



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4459

Introduced 1/20/2026, by Rep. Amy Briel

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Government Open Burn Permit Act. Provides that any county or municipality may adopt ordinances or resolutions establishing requirements for permits issued by it under the Act and may enter into intergovernmental agreements to implement the Act. Allows the Environmental Protection Agency to propose and the Pollution Control Board to adopt rules. Requires any person seeking to perform an open burn in a municipality or county to obtain a local government open burn permit from the municipality or county, respectively, where the burn is taking place in addition to any applicable open burn permit from the Illinois Environmental Protection Agency under the Environmental Protection Act and rules adopted under that Act. Requires every county and municipality to create an online publicly-accessible platform that contains certain information. Provides that municipalities and counties may charge up to \$5 for each local government open burn permit, with the proceeds to be used for fire protection purposes. Provides for enforcement by a State's Attorney or the Attorney General, or a city attorney for ordinance violations authorized by the Act, and for a penalty of up to \$100,000 for a person who conducts an open burn without a local government open burn permit, and a penalty of up to \$500,000 for a person who conducts an open burn on a no burn day without a local government open burn permit. Limits home rule powers and functions. Defines terms. Effective immediately.

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STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the Local
5 Government Open Burn Permit Act.

6 Section 5. Definitions. In this Act:

7 "Home rule unit" means a county or municipality that is a
8 home rule unit as provided in Section 6 of Article VII of the
9 Illinois Constitution.

10 "Local government open burn permit" means a permit issued
11 under this Act or under an ordinance or resolution authorized
12 by this Act for open burning, including permits for:

13 (1) fire fighter training or fire extinguisher
14 training;

15 (2) landscape waste burning using an air curtain
16 destructor;

17 (3) prairie and economical landscape burns; and

18 (4) disaster debris open burning.

19 "Municipality" means a city, village, or incorporated
20 town.

21 "No burn day" means a day upon which open burning is
22 restricted by the State or a fire protection district, county,
23 municipality, the Illinois Environmental Protection Agency, or

1 the Illinois Pollution Control Board due to safety concerns
2 determined by the restricting body.

3 "Open burning" has the meaning given in Section 3.300 of
4 the Environmental Protection Act.

5 Section 10. Local government ordinances; rules.

6 (a) Any county or municipality may adopt ordinances or
7 resolutions establishing requirements for local government
8 open burn permits issued by it under this Act and may enter
9 into intergovernmental agreements to implement this Act.

10 (b) The Environmental Protection Agency may propose and
11 the Pollution Control Board may adopt any rules necessary to
12 implement and administer this Act.

13 Section 15. Local government open burn permits.

14 (a) Any person seeking to perform an open burn in a
15 municipality shall obtain a local government open burn permit
16 under this Act from the municipality where the burn is taking
17 place in addition to any applicable open burn permit from the
18 Illinois Environmental Protection Agency under the
19 Environmental Protection Act and rules adopted under that Act.

20 (b) Any person seeking to perform an open burn in a place
21 that is not in a municipality shall obtain a local government
22 open burn permit under this Act from the county where the burn
23 is taking place in addition to any applicable open burn permit
24 from the Illinois Environmental Protection Agency under the

1 Environmental Protection Act and rules adopted under that Act.

2 Section 20. Online form for local government open burn
3 permits. Every county and municipality shall create an online
4 publicly accessible platform that contains the following
5 information:

6 (1) a form that may be used to apply to the county or
7 municipality for a local government open burn permit;

8 (2) a list of no burn days in the county or
9 municipality; and

10 (3) a reporting mechanism for the public to submit
11 photos, videos, and complaints of open burns that are
12 without proper permits or that are in violation of
13 applicable laws, rules, ordinances, or resolutions.

14 Section 25. Local government open burn permit fees. A
15 municipality or county may, by ordinance or resolution, impose
16 a local government open burn permit fee in the amount of up to
17 \$5 for each local government open burn permit it issues.
18 Proceeds from the local government open burn permit fee shall
19 be used for fire protection purposes.

20 Section 30. Penalties and enforcement.

21 (a) Any person who, without a local government open burn
22 permit issued under this Act, conducts an open burn on a day
23 that is not a no burn day is liable for a civil penalty of up

1 to \$100,000.

2 (b) Any person who, without a local government open burn
3 permit issued under this Act, conducts an open burn on a day
4 that is a no burn day is liable for a civil penalty of up to
5 \$500,000.

6 (c) The State's Attorney of the county where the violation
7 occurs or the Attorney General shall enforce this Act. An
8 attorney of a municipality may enforce ordinances or
9 resolutions adopted under Section 10 of this Act. Upon a
10 proper showing that a violation of this Act or an ordinance or
11 resolution adopted under Section 10 of this Act has occurred
12 or is about to occur, the court may issue a permanent or
13 preliminary injunction or any other equitable remedy the court
14 deems appropriate.

15 Section 35. Home rule. A home rule unit may not regulate
16 open burning in a manner inconsistent with this Act. This
17 Section is a limitation under subsection (i) of Section 6 of
18 Article VII of the Illinois Constitution on the concurrent
19 exercise by home rule units of powers and functions exercised
20 by the State.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.