

## CHAPTER 40 OPEN BURNING

- 40.1 PURPOSE.** The purpose of this Chapter is to regulate the open burning of wood, yard waste, grass clippings, leaves, trash and other debris in the Village of Vermontville.
- 40.2 DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply:
- A. Open burning- shall mean a fire from which the products of combustion are emitted directly into open air without passing through a stack or chimney.
  - B. Incinerator- shall mean a device specifically designed for the destruction by burning of garbage or other combustible refuse or waste material.
- 40.3 OPEN BURNING PROHIBITED.** Except as otherwise provided in this Chapter no person shall cause or permit any burning of garbage or other combustible refuse or waste material, including by way of descriptions but not by way of limitation, paper, leaves, tree trimmings, brush and grass. This provision shall not be construed to prohibit fires of charcoal or non-ash producing fuels when used on private property or in public recreation areas relative to the consumption of food. Revised 10-13-07 -revision M
- 40.4 CAMPFIRE EXCEPTION.** Campfires may be permitted only in accord with the following stipulations.
- A. A campfire permit shall first be obtained. The Village may limit the availability of such permits depending on weather conditions and the condition of natural vegetation. A campfire permit shall not be issued for a period of more than three (3) days.
  - B. Campfires shall be contained by a non-flammable ring, not to exceed five (5) feet in diameter. Campfire flames shall not be permitted to exceed five (5) feet in height.
  - C. Wood for campfire shall be dry firewood.
  - D. Campfires shall be supervised by a responsible person during the period of such burning.
  - E. Campfires shall not be used for the burning of yard debris, refuse, nor garbage.
  - F. Barbeque grills and self contained outdoor fireplace units shall be permitted.
- 40.4.1 VILLAGE AUTHORIZED OPEN BURN EXCEPTION.** This Chapter shall not prohibit the Village Council from authorizing Village employees to conduct open burning on Village-owned property for the burning of (a) brush collected in the Village by Village employees (or the Village's authorized agent(s)), or (b) brush delivered to Village -owned property by Village residents in accordance with an authorized Village brush collection and disposal program. Revised 10-13-07/revision M
- 40.5 INCINERATORS PROHIBITED.** No person shall install an incinerator in the Village of Vermontville after the effective date of this Chapter.
- 40.6 INTERPRETATION OF THIS CHAPTER.** The terms of this Chapter are to be interpreted in conjunction with all other applicable laws. Whenever any provision of this Chapter imposes more stringent requirements or limitations than are imposed or required by the provisions of

any other law or ordinance, then the provisions of this Chapter shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions, or limitations than are imposed by this Chapter, then the provisions of such law or ordinance shall govern.

**40.7 ENFORCEMENT AUTHORITY.** The Village Council shall assign responsibility to an appropriate official to act on behalf of the Village in carrying out the terms of this section.

**40.8 PENALTIES.** Any person, firm, corporation, or other entity or anyone acting in their behalf who shall violate any of the provisions of this ordinance:

A. First offense; be issued a warning.

B. Second offense; upon conviction thereof guilty of a misdemeanor and be subject to a fine of not more than \$500.00 and the cost of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment is the discretion of the Court.

Revised 10-7-04/Revision D