

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 76-5 TO UPDATE BURNING REGULATIONS AND FINES

WHEREAS, the Village of Winnebago, Winnebago County, Illinois, previously enacted Ordinance No. 76-5 to regulate the burning of combustible matter and material within the corporate limits of the Village of Winnebago, Illinois to protect the general environment, health, and property; and

WHEREAS, it is necessary to amend Ordinance No. 76-5 to address additional circumstances under which burning should be limited, and to update the fines to be consistent with other Village ordinances;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, as follows:

SECTION 1. AMMENDMENTS

Section III(c) of Ordinance No. 76-5 is hereby amended to read as follows:

1. The open or outside burning of natural deposits of leaves and landscape waste shall be permitted on private property where the leaves grew or were naturally deposited, or the landscape waste grew and/or accumulated between the hours of 8:00 A.M. and 10:00 P.M., subject to the following provisions:
 - a. Such burning must be attended by an adult at all times.
 - b. Following the burning of the leaves and/or landscape waste, all flames, hot coals, and embers shall be fully extinguished by raking of the residue or by the use of water, sand, soil, or other nonflammable matter prior to leaving the burning site unattended.
 - c. Leaves or landscape waste shall not be burned in or upon public streets, alleys, sidewalks, driveways, or other public property by anyone other than an employee of the Village, or so close to any building, fence, or other structure as to create a fire hazard.
 - d. Ashes and/or partially burned leaves or landscape waste shall not be deposited in or upon or washed into or upon any public street, alley, sidewalk, driveway, or other public property including storm sewers, sanitary sewer facilities, and surface water drainage facilities.

2. Burning is prohibited whenever there is an official Fire Weather Watch or Red Flag Warning by the National Weather Service (NWS), or any other events where the Village of Winnebago identifies a prominent fire danger.

Section IV of Ordinance No. 76-5 is hereby amended to add:

Village employees, while performing official village duties, may conduct burning of landscape waste accumulated from storm collection or other similar events, provided that the burning is supervised at all times. Village staff will make reasonable efforts to repurpose any debris, but if repurposing is not reasonably feasible, the debris may be burned.

Section V of Ordinance No. 76-5 is hereby amended to read as follows:

Any violation of this ordinance shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) for a first offense; five hundred dollars (\$500.00) for a second offense; and seven hundred and fifty dollars (\$750.00) for a third or each subsequent offense.

SECTION 2. EFFECTIVE DATE

This ordinance shall become effective immediately upon passage by the Board of Trustees of the Village of Winnebago, and publication of the same in pamphlet form.

SECTION 3. SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid or unconstitutional, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

APPROVED this _____ day of _____, 2024

Franklin J. Eubank, Jr.,
Village President

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED: _____

APPROVED: _____

**PUBLISHED IN
PAMPHLET FORM:** _____