



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 16-07

**AN ORDINANCE AMENDING THE VILLAGE OF ROCHESTER CODE OF
ORDINANCES**

DAVID L. ARMSTRONG, Village President
LYNN LANGDON, Village Clerk

MARIBETH EANDI
HAROLD HENDRICKSON
JOE HILL
WAYNE LIKEN
STACIA MUNROE
DOUG ZOBRIST
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Rochester
on March 14, 2016

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

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**AN ORDINANCE AMENDING THE VILLAGE OF ROCHESTER
CODE OF ORDINANCES**

WHEREAS, 65 ILCS 5/1-2-1 provides that the corporate authorities may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fine or penalties as may be deemed proper; and

WHEREAS, the Village of Rochester Code of Ordinances (“Code”) Chapter 27 Article IX regulates open burning in the Village; and

WHEREAS, the Village wishes to better define when and where open burning is permitted; and

WHEREAS, the Village wishes to specify applicable fines for violating its open burning ordinance; and

WHEREAS, the President and the Board of Trustees of the Village of Rochester, Illinois, believe it is in the best interest of the Village to amend the Code as set forth herein.

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

Section 1. Recitals. The above recitals are incorporated herein by this reference as if specifically stated in full.

Section 2. Amendment of Code. Chapter 27 of the Village of Rochester Code of Ordinance is hereby amended as follows (added; ~~deleted~~):

ARTICLE IX - OPEN BURNING

27-9-1 DEFINITIONS: Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

“**AGRICULTURAL WASTE**” means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

“**GARBAGE OR HOUSEHOLD TRASH**” means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

“LANDSCAPE WASTE” means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

“OPEN BURNING” means 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 of the State of Illinois.

27-9-2 BURNING PROHIBITED: It shall be unlawful to cause or allow open burning of agricultural waste, household trash, and garbage or building materials.

27-9-3 RESTRICTIONS ON BURNING OF LANDSCAPE WASTE: The open burning of landscape waste shall be permitted only on the following conditions:

(A) Dry Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place when a person over eighteen (18) years of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous; and,

(G) All open burning shall occur between 8:00 A.M. and 5:00 P.M. on Saturday and Sunday beginning March 1 and continuing through April 30 and beginning again on September 15 and continuing through December 31 each year; provided however, all fires must be extinguished by sunset and may not be left to smolder; and,

(H) Open burning is permitted after dusk for fires maintained in suitable vessels or structures for the cooking of food and for fully supervised “recreational” fires, and,

(I) That the Public Works Department be allowed to burn in their designated area outside the designated times, pending appropriate weather conditions, for Village burn pile maintenance purposes.

27-9-4 FINES: VIOLATIONS OF THIS CHAPTER SHALL BE PUNISHABLE BY A FINE AS FOLLOWS:

<u>First Offense</u>	<u>\$ 30.00</u>
<u>Second Offense</u>	<u>\$ 50.00</u>

Third Offense \$ 100.00

Subsequent Offenses: Not less than \$100.00 nor more than \$500.00

Section 3. 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 4. Repeal & Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 14 day of March, 2016, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MARIBETH EANDI	X			
HAROLD HENDRICKSON	X			
JOE HILL	X			
WAYNE LIKEN	X			
STACIA MUNROE	X			
DOUG ZOBRIST	X			
DAVID ARMSTRONG	X			
TOTAL	7	0	0	0

APPROVED by the President of the Village of Rochester, Illinois this 14 day of March, 2016.



DAVID L. ARMSTRONG, Village President

Attest:



LYNN LANGDON, Village Clerk