

Note: See end of chapter for list of chapter amendments

CHAPTER 11

FIRE PREVENTION AND PROTECTION

- Art. I. Fire Prevention, §11-1100 - §11-1104
- Art. II. The Fire Department, §11-2100 - §11-2118
- Art. III. Spiller Pays Ordinance, §11-3100 - §11-3107

ARTICLE I. FIRE PREVENTION

SEC. 11-1100. FIRE CODE ADOPTED.

The International Fire Code, 2012 Edition, as published by the International Code Council, including all International Fire Standards, 2012 Edition, and all International Fire Code Appendices, 2012 Edition, published therewith, is hereby adopted by reference as the “Moline Fire Code” as if set out in haec verba at this point. Three (3) copies of such Code shall be kept on file in the City Clerk’s office for inspection and shall remain on file therein for such purpose.

SEC. 11-1101. LOCAL AMENDMENTS TO FIRE CODE.

The Moline Fire Code adopted in this article by reference is specifically amended as follows:

(a) **101.1 Title.**

Insert “the City of Moline” for [NAME OF JURISDICTION].

(b) **103.4 Liability.**

Replace entire section with:

“**103.4 Liability.** Subject to Sec. 2-1109, “INDEMNIFICATION,” of the Moline Code of Ordinances, the code official or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.”

(c) **103.4.1 Legal defense.**

Replace entire section with:

“**103.4.1 Legal Defense.** Subject to Sec. 2-1109, “INDEMNIFICATION,” of the Moline Code of Ordinances, any suit instituted against any official or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.”

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(d) **105.3 Conditions of a permit.**

Add one new subsection:

“105.3.9 Mandatory licensing required. All contractors performing installation, service or maintenance on fire protection systems, including but not limited to, fire extinguishers, fire alarm systems, sprinkler systems, commercial kitchen extinguishing systems or any other automatic extinguishing systems, shall be licensed by the office of the Illinois State Fire Marshal and/or any other State regulatory agency as applicable. Documentation of mandatory State licensing shall be available to the fire code official at all times and submitted with any permit or license application.”

(e) **105.6.30 Open burning.** Delete entire section.

(f) **107 Maintenance.**

1. **107.2.1 Test and inspection records.**

Delete subsection 107.2.1 and replace with:

“107.2.1 Test and inspection records. Required test and inspection records shall be maintained by the system owner and made available to the fire code official at all times and inspection records for fire sprinkler systems, commercial kitchen extinguishing systems, and fire alarm systems shall be filed with the fire code official in an approved digital format within a reasonable time after the inspection is performed, not to exceed forty-five (45) days.

107.2.1.1 Critical deficiencies. In circumstances where a fire sprinkler system, commercial kitchen extinguishing system, or fire alarm system is found to be inoperable, be out of service, have a critical deficiency which creates a risk to life or property, or otherwise incapable of performing its intended purpose, the contractor performing the inspection shall immediately report said deficiency to the fire code official.

107.2.1.2 Penalty. Any person violating Section 107.2.1.1, as a first offense, shall be subject to a citation, which citation shall be paid at the City of Moline accounts and finance office in the amount of one hundred fifty dollars (\$150.00), or if paid within seven (7) calendar days, seventy five dollars (\$75.00). Any person violating Section 107.2.1.1, as a second or subsequent offense, shall be subject to a citation, which citation shall be paid at the City of Moline accounts and finance office in the amount of three hundred dollars (\$300.00), or if paid within seven (7) calendar days, one hundred fifty dollars (\$150.00). Any person who fails to make payment as outlined above within thirty (30) days shall thereafter be subject to an action in Circuit Court which may be commenced in accordance with the requirements of the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., and any person found to have violated Section 107.2.1.1 shall be subject to a fine of not less than one hundred dollars (\$100.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs, plus reimbursement to the City for the costs the City incurred in serving the person with process. Each day during which or on which any person violates Section 107.2.1.1 shall be deemed a separate offense.

2. Add one new subsection 107.2.2.1 Reinspection and testing fee:

“107.2.2.1 Reinspection fee. If the work or installation requires reinspection and testing by the fire code official, the system owner shall pay the City a flat reinspection fee of fifty dollars (\$50.00) for each subsequent reinspection.”

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3. Add one new subsection 107.2.3 Mandatory licensing required:

“107.2.3 Mandatory licensing required. All contractors performing installation, service or maintenance on fire protection systems, including but not limited to, fire extinguishers, fire alarm systems, sprinkler systems, commercial kitchen extinguishing systems or any other automatic extinguishing systems, shall be licensed by the office of the Illinois State Fire Marshal and/or any other State regulatory agency as applicable. Documentation of mandatory State licensing shall be available to the fire code official at all times and submitted with any permit or license application.”

4. Add one new subsection 107.6 Citations:

“107.6 Citations. Any person operating or maintaining any occupancy, premises or vehicle subject to this Code who shall permit any fire hazard to exist on premises under said person's control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or duly authorized representative thereof shall be guilty of an offense.”

(g) **108.1 Board of Appeals.**

Replace entire section with:

“108.1 Board of Appeals.

- a. Except as to citations or notices of violations issued by the fire code official, any person aggrieved by an order or decision of the fire code official or other duly authorized person acting pursuant to the Moline Fire Code may appeal said decision or order to the Board of Appeals as defined herein by giving written notice of appeal to the fire marshal within five (5) days of receipt of said order or decision. The Board of Appeals, upon hearing, may sustain, modify, or revoke the order or decision from which appeal was taken and may interpret the provisions of the Moline Fire Code, if required. The Board's decision shall be in writing and a copy thereof shall be provided to the city clerk, the fire code official, and all interested parties having filed an appearance before the Board. Examples of such orders or decisions of the fire code official that may be appealed to the Board of Appeals include, but are not limited to, disapprovals of applications, refusals to grant licenses or permits, or disapproval of plan review.
- b. Any decision and order of the committee shall be final and binding, and any person aggrieved thereby may pursue said remedies provided by law or equity to have said decision reviewed. However, no decision may be reviewed unless notice of review is filed with the city clerk within ten (10) days after receipt of said decision or order, and any action of review is commenced within thirty-five (35) days from the date that a copy of the decision sought to be reviewed is served upon the party affected by the decision, in accordance with the Illinois Administrative Review Act.
- c. No decision or order of the Board of Appeals shall be stayed by the filing of a notice of review; however, the Board of Appeals or court upon proper motion may stay the effect of any such decision or order upon a showing that the public interest will not be harmed thereby.
- d. Should no notice of appeal or notice of review be filed within the time prescribed above, a person aggrieved by any decision or order shall be deemed to have waived any rights to

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have the decision or order reviewed; and such decision or order may not be collaterally attacked in an action to enforce said decision or order.”

