

## Chapter 34

### **FIRE PREVENTION AND PROTECTION\***

#### **Article I. In General**

- Sec. 34-1. Blocking fire hydrants and fire department connections.
- Sec. 34-2. Hydrant use approval.
- Sec. 34-3. Systems; high hazard locations.
- Sec. 34-4. Maintenance of fire suppression equipment.
- Sec. 34-5. Street obstructions.
- Secs. 34-6—34-30. Reserved.

#### **Article II. Fire Prevention Code**

- Sec. 34-31. Adoption.
- Sec. 34-32. Definitions.
- Sec. 34-33. Modifications, supplements, and exceptions.
- Sec. 34-34. Fireworks.
- Sec. 34-35. False alarms.
- Sec. 34-36. Penalties.
- Secs. 34-37—34-60. Reserved.

#### **Article III. Fire Department**

##### Division 1. Generally

- Sec. 34-61. Created.
- Sec. 34-62. Fire chief.
- Sec. 34-63. Divisions.
- Sec. 34-64. Regulations.
- Sec. 34-65. Establishment and duties of bureau of fire prevention.
- Sec. 34-66. Authority at fires and emergencies, interference with departmental operations, compliance with fire chief's orders, crossing fire hoses.
- Sec. 34-67. Adoption of fire control measures and regulations.
- Sec. 34-68. Reserved.
- Sec. 34-69. Interference with fire department operations.
- Sec. 34-70. Compliance with orders.
- Sec. 34-71. Vehicles crossing fire hose.
- Sec. 34-72. Tampering with fire department emergency equipment.
- Sec. 34-73. Injuring equipment or personnel.
- Secs. 34-74—34-90. Reserved.

##### Division 2. Pension Fund

- Sec. 34-91. Firefighter's pension fund.
- Secs. 34-92—34-120. Reserved.

#### **Article IV. Fireworks**

- Sec. 34-120. Consumer fireworks defined.
- Sec. 34-121. Display fireworks defined.
- Sec. 34-122. Sparkler novelties defined.

---

\***Cross references**—Any ordinance establishing fire lanes on private property saved from repeal, § 1-19(a)(16); buildings and building regulations, ch. 18; civil emergencies, ch. 26; emergency services, ch. 30; fire lane, fire hydrant and fire connection violations, § 78-68; hydrant charges for water service, § 82-113.

GURNEE MUNICIPAL CODE

- Sec. 34-123. Consumer and display fireworks prohibited, except for permitted public displays.
- Sec. 34-124. Sale of sparkler novelties prohibited.
- Sec. 34-125. Penalties of seizure.
- Secs. 34-126—34-150. Reserved.

**Article V. Outdoor Fires**

- Sec. 34-151. Definition.
- Sec. 34-152. Outdoor fires prohibited.
- Sec. 34-153. Exceptions; special use permits required.
- Sec. 34-154. Extinguishing outdoor fires.
- Sec. 34-155. Penalty.
- Secs. 34-156—34-180. Reserved.

**Article VI. Hazardous Emissions**

- Sec. 34-181. Definitions.
- Sec. 34-182. Liability for hazardous substance incident, removal and costs.
- Sec. 34-183. Removal or abatement costs.
- Sec. 34-184. Liberal construction.
- Secs. 34-185—34-199. Reserved.

**Article VII. Rescue Services**

- Sec. 34-200. Rescue services provided by village.
- Sec. 34-201. Fees.

**ARTICLE I. IN GENERAL**

**Sec. 34-1. Blocking fire hydrants and fire department connections.**

In accordance with the code adopted by section 34-31, it shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire chief shall proceed to remove such obstructions or encroachments. The cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire chief with the approval of the village administrator. The village attorney shall institute appropriate action for the recovery of such costs.  
(Code 1977, § 28.09)

**Sec. 34-2. Hydrant use approval.**

A person shall not use or operate any fire hydrant intended for use of any fire department for fire suppression purposes unless such person first secures a permit for such use from the fire chief and the water and sewer department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water and sewer department.  
(Code 1977, § 28.10)

**Sec. 34-3. Systems; high hazard locations.**

All new and existing oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with property placed fire hydrants. Such fire hydrants shall be capable of supplying the fire flows as required by the fire chief and shall be connected to a water system in accordance with accepted

engineering practices. The fire chief shall designate and approve the number and location of fire hydrants. The fire chief may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire chief.

(Code 1977, § 28.13)

**Sec. 34-4. Maintenance of fire suppression equipment.**

Fire suppression equipment shall not be obstructed, removed, tampered with or otherwise disturbed, and shall be installed and maintained, all in accordance with the code adopted in section 34-31.

