

CITY OF BERWYN  
ORDINANCE NO. 13-14

ADOPTED BY THE CITY COUNCIL  
OF THE  
CITY OF BERWYN

THIS 23 DAY OF April, 2013

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS, THIS 23 DAY OF  
April, 2013

STATE OF ILLINOIS     }  
COUNTY OF COOK       }     SS

CERTIFICATE

I, THOMAS J. PAVLIK, CERTIFY THAT I AM THE DULY ELECTED CITY CLERK OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT ON April 23, 2013 THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE NO. 13-14 ENTITLED:

**AN ORDINANCE AUTHORIZING AN INDEPENDENT CONTRACTOR COLLECTION SERVICES AGREEMENT WITH HELLER & FRISONE, LTD. FOR THE CITY OF BERWYN, STATE OF ILLINOIS**

THE PAMPHLET FORM OF ORDINANCE NO. 13-14, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE MUNICIPAL BUILDING, COMMENCING ON, April 23, 2013 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE MUNICIPAL CLERK.

DATED AT BERWYN, ILLINOIS THIS 24 DAY OF April, 2013.



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THOMAS J. PAVLIK, CITY CLERK

**THE CITY OF BERWYN**  
**COOK COUNTY, ILLINOIS**

**ORDINANCE**  
NUMBER 13-14

**AN ORDINANCE ADDING SECTION 1610.03 TO CHAPTER 1610 OF THE  
CODIFIED ORDINANCES REGARDING OPEN BURNING WITHIN THE  
CITY OF BERWYN, COUNTY OF COOK, STATE OF ILLINOIS**

**Robert J. Lovero, Mayor**  
**Thomas J. Pavlik, City Clerk**

**Nona Chapman**  
**Jeffrey Boyajian**  
**Margaret Paul**  
**Michele Skryd**  
**Cesar Santoy**  
**Theodore Polashek**  
**Rafael Avila**  
**Nora Laureto**  
**Aldermen**

ORDINANCE 13-14

**AN ORDINANCE ADDING SECTION 1610.03 TO CHAPTER 1610 OF THE CODIFIED ORDINANCES REGARDING OPEN BURNING WITHIN THE CITY OF BERWYN, COUNTY OF COOK, STATE OF ILLINOIS**

**WHEREAS**, the City of Berwyn (the “City”) is a home rule unit of local government as is provided by Article VII, Section 6 of the Illinois Constitution of 1970 and, as such, may exercise various powers and perform numerous functions pertaining to its government and affairs in any manner not otherwise prohibited by law; and

**WHEREAS**, the Mayor and City Council (collectively, the “Corporate Authorities”) are committed to maintaining a safe and healthy environment within the City; and

**WHEREAS**, in connection therewith, the Corporate Authorities have determined that it is necessary for the public health, safety and welfare to amend the Codified Ordinances (the “Code”) to prohibit open burning within the City; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the City and its residents to add Section 1610.03 to Chapter 1610 of the Code as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the City Council of the City of Berwyn, County of Cook, State of Illinois, in the exercise of the City’s home rule powers, as follows:

**Section 1.** The statements set forth in the preambles to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

**Section 2.** Chapter 1610 of the Code is hereby amended by the addition of Section 1610.03, which Section shall read as follows:

## OPEN BURNING PROHIBITED; EXCEPTIONS.

It shall be unlawful to burn or cause the burning at any location within the City of any paper, cardboard, leaves, twigs, branches, wood, grass, grass clippings or other refuse from farming or gardening, or other combustible materials of any nature whatsoever, except as follows:

(A) Burning any combustible materials wholly within a building in a fireplace or other equipment or facility designed and constructed for such purpose; provided, that any refuse-burning incinerator installed in any residence building shall comply with the rules and regulations of the state air pollution control board as the same may from time to time be in effect;

B) Burning charcoal briquettes, natural gas, propane, approved wood, or commercially prepared seasoned wood chips in conjunction with any of the foregoing for cooking purposes, provided, however that the following restrictions shall apply to multi-family buildings:

