 21st day of October, 2013, the Corporate Authorities of the Village of Strasburg passed and approved Ordinance No. 13-6 entitled:

AN ORDINANCE REGULATING THE PROHIBITION OF OPEN BURNING AND OPEN FIRES WITHIN THE VILLAGE OF STRASBURG

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 13-6, including the Ordinance, was prepared, and a copy of such Ordinance was posted in the Municipal Offices, commencing on the 21st day of October, 2013, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED this 21st day of October, 2013


Linda Oakley
Village Clerk

SEAL

CERTIFICATION OF ORDINANCE

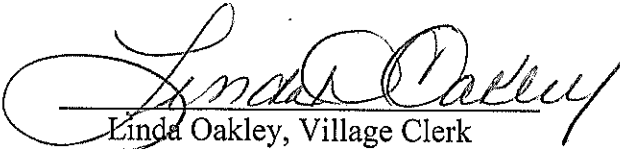
THE VILLAGE OF STRASBURG, SHELBY COUNTY, ILLINOIS

The undersigned, duly appointed, qualified and acting Clerk of the Village of Strasburg, Shelby County, Illinois, does hereby certify that the attached document is a true and correct copy of:

ORDINANCE NO. 13-10

AN ORDINANCE REGULATING THE PROHIBITION OF OPEN BURNING AND OPEN FIRES WITHIN THE VILLAGE OF STRASBURG

Dated this 21st Day of October, 2013.


Linda Oakley, Village Clerk

SEAL