

Cicero Town Ordinance

§ 91.06 CONTROLLED BURNING.

(A) *Title.* This section may be cited and referred to as the "Controlled Burning Section."

(B) *Definitions.* As used in this section, the following terms shall have the following meanings:

(1) **BURNING.** To be on fire, to give forth light and heat during combustion, or to be charred or scorched by action of fire or heat.

(2) **GARBAGE.** Food wastes such as fruit, vegetables, meat, cooking greases, dried cereal, bread, beverages and semi-solid waste resulting from processing, handling, preparation and cooking of dead animals, animal waste, or the like.

(3) **LEAVES.** The fallen leaves of deciduous trees and shrubs, together with such twigs and stems as are customarily associated therewith in autumn in this state.

(4) **PROHIBIT.** To stop or prevent.

(5) **RUBBISH.** Any substance that is not readily combustible such as rubber, oily liquids, cloth, plastics, glass, metal, aluminum, and leather, or the like.

(6) **TRASH.** Something readily flammable that would not emit toxic or offensive substances or would emit them in quantities too small to be annoying or dangerous to health or safety.

(C) *Responsibilities.* No person within the town shall burn any rubbish or garbage, except within the provisions provided below:

(1) Supervised burning of leaves may take place on private property at least 20 feet from any building or property line, without container, between the hours of 7:00 a.m. and 4:00 p.m. All burning shall be attended at all times by the person or persons conducting the burning must be completely extinguished so that fire is not left smoking past 7:00 p.m.

(2) No person shall burn or cause to be burned, any leaves on any asphalt, tar, concrete, brick, or gravel street or alley, or any town property, except with permission of the Fire Chief, or in such a place, amount or manner or during weather conditions which could endanger surrounding property. Burning is prohibited in apartment complexes and mobile home parks and shall not take place closer than 20 feet from any combustible building, fence or pole, foundation, weeds or other combustible materials.

(3) Burning is prohibited during unfavorable weather conditions, such as temperature inversions, high winds, air stagnation, or when wind speed exceeds five miles per hour.

(4) No burning shall take place which involves the utilization of fuel oil, tires, kerosene or any other petroleum based material or any material which produces black smoke.

(5) No burning shall take place on any date designated by the Town Council President or the Town Council to be a health hazard day due to adverse atmospheric conditions or if such burning creates an air pollution problem, a nuisance, or a fire hazard. Any fire or burning

deemed to be an air pollution problem, a nuisance or a fire hazard by an officer in charge of the Town Fire Department shall be extinguished immediately upon request of a town police officer, a member of the Town Fire Department or other health authority present in the town.

(D) *Exceptions.* The Town Council may approve in advance other fires or burning if it shall determine that such exception will not be contrary to public interest and where a literal enforcement of the provisions of this section will cause unnecessary hardships, such as fires celebrating Twelfth Night ceremonies, school pep rallies, scouting activities, campfires, or agricultural operations approved by the Fire Chief and in compliance with the State Air Pollution Control Board and State Fire Marshal guidelines. Burning of fires which are allowed as exceptions to this section shall comply with the other terms of this section, such as being attended at all times, extinguished fully at the end of the burning, shall occur during the hours set forth in the permission granted by the Town Council, shall not take place during unfavorable weather conditions, and so forth, shall be extinguished if such burning or fire creates an air pollution problem, nuisance or a fire hazard.