

**ORDINANCE NO. TJ2-05**

**AN ORDINANCE ESTABLISHING USE REGULATIONS  
FOR THE CITY BURN AREA**

**WHEREAS**, the City of West Frankfort, Illinois, is a home rule unit of government pursuant to Section 6, Article VII of the Constitution of the State of Illinois; and

**WHEREAS**, the City has an area of vacant real estate used for burning trees, tree branches and bushes located on the North side of town, West of State Route 37 and South of the Southern Illinois Law Enforcement Training facility; and

**WHEREAS**, the City Council deems it advisable and necessary for the health, safety and welfare of the residents of the City of West Frankfort to provide structure for the use of said burn area; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF WEST FRANKFORT, FRANKLIN COUNTY, ILLINOIS AS FOLLOWS:**

Section 1. **PURPOSE.** The purpose of this Ordinance is to provide safe and efficient operation of the City Burn Area

Section 2. **HOURS.** The hours of operation and days the Burn Area shall be closed shall be as determined by the Commissioner of Streets and Public Improvements and shall be posted at the entrance. Changes may be made as desired by the Commissioner of Streets and Public Improvements.

Section 3. **GENERAL.**

A. Permits. All vehicles must have a valid permit to gain entrance into the Burn Area. The form of such permit shall be subject to the approval of the Commissioner of Streets and Public Improvements. Such permit shall fully identify the vehicle and its operator or operators.

B. Fee. The fee for a permit for non-residents of the City, residents not current on their water bill, and anyone doing

business as a tree-trimmer or landscaper is \$500.00 per year and is due in May of each year. They can be purchased after May; however, they all expire at 2:00 p.m. on April 30 of the following year.

Individual residents not doing business as a tree-trimmer or landscaper, who are current on their water bills shall be issued a permit at no charge.

All permits are not transferable in any way. Each permit whether or not issued for consideration shall be subject to revocation by the City whenever the holder of such permit in any way violates, or permits the violation of any law of the State of Illinois or City ordinance.

C. Burnable Material. The only material allowed in the Burn Area for burning are trees, tree branches and bushes.

D. All vehicles entering the burn area shall check with the Attendant, present a valid permit, and notify the Attendant of the source of the material being deposited.

E. Refuse will be deposited only in areas designated by the Attendant.

F. Traffic within the Burn Area shall be restricted to established roads only.

G. Removal of material from the Burn Area is prohibited.

H. Children under eighteen (18) years of age must remain in vehicles on Burn Area property.

I. Bare feet are not allowed on Burn Area property.

J. The speed limit on Burn Area roads is 10 m.p.h.

**Section 4. CIVIL LIABILITY.** Any person violating any provision of this Ordinance shall become liable for all damages and expenses, including attorney fees, thereby caused to the City of any person or persons by reason of such violation in addition to the criminal penalties herein provided. (Ord. 197 §52, 1947)

**Section 5. VIOLATION-PENALTY.** Any person violating any of the provisions of this Ordinance, unless otherwise indicated, shall be deemed guilty of a misdemeanor and subject to a fine up to \$750.00. Each day that the condition or act in violation of this chapter shall remain or continue shall be deemed, on the part of the person or

persons guilty of such violation, to be a separate and distinct offense as provided in Chapter 1.16 of the West Frankfort Municipal Code.

Section 6. REMOVAL. Any person or firm violating this Ordinance or the directions of the Attendant shall, in addition to all other applicable penalties remove all unacceptable material or pay the City the cost of such removal.

Section 7. SEPARABILITY. The provisions of this Ordinance are separable, and the invalidity of any provision of this Ordinance shall not affect the validity of the rest of the Ordinance.

Section 8. CONFLICT. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 9. RECITALS. All recitals stated in the preamble are hereby incorporated herein.

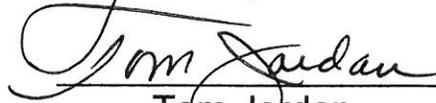
Section 10. AUTHORITY. The source of power for passing this ordinance is the home rule authority of the City of West Frankfort, Illinois and/or the Illinois Municipal Code.

Section 11. FULL FORCE. This Ordinance pertains to the government and affairs of the City, and due to its exigency shall be effective and in full force immediately upon its passage, approval and publication in accordance with law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST FRANKFORT, FRANKLIN COUNTY, ILLINOIS, THIS 12<sup>TH</sup> DAY OF JULY, 2011.**

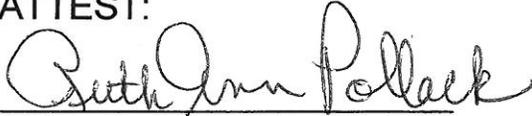
AYES: 5  
NAYS: 0  
ABSENT: 0

APPROVED BY THE MAYOR OF THE CITY OF WEST  
FRANKFORT THIS 12<sup>TH</sup> DAY OF JULY, 2011.



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Tom Jordan,  
Mayor of the City of West Frankfort

ATTEST:



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Ruth Ann Pollack, City Clerk

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