(h) **109.3.3 Prosecution of violations.**

Delete entire section and replace with:

“**109.3.3 Prosecution of violations.** If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel for the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto. Proceedings taken by the jurisdiction may be in accordance with the Municipal Code Enforcement System (MUNICES) as set forth in Chapter 2 of the Moline Code of Ordinances, as well as in the Circuit Court.”

(i) **109.3.5 Reinspection fees.**

Add one new subsection 109.3.5 Reinspection fees.

“**109.3.5 Reinspection fees.** If a reinspection is needed, there will not be a fee for the first compliance reinspection. However, if additional compliance reinspections are required, a reinspection fee of fifty dollars (\$50.00) per visit will be billed to the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.”

(j) **109.4 Violation Penalties.**

Replace section with:

“**109.4 Violation penalties.** Any person violating any provision of the Moline Fire Code or any order issued thereunder shall be guilty of an offense subject to and punishable by the penalty provisions of Sec. 11-1104, “Penalty” below.”

(k) **111.4 Failure to comply.**

Replace entire section with:

“**111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).”

(l) **201.3 Terms defined in other codes.**

Replace entire section with:

“**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* or the *Moline Plumbing Code, as amended*, such terms shall have the meanings ascribed to them in such codes. All references to the International Plumbing Code in this and all other adopted supporting codes are to be interpreted as meaning the *Moline Plumbing Code, as amended*, unless explicitly stated otherwise.”

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(m) **202 General Definitions.**

1. Add in alphabetical order:

“**BOARD OF APPEALS** shall be known as the Moline Building Board of Appeals.”

“**CODE OFFICIAL** shall be known as the fire chief, or a duly authorized representative of the fire department, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or a duly authorized representative.”

“**DEPUTY CODE OFFICIAL** shall be known as the fire marshal.”

2. Amend as follows:

“**FIRE WATCH** is a temporary measure intended to ensure continuous and systematic surveillance of properties or a portion or portions thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. Individual qualifications shall be commensurate with the level or degree of risk or hazard, the difficulty of detection or extinguishment, and the number and types of persons and properties or portions thereof to be protected by the fire watch, as determined by the fire code official. Examples of fire watch personnel include civilian employees of the property to be protected, a third party contractor, or fire fighters.”

“**FIREWORKS** are any combustible or explosive composition of any substance or combination of substances or device prepared for the purpose of producing a visible or an audible effect by combination, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, sky lanterns, torpedoes, sky-rockets, Roman candles, dago bombs, or other devices of like construction and any devices containing an explosive substance, except that the term "fireworks" shall not include any auto flares; paper caps containing not in excess of an average of twenty-five-hundredths of a grain of explosive content per cap; and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times, and sparklers.”

(n) **307 Open burning, recreational fires and portable outdoor fireplaces.**

Replace entire section with:

“**307 Open burning, recreational fires and portable outdoor fireplaces.**

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with the following sections.

307.2 Prohibited open burning. At the discretion of the fire code official, open burning shall be prohibited when atmospheric conditions or local circumstances, such as extended drought conditions, make such fires hazardous.

307.2.1 Leaves and landscape waste. The burning of leaves and lawn and landscape waste, including, without limitation, shrubs, bushes and brush, is expressly prohibited within the jurisdiction of the City of Moline.

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307.2.2 Other waste. The burning of waste matter other than leaves and lawn and landscape waste shall be prohibited.

Exceptions:

1. The provisions of Section 307 shall not apply to an entity which holds a valid State of Illinois or Federal EPA permit to burn materials within the City of Moline for the express purpose of the training of municipal employees in the areas of fire fighting and public safety, or for the production of energy.
2. The provisions of Section 307 shall not apply to the fire department insofar as limited, controlled, open burning is allowed for the training of municipal employees or civilians and for demonstration or educational purposes. Examples of training, demonstration or educational purposes include but are not limited to the training of employees in the use of portable fire extinguishers or live sprinkler system demonstrations. Open burning for the purposes of training, education or demonstrations by any person or entity other than the fire department shall require the express consent of the fire code official or his designee who may institute specific requirements or restrictions at his discretion.

307.3 Recreational fires. Recreational fires are allowed, but safety precautions as herein set forth shall apply. Recreational fires shall be made of dry logs or wood only, excluding building material. Wood or logs shall not exceed twelve (12) inches in diameter. Fires shall not exceed five (5) feet in diameter and shall be no more than three (3) feet in height. Recreational fires shall be allowed between the hours of 12:00 noon and 12:00 midnight. All recreational fires shall be fully and properly extinguished no later than 12:00 midnight.

307.3.1 Location. No person shall kindle or maintain any recreational fire within twenty-five (25) feet of any structure, combustibles, or adjoining property. Adequate provisions shall be made to prevent the spread of fire.

Exception: Recreational fires that are adequately and fully confined within an approved brick or metal container or below-grade fire pit and located not less than fifteen (15) feet from any structure, combustibles, or adjoining property.

307.4 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall comply with all other requirements for recreational fires set forth in Section 307.

Exception: Portable outdoor fireplaces used at one and two family dwellings shall be exempt from the recreational fire location requirements set forth in Section 307.3.1.

307.5 Extinguishment authority. The fire code official or his designee may order the immediate suspension of any burning which may be permitted, when due to atmospheric or other objectionable conditions, such burning contributes substantially to a hazard to the health and welfare of the public and/or to a fire hazard and suspension and extinguishment is reasonably necessary for the protection of persons or property. The fire code official or his designee is authorized to order any such fire be extinguished by the responsible party or by the fire department.

307.6 Attendance. Recreational fires and portable outdoor fireplaces shall be constantly attended by a responsible person capable of appropriately responding to an emergency and extinguishing the fire, until the fire is fully and properly extinguished. A minimum of one (1) portable fire extinguisher complying with Section 906 with a minimum 4A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, pressurized water can, water barrel, garden hose, or water truck shall be made available for immediate utilization.

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307.7 Violation penalties. Any person violating any provision of the Moline Fire Code or any order issued hereunder shall be guilty of an offense subject to and punishable by the penalty provisions of Sec. 11-1104, "Penalty," below."

(o) **Section 308 Open Flame(s).**

Add one new subsection 308.1.6.3 Portable heating appliances:

"308.1.6.3 Portable heating appliances. The use of listed portable unvented fuel burning heating appliances, when approved by the fire code official or his designee, shall be limited to use in a structure during the construction process when such use is necessary for construction and the use does not represent a hazard to life or property."

