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



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STATE OF ILLINOIS
MADISON COUNTY
11/06/2020 11:46 AM
AMY M. MEYER, RECORDER
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Ordinance No. 2020 - 22

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

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS
THIS 5TH DAY OF OCTOBER 2020

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

WS

Whereas, the City Council of the City of Troy, Madison County, Illinois, through its Administrative and Community Services Committee, met with a representative of its private waste hauler, Republic Services, on October 1, 2020, and generated a plan for updating its waste hauling contract to provide a cost effective and suitable alternative for the disposal of leaves, grass clippings, landscape waste and other materials; 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 firepit, 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 ban the burning of leaves, grass clippings, landscape 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.

Ordinance 2020-22
Passed October 5, 2020

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 fifth (5th) day of October, 2020.

Aldermen:

Dawson No

Hellrung Yes

Henderson Yes

Italiano No

Knoll Yes

Levo Yes

Manley No

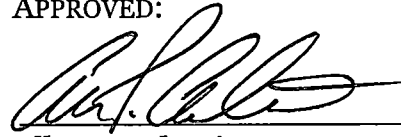
Turner Yes

Total:

5 Ayes

3 Nays

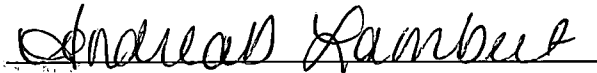
APPROVED:



Allen P. Adomite

Mayor, City of Troy, Illinois

ATTEST:



Andrea D. Lambert, City Clerk

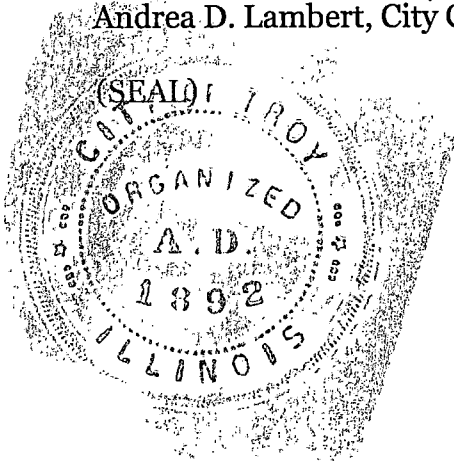


Exhibit A

CHAPTER 50 – GARBAGE AND TRASH

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 firepits, 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, firepits and bonfires. The burning of woods, gas and fuels for legitimate residential fireplaces, firepits 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.

~~Landscape waste. Burning of landscape waste.~~

~~(1) Outdoor burning shall be allowed only between the hours of 10:00 a.m. and 4:00 p.m. in containers located not less than 20 feet from any building or structure on private property only, 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, in the opinion of the appropriate official and Mayor or Chief of Police of the city or of the Illinois Environmental Protection Agency, atmospheric conditions are such that open leaf burning would prove harmful to the health of the citizens of the city.~~

(G) Recreational bonfires.

(1) Any person or organization may burn landscape waste and other 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) 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.



4601 Cahokia Creek Rd, Edwardsville, IL 62025
o: 618.656.6883 f: 618.656.6882 republicservices.com

YARD WASTE DESCRIPTION

Yard waste includes grass, leaves, flowers, stalks, stems, tree trimmings and branches (less than 4 feet in length and less than 3 inches in diameter).

Yard waste is limited to 8 units per week. A unit is currently described as a paper yard waste bag or personal container not to exceed 32 gallons. No bag or personal can may exceed 50 pounds.

The new 95-gallon carts for yard waste will be considered 3 units. Therefore, a resident using only one cart will also be allowed to place out an additional 5 bags or personal cans each week. A resident that uses 2 carts will be allowed an extra 2 bags or personal cans each week.



State of Illinois

Environmental Protection Agency

Department of Commerce and Economic Opportunity

Do You Have a Burning Question?

The Facts about Open Burning in Illinois



Illinois Environmental
Protection Agency



What is open burning?

Open burning is the combustion of any matter in the open or in an open dump. 415 ILCS 5/3.300.

Who regulates open burning?

The Illinois Pollution Control Board (Board) and the Illinois Environmental Protection Agency (Illinois EPA or Agency) regulate open burning.

Pursuant to 415 ILCS 5/9(c):

No person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency...except that the Board may adopt regulations permitting open burning of refuse in certain cases.

Local (counties or municipalities, i.e., villages, towns, or cities) authorities/ governments may also regulate open burning in areas where they have jurisdiction.

State law or regulation does not override local prohibitions or limitations on open burning. Local ordinances may be more restrictive and must be followed. Local ordinances may require that additional permits be obtained.



