

**VILLAGE OF NORTH BRANCH
OUTDOOR AND OPEN BURNING ORDINANCE
ORDINANCE NO. 40**

An ordinance to regulate the outdoor burning of leaves, recreational fires, to prohibit outdoor

furnaces and other similar items, and to repeal the prior ordinance.

THE VILLAGE OF NORTH BRANCH ORDAINS:

Section 1. PERMITS. No outdoor burning, except burning regulated under Sections 2 and 3 of

this Ordinance, shall be conducted unless a written permit has been obtained from the official

designated by the Village Council.

Section 2. LEAF BURNING. The burning of leaves, grass, or twigs shall only be permitted

during days and times specified in a motion adopted by the Village Council. Any such burning

shall be subject to the following requirements:

A. There shall be no burning on any streets or sidewalks within the Village.

B. The burning shall be under the immediate supervision of a responsible person at least eighteen (18) years of age.

C. There shall be an operational water source (such as a garden hose) available at the site at all times.

D. There shall be no burning within twenty (20) feet of any building, within five (5) feet of any lot line, or near any combustible material.

E. No burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance or a danger to any person or property.

Section 3. RECREATIONAL FIRES. Recreational fires as regulated by this Ordinance shall be permitted as follows:

A. A recreational fire shall be an outdoor fire and located in a fire pit, outdoor grill, or container commercially constructed for use as a fire pit and/or burner that are designed to adequately contain ashes and cinders. Such fires shall be limited to a container no larger than thirty-six (36) inches in diameter, and must be done no closer than ten (10) feet to property lines or twenty (20) feet from any building or structure. Burning shall be confined to rear yard areas only. Flames may not exceed eighteen (18) inches in height.

B. It shall be unlawful for any person, firm, corporation, partnership, lessee or occupant to burn any garbage, including treated wood, or other waste material within the Village. Material that is acceptable to burn in a recreational fire shall be limited to clean clear unpainted

unfinished and untreated wood and wood products, excluding particle board and similar products, split firewood, tree limbs and charcoal. No accelerant such as gasoline and kerosene may be used except charcoal lighter fluid.

D. Any such fires shall comply with the requirements of Section 2.A through 2.E. above.

Section 4. OUTDOOR FURNACES, BOILERS OR INCINERATORS PROHIBITED.

It shall be unlawful to install or operate a freestanding outdoor furnace, boiler or incinerator within the Village. This shall include any freestanding unit which:

A. Is designed, intended or used to provide heat, hot water, or trash incineration for any

residence or structure; and

B. Operates by burning wood or other solid fuel such as, but not limited to, coal, paper, agricultural products, or discarded materials of any kind; and

C. Is not located within the residence or structure for which it is providing service.

Section 5. HALLOWEEN BURNING BANNED. No outdoor burning of any kind shall be conducted on October 30 or October 31.

Section 6. PENALTY. Any person, firm, or corporation who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than One Hundred Fifty and 00/100 (\$150.00) Dollars, plus costs and other sanctions as set forth in Ordinance No. 34 for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines and other sanctions as provided by Ordinance No. 34. In addition, any violation shall be subject to such injunctive relief as may be granted by the Court.

Section 7. REPEAL. The former Fire Control Ordinance No. 7, adopted August 16, 1973, is hereby repealed in its entirety.

The undersigned President and Clerk of the Village of North Branch hereby certify that this Ordinance was adopted by the North Branch Village Council at a meeting held on 6th day of December, 2007 and was published in the LaView on the 13th day of December, 2007. This Ordinance becomes effective twenty (20) days after said date of adoption.

SIGNED _____

Kelly Martin, President

SIGNED _____

Betty L. Kennedy, Clerk