

ORDINANCE NUMBER 08 - 01

**ORDINANCE REPEALING, TITLE IX, GENERAL REGULATIONS,  
CHAPTER 93, NUISANCES, SECTION 93.08, BURNING OF  
MATERIALS, TO BE REPLACED WITH A NEW SECTION 93.08,  
BURNING OF MATERIALS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that Title IX, General Regulations, Chapter 93, Nuisances, Section 93.08, Burning of Materials, be repealed and replaced with a new Section 93.08, Burning of Materials.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

Section One. That Title IX, General Regulations, Chapter 93, Nuisances, Section 93.08, Burning of Materials of the Village of East Dundee Code of Ordinances is hereby repealed and replaced with a new Section 93.08, Burning of Materials as follows:

§ 93.08        **BURNING OF MATERIALS.**

(A)        **DEFINITIONS.**

*BONFIRE.* Open fires at public or private gatherings.

*GARBAGE.* Refuse resulting from the handling, processing, preparation, packaging, cooling and consumption of food and food products.

*LANDSCAPE WASTE.* Dry leaves, the dry trimmings of fall, and pieces of trees or bushes not more than two inches in diameter, and any other dried 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.

**OPEN BURNING.** The combustion of any matter in such a way that the products of the combustion are admitted into the open air.

**RECREATIONAL FIRES.** Small open fires at public or private gatherings.

**RESPONSIBLE ADULT.** An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

**WOOD.** Dry wood that has not been chemically treated, stained or painted.

**(B) OUTDOOR FIRES AND OPEN BURNING.**

(1) 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 cause or allow to burn in or on any public right-of-way, including streets, sidewalks, alleys and parkways.

(2) The burning of leaves and other landscape waste materials is only allowed on the second and fourth Saturdays during the months of October, November and April and the second and fourth Sundays during the months of October, November and April.

(3) Open burning under this section shall be allowed between the hours of 10:00 a.m. and 6:00 p.m. Burning of landscape waste at any other time shall be a violation of this section.

(4) The location for any open burning of landscape waste materials shall not be less than 30 feet from any structure and provisions shall be made to prevent the fire from spreading to within 30 feet of any structure.

(5) In any event, no person shall burn leaves or other landscape waste material if, in the judgment of the Village Administrator, the Police Chief or the Code Enforcement officer, the burning of such material creates a general health hazard, poses a special or significant hazard to the health and safety of any nearby person who encounters or may encounter the products of combustion because of its

known impact upon chronic lung disorders, cardiovascular disease and obstructive airway disease, or endangers any adjoining building, structure or other property by the communication of smoke or fire.

(6) If the Village President 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, they may, by written notice posted on the agenda for a regularly scheduled board meeting, extend the above specified time periods for the burning of leaves and other landscape waste material for a period of time not to exceed 30 days prior or subsequent to the time specified in this subsection.

(7) Burning materials authorized under this subsection may occur only under the following conditions:

- (a) 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.
- (b) The fire shall be small and capable of being readily controlled or extinguished in the event that a change in wind direction or other factors result in a violation of the regulations established in this subsection.
- (c) A responsible person of not less than 18 years of age shall be present at the site of the fire at all times to observe and control the fire.
- (d) 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 properly extinguish a fire, or the responsible person shall have an operational fire extinguisher or other device which is sufficient to promptly extinguish the fire.
- (e) The fire shall be completely extinguished and not allowed to smolder after substantial completion of the combustion.
- (f) Any other provision of this section of the contract 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. 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.

- (g) If the Village Administrator, Police Chief or Code Enforcement Officer or any officer of a fire department or police department concludes that the material is being burned in violation of any provision of this section or any other provision of the Village Code, then the aforementioned individual 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 orders of the Village Administrator, Police Chief or any officer of a fire department regarding any fire including, without limitation, fires burning leaves and other landscape waste materials, pursuant to this section.

**(C) BONFIRES.**

(1) A bonfire shall only be allowed when the conditions of state law are met.

(2) A bonfire shall be no more than five feet by five feet in dimension and shall burn not longer than three hours. The site and duration of a bonfire shall only be increased by the code official when it is determined that the fire safety requirements of the situation and the desirable duration of the burn warrant an increase.

(3) Fuel for a bonfire shall consist only of wood and shall be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.

(4) All permits shall be requested by and issued to the owner or occupant of the land upon which the bonfire is to be kindled.

**(D) RECREATIONAL FIRES.**

(1) A recreational fire shall be no more than three feet by three feet in dimension and shall burn not longer than three hours. Recreational fires shall be supervised at all times.

(2) Fuel for a recreational fire shall consist only of wood and shall be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.

(3) No permits are necessary for recreational fires.

Penalty, see § 93.99

**Section Two. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Three. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Four. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 7<sup>th</sup> day of Jan., 2008, pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Lynam, Cichowski, Mahony,  
Pres. O'Leary

NAYES: Carlmi

ABSENT: \_\_\_\_\_

Approved by me this 7<sup>th</sup> day of Jan, 2008.

Daniel O'Leary  
DANIEL O'LEARY, President

Published in pamphlet form this 29 day of Feb, 2008, under the authority of the President and Board of Trustees.

ATTEST: Susan Norton

SUSAN NORTON, Village Clerk  
Recorded in the Village Records on Feb 29, 2008.

