



91.13 OPEN FIRES.

(A) As used in this section, the terms **OPEN FIRE** and **OPEN BURNING** shall mean a fire of combustible materials which has been intentionally set or maintained outside of a building.

(B) No person shall cause, suffer, allow or permit open burning, with the exception of those in conformity with the provisions as defined in this section. A permit, duly issued by the Building and Zoning Department of the village must be obtained for bonfires.

(C) Burning of an open fire, provided that it is not contrary to any federal, state or local law, ordinance, rule or regulation, may be allowed for the following and shall be solely for recreational purposes:

(1) *Bonfires.* Bonfires may be permitted only for a publicly sponsored celebration or event, or for an organization-sponsored event, or for a public or private school-sponsored event and shall be subject to meeting all requirements of the bonfire permit application obtained from and filed with the Building and Zoning Department of the village.

(2) *Recreational fires.* Recreational fires may be allowed but shall be subject to meeting all requirements contained herein and shall be contained in a device designed to hold a recreational fire, such as an outdoor fireplace, or commercially manufactured steel or ceramic portable fireplace, including chimineas and portable fire pits, and used according to the manufacturers recommended directions. Stationary fire pits may also be allowed and shall be built in a below-ground pit with a minimum depth of 10 inches and surrounded on the perimeter of the pit by a noncombustible material such as concrete block, metal or rocks with a minimum height of 10 inches above grade.

(3) *Outdoor cooking.* Open burning may be allowed for outdoor cooking when the fire is limited to the minimum size necessary and contained in a commercially manufactured device or cooking utensil commonly referred to as a grill or hibachi, designed for outdoor cooking purposes and only when using the fuel or heat source recommended by the manufacturer. All applicable and/or reasonable safety precautions recommended by the manufacturer of the device/utensil shall be taken when using said devices or utensils.

(4) *Set fires.* Fires set or approved by the Wauconda Fire District for practice of firefighter or rescue personnel, instructing the public, testing fire equipment, or for other fire rescue or law enforcement purposes shall be permitted.

(D) When the IEPA issues an open burning permit for ecological purposes, a copy of said permit, along with a village burn permit application shall be submitted to the Building and Zoning Department. The Building and Zoning Department will then consult with the Environmental Quality Department of the village. The Environmental Quality Department will then engage in consultation with the Illinois Department of Natural Resources as required by state statute (Title 17 Ill. Admin. Code Part 1075). When the consultation process is complete and proper notification of the proposed burning has been made to the Wauconda Fire District and Wauconda Police Department, a village permit may be issued by the Building and Zoning Department. The Wauconda Fire District shall also be provided copies of said IEPA and village permits.

(E) *Bonfire permit issuance.* Any person, firm or corporation requesting a permit for a bonfire shall submit an application, containing at a minimum the purpose of the proposed burning, nature and the quantities of material to be burned, and location of the burning site to the Building and Zoning Department of the village upon a form provided by the Building and Zoning Department of the village, which shall have the authority to approve such permits. The Building and Zoning Department of the village will use the standards as set forth in the International Fire Code at the time of application. All bonfire permit requests shall be subject to the following conditions:

(1) *Notification.* An application for a bonfire shall be submitted in writing at least 10 days before the fire is set. The bonfire shall not be ignited prior to an on-site inspection of the location where the bonfire is to take place and shall be subject to any and all conditions and restrictions the Building and Zoning Department and the Wauconda Fire District may impose for the safety of life and property. The permit holder must call the Wauconda Fire District and the Wauconda Police Department at least 30 minutes prior to lighting the bonfire. Failure to make this notification may result in the revocation of the permit.

(2) *Owner.* All permits shall be requested by and issued only to the owner of land upon which the bonfire is to be kindled.

(3) *Attendance.* A responsible party, over the age 18, shall constantly attend the bonfire until the fire is completely extinguished at the end of the permit time. Fire-extinguishing equipment shall be available for immediate use.

(4) *Location requirements.* The location for a bonfire shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

(5) *Dimension.* A bonfire shall not be more than 5 feet in diameter and 5 feet or less in height.

(6) *Duration.* A bonfire shall not burn longer than 4 hours and shall be completely extinguished no later than midnight.

(7) The Building and Zoning Department of the village or its designated enforcement representative may prohibit a bonfire when he reasonably determines that it creates a nuisance due to smoke or odor emissions when atmospheric conditions or local circumstances or if the bonfire is hazardous and presents a safety hazard to life or property. The Building and Zoning Department or its designee may order the complete extinguishment, by the permit holder, of any bonfire that the Building and Zoning Department or its designee prohibits or any such fire that adds to a hazardous situation.

(8) Fuel for the bonfire will consist of only seasoned, dry firewood and be ignited with a small quantity of paper. The burning of garbage, refuse, rubbish, unseasoned firewood, commercial waste, construction debris, manure, leaves, brush, grass clippings, landscape waste, etc. and all items other than seasoned firewood is strictly prohibited.

(9) *Limitations.* Maximum of 2 bonfires per year.

(F) *Recreational fires.* All recreational fires shall be ignited by the owner of the property on which the recreational fire is kindled. Recreational fires shall be subject to the following conditions:

(1) *Attendance.* A responsible party, over the age of 18, shall constantly attend any recreational fire until the fire is completely extinguished. Fire extinguishing equipment shall be available for immediate use.

(2) *Location requirements.* The location of outdoor fireplaces, commercially manufactured steel or ceramic portable fireplaces, including chimineas, portable and stationary fire pits, shall not be less than 15 feet from any structure.

(3) *Dimension.* A recreational fire shall not be more than 3 feet in diameter and 2 feet in height of pile size.

(4) The Building and Zoning Department of the village or its designated enforcement representative may prohibit a recreational fire when he reasonable determines that it creates a nuisance from smoke or odor emissions due to atmospheric conditions or local circumstances or if such fires are hazardous and present a safety hazard to life or property. The Building and Zoning Department or its designee may order the complete extinguishment of any recreational fire that the department or its designee prohibits or any such fire that adds to a hazardous situation.

(5) Fuel for a recreational fire will consist only of seasoned, dry firewood and be ignited with a small quantity of paper. The burning of garbage, refuse, rubbish, unseasoned firewood, commercial waste, construction debris, manure, leaves, brush, grass clippings, landscape waste, etc. and all items other than seasoned firewood is strictly prohibited.

(6) *Penalties for offenses.* A violation of the provisions of this section shall be fined pursuant to the following for each offense; and every day's failure to comply with any such provision may constitute a separate violation:

(a) First offense: Minimum \$75.

(b) Second offense: Minimum \$150.

(c) Third and each subsequent offense: \$750.

(G) *Control of fires within the village.* If, in the opinion of the Building and Zoning Department of the village, or its designee, weather conditions are such that the starting or continuation of burning is a risk to life, health or property within the village, they shall have the right to declare that any and all burning shall cease immediately until further notice.

(H) *Wauconda Fire District involvement.* In the event the Wauconda Fire District is called to control and/or extinguish any open fire, the Wauconda Fire District shall be compensated a rate as specified in ILCS Ch. 70, § 11/f.

(1978 Code, § 7-11-13) (Ord. 88-O-41, passed 11-1-1988; Am. Ord. 2009-O-54, passed 10-20-2009)