



Washington Police Department

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Open Burning Review

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Washington City Ordinance generally allows burning of landscape waste on one's own residential property between sunrise and sunset, except on enumerated holidays. This is not a complete recitation of the ordinance and is intended as a guide for conversation as opposed to a reference.

Is open burning a problem for residents?

Offensive burning is a problem, as evidenced by widespread municipal regulation across the country. Whether any particular restriction is a proper response to the problem is the purview of a legislative body, but widespread regulation by localities is unlikely to exist unless there is a consensus that there are harms associated with a practice.

The current City of Washington ordinance restricting burning was instituted in 1989 and modified by Council four times:

- 1996: Adding a requirement that a method to extinguish any such fire shall be immediately available; allowing prohibitions for specific fires based on smoke or ash; adding a provision for recreational bonfires
- 2001: Prohibiting burning on certain holidays
- 2004: Adding Halloween to the list of holidays
- 2013: Changing the authority to prohibit certain fires from the Chief of Police to the Chief of the Volunteer Fire Department

In 2017 we logged 33 complaints of improper or offensive burning. In 2018 we logged 28 complaints. It is very likely that additional complaints were addressed but not logged as burning complaints. It is also common for complainants to report that they experience multiple occasions of improper burning before they report.

Breakdown of logged complaints 2017-2018:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
17 ¹³⁺⁴	9	5	10	8	0	12

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	5	4	4	11	4	4	7	2	5	9	6

Holiday burning: There was one complaint each year for burning on Thanksgiving Day (on opposite ends of town) and one on Easter, 2017.

An Illinois EPA statement regarding the burning of landscape waste:

The open burning of leaves and grass can be of particular concern because of its impact on the public's health. Smoke from burning leaves, grass, brush, and most plants contains high concentrations of such pollutants as...particulates and photochemically reactive chemicals, some of which are known carcinogens and some that contribute to smog formation... Particulate

matter can become embedded in lung tissue and can be harmful to small children and individuals with respiratory disorders. The burning of leaves releases the photochemically reactive chemical, benzo(a)pyrene, a known carcinogen. Additionally, the high moisture content of grass causes low burn temperatures and inefficient burning, resulting in noxious odors and incomplete combustion.
[Illinois Environmental Protection Agency, Bureau of Air, *Landscape Waste Fact Sheet*, June 2002]

Benefits of burning landscape waste:

Low direct cost elimination of landscape waste, convenience, enjoyment

Difficulties in enforcing the current ordinance:

- Public misconception of what constitutes landscape waste (not construction debris)
- Public resistance to burning controls
- Resistance of officers to cite offenders for “minor” or arguably inadvertent violations, resistance to calling out the Fire Department to extinguish unattended fires (not wanting the response to be out of proportion to the problem at hand)
- Private property restrictions (is it worth risking a civil judgement for police to enter private property to address an unattended fire)
- A lack of bright-line rules, particularly regarding standards for combustion, excessive smoke or flying ash

POTENTIAL CHANGES:

Seasonal burning restrictions:

Currently East Peoria allows the burning of landscape waste for up to 46 days in the fall (October 15 - November 30) and 30 days in the spring (April 1 - April 30). Burning is allowed from sunrise until sunset. Problems with this approach include the compressing of burning into a shorter time span, concentrating smoke problems during that time, an artificial incentive to attempt to burn green or wet items in order to burn within the deadline, and inopportune weather conditions, such as a very wet April or wet conditions late in November. A clear annual rule informs the public when burning is permitted. The clarity of the time period may not provide a benefit that outweighs the drawbacks.

Other time restrictions:

Some communities restrict burning to certain days of the week or have a more restrictive time of day limit, such as 7:00 A.M. – 5 P.M.

Wind restrictions:

The Council may require wind speed in a certain range during burning, including a minimum and/or maximum wind, or address effects such as visible smoke over neighboring property or obstructed views due to smoke.

Language adjustments:

The current ordinance can be made more clear, although potentially more complicated, by adjusting some definitions, providing more specific guidance on what fuels are acceptable in allowed fires as well as prohibited fuels such as oils, manufactured lumber, and plastics. Although it will not be practical to both allow open burning and create bright line rules regarding acceptable effects of burning, creation of

clearer standards for determination of what constitutes hazardous or excessive smoke can address at least some resistance to burning in a manner that creates a minimal impact on others.

Creation of time limits on recreational fires and extending other landscape waste burning requirements, such as being constantly attended and having a means to extinguish fires, can address both nuisance factors and risks. These fires should be addressed separately from other open burning, as their purpose is significantly different. Outdoor fires for cooking should be addressed specifically to avoid unintended restrictions or consequences.

Prohibition on open burning:

This is a bright line rule that is easily enforced. Repeat violations are unlikely. Landscape waste may build up on some properties, requiring enforcement of the nuisance code. Other options for disposal may require payment, outlay of physical effort, or space (as for composting). A prohibition on open burning is not an elimination of all landscape waste burning, as it would not prohibit proper, closed incineration of landscape waste, although this method requires equipment and potentially the manual compaction of waste for efficient burning. Closed incineration does not require commercially-produced equipment.

Changes in Enforcement Procedures:

For at least 20 years, most enforcement was driven by complaints and resulted in warnings. Late last fall, the Department mailed explanatory letters to some residences that were the subject of complaints and recorded the “warnings” as property alerts in the dispatch system. We have the ability to expand this property alert system to other warnings, so that any officer addressing a burning ordinance violation would be aware of previous incidents. Officers are more likely to take stronger enforcement action when the offender has been warned previously. A drawback is that residents that view themselves as law-abiding are sometimes offended when issued a written warning or otherwise notified that a record of the warning or alleged infraction has been made.

Continued Communication to the Public:

The Police Department and the City use newsletters, a website, and social media to encourage adherence to the current ordinance. Further communications resources, within those media or expanded to others, may enhance communication and encourage public compliance with standards.