The Basics on Open Burning

Open burning permits are issued for the following burning activities: (the applicant must complete and submit the appropriate application form)

Fire Fighter Training/Fire Extinguisher Training

Application for Open Burning Permit (Form APC 325)
Notice of Demolition & Renovation Form (APC 430)
Illinois Historic Preservation Agency (IHPA) Submittal & Clearance Form

Landscape Waste w/Air Curtain Destructor

Application for Open Burning Permit (Form APC 325)

Prairie & Ecological Landscape Burns

Application for Open Burning Permit (Form APC 325)

Disaster Debris Open Burning

Disaster Area Open Burning Permit Application Form

Illinois Laws and Regulations on Open Burning Allow the Following Activities *Without* a Permit:

Cooking and campfires are allowed on private property and in public areas where specified.

The Following Activities are *Never Allowed* or Permitted:

Open burning of waste by a business is illegal (except for landscape waste generated to maintain the property and agricultural waste generated on the property under limited circumstances). Examples of waste that can never be burned: commercial waste, garbage (i.e., food, food scraps, food packaging, and diapers), construction/demolition debris, tires, and materials containing asbestos. **Open burning of garbage, construction/demolition debris, tires, and materials containing asbestos is always prohibited.**

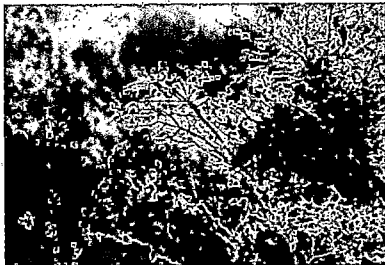
If you live in any Illinois town or within one mile of a town with a population of 1,000 or more:

It is illegal to burn anything except for landscape waste. Local ordinances may be more restrictive and must be followed.

Firefighter Training/ Fire Extinguisher Training



- An Open Burning Permit must be obtained from the Illinois EPA.
- Houses donated for Firefighter Training/Fire Extinguisher Training must be free-standing establishments.
 - *Structures already demolished and/or debris are not eligible for donation to fire departments and may not be burned.*
- **Structures are required to have an asbestos inspection - all asbestos containing materials must be removed prior to the burn.**



Prairie & Ecological Landscape Burns

Prescribed Burning means the planned application of fire to natural or planted vegetative fuels under specified environmental conditions and following appropriate precau-

tionary measures, which caused the fire to be confined to a predetermined area and accomplish the planned land management or ecological objectives – pursuant to Illinois Department of Natural Resources (Illinois DNR).

It is recommended that “prescribed” burns be conducted between October 1 and April 30 - the time frame established for prescribed burns in central Illinois by Illinois DNR.

Burn Managers should develop a prescribed burn plan. Example plans are available from Illinois DNR: <http://dnr.state.il.us/>, or Natural Resources Conservation Services: <http://www.nrcs.usda.gov/>

- An Open Burning Permit must be obtained from the Illinois EPA.
- **Local ordinances may be more restrictive and must be followed. Such ordinances may require additional permits. Please check with the county and unit of local government where the prescribed burn will occur.**

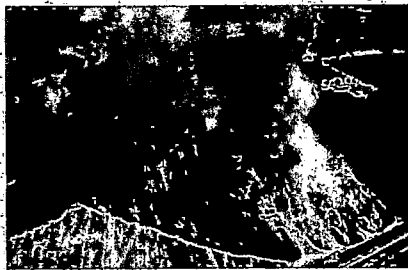
Prescribed Burning and Smoke Management:

Prescribed burning should be conducted in accordance with Illinois EPA approved permit conditions and follow applicable standard conditions, as well as any special conditions outlined in the Open Burning Permit.

Smoke Management: For the purpose of Smoke Management "prescribed" burns managed for resource benefits should be conducted in accordance with guidance outlined in the Draft Illinois Smoke Management Program. Smoke management components in burn plans should include:

- Actions to minimize prescriptive fire emissions,
- Methods for evaluating smoke dispersion, including using National Weather Service daily fire weather planning forecast information and a dispersion index,
- Public notifications and exposure reduction procedures, and
- Air quality monitoring of sensitive receptors.

Burn Managers in non-attainment areas of the state should use the Air Quality Index to monitor daily air quality conditions and delay burning on "Orange" or worse "Air Pollution Action Days":
<http://www.epa.state.il.us/air/index.html>



Agricultural Waste & Open Burning

Agricultural Waste: Is any refuse generated on site on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues - excluding garbage, dead animals, buildings, corn cribs, and landscape waste.

Agriculture waste may be burned if the following criteria are met:

- *Open burning is restricted to the site where the waste is generated (35 Ill. Adm. Code 237.120 (a)(1))*
- Open burning is not allowed in restricted areas.