(p) **403.1.2 Fees.**

Add new subsection:

"403.1.2 Fees. When required by the fire code official under the provisions of Sections 403, 3304.5, 107.2, 901.7, or any other section of this Code, to provide fire fighters as qualified fire watch personnel or standby personnel, the hourly rate shall be forty-five dollars (\$45.00) per fire fighter per hour. The number of hours required shall be calculated by the fire code official and will reflect, as accurately as can be reasonably foreseen, the number of personnel hours incurred by the City."

(q) **603.4 Portable unvented heaters.**

Delete "Exceptions" and replace with:

"Exception: Listed and approved unvented fuel-fired heaters in one- and two-family dwellings: when approved by the fire code official or his designee, use of listed portable unvented fuel burning heating appliances shall be limited solely to use in a structure during the construction process when such use is necessary for construction and the use does not represent a hazard to life or property."

(r) **901.2 Construction documents.**

Add the following to the end of the paragraph: "and shall have the stamp of the registered design professional affixed prior to submission."

(s) **901.2.1 Statement of compliance.**

Delete: "where required by the fire code official".

(t) **901.4 Installation.**

1. Add one new subsection to subsection 901.4.1 "Required fire protection systems":

"901.4.1.1 Mandatory licensing required. All contractors performing installation, service or maintenance on fire protection systems, including but not limited to, fire extinguishers, fire alarm systems, sprinkler systems, commercial kitchen extinguishing systems or any other automatic extinguishing systems, shall be licensed by the Office of the Illinois State Fire Marshal and/or any other State regulatory agency as applicable. Documentation of mandatory State licensing shall be available to the fire code official at all times and submitted with any permit or license application."

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2. Add new subsections:

“901.4.7 Flexible sprinkler hose fittings. Braided flexible sprinkler hose fittings shall be allowed only when approved for use by the fire code official or his designee. Flexible sprinkler hose fittings which are constructed of corrugated metal shall not be used.

901.4.7.1 Flexible sprinkler hose fittings bracing. Where braided flexible sprinkler hose fittings are an approved component of the system design and supported by suspended ceilings, the requirements of NFPA 13, 2013 Edition, Section 9.2.1.3.3 through 9.2.1.3.3.4 and all applicable appendices shall be applied to the installation. Where flexible sprinkler hose fittings are used to connect sprinklers to branch lines in suspended ceilings, an approved label limiting relocation of the sprinkler shall be provided on the anchoring component.

901.4.7.2 Flexible sprinkler hose fittings limitations. All products, devices, assemblies and materials shall be utilized in complete accord with all conditions, requirements, compatibility, and limitations of their listings. Documentation regarding the listed use of the flexible sprinkler hose fittings, bracing systems, and suspended ceiling assemblies shall be submitted as part of any permit application.”

- (u) **901.6.2 Records.**

Delete “upon request” and replace with “as required by Section 107.2.1, as amended by this ordinance.”

- (v) **903.2.11 Specific buildings areas and hazards.**

Change: “In all occupancies other than Group U, an automatic sprinkler system shall be installed ...”

to: “In all occupancies other than Groups R-3 and U, an automatic sprinkler system shall be installed ...”

- (w) **907.8.5 Maintenance, inspection and testing.**

Delete last sentence and replace with:

“Required test and inspection records shall be maintained by the system owner and made available to the fire code official at all times, and inspection records for fire sprinkler systems, commercial kitchen extinguishing systems, and fire alarm systems shall be filed with the fire code official in an approved digital format within a reasonable time after the inspection is performed, not to exceed forty-five (45) days. In circumstances where a sprinkler system, commercial kitchen extinguishing system, or fire alarm system is found to be inoperable, out of service, having a critical deficiency which creates a risk to life or property, or otherwise incapable of performing the intended purpose, the contractor performing the inspection shall immediately report said deficiency to the fire code official.”

- (x) **5601.1.3 Fireworks.**

Replace entire section with:

“5601.1.3 Fireworks – Unlawful Possession.

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Fireworks are defined in Sec. 11-1101(m), "202 General Definitions," above. Pursuant to said definition, any person who unlawfully possesses, manufactures, stores, sells, handles or uses any such substance(s) or device(s) within the City in contradiction thereof shall be guilty of an offense subject to the penalty provisions of Sec. 11-1104, "Penalty," below."

(y) **5602.1 Definitions.**

1. Change: "**5602.1 Definitions.** The following terms are defined in Chapter 2:"

to: "**5602.1 Definitions.** The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meanings shown herein."

2. Change the "FIREWORKS" definition to:

"**FIREWORKS** shall be as defined in Section 11-1101(m), "202 General Definitions," above."

(z) **1104.5 Illumination emergency power.**

Replace entire section with:

"**1104.5 Illumination emergency power.** The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, illumination shall be automatically provided from an emergency system in occupancies with two (2) or more means of egress."

(aa) **5704.2.12.3 Periodic testing.**

Add one new section:

"**5704.2.12.3 Periodic testing.** In addition to the testing required by the above subsections, all underground storage tanks and piping are subject to the following:

1. All underground storage tanks must conform to 40 CFR Parts 280 and 281 Underground Storage Tanks; Technical Requirements and State Program Approval, Final Rules as published in the Federal Register, Friday, September 23, 1988, and 40 CFR Parts 280 and 281, Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements and State Program Approved Objective; Final Rule as published in the Federal Register, Wednesday, October 26, 1988, which documents are hereby adopted by the reference thereto, and which documents shall be on file in the city clerk's office for public inspection for at least thirty (30) days prior to adoption hereof.

2. Any and all reports required by the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, or any other state regulatory body concerned with underground storage tanks will also be sent to the Moline Fire Department within five (5) days of filing with the appropriate regulatory agency."

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(bb) **Chapter 80 Referenced Standards.**

Delete the following NFPA standards shown in Column 1 below and replace them with those shown in Column 2 below:

Column 1 (Delete)	Column 2 (Replace with)
13-10	13-13
13D-10	13D-13
13R-10	13R-13
20-10	20-13
24-10	24-13
25-11	25-14
51-07	51-13
55-10	55-13
59A-09	59A-13
61-08	61-13
72-10	72-13
80-10	80-13
101-12	101-2000
105-10	105-13
110-10	110-13
111-10	111-13
170-09	170-12
204-07	204-12
318-09	318-12
385-07	385-12
654-06	654-13
720-09	720-12
790-04	790-12
1122-08	1122-13
1124-06	1124-13
1127-08	1127-13

All other referenced standards contained in Chapter 80 shall apply.

SEC. 11-1101.1. FEES.

(a) The annual permit fee for the sale of department-approved fireworks shall be fifty dollars (\$50.00), subject to subsection (c) hereinbelow.

(b) The annual permit fee for the sale of department-approved fireworks at multiple sites of the same permittee shall be fifty dollars (\$50.00) for the initial site and five dollars (\$5.00) per each additional site, subject to subsection (c) hereinbelow.

