

**BOARD OF TRUSTEES  
VILLAGE OF THIRD LAKE, ILLINOIS**

**09-07-02**

**AN ORDINANCE RESTRICTING AND DISPOSAL OF LEAVES AND YARD  
WASTE AND REPEALING ORDINANCE NO. 05-12-01**

**This 20<sup>th</sup> Day of July, 2009**

  
**Patricia Beggan, Village Clerk**

**Published in pamphlet form by the authority of the Board of Trustees of the Village of  
Third Lake, Lake County, Illinois this 20<sup>th</sup> Day of July, 2009**

ORDINANCE NO. 09-07-02

AN ORDINANCE RESTRICTING BURNING AND DISPOSAL OF LEAVES AND YARD WASTE AND REPEALING ORDINANCE NO. 05-12-01

WHEREAS, in order to protect the environment and prevent unnecessary emissions into the atmosphere and waters of the Village of Third Lake, to provide a safe environment for the residents, to protect against fire hazards due to burning of leaves and to promote the public health and safety, it is necessary to establish regulations for the burning and disposal of leaves and yard waste.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Third Lake, Lake County, Illinois, as follows:

SECTION ONE: Dumping Prohibited. It shall be unlawful for any person to dump, deposit or place leaves or yard waste on any property, public or private, in the Village, except that composting is permitted under the following conditions:

- (a) Materials must be placed in such a way as not to allow them to be windblown.
- (b) The compost pile shall be located not less than twenty five feet (25') of the normal water level mark of Third Lake, Druce Lake or of any publicly owned water retention or water recreational facility.
- (c) The compost pile shall be no more than five feet (5') in height and shall not exceed a maximum ground or base area of more than one hundred (100) square feet.

SECTION TWO: Restriction on Burning and Disposal of Leaves and Yard Waste. Except as hereinafter authorized, the burning of grass, brush, trimmings from trees or other bushes, wood, construction materials, paper, garbage, refuse, waste or other combustible material on any property, public or private, from any source whatsoever, within the Village, is hereby prohibited. Notwithstanding the foregoing, such burning shall be permitted subject to the following conditions and restrictions:

- (a) Dry leaves, brush, branches under 1½ inches in diameter, and yard waste may be burned between November 1 and November 30 and between April 15 and May 15 of each year, between the hours of 9:00 a.m. and 3:00 p.m. Said materials shall only be burned in a fireproof barrel or other receptacle that is elevated above the ground by at least six inches (6") but no more than twenty four inches (24"). Further, no burning of such material shall be undertaken at any time:
  - 1. when the wind, whether continuous or gusting, is in excess of fifteen (15) miles per hour;
  - 2. within twenty feet (20') of any building or structure;
  - 3. within twenty five feet (25') of any wetland, lake or other body of water, or Lake County Forest Preserve property;
  - 4. when the corporate authorities announce that inversion conditions exist and the public is so advised through local newspaper or public media sources;

5. without a water source and adequate means of delivering said water located immediately adjacent to the location of the fire;
6. on Village streets, sidewalks, or other public right-of-way;
7. unless supervised by a person sixteen (16) years of age or older who shall be present at all times until the fire is extinguished.

(b) Nothing herein shall prevent burning of branches, wood or logs for small recreational fires, including campfires and barbecues. Such fires shall be contained in a pit measuring not more than three feet (3') in diameter and having a barrier of stone, brick, or other non-flammable material placed between the fire and the ground to prevent the run-off of ash and other byproducts of burning. Notwithstanding the foregoing, no such recreational fires shall be undertaken at any time:

1. when the wind, whether continuous or gusting, is in excess of fifteen (15) miles per hour;
2. within twenty feet (20') of any building or structure;
3. within twenty five feet (25') of Lake County Forest Preserve property;
4. when the corporate authorities announce that inversion conditions exist and the public is so advised through local newspaper or public media sources;
5. without a water source and adequate means of delivering said water located immediately adjacent to the location of the fire;
6. on Village streets, sidewalks, or other public right-of-way;
7. unless supervised by a person sixteen (16) years of age or older who shall be present at all times until the fire is extinguished.

