

**CITY OF MURPHYSBORO,
JACKSON COUNTY, ILLINOIS**

ORDINANCE NO. 12- 17

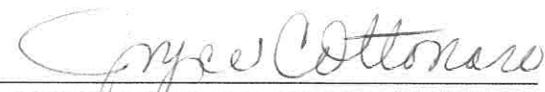
AN ORDINANCE AMENDING CHAPTER 25, ARTICLE V-OPEN BURNING, OF THE
REVISED CODE OF ORDINANCES OF THE CITY OF MURPHYSBORO, JACKSON
COUNTY, ILLINOIS.

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF MURPHYSBORO, ILLINOIS

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF CITY COUNCIL OF THE
CITY OF MURPHYSBORO, JACKSON COUNTY, ILLINOIS, THIS 11 DAY OF
December, 2012.

CERTIFICATE OF PUBLICATION

I, Joyce Cottonaro, the duly qualified and acting City Clerk of the City of Murphysboro,
Illinois, and the official custodian of the records of said City, do hereby certify that this
Ordinance was published in pamphlet form by authority of the City Council on the 11 day of
December, 2012.


JOYCE COTTONARO, CITY CLERK

**CITY OF MURPHYSBORO
JACKSON COUNTY, ILLINOIS**

ORDINANCE NO. 12-17

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE V-OPEN BURNING, OF THE REVISED CODE OF ORDINANCES OF THE CITY OF MURPHYSBORO, JACKSON COUNTY, ILLINOIS.

WHEREAS, open burning within the City is regulated pursuant to Chapter 25, Article V, of the Revised Code of Ordinances of the City of Murphysboro; and

WHEREAS, the Revised Code of Ordinances does not address the conditions under which recreational fires are allowed, the authority to issue a burn ban or the charges imposed by the City in response to unlawful burning; and

WHEREAS, the City Council finds that it is in the best interest of and will serve the health, safety and welfare of the City to amend Chapter 25, Article V, of the Revised Code of Ordinances of the City of Murphysboro to further regulate the conditions under which open burning may be conducted, to specify the conditions under which recreational fires are allowed, to authorize the issuance of a burn ban and to specify the charges imposed by the City in response to open burning.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MURPHYSBORO, ILLINOIS, AS FOLLOWS:

SECTION 1. That Chapter 25, Article V, of the Revised Code of Ordinances of the City of Murphysboro, Illinois, be and is amended as follows:

ARTICLE V -OPEN BURNING

25-5-1 BURNING TRASH LIMITED.

- (1) It shall be unlawful for any person, firm, or corporation to burn any trash within the corporate limits of the City other than landscape waste (trees, bushes, branches, trimmings, leaves or grass). Prior to burning such landscape waste, the individual doing the burning must notify the fire department in advance so that appropriate action(s) may be taken. The burning of landscape waste is prohibited between the hours of six o'clock(6:00)p.m. to Midnight (12:00) and between the hours of Midnight (12:00) to six o'clock (6:00)a.m.
- (2) Burning shall only be permitted on property owned or leased by the person

conducting the burning and shall only be of landscape waste generated from that same premises. Burning landscape waste generated from a premises other than where the burning is conducted shall be unlawful.

- (3) The burning shall be conducted entirely on private property and not on any street, alley, sidewalk, public way or public property.
- (4) The fire shall be attended at all times by a responsible adult at least eighteen(18) years of age.
- (5) The fire shall be completely extinguished by 6:00p.m.
- (6) Burning as part of a commercial operation shall be unlawful.

25-5-2 RECREATIONAL FIRES. Section 25-5-1 does not apply to recreational fires. Recreational fires are permitted on private property only under the following conditions:

- (1) The fire shall be contained in a surface area not exceeding nine(9) square feet either on cleared earth enclosed on the sides by masonry or rock materials or in a metal container.
- (2) Any fuel used shall be confined to logs or branches that are untreated or commercially available charcoal briquettes, and no leaves, grass or processed or milled lumber shall be burned. No other fuels are permissible except a starter fuel designed for that purpose.
- (3) A responsible adult of at least eighteen(18) years of age shall be in attendance at all times that the fire is burning. When adult supervision ceases, the fire shall be extinguished with water and the coals spread out in the enclosure.
- (4) Fires shall be extinguished at the direction of and in the sole discretion of any member of the fire department or police department.
- (5) The fire department shall be notified in advance of any fire.