(c) As part of the application for permit hereunder, applicants shall demonstrate compliance with Chapter 17, Article II, or, conversely, the non-applicability of said Article. If a fee has been paid pursuant to Sec. 17-2206, then no additional fees shall be due pursuant to subsections (a) and (b) hereinabove.

(d) Pyrotechnic permit fee of \$100.00 (indoor and outdoor) plus on-site personnel costs of \$55.00 per hour.

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Pyrotechnic Firing Fees:

1 - 100 Devices.....	one firefighter
101 - 250.....	two firefighters
over 250 devices.....	subject to review

(e) The annual permit fee for department-approved multiple in-house events shall be five hundred dollars (\$500.00), or fifty dollars (\$50.00) per event, whichever is less; and a fee of two hundred fifty dollars (\$250.00) per day for on-site storage of explosives prior to all events which includes fireworks.

(f) The annual fee for an explosives permit, as provided for in Sec. 7701.3.1 of the 1997 Uniform Fire Code, shall be five hundred dollars (\$500.00).

(g) The following table lists the hazardous material with the quantity ranges and corresponding annual permit fees:

UN Category	Substances	Notes	Range 1	Range 2	Range 3	Range 4	Range 5
3	Combustible Liquids	See Sec.105.6.16	X	X	X	X	X
8 Corrosive Materials							
2	Gases	See Sec.105.6.8	X	X	X	X	X
8	Liquids	>55 Gallons	X	X	X	X	X
8	Solids	>1000 lbs.	X	X	X	X	X
Flammable Materials							
2	Gases	See Sec.105.6.8	X	X	X	X	X
3	Liquids	See Sec.105.6.16	X	X	X	X	X
4	Solids	>100 lbs.	X	X	X	X	X
Highly Toxics							
2	Gases	See Sec.105.6.8	X	X	X	X	X
6	Liquids	Any Amount	X	X	X	X	X
6	Solids	Any Amount	X	X	X	X	X
Oxidizing Materials							
UN Category	Substances	Notes	Range 1	Range 2	Range 3	Range 4	Range 5
2	Gases	See Sec.105.6.8	X	X	X	X	X
5	Liquids	Table 105.6.20	X	X	X	X	X
5	Solids	Table 105.6.20	X	X	X	X	X
5	Organic Peroxides	Table 105.6.20	X	X	X	X	X
Pyrophoric Materials							
UN Category	Substances	Notes	Range 1	Range 2	Range 3	Range 4	Range 5
2	Gases	Any Amount	X	X	X	X	X
3	Liquids	Any Amount	X	X	X	X	X
4	Solids	Any Amount	X	X	X	X	X
Toxic Materials							
2	Gases	See Sec.105.6.8	X	X	X	X	X
6	Liquids	>10 Gallons	X	X	X	X	X
6	Solids	>100 lbs.	X	X	X	X	X
Unstable (Reactive)							
Materials – 4 Classes		Table 105.6.20					
1	Liquids – Class 4&3					Not Allowed	
1	Liquid–Class 2	>5 Gallons	X	X	X	X	X
1	Liquid –Class 1	>10 Gallons	X	X	X	X	X
1	Solids – Class 4 & 3				Not Allowed		

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1	Solids-Class 2	> 50 lbs	X	X	X	X	X
1	Solids-Class 1	>100 lbs	X	X	X	X	X

Water-reactive

Materials – 3 Classes			Table 105.6.20				
1	Liquid – Class 3		Not allowed				
3	Liquid-Class 2	>5 Gallons	X	X	X	X	X
3	Liquid-Class 1	>55 Gallons	X	X	X	X	X
1	Solids – Class 3		Not Allowed				
4	Solids-Class 2	>50 lbs	X	X	X	X	X
4	Solids-Class 1	>500 lbs	X	X	X	X	X

Compressed Gases

2	Corrosives	See Sec.105.6.8	Range 1	Range 2	Range 3	Range 4	Range 5
2	Flammables	See Sec.105.6.8	X	X	X	X	X
2	Highly Toxics	Any Amount	X	X	X	X	X
2	Inerts	See Sec.105.6.8	X	X	X	X	X
2	Oxidizing	See Sec.105.6.8	X	X	X	X	X
2	Toxics	Any Amount	X	X	X	X	X

Cryogenics

UN Category	Substances	Notes	Range 1	Range 2	Range 3	Range 4	Range 5
2	Flammables	See Sec.105.6.10	X	X	X	X	X
2	Inerts	See Sec.105.6.10	X	X	X	X	X
2	Oxidizing	See Sec.105.6.10	X	X	X	X	X
2	LPG	See Sec. 105.6.7	X	X	X	X	X
4	Underground Tanks	See Sec.105.6.16	X	X	X	X	X

Quantity Ranges:

Range #1 = permit fee of \$50.00	Up to and including 500 pounds for solids or 55 gallons for liquids or 200 cubic feet at NTP for compressive gasses.
Range #2 = permit fee of \$100.00	Between 500 and 5,000 pounds for solids or 55 and 550 gallons for liquids or 200 to 2,000 cubic feet at NTP for compressed gasses.
Range #3 = permit fee of \$150.00	Between 5,000 and 25,000 pounds for solids or 550 and 2,750 for liquids or 2,000 to 10,000 cubic feet at NTP for compressed gasses.
Range #4 = permit fee of \$150.00	Between 25,000 and 50,000 pounds for solids or 2,750 to 5,500 gallons for liquids or 10,000 to 20,000 cubic feet at NTP for compressed gasses.
Range #5 = permit fee of \$150.00	More than 50,000 pounds for solids or 5,500 gallons for liquids or 20,000 cubic feet at NTP for compressed gasses.”

(h) The finance director shall collect the above fees; however, said director may designate in writing a person or persons, either in the City service or otherwise, as the agent of the City for purposes of collecting said fees.

SEC. 11-1102. PROHIBITION ON CODE OR STANDARD ADOPTION BY IMPLICATION.

(a) The City supports fire services and fire protection, and towards that end, the City has adopted the 2012 International Fire Code into the Moline Code of Ordinances, as amended in this Chapter 11 thereof. The City disclaims any other adoption, whether directly or indirectly, whether by implication or by express purpose, of any other fire protection standard whatsoever, including without limitation, the adoption of NFPA 1710, NFPA 1720 or any

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similar or related standard. This disclaimer extends to any and all actions of any City staff or elected officers of the Moline City Council, and the City Council hereby notifies the public and any interested persons that such a standard can be adopted only by express, written action of the City Council by way of a special ordinance.

(b) That the City does not recognize NFPA standard 1710 or NFPA standard 1720 and both such standards are specifically excluded from City policy and practice until repealed by the Moline City Council.

SEC. 11-1103. SEVERABILITY.