- Restricted area is any city, village, or incorporated township plus a zone extending one mile beyond the boundaries when there is a population of 1,000 or more. (35 Ill. Adm. Code 237.101)
- Open burning is prohibited if it hampers visibility on roadways, railroad tracks, or airfields.
- Open burning must be more than 1,000 feet from residential or other populated areas.
- The owner/operator must show that no reasonable and economic alternative method of disposal is available. (35 Ill. Adm. Code 237.120(a)(6))
- *Local ordinances may be more restrictive and must be followed.*

Landscape Waste & Open Burning

Landscape waste: Is leaves, grass, tree limbs, shrubbery cuttings, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.



Is it illegal to burn leaves in Illinois?

It depends on the local laws and ordinances as units of local governments have the authority to impose limitations on burning landscape waste including limiting the hours when such burning may occur, types of material allowed, as well as a total ban of open burning (e.g., leaf-burning ban). There is no state law or regulatory ban on leaf burning, however, local laws and ordinances govern.

While there are no state laws that prohibit open burning of landscape waste, restrictions do exist:

- If allowed by local authorities/governments, leaves may only be burned on the site where they are generated, or at sites provided and supervised by a local government.
- Local governments may ban the open burning of landscape waste and other materials.
- Local governments may regulate burning by specifying times and/or weather conditions during which open burning may occur.

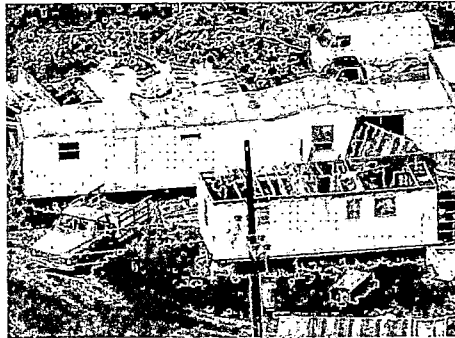
Commercial/Trade Waste & Open Burning

Commercial Waste: Is waste generated by a business, industry, and government institutions.

- It is illegal to burn commercial waste in the state of Illinois, except for landscape and agriculture waste generated on the property and under limited circumstances.
- Landscape waste generated for the purpose of clearing land for new development/business is a trade waste and may only be burned with an air curtain incinerator and after obtaining the appropriate permits.
- *Local ordinances may be more restrictive and must be followed.*

Disaster Debris & Open Burning

Disaster Debris: Is tree limbs, brush, natural wood and plant debris, agricultural waste (bags, cartons, dry bedding, structural materials and crop residue), canvass sandbags, clean wood building debris, and lumber.



Disaster debris may be burned if the following criteria are met:

- If the Governor of Illinois or the President of the United States *declares a major disaster.* (20 ILCS 3305/11)
 - *The area(s) in which the major disaster has been declared are defined.* (20 ILCS 3305/11)
- Once a disaster is declared, open burning of disaster debris may occur through the Disaster Area Open Burning Permit Application process along with adherence to local laws and regulations.

Does the burning of all disaster debris require an open burning permit?

No, the following disaster debris does not require an open burning permit

- Tree limbs, brush, natural wood, and plant debris may be burned;
 - (1) On the *site where they are generated*, and
 - (2) At *community sites* under supervision of the local government.

- Agricultural waste such as bags, cartons, dry bedding, structural materials and crop residue may also be burned on the *site where they are generated*.
- Local governments (counties or municipalities, i.e., villages, towns, or cities) may also regulate open burning, and those rules govern if they are more restrictive. ***State law and regulation does not override local prohibitions or limitations on open burning.***

When is a permit required when burning disaster debris?

The following types of disaster debris require an open burning permit:

- Clean wood building debris, lumber, and canvas sandbags – regardless of site where such waste is generated.
- If using an **Air Curtain Destructor**, the owner or operator must obtain an open burning permit from the Illinois EPA pursuant to 35 Ill. Adm. Code Part 237 and comply with the requirements for local siting, if applicable, as set forth in Section 39.2 of the Act (415 ILCS 5/39.2). Note that under the Emergency Power Act, the Governor may suspend the requirements for a permit and siting when an area has been declared a disaster.

Is a Disaster Area Open Burning Permit always required during declared disasters?

- Unless otherwise indicated above, or the requirement for such permits is suspended by the Governor, open burning permits are required from the Illinois EPA during times of declared disasters.
- Local governments may likewise exempt all or part of local prohibitions and local permit requirements during declared disasters. Local governments cannot suspend the requirement to obtain an open burning permit from the Illinois EPA.
- Units of local government can apply for **multiple burn locations under a single permit** application, and are encouraged to do so.
- Applicants other than units of local government can also apply for multiple burn locations under a single permit if the applicant provides proof in the application that the proposed activities have been coordinated with the unit of local government and the local Fire Protection District.

