

Sec. 42-3. Open burning.

(a) The expression "open burning" as used in this section is defined as the combustion of any matter in such a way that the products of the combustion are admitted to the open air without originating in or passing through equipment for which a permit has been issued by the state environmental protection agency.

(b) Except for landscape waste as regulated in subsection (c) below, no person shall cause or allow the open burning of any materials in the county with the exception of the following:

(1) Burning at any time by farmers or by their agents or employees under strict supervision and in the course of their employment. As used in this section, the word "farm" shall be defined as in the 1970 Federal Census:

a. An area of ten or less contiguous acres having an annual sale of agricultural products not less than \$250.00; or

b. An area of greater than ten contiguous acres having an annual sale of agricultural products of \$50.00 or more.

(2) Burning authorized by a special permit issued by the state environmental protection agency pursuant to the provisions of Part 237 of Title 35 of the Illinois Administrative Code, as amended.

(3) Burning of fuels for campfires, picnics or other recreational purposes, in areas where such burning is consistent with other laws. Such burning shall not include landscape waste as defined in (c) below, but may include brush. "Brush" means tree trunks, limbs, branches and twigs.

(4) Prescribed or controlled burns for the purpose of promoting or protecting lands for flora or fauna.

(c) No person shall cause or allow the open burning of any landscape waste in any unincorporated areas of the county which are:

(1) Entirely surrounded by one or more municipalities which do not allow the open burning of landscape waste; or

(2) Are a platted subdivision, adjacent subdivision, or mobile home park completely or partially within one mile of a municipality which does not allow the open burning of landscape waste.

Landscape waste means all accumulations of grass or shrubbery cuttings, leaves, flowers and weeds, but does not include brush as defined in (b)(3).

Winnebago County through its Purchasing and Highway Departments will provide assistance at the request of the residents of unincorporated Winnebago County for obtaining other means for competitive leaf pick-up services.

In any unincorporated area outside of those areas described above, dry, landscape waste may be burned on the weekends from April 15 through May 15 and on weekends during the month of November when following these restrictions:

- a. There shall be no burning of wet landscape waste, and no unattended burning of any landscape waste; some form of fire extinguishing device must be available at the burning site.
- b. There shall be no burning of landscape waste which was generated on another property.
- c. There shall be no burning of landscape waste before 10:00 a.m. or after 7:00 p.m.
- d. There shall be no burning of landscape waste on non-sunny days when the wind exceeds ten miles per hour.
- e. There shall be no burning of landscape waste upon any sidewalk, right-of-way, or paved or un-paved portion of any street, highway, or other public roadway, nor shall there be any burning of landscape waste within 25 feet of any building, structure or property line.

(d) Any open burning permitted by the terms of the exceptions stated in this section shall, under no circumstances, occur upon the sidewalk, right-of-way, or the paved or unpaved portion of any street, highway or other public roadway.

(e) No open burning of garbage or refuse shall be permitted at any time.

(f) In all unincorporated areas of Winnebago County, the following alternatives to open burning are encouraged and recommended:

(1) Shredding of leaves while mowing and leaving the mulch on the lawn to add nutrients to the soil;

(2) Mulching of grass clippings and/or shredding of leaves while mowing and using shredded leaves and/or grass clippings to mulch around shrubs and garden plants;

- (3) Mulching of grass clippings and/or shredding of leaves while mowing, collecting clippings and shredded leaves and creating an on-site compost pile;
- (4) Collecting grass and/or leaves for transport by the homeowner to a commercial or public compost center;
- (5) Collecting of grass clippings and/or shredding of leaves while mowing and bagging grass and/or leaves for collection by a private waste hauler during regular or special garbage or refuse pick-up.
- (6) Collecting twigs and branches or landscape waste for disposal either at a public or private compost or chipping site, or for bagging and pick-up by a public or private refuse hauler.

(Code 1964, § 9-23.2; Ord. No. 99-CO-3, 1-14-99; Ord. No. 2002-CO-56, 9-26-02; Ord. No. 2003-CO-26, 3-13-03; Ord. No. 2005-CO-47, 6-9-05; Ord. No. 2005-CO-112, 10-27-05)