The City Council of the City of Moline hereby declares that, should any section, paragraph, sentence, phrase, or word of the adoptive ordinance of the Moline Fire Code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of said adoptive ordinance and said Moline Fire Code independent of the elimination therefrom of any such portion as may be declared invalid.

SEC. 11-1104. PENALTY.

(a) Except for violations of Sections 11-1101(n) and (x) (“Open burning, recreational fires and portable outdoor fireplaces” and “Fireworks-Unlawful Possession,” respectively), and except as otherwise provided herein, any person violating any provision of the Moline Fire Code or any order issued thereunder shall be guilty of an offense punishable by a fine of not less than ten dollars (\$10.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue, and any such person shall be required to correct or remedy such violations or defects within a reasonable time not to exceed thirty (30) days. When not otherwise specified, each day that such violation exists or is maintained shall constitute a separate offense.

(b) Any person violating Sections 11-1101(n) or (x) (“Open burning, recreational fires and portable outdoor fireplaces” and “Fireworks-Unlawful Possession,” respectively), as a first offense, shall be subject to a citation, which citation shall be paid at the City of Moline accounts and finance office in the amount of fifty dollars (\$50.00), or if paid within seven (7) calendar days, twenty-five dollars (\$25.00). Any person violating Section 11-1101(n) or (x), as a second or subsequent offense, shall be subject to a citation, which citation shall be paid at the City of Moline accounts and finance office in the amount of one hundred dollars (\$100.00), or if paid within seven (7) calendar days, fifty dollars (\$50.00). Any person who fails to make payment as outlined above within thirty (30) days shall thereafter be subject to an action in Circuit Court which may be commenced in accordance with the requirements of the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., and any person found to have violated Section 11-1101(n) or (x) shall be subject to a fine of not less than one hundred dollars (\$100.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs, plus reimbursement to the City for the costs the City incurred in serving the person with process. Each day during which or on which any person violates Section 11-1101(n) or (x) shall be deemed a separate offense.

(c) The application of the above penalty shall not be construed as a bar to the enforced removal of prohibited conditions under any section of the Moline Fire Code or any other Code or ordinance provision of the City of Moline.

ARTICLE II. THE FIRE DEPARTMENT

SEC. 11-2100. ESTABLISHED, COMPOSITION.

There is hereby created and established within the executive department of the City, the fire department. The fire department shall consist of a chief and such number of deputy fire chiefs, fire inspectors, training officers, captains, lieutenants, fire engineers and firefighters as are authorized from time to time by resolution of the City Council.

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SEC. 11-2101. ORDER OF RANKING.

The order of ranking of the members of the fire department shall be as follows:

1. Fire chief;
2. Deputy fire chief or battalion chief;
3. Captain;
4. Lieutenant;
5. Fire engineer;
6. Firefighter/Paramedic.

Fire inspectors and training officers will hold the temporary rank of captain and will have the equivalent authority.

SEC. 11-2102. FIRE CHIEF TO BE EXECUTIVE HEAD OF THE FIRE DEPARTMENT.

The fire chief shall be the executive head of the fire department and in control thereof, and every member of the fire department shall be under the jurisdiction of the fire chief and subject to said fire chief's orders and directions at all times.

SEC. 11-2103. OFFICE OF CHIEF OF THE FIRE DEPARTMENT CREATED; APPOINTMENT.

There is hereby created the office of chief of the fire department who shall be appointed by the city administrator with the advice and consent of the City Council.

SEC. 11-2104. QUALIFICATIONS; FILLING OF VACANCY; REMOVAL.

(a) Applicants for the position of fire chief shall have a thorough knowledge of all aspects of fire service and shall have attained the rank of deputy fire chief, captain or lieutenant in the Moline fire department, or shall have attained an equivalent in knowledge, rank or position in a fire department outside the City of Moline.

(b) In the event of a vacancy in the office of the chief of the fire department, the board of fire and police commissioners shall examine each applicant from within or from outside the fire department to determine each applicant's qualifications for the position. Following examination, the board of fire and police commissioners shall submit a list of the names of the top six (6) applicants in alphabetical order to the city administrator, along with a report of their findings on each applicant, prior to the consideration for appointment of any such applicant by the city administrator. After consideration of each applicant and the report on the applicant from the board of fire and police commissioners, the city administrator shall appoint the chief of the fire department with the advice and consent of the City Council.

(c) The city administrator shall have the power to remove the chief of the fire department from office in accordance with the provisions of Sec. 2-3202(c)(3) of the Code of Ordinances.

SEC. 11-2105. POWERS AND DUTIES OF THE FIRE CHIEF, IN GENERAL.

The fire chief shall be subject to the orders of the city administrator and the ordinances and resolutions adopted by the City Council. The fire chief shall make certain that all laws of the state and all provisions of this Code or other ordinances of the City, the execution of which depends upon the fire department, are enforced, and make

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certain that all orders are executed promptly and all departmental rules and regulations are complied with fully. The chief is the final departmental authority in all matters of policy, operations, administration and discipline.

SEC. 11-2106. TRANSMITTAL OF ORDERS.

All orders to the fire chief shall be issued by the city administrator, and all orders to fire employees shall be issued by the fire chief and communicated to the force through the chain of command, or in such a manner as the circumstances may require.

SEC. 11-2107. POLICE AUTHORITY OF CHIEF OFFICERS OF THE FIRE DEPARTMENT.

(a) At fires, the chief of the fire department, or any chief officers of the fire department in command, shall have the full powers of a police officer; in the absence of the chief of police, the chief of the fire department, or in the chief's absence, the fire scene commander, shall have authority to control and direct all members of the police department present.

(b) The chief of the fire department, or any chief officers of the fire department in command, may prescribe limits in the vicinity of the fire within which no person except those residing therein, members of the fire department, members of the police force, or those admitted by the command officer or subordinates thereof, shall be permitted to come.

(c) During the extinction or investigation of a fire, the chief of the fire department or any chief officers of the fire department in command shall have the power to arrest without a warrant as provided for peace officers by statute, including power during the time of a fire to arrest without a warrant, any person hindering or interfering with the extinction of a fire or refusing to obey a police officer or firefighter in execution of their duties to extinguish the fire, or to protect the lives of persons and property imperiled by the fire.

(d) After a fire, the chief of the fire department or any chief officer of the fire department in command shall have the power to arrest without a warrant any person hindering or obstructing any arson investigation or investigation relating to the causes of a fire, or concealing evidence related thereto.

(e) As soon as their duties in relation to the extinguishment of the fire will permit, the chief of the fire department or any chief officer of the fire department shall take a person arrested by either of them before an associate judge, to be dealt with according to law.

(f) The chief of the fire department or any chief officer of the fire department shall be severally vested with the usual powers and authority of police officers to command all persons to assist them in the performance of such duty.

