CITY OF CHICAGO

RULES

Burning of Fuels for Legitimate Campfire, Recreational, and Cooking Purposes

Last Updated: August 10, 2010

HEALTHY CHICAGO

CHICAGO DEPARTMENT OF PUBLIC HEALTH

Mayor Rahm Emanuel **Commissioner Julie Morita, M.D.**

BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH PURSUANT **2-112-160(b) AND 2-112-165** TO THE FOLLOWING RULES REGARDING **AIR POLLUTION AND CONTROL (OPEN FIRES PROHIBITED, RULES AND REGULATIONS FOR THE BURNING OF FUELS FOR LEGITIMATE CAMPFIRE, RECREATIONAL AND COOKING PURPOSES)** ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: _____ Date: November 10, 2015

Commissioner Julie Morita, M.D.

Published: Effective: August 10, 2010

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

ARTICLE II. AIR POLLUTION CONTROL
SECTION 11-4-740 OPEN FIRES PROHIBITED
RULES AND REGULATIONS
For the Burning of Fuels for Legitimate Campfire, Recreational, and Cooking Purposes

Whereas, pursuant to Chapters 2-30 and 11-4 of the Municipal Code of Chicago (the "Code"), the Department of Environment (the "Department") is charged with execution and implementation of all laws, ordinances, rules and regulations pertaining to environmental protection and control, including the regulation of air pollution control, within the City of Chicago; and

Whereas, pursuant to the authority granted by Section 2-30-030 of the Code, the Commissioner of the Department (the "Commissioner") is authorized to issue rules and regulations necessary or proper to accomplish the purposes of Chapter 11-4 of the Code, and is further authorized to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in Chapter 11-4 of the Code; and

Whereas, this general rule-making authority includes any rules necessary to implement the provisions of Article II of the Code, the "Air Pollution Control Ordinance;" and

Whereas, in addition, Section 11-4-800 of the Code gives the Commissioner authority to promulgate rules and regulations for the purpose of implementing the provisions of the Air Pollution Control Ordinance; and

Whereas, Sections 11-4-730, "Air Pollution Prohibited," and 11-4-740, "Open Fires Prohibited," are included in Article II, the Air Pollution Control Ordinance; and

Whereas, Section 11-4-740 incorporates by reference the State of Illinois Pollution Control Board Regulations on Open Burning (35 IAC 237); and

Whereas, the State Regulations on Open Burning exempt certain activities from the general prohibition on open burning "unless they cause air pollution as defined in the [Illinois Environmental Protection] Act" (35 IAC Sec. 237.120); and

Whereas, the State Regulations on Open Burning include an exception to the general prohibition on open burning for "[t]he burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases" (35 IAC Sec. 237.120(e)); now, therefore,

I, Suzanne Malec-McKenna, Commissioner, Department of Environment, City of Chicago, issue the following rules and regulations pursuant to the authority granted to me by Sections 2-30-030 and 11-4-800 of the Municipal Code of Chicago.

1.0 **Scope and Purpose.** The purpose of these rules and regulations is to clarify and interpret the exception to the general prohibition on open burning that allows "the burning of fuels for legitimate campfire, recreational and cooking purposes," unless such activities cause air pollution, as provided in 35 IAC Sec. 237.120(e) and incorporated by reference in Section 11-4-740 of the Code, with the intention of protecting people from air pollution.

2.0 **Legitimate Campfire, Recreational, and Cooking Activities.** In the City of Chicago, the phrase "the burning of fuels for legitimate campfire, recreational, and cooking purposes" as used in Part 237.120(e) of 35 Illinois Administrative Code, and incorporated in Section 11-4-740 of the Code, shall mean:

(1) the burning of propane, natural gas, or other clean-burning liquid gases; or

(2) the burning of charcoal, or pre-formed manufactured fireplace logs, or clean, dry, uncoated, unpainted and untreated natural firewood logs not more than two feet in length, provided that:

a) Under no circumstances may plywood, particle board, scrap lumber or pallets be burned even if the pieces are uncoated, unpainted or untreated;

b) Plain newspaper may be burned, but only in an amount necessary to start the fire;

c) Outdoor fires are not permitted on days when winds are excessive. The Commissioner, or the Commissioner's designee, may determine that winds are excessive by visual observation or when average wind speeds are 15 miles per hour or greater; and

d) The Commissioner, or the Commissioner's designees, may require that an outdoor fire be immediately extinguished if the Commissioner or designee determines that the fire is not in compliance with the provisions of these regulations or the smoke is creating air pollution.

(3) The "burning of fuels for legitimate campfire, recreational, and cooking purposes" does not include the burning of any waste, including but not limited to, municipal waste, garbage, household waste, commercial/retail waste, landscape waste, or construction and demolition debris.

I, Suzanne Malec-McKenna, hereby promulgate the foregoing Rules and Regulations for the Burning of Fuels for Legitimate Campfire, Recreational, and Cooking Purposes on this 10th day of August, 2010.

Suzanne Malec-McKenna
Commissioner of Environment
City of Chicago