(c) Upon proper application where particular hardship or unique circumstances are demonstrated, the Village President may grant special permits varying the requirements of this Section.

SECTION THREE: Any person convicted of a violation of Section One or paragraph (b) of Section Two of this Ordinance shall be subject to a fine in an amount not less than those established in the schedule set forth below and not more than seven hundred fifty dollars (\$750.00):

<u>Description of Violation</u>	<u>Minimum Fine Amount</u>
First violation in any 365 day period	Written warning
Second violation in any 365 day period	\$50.00
Third violation in any 365 day period	\$100.00
Fourth and subsequent violations in any 365 day period	\$200.00 and double for any violation thereafter

For purposes of this Section, and in determining the appropriate amount due hereunder:

- (a) A separate violation shall be deemed committed for each violation for which a citation is issued.
- (b) Any finding or plea of guilty or no contest upon a citation shall be deemed a violation.

Notwithstanding the foregoing, the Village President or his designee may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated this Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19<sup>th</sup> Judicial Circuit Court, charging him with the violation.

Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of the appropriate fine as designated above within a period to be specified in the citation, which period shall not be more than ten (10) days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instruction contained in the citation at the Office of the Village Clerk. In the event that the person to whom the citation is issued fails to settle and pay the violation claim within ten (10) days of issuance of the citation, a final notice shall be issued. If payment of the prescribed amount plus Five Dollars (\$5) is not made within fifteen (15) days of issuance of the final notice, then the Village President or his designee is authorized to cause a notice to appear to be served upon the alleged violator and the Village President or his designee is authorized to file a complaint and to prosecute the complaint in the 19<sup>th</sup> Judicial Circuit Court of Lake County.

SECTION FOUR: Any person convicted of a violation of paragraph (a) of Section Two of this Ordinance shall be subject to a fine in an amount not less than those established in the schedule set forth below and not more than seven hundred fifty dollars (\$750.00):

<u>Description of Violation</u>	<u>Minimum Fine Amount</u>
First violation	Written warning
Second violation	\$75.00
Third violation	\$150.00
Fourth violation	\$300.00
Fifth violation	\$600.00
Sixth and subsequent violations	\$750.00

For purposes of this Section, and in determining the appropriate amount due hereunder:

- (a) A separate violation shall be deemed committed for each violation for which a citation is issued.
- (b) Any finding or plea of guilty or no contest upon a citation shall be deemed a violation.
- (c) Violations accumulate against the person cited and in determining how many prior violations a person has, the amount of time that has passed from previous violations shall be irrelevant.

Notwithstanding the foregoing, the Village President or his designee may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated this Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to

so settle, a complaint will be filed in the Circuit Court of Lake County, 19<sup>th</sup> Judicial Circuit Court, charging him with the violation.

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SECTION FIVE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance No. 05-12-01 is hereby expressly repealed in its entirety.

SECTION SIX: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

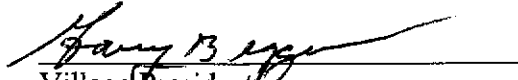
AYES: Hoppe, Kotulla, Kowalke, Penny, VanZeyl

NAYS: Rogers

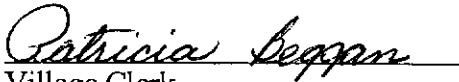
ABSENT/NOT VOTING: None

PASSED: 7/20/, 2009

APPROVED: 7/20, 2009

  
Village President

ATTEST:

  
Village Clerk

PUBLISHED: 7/20/09

STATE OF ILLINOIS     )  
                                  ) ss.  
COUNTY OF LAKE     )

I, Patricia Beggan, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

09-07-02

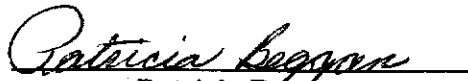
**AN ORDINANCE RESTRICTING AND DISPOSAL OF LEAVES AND YARD WASTE  
AND REPEALING ORDINANCE NO. 05-12-01**

**This 20<sup>th</sup> Day of July, 2009**

**In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Third Lake, Lake County, Illinois.**

**Done at Third Lake, Illinois this 20<sup>th</sup> Day of July, 2009**

(SEAL)

  
\_\_\_\_\_  
Patricia Beggan  
Village Clerk