SEC. 11-2108. AUTHORITY TO DEMOLISH OR REMOVE PROPERTY.

(a) The city administrator or the chief of the fire department, or any chief officer of the fire department in command during the course of a fire, shall have the power to cause the removal or demolition of any property, real or personal, whenever it shall become necessary for the preservation of the property from fire, to prevent the spreading of the fire, or to protect adjoining property.

(b) The chief of the fire department, or any chief officer of the fire department, with the consent of the city administrator, shall have the power to tear down any portion of any building that may be standing after a fire, or has become dilapidated, and in the judgment of the fire chief may be dangerous to persons or property.

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SEC. 11-2109. PROTECTION OF FIRE DEPARTMENT EQUIPMENT.

It shall be the duty of all members of the fire department to prevent all persons not belonging to the fire department or the City Council or who are not city officers, from entering any fire station or handling any apparatus belonging to the fire department without permission of the city administrator or the chief of the fire department, or any chief officer of the fire department.

**SEC. 11-2110. INVESTIGATION OF FIRES;
ARSON INVESTIGATIONS.**

The chief of the fire department, the director of the bureau of fire prevention or a fire inspector shall investigate the cause, origin and circumstances of every fire occurring in the City by which property has been destroyed or damaged, and, so far as possible, shall determine whether the fire is the result of carelessness or design. The investigations shall be begun immediately upon the occurrence of a fire, and if it appears to the officer making the investigation that the fire is of suspicious origin, the chief of the fire department shall immediately be notified of the facts. The investigating officer shall immediately take charge of the physical evidence and shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

SEC. 11-2111. REPORTS OF FIRES REQUIRED; CONTENTS.

Every fire shall be reported in writing to the bureau of fire prevention within two (2) days after the occurrence of the fire. The report shall be in such form as shall be prescribed by the chief of the fire department, and shall contain a statement of all the facts relating to the cause, origin and circumstances of the fire; the extent of the damage thereof; the insurance upon the property; and such other information as may be required.

**SEC. 11-2112. CITY ATTORNEY TO ASSIST IN ARSON
INVESTIGATIONS.**

The city attorney, upon request of the chief of the fire department, shall assist in the investigation of any fire which, in the opinion of the fire chief, is of suspicious origin.

**SEC.11-2113. RECOMMENDATIONS AS TO AMENDMENTS
TO THIS CHAPTER.**

The chief of the fire department shall recommend any amendments to this chapter which, in the judgment of the fire chief, shall be desirable.

SEC. 11-2114. AMBULANCE SERVICE - AREA.

The City, through its fire department, shall provide emergency ambulance service solely within the corporate limits of the City, within any area specially designated by the City Council, and within any area designated for such service by an intergovernmental service or mutual aid agreement; however, the chief may respond to requests for aid outside of said service area in cases of major disaster.

SEC. 11-2115. AMBULANCE, PERMISSIBLE POINTS OF TRANSPORTATION.

The ambulance service shall transport patients to the closest appropriate facility. Patients may be transported to Genesis Medical Center East Campus as necessary for specialized cardiac care or when the above named facilities are on bypass. Paramedic personnel may disregard patient preference if, in the opinion of the paramedic and confirmed by the resource hospital, it is imperative that the patient be transported to the nearest facility or nearest trauma center.

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Paramedics may also disregard patient preference in multiple patient or multiple emergency situations where transport of patients to the nearest emergency room or trauma facility is in the best interests of care to all patients involved.

SEC. 11-2116. SAME – FEES.

- (a) The fee schedule for said emergency service shall be as follows:
- (1) Base Rate for Basic Life Support fee is six hundred ninety dollars (\$690.00) for Moline residents and nine hundred forty dollars (\$940.00) for non-residents for calls that are not life threatening.

Base Rate for Advanced Life Support-1 fee is eight hundred seventy-five dollars (\$875.00) for Moline residents and one thousand one hundred twenty-five dollars (\$1,125.00) for non-residents for calls that are life threatening.

Base Rate for Advanced Life Support-2 fee is one thousand one hundred sixty-five dollars (\$1,165.00) for Moline residents and one thousand four hundred fifteen dollars (\$1,415.00) for non-residents for calls that are life threatening.

- (2) Mileage fee of seventeen dollars and 50/100 cents (\$17.50) per mile plus actual cost of supplies and a ten percent (10%) restocking fee as well as a flat fee of twenty dollars (\$20.00) will be also assessed.
- (3) Fees for medical assessment and treatment without transport.

Users shall be assessed two hundred ninety dollars (\$290.00) for Moline residents and five hundred forty dollars (\$540.00) for non-residents for base fee for basic life support and advanced life support services. An additional actual cost for supplies and a 10% restocking fee as well as a flat fee of twenty dollars (\$20.00) will also be assessed.

- (4) Fees charged shall be charged to the person receiving the benefit of service, or, in the event said person has not attained the age of eighteen (18), to the parent or guardian of the person receiving the service. The person receiving the benefit of service shall include the patient, a minor patient's parent or guardian, and the patient's employer if the point of treatment and/or transportation commencement is the patient's place of employment. In the event of an "outreach" call, the person receiving benefit shall include the ambulance service requesting the "outreach" services.
- (5) Delinquency in payment of charges for previous service hereunder shall not be grounds to refuse service.

- (6) Fees for hourly rental of ambulance and personnel. Events employing on-site Moline Fire Department emergency medical personnel and equipment shall be charged by the City of Moline for those dedicated services according to the following:

- a. Cost per paramedic duty hour shall be the prevailing time and one half (½) rate of a top paid paramedic.
- b. The minimum number of paramedics employed shall be a team of two (2). This team shall include an onsite ambulance.
- c. There shall be a minimum scheduling fee of two (2) hours for any event.
- d. Persons treated and transported from the event shall be charged at regular rates established by City ordinance.
- e. The sponsor or the promoter of the event shall pay the total hourly rental costs listed in a., b., and c.
- f. The City Council may reduce or waive the fees collectible under this section when such waiver is deemed in the best interests of the City of Moline or the best interests of public safety.