(Code 1977, § 28.14)

**Sec. 34-5. Street obstructions.**

No person shall erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the village, without the written consent of the village engineer and fire chief. The word "street" as used in this section means any roadway accessible to the public for vehicular traffic, including, but not limited to private streets or access lanes, as well as all public streets and highways.

(Code 1977, § 28.16)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

**Secs. 34-6—34-30. Reserved.**

**ARTICLE II. FIRE PREVENTION CODE\***

**Sec. 34-31. Adoption.**

The regulations, conditions, definitions, and stipulations concerning the construction, use and

**\*Editor's note**—Section I of Ordinance No. 2005-25, adopted April 18, 2005, deleted article II in its entirety and enacted new provisions to read as herein set out. Former article II pertained to similar subject matter and derived from Ord. No. 97-49, §§ 4—7, adopted April 28, 1997.

occupancy of buildings, structures or premises, as set forth in the 2003 International Fire Code, with modifications and supplements set forth in section 34-33, are hereby adopted and made applicable.  
(Ord. No. 2005-25, § I, 4-18-2005)

**Sec. 34-32. Definitions.**

(a) Wherever the word "municipality" is used in the ICC Fire Code, it shall be held to mean the Village of Gurnee.

(b) Wherever the term "corporate counsel" is used in the ICC Fire Code, it shall be held to mean the attorney for the village.

(c) Wherever the words, "fire official" or "authority having jurisdiction" are used in the fire code, they shall be held to mean the Village of Gurnee Fire Marshal.  
(Ord. No. 2005-25, § I, 4-18-2005)

**Sec. 34-33. Modifications, supplements and exceptions.**

The following sections of the 2003 International Fire Code, are revised to read as follows:

**CHAPTER 1. ADMINISTRATION**

**SECTION 101 GENERAL.**

*Subsection F101.1 Title.* These regulations shall be known as the Fire Code of the Village of Gurnee, hereinafter referred to as "this code."

*Subsection F101.2.1. Appendices.* All appendices are adopted as part of this code.

*Subsection F104.2.1 Plan review, site inspection, and testing.* At the end of this subsection, add the following:

"Each applicant shall pay fees for plan reviews, site inspection, and testing by the Gurnee Fire Prevention Bureau. Fees include the review, inspection, and testing of each submission. These fees shall be as follows:

General Plan Reviews (new construction, remodeling, etc.): \$0.0125 per square foot or minimum \$ 37.50

Automatic Sprinkler Systems: \$18.75 per 1,500 square feet or minimum \$ 31.25

Kitchen Hood and Duct and Extinguishing Systems: Per System \$ 31.25

Fire Alarm Systems and Related Equipment: \$18.75 per 1,500 square feet or minimum \$ 31.25

Standpipe Systems: Per System \$ 75.00

Fire Pumps and Related Equipment: Per System \$ 50.00

Special Inspections: VA, FHA, Real Estate, etc. \$125.00

Underground and Above-ground Tank Installation and Removals: Per Tank \$ 62.50"

*Subsection F104.2.1.2 Certificates of occupancy.* At the end of this subsection F104.2.1.2, add the following:

"Fees for the inspection and approval of a Certificate of Occupancy shall be as follows:

Commercial and Industrial: \$62.50

Multi-Family (per living unit): \$31.25

Tents: \$62.50

Walls and Partitions: \$62.50

Sales and Construction Trailers: \$62.50

Wall Demolition: \$62.50

Move In (no work): \$62.50

Name Change: \$62.50

Paint Spray Booth: \$62.50"

*Subsection F104.3.2 Inspection fees.* At the end of this subsection F104.3.2, add the following:

"The fees for required inspections are as follows:

First Inspection: No Charge

Second Inspection: No Charge

Third Inspection: \$50.00

Fourth and Subsequent: \$75.00"

*Subsection F109.2.2 Written violation notices.* At the end of this subsection F109.2.2, add the following:

"The schedule and type of written violation notices are as follows:

First Offense: 30 days for Compliance

Second Offense: 15 days for Compliance

Third Offense: Warning Citation, 10 days for Compliance

Fourth Offense: Citation Issued, Court Appearance

Each violation is considered a separate offence with fines levied as provided in the Gurnee Municipal Code."

*Subsection F109.2.3 Administrative citation and fine.* At the end of this subsection F109.2.3, add the following:

"The code official or their designee may issue Administrative Citations for the following violations. The fine for each offense shall be paid to the Village Clerk and shall follow the fine schedule of the Gurnee Police Department. Failure to pay the full amount in the prescribed time limits will result in a Court Citation being issued.

