

5-2-8: OUTDOOR FIRES AND OPEN BURNING:

(A) The following definitions shall apply to this section:

GARBAGE: Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

LANDSCAPE WASTE: Any vegetable or plant refuse, except garbage and refuse. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings. The term does not include construction lumber of any kind.

OPEN BURNING: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment so designed for the purpose.

REFUSE: Any discarded matter, or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties in order to facilitate its discard, removal or disposal.

(B) It is hereby declared unlawful for any person, firm, or corporation to burn in any manner any garbage or refuse.

(C) The burning of landscape waste shall be permitted, but only:

1. Between sunrise and sunset.
2. On the premises from which such landscape waste is generated and only if at least twenty five feet (25') from combustible material or structures on adjacent property.
3. Where atmospheric conditions will readily dissipate contaminants.
4. If such burning does not create a visibility hazard on roadways.
5. If such burning is contained wholly on private property and not on any public grounds or street and/or alley rights of way.
6. If such burning activity is continually monitored and attended to by a responsible person in charge equipped with a means to readily extinguish said burning activity, including at least a charged water source.

(D) The chief of the fire department of the village of North Pekin may request the president and/or board of trustees to declare a moratorium on the burning of landscape waste and upon a showing by said fire chief of justification for the request, such permission shall not be unreasonably withheld.

(E) The following activities shall be exempt from the provisions of this section provided they are in compliance with other applicable state and local laws or restrictions:

1. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of a responsible government official.
2. The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, where consistent with other laws, provided that no garbage or refuse shall be burned in such cases and provided further that such burning for legitimate campfire and recreational purposes after sunset be permitted as hereinafter prescribed.
3. Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

(F) The burning of fuels by persons, firms or corporations for legitimate campfire and recreational purposes after sunset shall be allowed, but only:

1. If said burning activity is totally extinguished by twelve o'clock (12:00) midnight.
2. If said burning is continually monitored at the site by a responsible person in charge.
3. If adequate means are in place at all times to extinguish the blaze, including at least a charged water source.
4. If said burning activity is wholly contained on the private property of the person, firm or corporation.

(G) In addition to any citation issued pursuant to violations of the provisions of this section, the chief of the North Pekin fire department or the chief of the North Pekin police department or official designee shall order the immediate halt of any burning activity being conducted in violation of any of the provisions of this section.

(H) Any person, firm, or corporation violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and each day a violation continues shall constitute a separate offense. (Ord. 712, 11-26-2001)