1. Charcoal burners and other uncovered open flame cooking devices shall not be operated; and

2. Burning of charcoal briquettes, approved wood or commercially prepared seasoned woodchips shall not be allowed.

(C) Burning combustible materials in a high temperature incinerator providing complete combustion and complying with the rules and regulations of the state air pollution control board as the same may from time to time be in effect;

(D) Burning approved wood, as defined in paragraph (G), in an outdoor bonfire as a gathering conducted by religious, educational or other not-for-profit organization; provided, that a permit therefore is previously issued by the Fire Prevention Bureau and that such bonfire is supervised by one ore more adults and adequate safety equipment as approved by the Fire Prevention Bureau is available; and

(E) Burning any combustible material other than those listed in the first paragraph herein for recognized silvicultural or range or wildlife management practices or prevention or control of disease or pests; provided that:

1. The Fire Prevention Bureau shall find that the burning thereof will not constitute a danger to the health, safety and welfare of the citizens and residents of the City or of other communities surrounding the City, or constitute a danger of air pollution in any other respect;

2. The Fire Prevention Bureau shall issue a permit therefore; and

3. Any such burning shall be attended by adequate personnel and safety equipment as approved by the Fire Prevention Bureau.

(F) Burning approved wood in an approved container for recreational campfires, as defined in paragraph (G) in a safe and controlled manner; provided that:

1. Such fire shall be under the control of and attended at all times by a person 18 years of age or older;

2. A portable fire extinguisher having a minimum rating of 4-A or other approved extinguishing agent such as sand, dirt or water in sufficient quantity shall be available for immediate use;

3. Such fire shall at all times be safely managed and shall not be permitted to create excessive flames, flying cinders or smoke;

4. Such fire shall be located in an area separated from any structure by not less than fifteen (15) feet;

5. Such fire shall not be used in such a manner as to emit offensive or objectionable smoke or odors or when other circumstances make such fires hazardous; and

6. At no time shall such fire be utilized for waste disposal purposes.

(G) For purposes of this Section the following definitions apply:

*Approved Container.* A commercially manufactured device specifically designed, intended, advertised, and utilized, for the purpose of recreational campfires, such as chimneas and outdoor fireplaces. Such container must be located above ground and in no event shall be built into the ground or located below grade.

*Approved Wood.* Seasoned dry firewood of dimensions appropriate to safely fit within the container. In particular, but without limitation, approved wood shall not include any green or fresh vegetation materials; nor shall it include any leaves, grass, bushes, roots or other similar materials, nor shall it include any construction materials, such as created woods, plywood or pressure-treated wood or any other materials which produce excessive smoke, cinders or other emissions characteristic of non-seasoned wood.

*Bonfire.* A safely conducted and controlled outdoor fire utilized for ceremonial purposes.

*Recreational Campfire.* A safely conducted and controlled outdoor fire utilized for comfort or relaxation.

**Section 3.** The officers, employees and/or agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendment contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the City are specifically authorized and directed to draft and disseminate any and all necessary forms to be utilized in connection with the amendments contemplated by this Ordinance.

**Section 4.** All prior actions of the City's officials, employees and agents with respect to the subject matter of this Ordinance are hereby expressly ratified.

**Section 5.** The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

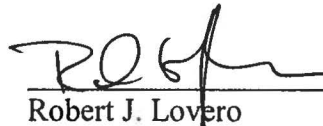
**Section 6.** All ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 7.** This Ordinance shall be immediately in full force and effect after passage, approval and publication or as otherwise provided by law. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

ADOPTED by the City Council of the City of Berwyn, Cook County, Illinois on this 23<sup>rd</sup> day of April 2013, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman	✓			
Boyajian	✓			
Paul			✓	
Skryd			✓	
Santoy	✓			
Polashek	✓			
Avila			✓	
Laureto	✓			
(Mayor Lovero)				
<b>TOTAL</b>	5	0	3	

APPROVED this 23<sup>rd</sup> day of April 2013.

  
 Robert J. Lovero  
 MAYOR

ATTEST:

  
 Thomas J. Pavlik  
 CITY CLERK