Blocking Approved and Posted Fire Lanes: \$20.00

Blocked or Locked Means of Egress: \$25.00

Unauthorized Work on Fire Protection System: \$25.00

Tampering with Fire Protection System: \$25.00

Disabling Fire Protection System: \$25.00

Unauthorized Open Burning: \$25.00

Blocking a Fire Hydrant: \$25.00

Blocking a Fire Department Connection: \$25.00

Open Burning Violation: \$25.00"

**CHAPTER 9. FIRE PROTECTION SYSTEMS**

*Subsection F901.2.2 Hydraulic Calculations.* At the end of this subsection F901.2.2, add the following:

"Provide a minimum of 10% or 5 psi safety factor in the fire protection system hydraulic calculation."

*Subsection F901.4.1.1 Hydraulic Calculations.* At the end of this subsection F901.4.1.1, add the following:

"The following restrictions will apply:

1. Flexible type sprinkler head connections are not approved for sprinkler installations
2. The Reduced Backflow Preventer (RPZ) shall be installed without meter by-pass
3. Galvanized piping shall not be installed prior to the RPZ"

*Subsection F903.2 Where required.* Delete all text in subsections 903.2 through 903.2.13, inclusive, and substitute the following to read:

"Subsection F903.2. Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in all Use Groups described in this Code.

*Exceptions:*

1. Use Group R3
2. Temporary and mobile structures (to include real estate sales and construction trailers utilized during the development of property), and agricultural storage buildings
3. Structures being converted from Use Group R3 (Except Townhouses) to Use Group B (Professional Office) or Use Group M (Mercantile) that are under 4,000 square feet total space and have an approved detection system which also complies with Subsection 907.1"

*Subsection F903.4.2.1 Audio/Visual devices.* At the end of this subsection F903.4.2.1, add the following:

"All fully sprinkled buildings shall be provided with a fire alarm system so that audio/visual devices are heard and seen in all areas of the building."

*Subsection F903.4.3 Floor Control Valves.* Delete all text in subsection F903.4.3, and substitute the following to read:

"Approved supervised indicating control valves with water flow switches will be installed:

1. In new buildings and structures three or more stories above or below grade, provide at the point of connection to the riser on each floor.

2. In new single story buildings with six or more tenants, or where there are fire areas of 6,000 square feet or more, provide in each tenant space or area at the point of connection to the riser."

*Subsection F903.7 Fire Hydrants.* At the end of this subsection F903.7, add the following:

"A fire hydrant, minimally able to supply system requirements, shall be located within 100 feet of the fire department connection (FDC)."

*Subsection F905.1.1 Standpipe Requirement.* At the end of this subsection F905.1.1, add the following:

"Wherever Class I, II, or III standpipes are required in this code, Class I shall be installed."

*Subsection F907.1 General.* At the end of this Subsection F907.1, add the following:

"Fire Alarm and Detection systems:

1. Must be capable of transmitting three distinctly different signals (True Fire, Trouble, and Supervisory).
2. All signals therefrom must be automatically transmitted to the Village of Gurnee dispatch center.
3. Duct detectors and tamper switches must transmit a supervisory alarm."

(Ord. No. 2005-25, § I, 4-18-2005; Ord. No. 2006-68, § I, 8-21-2006)

**Sec. 34-34. Fireworks.**

Anything in the International Fire Code, 2003 Edition, as adopted and modified by ordinance, to the contrary notwithstanding the following limitations and regulations shall be applicable within the village:

*Fireworks:*

- (1) It shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, manufacture, store, offer for sale, expose for sale, sell at retail, use or explode any display or consumer fireworks in the village, except the board of trustees may grant a permit for the display of fireworks under such conditions as

it may impose under the provisions of the Fireworks Use Act (425 ILCS 35/1 et seq.).

- (2) The sale of specifically permitted items, as set forth in article IV of chapter 34 of this Code, shall be limited to the interior of lawfully conforming principal buildings zoned and occupied for retail use.
- (3) Public display of fireworks shall meet the requirements of the Illinois Fireworks Use Act.

(Ord. No. 2005-25, § I, 4-18-2005; Ord. No. 2006-20, § II, 3-6-2006)

**Cross reference**—Fireworks, § 34-120 et seq.

**Sec. 34-35. False alarms.**

No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. Such acts of deliberate or malicious false alarms shall be punishable as prescribed under laws of the state and/or the ordinances of the village. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drill, or prescribed testing.

(Ord. No. 2005-25, § I, 4-18-2005)

**Sec. 34-36. Penalties.**

(a) In each section of the International Fire Code, 2003 Edition, in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substi-

tuted so as to cover any and all violations of this chapter or of any provisions of said International Fire Code, 2003 Edition, adopted by ordinance.

(b) Any person who shall violate any provision hereof or any provisions of the International Fire Code, 2003 Edition, hereby adopted or modified, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as may be affirmed or modified on appeal or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00 and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or any other remedy at law or in equity, it being the intent of this ordinance that any remedies available to seek compliance or the levy of fines, or both, are cumulative and not exclusive of one another.  
(Ord. No. 2005-25, § I, 4-18-2005)

**Secs. 34-37—34-60. Reserved.**

### **ARTICLE III. FIRE DEPARTMENT\***

#### **DIVISION 1. GENERALLY**

**Sec. 34-61. Created.**

There is hereby created a fire department of the village which shall consist of a fire chief and such other members as the board of trustees may from time to time prescribe.  
(Code 1977, § 3.12(a))

\***Cross reference**—Departments, § 2-311 et seq.

