

1 AN ACT concerning fire protection.

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 changing Section 8.20 as follows:

6 (70 ILCS 705/8.20)

7 Sec. 8.20. Open burning.

8 (a) The board of trustees of any fire protection  
9 district incorporated under this Act may, by ordinance,  
10 require that the district be notified of open burning within  
11 the district before it takes place, but shall not require  
12 that a permit for open burning be obtained from the district.  
13 The district may not enforce an ordinance adopted under this  
14 Section (i) within the corporate limits of the City of  
15 Chicago, (ii) within the boundaries of a farm that consists  
16 of more than 50 acres, and (iii) within the corporate limits  
17 of a forest preserve district if the burning is performed by  
18 district personnel within--the--corporate--limits--of--a--county  
19 with--a--population--of--3,000,000--or--more--or--a--municipality--with  
20 a--population--of--1,000,000--or--more.

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

30 (c) The fire protection district may provide that  
31 persons setting open burns on any agricultural land with an

1 area of 50 acres or more may voluntarily comply with the  
2 provisions of an ordinance adopted under this Section.

3 (Source: P.A. 92-762, eff. 1-1-03.)