

Public copy

VILLAGE OF PHILO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2008- 545

2008 ORDINANCE REGULATING THE BURNING OF MATERIALS
WITHIN THE VILLAGE OF PHILO

Passed by the Board of Trustees and
Approved by the President
of
Village of Philo, Illinois
on February 13, 2008

Published in pamphlet form by authority of the President and Board of
Trustees of the Village of Philo, Champaign County, Illinois, this 14th day of
February, 2008.

**VILLAGE OF PHILO
CHAMPAIGN COUNTY, ILLINOIS**

Ordinance No. 2008-545

February 13, 2008

**2008 ORDINANCE REGULATING THE BURNING OF MATERIALS
WITHIN THE VILLAGE OF PHILO**

WHEREAS, the Village of Philo, Illinois, is a municipality consisting primarily of residential properties on single family residential lots in rural Champaign County, Illinois; and

WHEREAS, the lots and homes within the Village are located in the close proximity to each other; and

WHEREAS, the health, safety and welfare of the Village residents is a legal and actual concern of the Board of Trustees of the Village of Philo; and

WHEREAS, the burning within the Village of certain types of materials under certain circumstances creates a hazard to the health, safety and welfare of Village residents; and

WHEREAS, Illinois State Law prohibits the burning of any materials other than leaves and yard waste within urban areas such as the Village of Philo; and

WHEREAS, the burning of such materials under the conditions defined herein constitutes a public nuisance as it creates a risk of fire and resulting damage to the person and property of Village residents, generates smoke which is offensive and irritating to the eyes, nose and lungs of those who are affected by said smoke; and

WHEREAS, the Village of Philo has determined that it is necessary to regulate such burning and prohibit certain burning for the protection, health, welfare and safety of the residents of the Village of Philo.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PHILO, ILLINOIS, AS FOLLOWS:

1. No person, firm or corporation shall burn leaves, brush, sticks, dried foliage, or other plants outdoors within the Village of Philo, unless such material was grown upon or generated from trees, plants, bushes and shrubs growing upon the property located within the Village of Philo, Illinois, where such burning occurs, and such burning complies with the requirements of Illinois law regarding permissible burning.
 2. No person, firm or corporation shall burn any tires or garbage within the Village of Philo, Illinois. "Garbage" within the meaning of this ordinance means bones, meat, animal skin, feathers, entrails, organs, non-edible animal parts, grease, food and by-products thereof, coffee grounds, table scraps and similar materials.
 3. No person, firm or corporation shall burn any material outdoors within the Village of Philo, other than leaves, brush, sticks, dried foliage, or plants generated from trees, plants, and bushes growing upon the property where such burning occurs, as allowed by Section 1 hereof.
 4. No person, firm or corporation shall burn leaves, brush, sticks, dried foliage, or plants permitted by Section 1 of this Ordinance under circumstances which create an unreasonable risk of fire or other hazard to himself or other Village residents or their properties, including burning under weather conditions which involve an unreasonable risk of spreading said fire, burning at locations on one's property which are too close to buildings, vehicles, combustible materials or other items involving a risk of damage to persons or property, and burning during the hours of darkness.
 5. All actions in violation of this Ordinance are hereby determined and defined to constitute a public nuisance and it is in the public interest that such nuisances be prohibited and if they occur in violation of this Ordinance, that they be abated by the Village through appropriate judicial order.
 6. Any person, firm or corporation who violates the terms of this Ordinance shall be punished by a fine of not less than Seventy-Five Dollars (\$75.00) and not more than Seven Hundred Fifty Dollars (\$750.00).
- Any individual charged with a violation of this Ordinance may voluntarily pay such fine as is administratively assessed by the Village, and in that event, no judicial proceedings need be conducted.

The Village may also enjoin violations of this Ordinance, in addition to imposing a fine as set forth herein.

7. All prior Village ordinances in conflict with this Ordinance, including Ordinance No. 364, dated January 20, 1988, are hereby repealed.

8. This ordinance shall be effective on and after its passage, approval and publication, which may be in pamphlet form, in accordance with law.

PRESENTED, PASSED APPROVED, AND ADOPTED by the President and Trustees of the Village of Philo, Illinois, at a duly conducted meeting thereof this 13th day of February, 2008.

APPROVED:

Craig M. Eckert
Craig Eckert
Village President

ATTEST:

Judy A. Kirby SH
Judy A. Kirby
Village Clerk

VOTING ON SAID ORDINANCE NO. 2008-545

Trustee	Aye	Nay
Neal Asklund, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Franks, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mitch Keeler, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alta Tarter, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Mumma, Trustee	<i>ABSENT</i>	<input type="checkbox"/>
Dan Ault, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Craig Eckert, President	<input type="checkbox"/>	<input type="checkbox"/>

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATE

I, Judy A. Kirby, certify that I am the duly appointed and acting municipal clerk of the Village of Philo, Champaign County Illinois.

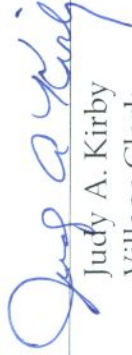
I further certify that on February 13, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-545 entitled:

**2008 ORDINANCE REGULATING THE BURNING OF MATERIALS
WITHIN THE VILLAGE OF PHILO**

I further certify that the attached copy of said ordinance is a true and correct copy of said ordinance, as appears from the records of the Village of Philo, Illinois.

The pamphlet form of Ordinance No. 2008-545, including the Ordinance and a cover sheet thereof was prepared, a copy of such ordinance was posted in the municipal building, commencing on February 14, 2008, and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Philo, Illinois, this 25th day of February, 2008.



Judy A. Kirby
Village Clerk
Village of Philo, Illinois