

AN ORDINANCE

AMENDING Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," by deleting subsections (l) and (m) in their entirety and enacting in lieu thereof new subsections (l) and (m) dealing with the same subject matter.

WHEREAS, the Moline Code of Ordinances currently prohibits the burning of leaves and lawn and landscape waste within the City except on Mondays, Wednesdays and Saturdays, so long as atmospheric conditions permit; and

WHEREAS, the City Council recognizes that permitted burning increases fire risks, and that smoke pollutants generated by the burning potentially impacts individuals with heart disease, asthma, emphysema, bronchitis and other lung diseases; and

WHEREAS, in an effort to increase public safety and to promote better health and welfare to the citizens of Moline, the City wishes to prohibit the burning of leaves, lawn and landscape waste at all times within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 – That Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," is hereby amended by deleting subsection (l) in its entirety and enacting in lieu thereof one new subsection (l) dealing with the same subject matter, which shall read as follows:

"(l) **Section 307.2.1 Authorization** by deleting said section in its entirety and enacting in lieu thereof one new Section 307.2.1 relating to the same subject matter; and enacting three new subsections 307.2.3, 307.2.4 and 307.2.5, which shall read as follows:

"307.2.1 Authorization.

1. **Leaves and lawn 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 with the exception of controlled burns performed by governmental entities upon the approval of the fire chief. Said governmental entities shall hold a valid State of Illinois or federal EPA permit to burn materials within the City of Moline in accordance with the provisions set forth in Section 307.2.4, "State or federal permits," below.
2. **Other waste.** The burning of waste matter other than leaves and lawn and landscape waste shall be prohibited unless the person, corporation or other entity which proposes to burn holds a valid State of Illinois or federal EPA permit to burn materials within the City of Moline in accordance with the provisions set forth in Section 307.2.4, "State or federal permits," below.

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307.2.3 Permits not required. Cooking fires, such as wiener roasts, using sticks and woodchips, are allowed without permit, but safety precautions as herein set forth shall apply. Bonfires and

large ceremonial fires are allowed with the prior approval of the chief or designee thereof. Notwithstanding the above language of this section, the burning of garbage and rubbish, leaves, and lawn and landscape waste is not permitted at any time, except as otherwise provided in Section 307.2.4, "State or federal permits," below.

307.2.4 State or federal permits. The provisions of this Sec. 307.2 as hereby amended shall not apply to any person, corporation, City department or other entity which holds a valid State of Illinois or federal EPA permit to burn materials within the City of Moline for the production of energy or for the training of municipal employees in areas of public safety, so long as the materials prohibited from burning by this Code are not also prohibited from burning under such state or federal EPA permit.

307.2.5 Violations. It shall be a violation of this Fire Code to burn any materials prohibited from burning pursuant to this Sec. 307.2. Any person violating Sec. 307.2 as a first offense shall be subject to a citation, which citation shall be paid at the City of Moline accounts & finance department in the amount of twenty-five dollars (\$25.00), or if paid within forty-eight hours, fifteen dollars (\$15.00). Any person who fails to make payment as outlined above within thirty (30) days, or any person violating this section after the first offense shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), exclusive of court costs. Each day during which or on which any person violates Sec. 307.2 hereof shall be deemed a separate offense."

Section 2 – That Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," is hereby amended by deleting subsection (m) in its entirety and enacting in lieu thereof one new subsection (m) dealing with the same subject matter, which shall read as follows:

"(m) **Section 307.3 Location restricted** by deleting said section in its entirety and enacting in lieu thereof one new Section 307.3 dealing with the same subject matter, which shall read as follows:

"**307.3 Location restricted.** No person shall kindle or maintain any bonfire or cooking fire or authorize any such fire to be maintained or kindled unless the location is at least twenty-five (25) feet from any combustibles or adjoining property and adequate provision is made to prevent the fire from spreading to any structure or adjoining property."

Section 3 – That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, expressly repealed.

Section 4 – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS
Donald P. Wehsted

Mayor

Date 9/8/09

Passed: 9.8.09
Approved: 9.15.09
Attest: *Maria Koranda*
City Clerk

Approved as to Form: *[Signature]*

Law Director