

Ordinance No. 11-6-4
Ordinance – Yard Waste Disposal and Burning within Village Limits

An Ordinance establishing a Municipal System regarding the Disposal of Yard Wastes; the Burning of Yard Wastes; Campfire Burning; and prescribing Penalties for violations of its provisions.

Whereas, the Illinois Municipal Code provides that the Village may subscribe such method or methods for the disposition of garbage, refuse and ashes and to further proscribe that such method or methods shall be the exclusive means for the disposition of garbage, refuse and ashes within the Village limits. 65 ILCS 5/1-19-5;

Whereas, the Illinois Municipal Code further provides that the village may lessen or prevent the discharge of air contaminants through the abatement of operations, activities or uses which are found to cause air contamination, with “air contaminant” being defined to include, but not limited to: dust, soot, mist, smoke, fumes, fly ash, vapor, corrosive gas or other discharge and any other air borne material or substance that is offensive, nauseous, irritating or noxious to humans or other animal life. 65 ILCS 5/11-19.1-11;

Whereas, the Illinois Municipal Code further provides that the Village may define, prevent, and abate nuisances. 65 ILCS 5/11-60-2.

Whereas, the Village Board wishes to establish Code provisions relating to the disposal of garbage, refuse, and yard waste; and to limit burning activities within the Village which would be detrimental to the health, safety, and general welfare of the citizens of the Village;

Therefore, BE IT ORDAINED by the President and Board of Trustees of the Village of Sherrard, Mercer County, Illinois, that:

Pursuant to Illinois Compiled Statutes, the revised Code of Ordinances of the Village of Sherrard, Illinois, dated June, 2006, “Health and Sanitation” is hereby amended to add a new Title 8, Chapter 4 to read as follows:

Section 1: Definitions

Yard Waste. Yard waste shall be defined as any leaves, grass clippings, brush, branches, tree limbs, weeds, or any other plant matter.

Garbage. Garbage shall be defined as any and all rejected or waste household food, animal waste after dressing of said animal or any dead animals. This also includes no tires, roofing materials, constructions materials, paper materials and household chemical containers.

Paper Waste. Paper waste shall be defined as sensitive personal papers.

Section 2: Refuse/Garbage. It is unlawful for any Person, Firm, or Corporation to deposit anywhere in the Village any uncovered piles of refuse, garbage, building materials, offal, or

carcasses of dead animals or fowl. It shall also be unlawful to burn such refuse, garbage, building materials, offal, or carcasses of dead animals or fowl, except in properly constructed incinerators approved by the Illinois Environmental Protection Agency. Offal or carcasses of dead animals or fowl shall be disposed of in accordance with the Illinois Dead Animal Disposal Act (225 ILCS 610/1.1 *et. seq.*) or any successor legislation. Any uncovered pile of such refuse is hereby declared a nuisance.

Section 3.1: Yard Waste Disposal by Village. Yard waste shall be picked up by the Village two (2) times a year. A Spring pick-up will be the last week of each May and a Fall pick-up will be the first week in November. Dates for these will be set by the Village Board, with notices posted throughout the Village.

Section 3.2: Yard Waste Disposal at Other Times. Any other time of the year, yard waste may be taken to the Mine. A key to the gate is available at Village Hall during regular business hours. Any person wishing to use the Mine must sign out the key, haul their yard waste, and promptly return the key to Village Hall. There will be no refuse/garbage, as defined in Section 2, allowed. This is a service provided by the Village and will be discontinued if abused.

It is prohibited to dispose of any yard waste, garbage, and refuse on any Village street, alley, sidewalk, culvert, or ditch.

Section 4: Burning of Dried Yard Waste. Residents may only burn dried yard waste on the designated days of **Wednesday** and **Saturday** between the hours of **8:00 a.m. and 8:00 p.m.** No burning is permitted during drought conditions, on windy days, or on days which have been designated as “no burn days” by the Village.

Burning of wet yard waste is not permitted at any time.

Section 5: Burning of Garbage/Refuse. The burning of garbage/refuse as defined is strictly prohibited.

Section 6: Burning of Paper Waste. Burning of paper waste as defined shall be permitted only in a metal container at least five (5) feet from buildings and other combustibles.

Section 7: Campfires. The burning of natural wood campfires shall be permitted without restriction to the designated burning days (but shall be subject to the remaining provisions of this Ordinance) so long as the campfire is enclosed by a stone or similar ring or contained within a grill or similar apparatus specifically made for burning wood.

Section 8: Resident Responsibilities.

- 8.1** Burn piles, burning barrels, and campfires must be supervised by an adult at all times.
- 8.2** There must also be available a close water supply.
- 8.3** Burning of Yard Waste is not allowed to be within two (2) feet of any public blacktop or concrete road, sidewalk, curb or gutter.
- 8.4** Burning is prohibited on streets, alleys, and/or sidewalks.
- 8.5** All fires must be at least twenty-five (25) feet from any structure and from combustibles.

- 8.6 Fires cannot be more than five (5) feet in diameter or three (3) feet in height. The only exception to this is the bonfire for Sherrard High School's Homecoming.
- 8.7 Residents will be required to extinguish fires promptly if a smoke complaint is received by Village Officials.

Section 9: Penalties. Any Person, Firm, or Corporation violating any of the provisions of this article shall be assessed the following penalties.

- 9.1 **First Offense.** Verbal Warning.
- 9.2 **Second Offense.** Violator will receive a Fifty Dollar (\$50.00) fine.
- 9.3 **Third and Subsequent Offenses.** Violator will receive up to a One Thousand Dollar (\$1,000) fine for each offense.

Section 10: This Ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Section 11: All prior Ordinances or provision contained in prior Ordinances or the Municipal Code of Sherrard of 2006 in conflict with this Ordinance are hereby expressly repealed.

Passed, approved, and adopted by the President and Board of Trustees of the Village of Sherrard, by roll call vote, on the _____ day of June, 2011.

<u>Trustee</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Trustee Creger			X	
Trustee Hoexter	X			
Trustee Henry			X	
Trustee Rath	X			
Trustee Sanquist				X
Trustee Wyant	X			

Approved:

//sgd//
 Terry L. Ayers, Village President

Attest:

//sgd//
 Theresa A. Johnson, Village Clerk