

AMENDING CHAPTER 24 "BUILDING CODE", ARTICLE 3 "INTERNATIONAL FIRE CODE", SECTION 307.1.2 "BURNING OF LEAVES AND GARDEN DEBRIS" OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE TO PROHIBIT THE BURNING OF LEAVES.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, Chapter 24 "Building Code", Article 3 "International Fire Code", Section 307.1.2 of the City's Municipal Code (the "Code") regulates the open-air burning of leaves and garden leaves within the City's corporate limits; and

WHEREAS, the City's corporate authorities find that it is in the best interests of the City's welfare, public health, and safety to amend the Code to expressly prohibit the open-air burning of leaves, while allowing the open-air burning of garden debris subject to various regulations; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this Ordinance are true, material, adopted, and incorporated herein as Section 1 to this Ordinance.

SECTION 2: Chapter 24 "Building Code", Article 3 "International Fire Code", Section 307.1.2 of the Code to state in its entirety as follows:

307.1.2 Burning of leaves and garden debris. The burning of leaves within the corporate limits of the City of DeKalb shall be prohibited. The burning of garden debris within the corporate limits of the City of DeKalb shall be allowed within the following regulations:

1. The burning garden debris shall be kept a minimum of thirty (30) feet from any house, fence, accumulations of combustibles, other buildings, or lot line.
2. Only small amounts are permitted to be burned at one time and shall be supervised by at least one responsible adult at all times until the fire is extinguished.
3. A garden hose or other suitable fire-fighting equipment is required near the site for immediate use.
4. Garden debris is prohibited from being burned on a public right of way. Garden debris burning is prohibited after sunset.
5. Open burning of garden debris that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make garden debris burning hazardous or objectionable shall be prohibited.
6. The fire code official is authorized to order the extinguishment of such fires.

7. A citation may be issued by a code enforcement official for repeated violations, starting with the second offense within one week.

SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

FAILED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 22nd day of March 2021 by a 0-6-1 roll call vote: Aye: None. Nay: Morris, Smith, Perkins, McAdams, Verbic, Faivre. Absent: Finucane.