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- g. The fees listed in this section shall apply to dedicated emergency medical services for events on private or public property within the City of Moline.
- (7) Fees for mutual aid services. When EMS services are provided outside the City of Moline in a mutual aid situation (i.e., the primary agency cannot supply an ambulance, calls Moline for assistance) and Moline responds, the patient receiving the service from Moline shall be billed as if the services were performed within the City of Moline. Resident, nonresident, and itemized charges shall be the same.
- (8) Fees for “outreach” services. When EMS service is provided outside the City of Moline in an “outreach” situation, i.e., the primary agency requests an “outreach” ambulance to meet their personnel en route to hospital for the purpose of providing additional EMS personnel and ALS capabilities and the Moline personnel meet the ambulance and provide ALS services, the service requesting the “outreach” shall be billed for the services. Fees for the services shall be the same as if the patient had been treated and transported by the Moline ambulance.
- (9) Repealed – Reserved for Future Use.
- (10) Moline residents and healthcare facilities in need of lift assistance from the Moline fire department with no medical attention required shall be billed a lift assist fee.
- a. Moline residents: the first lift assist call in a calendar year will be provided at no charge to Moline residents. Thereafter, each lift assist call in the same calendar year shall be billed at a fee of one hundred dollars (\$100.00) per call.
- b. Healthcare facilities: each citizens assist call for healthcare facilities shall be billed at a fee of one hundred fifty dollars (\$150.00) per call. Healthcare facilities shall not receive a citizens assist call at no charge.

SEC. 11-2117. SAME - FEE COLLECTION.

The officer charged by ordinance with the control of and responsibility over the finances of the City, hereinafter called "accounts and finance officer," shall be the City's agent for purposes of collecting the above fees; however, said officer may designate in writing a person or persons, either in the City service or otherwise, as the agent of the City for purposes of collecting said fees.

SEC. 11-2118. SAME - OBLIGATION OF SERVICE.

Section 11-2114 does not create a contractual obligation to provide emergency ambulance service to any person but merely describes that the City is endeavoring to provide said service to the general public. The City will endeavor to provide said service upon proper notification and when emergency ambulance vehicles are available for service; however, failure to provide said service shall not create liability on behalf of the City or its officers or employees.

ARTICLE III. SPILLER PAYS ORDINANCE

SEC. 11-3100. SHORT TITLE.

This article shall be called “Spiller Pays Ordinance.”

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SEC. 11-3101. DEFINITIONS.

As used in this article, the following terms shall have the meanings ascribed to them:

- (1) **Costs**: Means all expenses incurred by the City or any of the public agencies assisting the City, as a result of any removal or remedial action.
- (2) **Facility**: Means any building, structure, installation, equipment, pipe or pipe line, including, but not limited to, any pipe into a sewer or publicly-owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock or aircraft; and shall also include any site or area where hazardous material has been deposited, stored, disposed of, abandoned or otherwise come to be located.
- (3) **Hazardous Materials**: Mean any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radioactive, including, but not limited to, any substance or material which is designated as hazardous material, pursuant to the "Hazardous Material Transportation Act" (49 U.S.C., Section 1801, et. seq.) in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of or otherwise managed. This definition shall also include hazardous waste, as defined in this section.
- (4) **Hazardous Waste**: Means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-850 or under regulations of the Pollution Control Board. (420 ILCS 20/3). Examples of such waste or materials shall include but not be limited to batteries, motor oil, oil base paint, insecticides, herbicides, tires, roofing materials, acids, caustics, solvents, and other similar materials. Hazardous waste shall also include but not be limited to materials that are hazardous by reason of their pathological, explosive, radiological, or toxic characteristics.
- (5) **Mutual Aid**: Means any action taken by the City or any other public agency, pursuant to an Intergovernmental Agreement or including, but not limited to, any and all Mutual Aid Agreements.
- (6) **Person**: Means any individual, business, firm, partnership, corporation, association, trust, estate, joint venture, or other legal entity, or their legal representative, each of their assign.
- (7) **Release**: Means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous material into or in any land, air, water, well, stream, sewer or pipe so that such hazardous material or any constituent thereof may enter the environment.
- (8) **Remedial Action**: Means any action consistent with permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the releases of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, isolation, confinement, perimeter, protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers collection of leachate and runoff, on-site treatment or incineration,

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provision of alternate water supplies and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment.

- (9) **Removal:** Means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess and evaluate the release or threat of release of hazardous materials, the disposal of removed material or the taking of such action as may be necessary to prevent, minimize or mitigate damage to the public health provision of alternative water supplies and temporary evacuation of threatened individuals.
- (10) **Response:** Means any removal or remedial action.
- (11) **Vessel:** Means any object used as a storage container.

SEC. 11-3102. PROHIBITED ACTS.

No person shall cause, permit, allow or threaten the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other state or federal agency having primary jurisdiction over the release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

SEC. 11-3103. RESPONSE AUTHORITY.

The Fire Chief of the City of Moline or his authorized representative shall have authority to respond to any release or threatened release of hazardous materials within the territory of the City or affecting the water supply, wells or sewage treatment works located or servicing the City or pursuant to any lawful intergovernmental agreement of which the City is a party. This authority includes, but is not limited to, remedial action and removal.

The Fire Chief or Environmental Manager shall have authority to respond to any release, attempted release or threatened release of hazardous materials as described above. The Fire Chief's primary responsibility shall be to respond to all releases, except those within the sanitary sewer system of the City. The Environmental Manager shall have authority for those discharges into the sanitary or storm sewer systems of the City. Either shall report any release or threat of release of hazardous material to all appropriate federal, state and local public health, safety and emergency agencies within the 24 hours of any substantial release of hazardous materials. The Fire Chief or the Environmental Manager shall relinquish their response authority at such time, if any, as the federal, state or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

The Fire Chief, during such time as response authority is vested in such position, shall be authorized to utilize all Fire personnel and equipment and may, in said Chief's sole discretion, take such remedial or removal action as the Chief deems necessary or appropriate to respond to the release or threatened release of hazardous material.

All responding personnel shall cooperate with and operate under the direction of the Fire Chief or other person then exercising response authority under this Ordinance until such time as the person exercising such response authority has determined that the response is complete or responsibility for response is assumed by the federal, state or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release.

The person exercising response authority under this Ordinance shall coordinate and/or cooperate with other federal, state or local public health, safety or emergency agencies involved in response to the release or threatened release of hazardous materials.

SEC. 11-3104. LIABILITY FOR COSTS.

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in Section 11-3105, hereinafter, the following persons shall be jointly and severally liable for all costs of removal and remedial action

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incurred by the City, as a result of a release, attempted release or probable likelihood of a release of a hazardous material.

Any person who, at the time of disposal, transport, storage or treatment of a hazardous material, owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release, attempted release or probable likelihood of a release of any such hazardous material.

Any person who by contract agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release, attempted release or probable likelihood of a release of such hazardous materials.

Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release, attempted release or probable likelihood of a release of such hazardous substances.

SEC. 11-3105. DEFENSES.

There shall be no liability under Section 11-3104 hereof for a person otherwise liable who can establish by a preponderance of the evidence that the release, attempted release or probable likelihood of a release of a hazardous material and the damages resulting is in accordance with any of the permitted defenses enumerated in 415 ILCS 5/22.2 except for the exception listed in 415 ILCS 22.2 (j)(i)(c).

