

PUBLISHED IN PAMPHLET FORM FOR THE FOLLOWING:

ORDINANCE NO. 08-105

TITLED:

AMENDING CHAPTER 26, ARTICLE 4 (FIRE PREVENTION CODE) OF  
THE MUNICIPAL CODE RE OUTDOOR FIREPLACES/FIRE PITS

VILLAGE CLERK  
VILLAGE OF BOLINGBROOK

ORDINANCE NO. 08-105

**ORDINANCE AMENDING CHAPTER 26, ARTICLE 4 (FIRE PREVENTION CODE) OF THE MUNICIPAL CODE RE OUTDOOR FIREPLACES**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Mayor and Board of Trustees have determined that it is in the best interests of the Village and its residents to amend certain portions the Municipal Code to include provisions relating to outdoor fireplaces;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be and are hereby adopted as findings of fact as if said recitals were fully set forth within this Section One.

SECTION TWO: Section 26-403, Chapter 26, Article 4 of the Municipal Code of the Village of Bolingbrook, which sets forth amendments to the BOCA BASIC/National Fire Prevention Code, 1999 Edition shall be, and it is hereby, amended to include a new Section F-4033.9, which new Section F-403.9 shall hereafter be and read as follows:

Ordinance No. 08-105

**Section F-403.9. OUTDOOR FIREPLACE.** Outdoor burning of aged logs in a free-standing outdoor fireplace ("Outdoor Fireplace") shall be permitted only under the following conditions:

(A) Said Outdoor Fireplace shall employ screens and a lid to completely enclose the fire and burning logs contained therein, or a chimney.

(B) Only aged logs or commercially produced "compressed logs" shall be burned.

(C) The Outdoor Fireplace shall be located not less than 10 feet from the nearest portion of any structure, tree, vehicle or building nor within 10 feet of any property line.

(D) No Outdoor Fireplace shall be permitted to emit offensive or objectionable smoke or odors or when other circumstances make usage of said Outdoor Fireplace hazardous.

(E) The Outdoor Fireplace shall be used strictly in adherence with all manufacturer's guidelines and specifications issued with respect to the make and model of said Outdoor Fireplace.

(F) Once a fire has been started in an Outdoor Fireplace, the lid and side screens shall be secured and shall not be removed until the fire is out or extinguished, and no object shall be permitted to protrude outside the lid and screens while a fire is burning within the Outdoor Fireplace, provided that recreational fires utilized to cook food shall be exempt from said requirement during that period when food is being cooked over the flame.

(G) Any fire in an Outdoor Fireplace shall be attended at all times by a person 18 years of age or older.

(H) For the purposes of this section, an approved Outdoor Fireplace includes those commercially manufactured devices specifically designed, intended and advertised for the purpose of recreational fires, such as chimneys, outdoor fireplaces, and those areas specifically designed by a landscape professional and built within the confines of a deck that are constructed of stone, concrete blocks or other noncombustible materials. Those fireplaces constructed by a landscape professional using stone, concrete, or blocks shall be exempt from the use of a lid/screen but shall comply with all other requirements of this section.

(I) An Outdoor Fireplace shall be attended at all times when in use until the fire is out or extinguished.

(J) A water source or other provisions for extinguishing the fire shall be immediately accessible at all times when there is a fire in the Outdoor Fireplace.

SECTION THREE: Those provisions of the Municipal Code that have not been expressly amended herein are hereby ratified and affirmed and shall remain in full force and effect.

SECTION FOUR: Any policy, resolution or ordinance of the Village which conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION FIVE: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

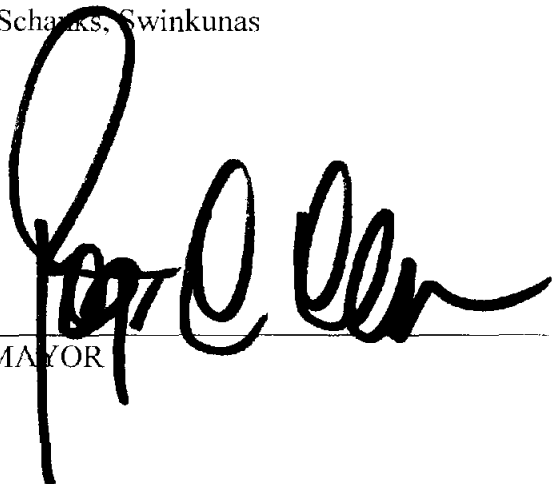
PASSED THIS 28<sup>th</sup> day of October, 2008.

AYES: 6 – Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

NAYS: None

ABSENT: None

APPROVED THIS 28<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
VILLAGE CLERK

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK ON OCTOBER 29, 2008.

LKL135688WAREV10/27/08

Ordinance No. 08-105

STATE OF ILLINOIS)  
COUNTIES OF WILL) SS  
AND DU PAGE )

I, Carol S. Penning, certify that I am the duly elected and acting Village Clerk of the Village of Bolingbrook, Will and DuPage Counties, Illinois.

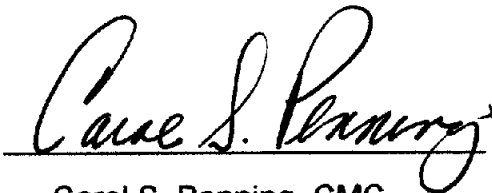
I further certify that on October 28, 2008 the Corporate Authorities of such municipality passed and approved Ordinance No. 08-105 entitled:

**AMENDING CHAPTER 26, ARTICLE 4 (FIRE PREVENTION CODE) OF THE MUNICIPAL CODE RE OUTDOOR FIREPLACES/FIRE PITS**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 08-105 including the Ordinance and a cover sheet thereof, was prepared on October 28, 2008. Copies of such Ordinance are available for public inspection upon request in the office of the Village Clerk.

DATED at Bolingbrook, Illinois, this 29th day of October, 2008.



Carol S. Penning, CMC  
VILLAGE CLERK

(VILLAGE SEAL)