25-5-3 BURN BAN. The Fire Chief, or his designee, is authorized to declare a burn ban, and it shall be unlawful to conduct any burning during a burn ban. Prior to any burning, it is the duty of the person conducting the burning to notify the fire department in advance and to inquire of the fire department if a burn ban is in effect.

25-5-4 PROVISIONS APPLICABLE TO ALL FIRES.

- (1) All fires or burning shall be located so that as to a prudent person, it shall not endanger any structure, life or property.
- (2) Fires or burning shall only be allowed when atmospheric conditions will readily dissipate contaminants.
- (3) No fires or burning shall be allowed at any time when the wind velocity, to a prudent person, is such as to cause the fire to be a hazard to life or property.

- (4) The fire department shall have the discretion to deny to any person, at any time, the right to burn or to a fire permitted under this Article, based upon, but not limited to, atmospheric conditions, wind velocity, dry conditions or otherwise.

25-5-5 CHARGES FOR RESPONDING TO FIRE. Any person violating this Article, in addition to all fines and penalties imposed, or for any authorized burning to which the fire department responds, the person conducting the burning and the property owner shall be, jointly and severally, liable to the City for all costs of the City incurred in responding to a fire, as follows:

- (1) The reasonable costs of each vehicle responding as determined by the responding department, but in no case less than five hundred dollars (\$500.00) per hour per vehicle; and
- (2) The cost of all personnel, including any overtime costs to the City incurred as a result of the fire; and
- (3) The cost of all materials, water and equipment used, expended, depleted, destroyed or removed from service as a result of the fire.

SECTION 2. If any part of this Ordinance is found to be or declared to be invalid, the other parts thereof shall remain valid and in effect.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after its passage, approval and recording as provided by law. This Ordinance shall be published in pamphlet form.

ADOPTED THIS 11 DAY OF December, 2012. PURSUANT TO A ROLL CALL VOTE AS FOLLOWS:

FOR: 7

AGAINST: 0

PASSED: 12/11/12

APPROVED: 12/11/12

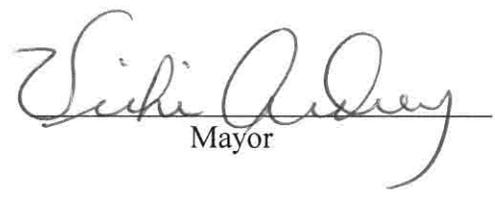
RECORDED: _____

PUBLISHED: _____

PASSED AND APPROVED THIS 11 DAY OF December, 2012.

APPROVED:

(SEAL)


Mayor

ATTEST:


City Clerk

STATE OF ILLINOIS)
)
COUNTY OF JACKSON)

MEMORANDUM OF ENACTMENT OF ORDINANCE

The foregoing Ordinance No 12- 17 was moved for adoption by Council Member Hughes and seconded by Council Member Buller. Upon roll call vote, the City Council voted as follows:

YES: 7 _____

NO: 0 _____

ABSENT: 2 _____

The Mayor declared the Ordinance adopted and ordered it recorded and published as provided by law.

Dated this 11 day of December, 2012.

Joyce Cottoraro
CITY CLERK

CERTIFICATE

I, JOYCE COTTONARO, HEREBY CERTIFY that I am the City Clerk in and for the City of Murphysboro, Jackson County, Illinois, and keeper of the records and seal thereof, that the foregoing is a true and correct copy of Ordinance No. 12- 17 duly passed and adopted by the Mayor and City Council of the City of Murphysboro, Jackson County, Illinois, at a regular meeting held on the 11 day of December, 2012, the original Ordinance now being an official part of the City of Murphysboro's records.

IN WITNESS WHEREOF, I hereto subscribe my hand and affix the seal of the City of Murphysboro as the City Clerk this 11 day of December, 2012.

(SEAL)


JOYCE COTTONARO, City Clerk