

CHAPTER 9

FIRE PREVENTION AND PROTECTION

ART. I	In General, 9-1-1 – 9-1-14
ART. II	Burning, 9-2-1 – 9-2-7

ARTICLE I. IN GENERAL

9-1-1. Fire Department established; composition. There is hereby established a Fire Department which shall be under the supervision and control of the Chief of the Fire Department and shall consist of the Chief and such member that may be recommended by the Fire Chief and approved by the City Council for the position of fireman.

9-1-2. Fire Chief; office created. The Fire Chief shall be appointed by the Mayor, by and with the advice and consent of the City Council.

9-1-3. Fire Chief; authority generally. The Fire Chief shall have charge of the Fire Department, and in subordination to the Mayor and City Council, shall have sole command and control over the Fire Department, and over all members thereof. He shall make and promulgate rules and regulations governing the Fire Department, which shall be obeyed by the members of the Fire Department. He shall have the general care and custody of the property and equipment belonging to the Fire Department, and he shall personally attend to all repairs required to be made upon the same.

9-1-4. Fire Chief; discipline within department. In order to enforce the discipline in the Fire Department, the Fire Chief may discharge any fireman. However, such discharge may be rescinded by the City Council and the discharged fireman reinstated by the affirmative vote of a majority of the City Council. The Fire Chief may also impose any other appropriate penalty for any breach of discipline by a member.

9-1-5. Fire Chief; duty to keep records. The Fire Chief shall keep, in a book to be provided by the city for that purpose, a full and accurate record of all transactions in the Fire Department, and all property placed in his charge or custody; and he shall, annually, make a written report to the City Council showing the condition of the department under his management, together with a complete list of all fires occurring in the city during the preceding year, the date and location of each fire, the name of the owner of the property destroyed, the cause of the fire, loss incurred thereby, amount of insurance, and such other information as he may deem important to the city.

9-1-6. Assistant Fire Chief. The Mayor shall designate an Assistant Fire Chief to serve as Fire Chief in the absence of or inability of the Fire Chief to

serve. In case of the temporary absence or disability of the Fire Chief, the Assistant Fire Chief shall possess the powers and exercise the duties of the Fire Chief.

9-1-7. Duty to obey Fire Chief at fires. Every person above the age of 18 years present at any fire in the city, shall be subject to the orders of the Fire Chief or other officer in command at the fire, in extinguishing the fire, and in removing and protecting property. No person not a member of the Fire Department shall be bound to obey the orders of the Fire Chief or other officer at any fire, unless such officer is wearing his badge of office, or his official character shall be otherwise known or made known to such person.

9-1-8. Duties of firemen generally. Members of the Fire Department shall be on duty at all such hours of the day or night as shall be prescribed by the rules and regulations of the department, except when otherwise ordered by the Fire Chief.

9-1-9. Removal of property saved from fire. No person shall remove or be permitted to remove any property in the possession of the Fire Department, saved from any fire, until proof of ownership thereof shall have been made to the satisfaction of the Fire Chief.

9-1-10. Hindering firemen. No person shall willfully resist, obstruct or hinder any member of the Fire Department in the performance of his duty at a fire.

9-1-11. Damaging fire apparatus prohibited. It shall be unlawful for any person to willfully or maliciously injure, break or deface any fire apparatus belonging to the city.

9-1-12. Arrests at fires. The Mayor, any Alderman, or the Fire Chief, may, and the Chief of Police and all policemen shall, during the progress of any fire, arrest any person found stealing or trespassing upon any property, or willfully injuring or breaking any fire apparatus; or any person resisting or obstructing any member of the Fire Department in the discharge of his duty, or otherwise conducting himself in a riotous or disorderly manner.

9-1-13. Use of fire insurance company tax. All money collected from insurance companies, money arising from taxation or other source and used for protection against fire, and paid to the Fire Department or other organization shall hereafter be paid to the City Collector and kept in a separate fund to be known as the Fire Department Fund.

9-1-14. Service outside corporate limits. Members of the Fire Department are authorized to go outside the corporate line of the city for the purpose of rendering aid to other fire departments, or for extinguishing fires or rendering aid in the case of accidents. Provided, that the Fire Department shall not render such service outside the corporate limits excepting upon order of the Fire Chief, the Assistant Chief or the Mayor; excepting that where the city has undertaken by contract to render service to property outside the corporate limits the Fire Department may leave the corporate limits in fulfillment of such contract.

ARTICLE II. BURNING

9-2-1. Definitions. As used in this ARTICLE, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(a) Domicile Waste: Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term excludes landscape waste, garbage and trade waste.

(b) Garbage: Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(c) Landscape Waste: Any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass shrubbery and yard trimmings.

(d) 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 for which a permit could be issued under Section 9(b) of the Environmental Protection Act (415 ILCS 5/1 et seq.).

(e) 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.

(f) Trade Waste: Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

9-2-2. Prohibitions

(a) No person shall cause or allow open burning of domicile waste, garbage, trade waste or refuse within the boundaries of the City of Arcola.

(b) No person shall cause or allow the burning of any domicile waste, garbage, trade waste or refuse in any chamber or apparatus within the boundaries of the City of Arcola, unless such chamber or apparatus is specifically designed for the purpose of disposing of the class of refuse being burned and is approved by the Environmental Protection Agency pursuant to regulations adopted by the Environmental Protection Agency under the Environmental Protection Act (415 ILCS 5/1 et seq.).

(c) No person shall cause or allow the open burning of landscape waste within the City of Arcola except under the following circumstances and at the following times:

- (1) On the premises on which such landscape waste is generated provided that no burning shall be permitted on asphalt surfaces; and
- (2) When atmospheric conditions will readily dissipate contaminants; and
- (3) If such burning does not create a visibility hazard on roadways or railroad tracks; and
- (4) If such burning is done at least twenty feet from any structure; and
- (5) If such burning is constantly attended by a competent person until such fire is extinguished; and
- (6) If such burning is done between the hours of 12:00 noon and 7:00 p.m. so that the fire is extinguished and smoldering discontinued by 7:00 p.m.

(Ordinance 09-C-1, amended April 06, 2009)

9-2-3. Exemptions. The following activities are not in violation of this ARTICLE: the burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws and ordinances, provided that no garbage shall be burned in such cases. No such fires shall be left unattended. All such fires shall be extinguished prior to 1 a.m. unless special permission is given by the police department or City Council for a later time.

(Ordinance 09-C-1, amended April 06, 2009)

9-2-4. Container for Burning Landscape Waste. A container or burning barrel may be used to burn landscape waste in accordance with the provisions of Section 9-2-2 provided that there shall be no more than one container or burning

barrel allowed for each residence, apartment building, or commercial property and further provided that the container or burning barrel is situated on the property in a location that is out of the direct view of persons driving or walking by the property.

9-2-5. Severability. The provisions of the ARTICLE are severable, and if any sentence, section or other part of this ARTICLE should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

9-2-6. Conflicts with Other Code Sections. This ARTICLE and each Section thereof shall control in case of conflict with any other Section of the Arcola Municipal Code.

9-2-7. Penalty. A person violating any provisions of the ARTICLE shall be fined not less than \$5.00 nor more than \$500.00 for each offense.

(Ordinance No. 98-C-2, amended June 15, 1998)