SEC. 11-3106. COSTS AND PENALTIES.

Any person who is liable for the release, attempted release or probable likelihood of a release of a hazardous material or hazardous wastes who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the City, or in accordance with any order of any court having jurisdiction on the matter, shall be liable to the City for any costs incurred by the City as a result of such failure to provide or take such removal or remedial action, together with the costs of any removal or remedial action taken by the City in accordance with this Ordinance, and all attorneys' fees and related legal costs incurred in connection therewith.

In addition, any such person shall be guilty of a violation of this Ordinance and shall be fined not less than One Hundred Dollars (\$100.00), nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day on which a violation occurs or continues. Where such violation is found to be the result of willful and/or wanton conduct or gross negligence, or the person committing such violation attempts to evade responsibility hereunder by leaving the scene of the occurrence or by other means, that person shall be subject to a fine as provided for above or a fine in an amount equal to three times the costs, including attorneys' fees and legal costs for which it is liable under Paragraph 1 of Section 11-3106, whichever is greater.

Charges for removal or remedial action when rendered by the City or any other agency rendering mutual aid shall be as follows:

- (a) The reasonable cost of each vehicle responding as determined by the responding agency, but in no case less than One Hundred Dollars (\$100.00) per hour per vehicle; and
- (b) The cost of all personnel, including any overtime cost to the City or to any responding agency incurred as a result of the removal or remedial action; and
- (c) The cost of all materials and equipment used, expended, depleted, destroyed or removed from service in accordance with federal, state or local ordinance, as a result of the mitigation or containment operations if or at the request of the City or any responding agency.

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SEC. 11-3107. AUTHORITY OF ORDINANCE.

This Ordinance shall supersede any ordinances, resolutions or motions, or parts of ordinances, resolutions or motions in conflict with any part herein, any such sections or parts thereof, are hereby repealed.

If any section or paragraph of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any remaining provisions of this Ordinance.

Chapter Amendments and Reference Notes

Code Section No. and Action	Ordinance No.	Adoption Date
Art. I repealed; new Art. I enacted – adopts 2012 International Fire Code as Moline Fire Code	3063-2013	12/17/13
Art. III enacted new	3060-2006	12/12/06
Sec. 11-1100 repealed; new Sec. 11-1100	2003-03-03	03/04/03
Sec. 11-1100 repealed; new Sec. 11-1100 enacted	3081-2004	10/05/04
Sec. 11-1101 repealed; new Sec. 11-1101 enacted	3060-2006	12/12/06
Sec. 11-1101 repealed; new Sec. 11-1101 enacted; scrivener’s error correction to Sec. 11-1101(l) pursuant to omission from 3029-2008; 09/11/08	3029-2008	04/01/08
Sec. 11-1101 (h) repealed; new Sec. 11-1101 (h) enacted	2003-08-04 as amended	08/19/03
Sec. 11-1101 (i) repealed; new Sec. 11-1101(i) enacted	3020-2012	08/14/12
Sec. 11-1101 (l) and (m): (m) repealed, new subsection (l) enacted and the current subsection (l) renamed as subsection (m)	3081-2004	10/05/04
Sec. 11-1101 (l) and (m) repealed; new Sec. 11-1101 (l) and (m) enacted, effective 09/18/09	3016-2009	09/08/09
Sec. 11-1101 (l) and (m) repealed; new Sec. 11-1101 (l) and (m) enacted	3021-2010	04/20/10
Sec. 11-1101 (l) repealed; new Sec. 11-1101 (l) enacted	3020-2012	08/14/12
Sec. 11-1101 (p): new subsection (p) enacted & remaining subsections consecutively renamed	3033-2011	09/29/11
Sec. 11-1101(r) and (s): new subsections (r) and (s) enacted and remaining subsections consecutively renumbered	3020-2012	08/14/12
Sec. 11-1101.1 enacted	2002-08-02	08/20/02
Sec. 11-1101.1 amended by renaming subsection (g) as subsection (h) and enacting one new subsection (g)	3081-2004	10/05/04
Sec. 11-1101.1 repealed; new Sec. 11-1101.1 enacted	3012-2008	02/26/08
Sec. 11-1101.1(g) repealed; new Sec. 11-1101.1 enacted	3032-2015	09/15/15
Sec. 11-1101.1(d) repealed; new Sec. 11-1101.1(d) enacted	3021-2017	10/10/17
Sec. 11-1101.1(g) repealed; new Sec. 11-1101.1(g) enacted	3022-2017	10/10/17
Sec. 11-1102 repealed; new Sec. 11-1102 enacted	2002-09-05	09/17/02
Sec. 11-1102 “PENALTY” renumbered to Sec. 11-1104 & new Sec. 11-1102 “PROHIBITION ON CODE OR STANDARD ADOPTION BY IMPLICATION” enacted	2003-01-13	01/21/03
Sec. 11-1102 repealed; new Sec. 11-1102 enacted	3029-2008	04/01/08
Sec. 11-1104 repealed; new Sec. 11-1104 enacted	3020-2012	08/14/12
Sec. 11-2101 repealed; new Sec. 11-2101 enacted	3004-2006	02/21/06
Sec. 11-2101 repealed; new Sec. 11-2101 enacted	3002-2013	02/26/13
Sec. 11-2115 repealed; new Sec. 11-2115 enacted	3081-2004	10/05/04
Sec. 11-2116 repealed; new Sec. 11-2116 enacted	98-1-1	01/06/98
Sec. 11-2116 (a)(1), (2) and (3) repealed; new Sec. 11-2116 (a)(1), (2) and 3 enacted	2002-06-01	06/04/02
Sec. 11-2116 (a) (1), (2), (3), (4) and (5) repealed; new Sec. 11-2116 (a) (1), (2) and (3) enacted	3043-2004	07/02/04
Sec. 11-2116 (a)(1), (2) and (3) repealed; new Sec. 11-2116(a)(1), (2) and (3) enacted	3027-2009	10/13/09
Sec. 11-2116 (a)(1), (2) and (3) repealed; new Sec. 11-2116 (a)(1), (2) and (3) enacted	3022-2013(2)	09/10/13
Sec. 11-2116 (a)(1), (2) and (3) repealed; new Sec. 11-2116 (a)(1), (2) and (3) enacted (non-Moline resident ambulance fee and \$20.00 flat fee re: supply costs)	3011-2015	04/07/15
Sec. 11-2116 (a)(10) enacted (lift assist fee)	3010-2015	04/07/15
Sec. 11-2116 (a)(9) enacted (first responder fee enacted)	3014-2015	04/28/15
Sec. 11-2116 (a)(9) repealed (first responder fee repealed)	3020-2017	09/26/17