

ORDINANCE NO. 16-08

**AN ORDINANCE AMENDING TITLE 6 CHAPTER 2 SECTION 9
RE FIRES**

WHEREAS, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

WHEREAS, the Village currently has no regulation regarding “recreational fires” and it is appropriate to enact an ordinance regulating same.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON that Title 6, Chapter 2, Section 9 of the Morton Municipal Code is amended by deleting the current language and substituting with the following:

6-2-9: FIRES:

Except as otherwise provided in this Section, no person shall set fire to or cause or permit to be burned in any yard, lot, street, alley, fireplace or wood burning stove, any “rubbish” as defined in Section 7-2-22 of this Code, or any “litter” as defined in Section 7-2-21 of this Code, or any “garbage” as defined in Section 7-2-3 of this Code. Except as otherwise provided in this Section, burning is prohibited within the Village, including, but not limited to, the burning of leaves, landscape waste, construction materials, buildings, structures and personal property.

It shall be lawful to have a recreational fire on private property, or as may be allowed within a public park, for pleasure, cooking food, religious, ceremonial, warmth or similar purposes; but only when the following recreational fire regulations are adhered to. Failure to follow any of the recreational fire regulations shall constitute a violation of this ordinance. For the purposes of this section, recreational fires shall include campfires, roasting fires, portable outdoor fireplaces, fire pits, fire rings and similar devices when designed specifically for the outdoor containment of a fire, open or partially open outdoor ovens, barbecue pits and the like.

1. Only clean and untreated firewood, charcoal or other commercially available products specifically intended for outdoor fire and cooking purposes may be used as fuel. Devices specifically designed for outdoor fire use shall be used in accordance with the manufacturer’s recommendations.

2. The total fuel area for a recreational fire shall not exceed ten (10) cubic feet. Fuel area is defined as the total length multiplied by width multiplied by height of the unburned material being consumed by the fire.

3. A recreational fire shall be constantly attended by a responsible adult until fully and completely extinguished. Any person lighting or maintaining a recreational fire shall be responsible for the reasonable consideration of the environmental and atmospheric conditions and local circumstances which may cause a recreational fire to become a hazard or burn beyond the intended fire containment area.

4. A recreational fire must be kept a sufficient distance from any building, structure or other combustible or flammable material so as not to constitute a fire hazard or to allow smoke or the products of combustion to become objectionable, offensive or a potential health hazard to any person. Recreational fires are prohibited upon any balcony or upon any deck or any surface constructed of any type of combustible material.

Any peace officer or fire official may order the immediate extinguishment of any fire when such is deemed by the officer or official to violate this section or otherwise creates or adds to any type of hazardous condition or is deemed by the official to be a nuisance, offensive, objectionable or a potential fire or health risk, regardless of whether such fire constitutes an actual violation of this ordinance. Any fire that burns unattended, out of control, extends or spreads beyond the confines of the intended safe burning area, burns or spreads upon the land of another person, or otherwise causes damage to any structure or property may be considered evidence or a violation of this ordinance. The Fire Chief shall have the authority to suspend and prohibit any and all fires and burning within the Village when atmospheric, environmental or other factors constitute a potentially greater than normal fire risk or hazard.

The Fire Chief may, at his discretion, authorize the burning of any material within the Village in the following circumstances, and may further establish administrative rules as deemed necessary and appropriate to insure health and safety. There shall be a one hundred dollar (\$100.00) permit fee collected prior to issuance of a burning permit, which may be waived by the Fire Chief when the permit is issued to a governmental entity or is issued during unusual or emergency circumstances.

1. Bon fires which are ceremonial in nature, and have a total fuel area of greater than 10 cubic feet, but less than 250 cubic feet.

2. Vegetation clearing operations with the use of an air curtain destructor.

3. The prescribed and controlled burning of vegetation for silviculture or wildlife management practices, for the prevention or control of disease or pests, or to reduce the impact or risk of wildland fires; when the prescribed burning is on public lands or is requested by the Illinois Department of Natural Resources or other regulatory or governmental agency.

4. Abandoned buildings, structures or any other flammable or combustible materials, when used specifically for firefighting training purposes.

5. During or following an emergency situation or a disaster type event.

BE IT FURTHER ORDAINED, that this ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton this ____ day of _____, 2016; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

President

ATTEST:

Village Clerk