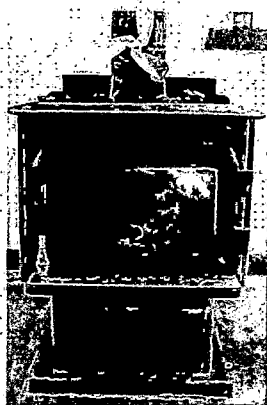
Under no circumstances is open burning of asbestos containing materials and tires allowed!

- If permit is required, complete a Disaster Area Open Burning Permit Application Form found at <http://www.epa.state.il.us/air/permits/openburn/index.html>
- FAX completed form to (217) 524-5023.
- The Illinois EPA typically issues Disaster Area Open Burning Permits within 1 - 2 days after receipt of the application; however, upon request the Illinois EPA can expedite permits in the event of an emergency.
- Disaster Area Open Burning Permits are typically issued for a short period (e.g., covering from 30 to 90 days) after which time they expire.

GENERAL CONDITIONS for the Open Burning of Disaster Debris

1. Coordinate the burn with the local Fire Protection District.
2. Conduct the burn when the wind is blowing away from roadways, railroad tracks, airfields, and populated areas.
3. Provide on-site supervision of the burn location.
4. Burning occur only from approximately 9 am to 6 pm to get the best natural smoke dispersion conditions

Woodstoves



Are Woodstoves prohibited in Illinois?

- The use of woodstoves is not prohibited in Illinois; however, the type of materials that may be burned as a fuel and the manner in which such stoves may be operated is limited to the fuels and the operation and maintenance procedures specified by the manufacturer of the stove.
- Local governments have the authority to adopt ordinances limiting or prohibiting this type of activity.
- *Local ordinances may be more restrictive and must be followed.*

Obtaining an Open Burning Permit

Where do I go to find open burning permit applications?

To view open burning permit information and obtain applications, go to <http://www.epa.state.il.us/air/permits/openburn/index.html>. For other state environmental information, go to <http://www.epa.state.il.us/index.html>.

Are there standard conditions that must be followed when burning pursuant to an open burning permit?

Yes, these "Standard Conditions for Open Burning" are found at: <http://www.epa.state.il.us/air/stateforms/171-apc.pdf>

Is there a fee for open burning permits?

No, open burning permits are free.

Where do I send in my open burning permit application?

Open burning permit applications may be mailed to:

Illinois EPA, Bureau of Air
1021 N. Grand Ave East
P.O. Box 19276
Springfield, IL 62794-9276

When can I expect to receive my open burning permit?

The Illinois EPA has ninety days (90) by law to issue open burning permits.

Do I need a separate permit for each burn site?

Permit applicants may apply for multiple burn locations under a single permit application.

When does my open burning permit expire?

Permits are typically issued for a term of one year, after which time they expire.

How do I renew my open burning permit?

The renewal application should be sent to the Illinois EPA at least 90 days prior to expiration of the current permit.

Contact Information

For Questions Please Contact the:
Bureau of Air Permit Section • 217-782-2113

Or

Illinois Small Business Environmental Assistance Helpline
800-252-3998

Copies of this publication may be requested by calling the Illinois Small Business Environmental Assistance Helpline above or visiting www.epa.state.il.us.

Open Burning Permit forms may be found at:
www.epa.state.il.us/air/permits/openburn/

Who Should You Contact If You Suspect Illegal Burning?

Your local government is authorized to enforce the general prohibition against open burning. Local law enforcement officials have the authority to enforce the prohibitions against the open burning of wastes and often are the best option for a timely response.

If you suspect illegal burning, you should first contact your local law enforcement agency.

The local field office of the Illinois Environmental Protection Agency may also be contacted at the following:

9511 W. Harrison Street
DesPlaines, IL 60016
(847) 294-4000

5415 North University
Peoria, IL 61614
(309) 693-5463

4302 North Main Street
Rockford, IL 61103
(815) 987-7760

1021 North Grand Avenue East
Springfield, IL 62794-9276
(217) 557-8761

2125 South First Street
Champaign, IL 61820
(217) 278-5800

2009 Mall Street
Collinsville, IL 62234
(618) 346-5120

700 E. Norris Dr., Rm. 339
Ottawa, IL 61350
815-433-712412

2309 W. Main Street
Marion, IL 62959
(618) 993-7200

1630 Fifth Avenue
Moline, IL 61265
(309) 797-3341

Last Revised: April 2011



Illinois Environmental Protection Agency
Bureau of Air Permit Section
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
217-782-2113 or 217-524-0636



Illinois Department of
Commerce and Economic Opportunity
Small Business Environmental Assistance Program
500 East Monroe Street
Springfield, Illinois 62701-1615
800-252-3998

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