

ORDINANCE NO. 97 - 12

**ORDINANCE RELATING TO
BURNING OF LEAVES AND LANDSCAPE WASTE**

WHEREAS, the Kendall County Board has an obligation to protect the health and general welfare of the citizens of Kendall County; and

WHEREAS, there are densely populated areas of Kendall County where significant air contamination results from the opening burning of leaves and other landscape waste; and

WHEREAS, elevated levels of air contaminants cause adverse health effects among a significant percentage of the population; and

WHEREAS, alternative methods of leaf and landscape waste disposal exist, including collection by local waste haulers and composting; and

WHEREAS, the Kendall County Department of Health and Human Services has conducted research into the need for the adoption of an Ordinance regulating the burning of leaves and landscape waste in densely populated areas of Kendall County; and

WHEREAS, the Kendall County Board intends by the adoption of this Ordinance, to not restrict routine agricultural activities conducted within Kendall County; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance will be the least restrictive means of protecting the health and general welfare of the citizens of Kendall County; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance does not place an unreasonable burden on the citizens affected by the Ordinance; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance is in the best interest of the citizens and residents of Kendall County;

AS A RESULT OF THE FOREGOING, IT IS HEREBY RESOLVED AS FOLLOWS:

1. It shall be unlawful for any person to cause or allow the burning of leaves and landscape waste within Kendall County in areas designated as R-6 or R-7 according to the official Kendall County Zoning Ordinance, and official Kendall County Zoning Maps, as amended.
2. This Ordinance shall only be effective in Townships with a population in excess of 15,000, based upon the last official census.
3. Any person who violates the provision of this Ordinance shall be guilty of a petty offense. A conviction for this offense shall be punishable by a fine of not less than \$25.00 nor more than \$100.00. A second conviction for the violation of this Ordinance shall be punishable by a fine of not less than \$50.00 nor more than \$250.00. A third or subsequent conviction for violation of this Ordinance shall be punishable by a fine of not less than \$250.00 nor more than \$500.00. Each day's violation of this Ordinance shall constitute a separate offense.
4. Persons actually engaged in the business of agriculture shall be exempt from the provision of this Ordinance, if the actions of said person are in support of their agricultural pursuits. A person shall be deemed to be acting in support of their agricultural pursuits if that person is acting upon or adjacent to their agricultural lands, and while they are engaged in activities such as controlled burning for the purpose of weed eradication, and similar activities.
5. Persons actually engaged in the process of native prairie grass restoration shall be exempt from the provisions of this Ordinance, while such persons are carrying out activities directly related to the establishment of native prairie grass.
6. This Ordinance shall take effect on July 1, 1997.

ATTEST:


Clerk


Chairman