

AN ORDINANCE PROHIBITING OPEN BURNING ON VILLAGE ROADWAYS AND
OTHER VILLAGE PROPERTY

WHEREAS, the practice of open burning of leaves, tree branches, landscape waste, vegetation, as well as any other materials including garbage, refuse and waste of any kind in or upon any property or facilities of the Village of Homer Glen, including but not limited to the municipal street system of the Village of Homer Glen presents a potential hazard to the safety of the users of said street system and other Village property, and tends to increase the deterioration of and damage to said street system and other property, all to the detriment of the Village of Homer Glen and its residents; and

WHEREAS, the Illinois Municipal Code grants to the Village of Homer Glen the power to fully regulate the use of all public roads, streets, and other property and facilities, as well as the power to define, prevent and abate nuisances; and

WHEREAS, because of the threat to the health, safety and welfare of members of the public presented by the aforementioned practice of open burning on public roads, streets and other property, and the damage to Village roads, streets and other public property resulting therefrom, the Corporate Authorities of the Village of Homer Glen hereby declare such open burning to constitute a public nuisance, and further declare the necessity of preventing, prohibiting and abating the same.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Declaration of Nuisance and Prohibition of Open Burning - No person shall cause, allow, suffer or permit any open burning of any material or substance of any nature or kind whatsoever (including but not limited to leaves, branches, landscape trimming, grass clippings or other vegetative matter) on any public property or facilities owned by the Village of Homer Glen, including but specifically not limited to the Village street system, and the same shall be and hereby is declared to be a public nuisance which may be summarily abated by the Village of Homer Glen, its officers or authorized agents, or by any sworn law enforcement personnel lawfully exercising jurisdiction in the Village of Homer Glen. As used herein, the term "open burning" shall include the igniting or maintenance of any fire, and the permitting or facilitation of any form of combustion where the products of such fire or combustion are emitted into the open air.

Section 3: Any person found to have violated the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of up to seven hundred and fifty dollars for each such violation, and shall further be liable to the Village of Homer Glen for any and all damages caused to any roads, streets or other public property of the Village resulting from the commission of each such violation.

Section 3: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 20th day of November, 2001, with 6 members voting aye, 0 member voting nay, the President not voting, with 0 members abstaining or passing, and said vote being:

Mary Niemiec: Aye

Thomas Polke: Aye

Margaret Sabo: Aye

Gail Snyder: Aye

Laurel Ward: Aye

Brian Andrews: Aye

Approved this 20th day of November, 2001.

Russ Petrizzo, Village President

Attest: _____

Christine Luttrell, Village Clerk