

Prepared by:

City of Troy
116 E. Market Street
Troy, IL 62294



Ordinance No. 2022 - 42

AN ORDINANCE Amending Chapter 50 (Garbage & Trash)
of the Codified Ordinances of the City of Troy
to Limit the Burning of Leaves and Yard Waste

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS
THIS 3RD DAY OF OCTOBER 2022

Whereas, the City Council of the City of Troy, Madison County, Illinois, has determined that the burning of leaves, landscaping and yard waste is detrimental to the health, safety, and welfare of the citizens of the City of Troy; and

Whereas, the City Council of the City of Troy, acknowledges that the Illinois Environmental Protection Agency concurs that local municipalities have the power to impose

regulations, as well as a total “ban [on] the open burning of landscape waste and other materials,” including such items as “leaves, grass, tree limbs, shrubbery cuttings, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees”; and

Whereas, the City Council of the City of Troy, Madison County, Illinois, states as legislative intent that recreational fires that are no larger than 20 square feet of surface area, used for warming, cooking, and other recreational purposes, especially within the confines of a fire pit, that does not include the burning of garbage, grass clippings, leaves, landscaping and other yard waste, refuse or construction materials, is still permitted; and

Whereas, the City of Troy, has determined that in order to protect and preserve the health, safety and welfare of its citizens, the City wishes to limit the burning of leaves and yard waste.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois.

SECTION 2: That *Chapter 50* of the Troy Municipal Code of Ordinances is amended to include the provisions described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 3rd day of October 2022.

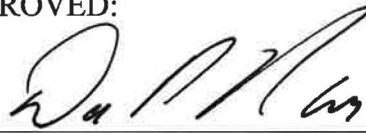
Aldermen Vote:

Dan Dawson AYE
Tim Flint AYE
Elizabeth Hellrung AYE
Nathan Henderson ABSENT

Sam Italiano AYE
Debbie Knoll AYE
Tony Manley AYE
Troy Turner NAY

Ayes: 6
Nays: 1
Absent: 1
Abstain: 0

APPROVED:



DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:



KIMBERLY THOMAS, Clerk
City of Troy, Illinois



Exhibit A

CHAPTER 50 – GARBAGE AND TRASH

Chapter 50.001 – DEFINITIONS

LANDSCAPE WASTE. Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush weeds, leaves, grass, shrubbery, yard trimmings and crop residues. ~~Grass and grass clippings are excluded.~~

Chapter 50.045 – OPEN BURNING PROHIBITED

- (A) No person shall cause or allow open burning, except as provided in § 50.046.
- (B) No person shall cause or allow the burning of any refuse in any container, unless the container is designed for the purpose of disposing of the class of refuse being burned.
- ~~(C) No person shall cause or allow the burning of leaves, grass clippings, landscape and yard waste.~~

Chapter 50.046 – EXCEPTIONS

The following activities are not in violation of this subchapter unless they cause air pollution as defined in state statutes or regulations of the Illinois Environmental Protection Agency.

- (A) Agricultural waste. The open burning of agricultural waste, but only:
 - (1) On the premises on which the waste is generated;
 - (2) In areas other than restricted areas;
 - (3) When atmospheric conditions will readily dissipate contaminants;
 - (4) If the burning does not create a visibility hazard on roadways, railroad tracks or air fields;
 - (5) More than 1,000 feet from residential or other populated areas; and
 - (6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.
- (B) Counter fire. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.
- (C) Burning of fuel. The burning of fuels for legitimate campfire and cooking purposes, or in domestic fireplaces or fire pits, in areas where the burning is consistent with other laws, provided that no garbage, grass clippings, leaves, landscaping and other yard waste, refuse or construction materials shall be burned in those cases.
- (D) Waste gases. The burning of waste gases, provided that in the case of refineries all flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

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

(F) Residential recreational fireplaces, fire pits and bonfires. The burning of woods, gas and fuels for legitimate residential fireplaces, fire pits and campfires, as well as for cooking purposes, in areas where the burning is consistent with other laws, provided that no garbage, grass clippings, leaves, landscaping ~~and other yard~~ waste, refuse or construction materials shall be burned in those cases. **Recreational fires shall not be conducted within 25 feet of a structure of combustible material. Conditions, which could cause a fire to spread within 25 feet of a structure, shall be eliminated prior to ignition.**

(G) Landscape waste. The burning of landscape waste.

(1) Outdoor burning shall be allowed only between dawn to dusk on Wednesdays and Saturdays. Burning must occur in containers located not less than 20 feet, or 50 feet if not contained, from any building or structure on private property only and be supervised at all times; except that the city may conduct outdoor leaf burning which shall be supervised by an officer or employee of the city and in compliance with the requirements set forth herein.

(2) Outdoor burning shall include only landscape waste, which excludes grass and grass clippings, and shall further exclude burning of any trash, garbage, other disposables or any other materials of any nature whatsoever.

(3) Outdoor leaf burning which is permitted under this subchapter may be prohibited at any time when atmospheric conditions or local circumstances make such fires hazardous; the appropriate city official, Mayor or Chief of Police of the city or representative of the Illinois Environmental Protection Agency, shall determine such conditions or circumstances.

(4) It shall be unlawful to burn landscape waste, or any other items, upon city streets or sidewalks.

(~~G~~ H) Recreational bonfires.

(1) Any person or organization may burn wood fuels outdoors as a part of an organized activity provided that not less than seven days prior to the activity, the organizer of the activity notifies the Chief of Police in such form as the Chief of Police may reasonably determine, of the date and time, location and purpose of the activity.

(2) Outdoor burning pursuant to this division (G) shall be allowed only between the hours of 6:00 p.m. and 11:00 p.m. in a location not less than 50 feet from any building or structure on the property where the outdoor burning is to be conducted.

(3) The Mayor, Chief of Police or their respective designees may order the extinguishment of any outdoor burning pursuant to this division (~~G~~ H) when, in the opinion of the official, continuation of the outdoor burning constitutes a threat to persons or property or jeopardizes the health, safety and welfare of the public, any participant in the organized activity or any other person.

Chapter 50.999 – PENALTY

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person convicted of a violation of § 50.025 shall be fined not less than \$10 nor more than \$500.

(C) Any person convicted of a violation of §§ 50.025 through 50.030 shall be fined not less than \$10 nor more than \$500.

~~(D) Any person convicted of a violation of §§ 50.045 (C) occurring between the dates of November 1, 2020 and April 30, 2021, shall be fined \$75. Any person convicted of a violation of §§ 50.045 (C) occurring on or after May 1, 2021, shall be fined \$500. It is the legislative intent of the City Council that the proceeds from the collection of fines and penalties from this provision be annually utilized to reduce the fee for residential yard waste hauling.~~

(E D) (1) Whoever violates any provision of §§ 50.045 through 50.049 for which another penalty is not provided shall be fined not more than \$750, plus court costs and reasonable attorney's fees, for each offense. Each day's violation constitutes a separate offense.

(2) Violations of §§ 50.045 through 50.047 shall be punishable by a fine as follows:

First offense: \$75

Second offense: Not less than \$150 and up to \$750 plus court costs and reasonable attorneys' fees if a hearing is sought and attended by the attorney acting on behalf of the city

(3) To avoid prosecution for a first or second offense under these sections, a violator may within ten days of receiving a citation settle the citation by payment of two-thirds of the specified fine at the City Hall. The Chief of Police is hereby authorized and directed to cease prosecution of any citation so settled.