

**ORDINANCE NO. 3338**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 1, SECTION 8  
OF THE EAST PEORIA CITY CODE PERTAINING TO OPEN BURNING**

**WHEREAS**, 65 ILCS 5/11-8-4 authorizes the regulation and prevention of bonfires; and

**WHEREAS**, 65 ILCS 5/11-20-5 authorizes the making of regulations which may be necessary or expedient for the promotion of health; and

**WHEREAS**, the Council of the City of East Peoria finds that the further regulation of open burning is necessary for the alleviation of suffering of those citizens sensitive to smoke, the promotion of health and safety, and the protection of the environment; and

**WHEREAS**, the Council of the City of East Peoria encourages composting, recycling and proper use of sanitary landfills rather than burning as means of disposing of unwanted combustible materials:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** Title 8, Chapter 1, Section 8 of the City Code of the City of East Peoria is hereby amended as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**8-1-8. Outdoor fires and open burning.**

(a) Except as otherwise provided in this section, no person shall set fire to or cause or permit to be burned in any yard, lot, street or alley, any rubbish, garbage, paper or other combustible material unless such material is confined during combustion to an approved incinerator. For purposes of this subsection an “approved incinerator” is one which prevents the escape of soot, cinders, fumes, gases and smoke. No fire may be set or caused or allowed to burn in or on any public right-of-way.

(b) The burning of leaves and other landscape waste material only is allowed during the period beginning on October 15 and ending on November 30 of each year and during the period beginning on April 1 and ending on April 30 of each year. However, the above indicated time spans may be expanded, shortened or completely abolished ~~on a seasonal basis~~ in the following manner:

- (1) If the fire chief in his discretion determines that conditions will not permit the safe and proper burning of leaves and other landscape waste material, he may, by written notice posted in the East Peoria Municipal Building and distributed through such media as the fire

chief in his discretion deems appropriate, entirely prohibit the burning of leaves and other landscape waste material during all or a portion of the period when such burning would otherwise be authorized by this subsection (b).

- (2) In any event, no person shall burn leaves or other landscape waste material if, in the judgment of the fire chief or his designee, the burning of such material creates a general health hazard, creates a special health hazard for any nearby person who encounters or may encounter the products of combustion or endangers any adjoining building, structure or other property by the communication of smoke or fire.
- (23) If the fire chief in his discretion determines that due to unusual seasonal conditions it would be appropriate to allow the burning of leaves and other landscape waste material at times other than those specified in this subsection (b), he may, by written notice posted in the East Peoria Municipal Building and distributed through such media as the fire chief in his discretion deems appropriate, extend the above specified time periods for the burning of leaves and other landscape waste material for a period of time not to exceed thirty (30) days prior to or subsequent to the times specified in this subsection (b).

For purposes of this subsection, the term “landscape waste material” is defined as dry leaves, the dry trimmings or fallen pieces of trees or bushes not more than two inches in diameter, and other dry vegetative matter as is ordinarily produced by any yard, garden or lot. ”Dry” material includes only material which is not damp or wet as a result of rainfall, frost, dew or other external sources of moisture and is also seasoned by the evaporation of internal moisture commonly found in material recently cut from living plants. No landscape waste material may be burned that is transported from another yard, garden, lot or place except as is blown by the wind.

(c) The fire chief may in his discretion authorize the burning of any combustible material within the city, including but not limited to trees and brush being cleared from a lot, scrap building materials and vacant houses scheduled for demolition, provided however, that leaves and other landscape waste material shall not be burned except pursuant to the provisions of subsection (b) of this section. No person shall be authorized to burn any material or structure under the provisions of this subsection unless he has been issued a written permit by the fire chief or, in his absence, the assistant chief. The fire chief shall charge a fee for such permit in the amount of twenty-five dollars (\$25.00). In addition, no building or structure shall be burned without first having secured a demolition permit in the manner provided by

Title 4, Chapter 4 of this Code. Local, state and federal public bodies planning to engage in open burning within the city must notify the fire chief or, in his absence the assistant chief, of the location, nature and purpose of the planned burning at least two hours prior thereto, but need not acquire a permit. With the sole exception of fires set and utilized by a professionally recognized fire department or brigade for training purposes, in no event shall any person burn any tires, rubber, plastic or any other material which when burned produces any toxic or noxious smoke, gases, odors or ash.

(d) The burning of material as authorized under subsections (a), (b) and (c) of this section may occur only under the following conditions:

- (1) Such burning may occur only between sunrise and sunset. Any fires shall be extinguished at sunset.
- (2) Burning may be conducted only on days when the wind will not carry smoke or other products of combustion in the direction of structures or persons on nearby parcels.
- (3) Fires shall be small and capable of being readily controlled or extinguished in the event that a change in wind direction or other factors would result in a violation of the regulations established in this section.
- (4) A responsible person of not less than eighteen years of age shall be present at the site of the fire at all times to observe and control the fire.
- (5) Water shall be available by way of a hose connected to an operational water source which hose shall have a sufficient length and capacity to promptly extinguish the fire.
- (6) Fires shall be completely extinguished and not allowed to smolder after substantial completion of the combustion.

~~(d)~~ Any other provision of this section to the contrary notwithstanding, it shall be lawful for any person as a means of cooking food to burn combustible material ordinarily used for the purpose of cooking food outdoors in any permanent or temporary outdoor fireplace, grill or barbecue pit. Provided, however, that any such fire must be kept under competent and continuous supervision and must be kept a sufficient distance from any building, structure or other material so as not to constitute a fire hazard.

(ef) If the fire chief or any officer of the fire department concludes that material is being burned in violation of any provision of this section or any other provision of the City Code, then the fire chief or any officer of the fire department may in his or her sole discretion order corrective measures including, without limitation, that the fire be immediately extinguished. It shall be unlawful for any person to fail to comply with the ~~lawful~~ orders of the fire chief ~~or his designee~~ or any officer of the fire department regarding any fire, including without imitation fires burning leaves and other landscape waste material pursuant to subsection (b) and fires authorized by the fire chief pursuant to subsection (c).

(fg) Any person convicted of violating any provision of this section shall be subject to a fine not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

**Section 2.** This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 3.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
**Corporation Counsel**