

1 AN ACT concerning open burning.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Fire Protection District Act is amended
5 by adding Section 8.20 as follows:

6 (70 ILCS 705/8.20 new)

7 Sec. 8.20. Open burning.

8 (a) The board of trustees of any fire protection district
9 incorporated under this Act may, by ordinance, require that
10 the district be notified of open burning within the district
11 before it takes place, but shall not require that a permit
12 for open burning be obtained from the district. The district
13 may not enforce an ordinance adopted under this Section
14 within the corporate limits of a county with a population of
15 3,000,000 or more or a municipality with a population of
16 1,000,000 or more.

17 (b) The fire department of a fire protection district may
18 extinguish any open burn that presents a clear, present, and
19 unreasonable danger to persons or adjacent property or that
20 presents an unreasonable risk because of wind, weather, or
21 the types of combustibles. The unreasonable risk may include
22 the height of flames, windblown embers, the creation of
23 hazardous fumes, or an unattended fire. Fire departments may
24 not unreasonably interfere with permitted and legal open
25 burning.

26 (c) The fire protection district may provide that persons
27 setting open burns on any agricultural land with an area of
28 50 acres or more may voluntarily comply with the provisions
29 of an ordinance adopted under this Section.