

**ORDINANCE OF THE HIGHWAY COMMISSIONER
McHENRY TOWNSHIP ROAD DISTRICT REGULATING OPEN BURNING WITHIN
McHENRY TOWNSHIP**

WHEREAS, the County Board of McHenry County Illinois has adopted the BOCA National Fire Protection Code 1993 as amended;

WHEREAS, the County Board of McHenry County Illinois has adopted amendments to said BOCA National Fire Prevention Code/1993 which are intended to provide a balanced public policy for burning of landscape waste in McHenry County; and

WHEREAS, the Highway Commissioner of the McHenry Township Road District has proposed additional restrictions on the burning within the unincorporated areas of McHenry Township.

NOW THEREFORE BE IT ORDAINED by the Highway Commissioner of the McHenry Township Road District, McHenry County Illinois as follows:

SECTION I

Definitions:

The following words and terms shall, for the purpose of this Ordinance and as stated elsewhere, have the meanings shown herein:

Open burning: The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion and permit the escape of exhaust gas are open.

Recreational fire: An outdoor fire utilized to cook food for human consumption, or for the pleasure of a temporary non-ceremonial gathering (commonly called a campfire).

Landscape waste: All accumulation of grass or shrubbery cuttings, leaves, tree limbs, and other material accumulated as a result of the care of lawn, shrubbery, vines and trees. Christmas trees are excluded.

SECTION II

No open burning, recreational fires or landscape waste is permitted, at any time, on the public right of ways, which include the road surface, shoulders or ditches.

SECTION III

Allowable burning: Highway safety flares, smudge pots and similar occupational needs may be used on public right of ways.

SECTION IV

BE IT FURTHER ORDAINED that any person who violates any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each fire started by an individual shall be considered a separate violation.

BE IT FURTHER ORDAINED AS FOLLOWS:

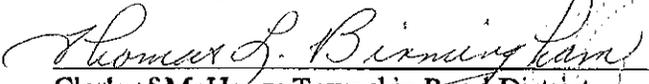
- A. All Ordinances and Resolutions, or parts thereof in conflict herewith are hereby repealed.
- B. This Ordinance shall be in full force and effect from and after the date of its adoption, subject to approval of the Superintendent of Highways of McHenry County, Illinois, which approval shall be appended hereto as evidence of the authority for enforcing this Ordinance and after publication as provided by law.

ADOPTED by the Highway Commissioner of the McHenry Township Road District, McHenry County, Illinois, this 9TH day of DECEMBER, 1996.


Joseph C. Majercik, Highway Commissioner
McHenry Township Road District
McHenry County, Illinois

Attested:

Tom Birmingham


Clerk of McHenry Township Road District
McHenry County, Illinois

