

ORDINANCE 1053

AN ORDINANCE TO REGULATE THE BURNING OF LEAVES, BRUSH, TRASH AND GARBAGE IN THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS:

SECTION ONE: The following definitions shall apply to this Ordinance:

- (a) **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.
- (b) **Garbage:** Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (c) **Refuse:** Any discarded matter, or any matter which is to be reduced in volume or otherwise change in chemical or physical properties in order to facilitate its discard, removal or disposal.
- (d) **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.

SECTION TWO: It is hereby declared unlawful for any person, firm or corporation to burn in any manner any garbage or refuse.

SECTION THREE: The burning of landscape waste shall be permitted, but only:

- (a) between the hours of 6:00 a.m. and 6:00 pm.
- (b) on the premises from which such landscape waste is generated.
- (c) when atmospheric conditions will readily dissipate contaminants.
- (d) if such burning does not create a visibility hazard on roadways.
- (e) if such burning is contained wholly on private property and not on any public grounds or street and/or alley right-of-way.
- (f) 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.

SECTION FOUR: The Chief of the Fire Department of the Village of Peoria Heights may request the President and 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.

SECTION FIVE: The following activities shall be exempt from the provisions of this Ordinance provided they are in compliance with other applicable State and local laws or restrictions:

- (a) the setting of fires to combat or limit existing fires, when reasonably necessary in the judgement of a responsible government official.
- (b) 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 the hour of 6:00 p.m. be permitted as hereinafter prescribed.
- (c) small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.

SECTION SIX: The burning of fuels by persons, firms or corporations for legitimate campfire and recreational purposes after the hour of 6:00 p.m. shall be allowed, but only:

- (a) if said burning activity is totally extinguished by 12:00 a.m.
- (b) if said burning is continuously monitored at the site by a responsible person in charge.
- (c) if adequate means are in place at all times to extinguish the blaze.
- (d) if said burning activity is wholly contained on the private property of the person, firm or corporation.

SECTION SEVEN: In addition to any citation issued pursuant to violations of the provisions of this Ordinance, the Chief of the Peoria Heights Police Department or official designee shall order the immediate cessation of any burning activity being conducted in violation of any of the provisions of this Ordinance.

SECTION EIGHT: Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than Sixty Dollars (\$60.00) nor more than Five-Hundred Dollars (\$500.00) for each offense and each day a violation continues shall constitute a separate offense.

SECTION NINE: Any and all fines imposed by this Ordinance shall bear interest at a rate of one (1) percent per month on the unpaid balance from the date of fine imposition.

SECTION TEN: Upon default in payment of any fine, interest, court costs or installment thereof for more than thirty (30) days, the defendant shall be summoned to appear before the circuit court of Peoria County by personal service or registered mail, return receipt requested, to show cause, if any there be, why the person should not be held in contempt of court.

SECTION ELEVEN: Any ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION TWELVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS, THIS 3RD DAY OF JANUARY, 1991.

Raymond Picl
President

Marilee Wilmot
Acting Clerk