**Sec. 34-62. Fire chief.**

The fire chief shall be appointed by the village president by and with the consent of the board of trustees. The fire chief shall be in charge of the fire department and all members thereof shall be subject to his orders.  
(Code 1977, § 3.12(b))

**Cross reference**—Officers and employees, § 2-91 et seq.

**Sec. 34-63. Divisions.**

In order to carry out its functions, the fire department is divided as follows:

- (1) Fire administration.
  - (2) Fire prevention.
  - (3) Emergency services.
  - (4) Support services.
  - (5) Training and information services.
- (Code 1977, § 3.12(c))

**Sec. 34-64. Regulations.**

The rules and regulations established by the fire department shall be submitted to the board of trustees for approval and acceptance.  
(Code 1977, § 3.12(d))

**Sec. 34-65. Establishment and duties of bureau of fire prevention.**

(a) The fire prevention code shall be enforced by the bureau of fire prevention in the fire department which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(b) The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department of the village. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the village the employment of technical inspectors, who, when such authority is made, shall be selected through an examination to determine

their fitness for their position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(d) A report of the bureau of fire prevention shall be made annually and transmitted to the village administrator of the village. It shall contain all proceedings under this Code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the Code which, in his judgment, shall be desirable.

(Ord. No. 97-49, § 3, 4-28-1997)

**Sec. 34-66. Authority at fires and emergencies, interference with departmental operations, compliance with fire chief's orders, crossing fire hoses.**

The subject of the fire department's authority at fires and other emergencies involving the protection of life or property, interference with fire department operations, compliance with orders of the fire chief's orders, and crossing fire hoses with vehicles, shall be governed by the code adopted by section 34-31.

**Sec. 34-67. Adoption of fire control measures and regulations.**

There is hereby adopted by the president and board of trustees, the fire control measures and regulations as set forth in this chapter for the purposes of controlling conditions which could impede or interfere with fire suppression forces. (Code 1977, § 28.02)

**Sec. 34-68. Reserved.**

**Sec. 34-69. Interference with fire department operations.**

No person shall interfere with, attempt to interfere with fire department operations as provided in the code adopted by section 34-31. (Code 1977, § 28.04)

**Sec. 34-70. Compliance with orders.**

No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief or interfere with the compliance attempt of another individual, in accordance with the 1996 BOCA National Fire Prevention Code, adopted by section 34-31 of this Code.

(Code 1977, § 28.05)

**Sec. 34-71. Vehicles crossing fire hose.**

A vehicle shall not be driven or propelled over any unprotected fire hose of any fire department when laid down on any street, alley, way, private drive or any other vehicular roadway without the consent of the fire chief or person in command of the operation, in accordance with the code adopted by section 34-31.

(Code 1977, § 28.06)

**Cross reference**—Traffic and vehicles, ch. 78.

**Sec. 34-72. Tampering with fire department emergency equipment.**

In accordance with the code adopted by section 34-31 a person shall not without proper authorization from the fire chief in charge of any fire department emergency equipment, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protection clothing on, or a part of, any fire department emergency vehicle.

(Code 1977, § 28.07)

**Sec. 34-73. Injuring equipment or personnel.**

In accordance with the code adopted by section 34-31 it shall be unlawful for any person to damage or deface, or attempt, or conspire to damage, or deface, any fire department emergency vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while performing departmental duties.

(Code 1977, § 28.08)

**Secs. 34-74—34-90. Reserved.**

DIVISION 2. PENSION FUND

**Sec. 34-91. Firefighter's pension fund.**

The firefighters' pension fund provided for under 40 ILCS 5/4-101 et seq., shall be administered in accordance with state law.  
(Code 1977, § 3.121)

**Secs. 34-92—34-119. Reserved.**

**ARTICLE IV. FIREWORKS\***

**Sec. 34-120. Consumer fireworks defined.**

*Consumer fireworks* means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than 0.20 grains of explosive mixture; the sale and use of which shall be permitted at all times.  
(Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-121. Display fireworks defined.**

The term "display fireworks" means those fireworks used for professional outdoor displays and

\***Editor's note**—Ord. No. 2006-20, adopted Mar. 6, 2006, amended art. IV, which consisted of § 34-121, to read as herein set out. Former art. IV, pertained to similar subject matter and derived from the 1977 Code; and Ord. No. 95-54, adopted June 19, 1995.  
**Cross reference**—Fireworks, § 34-34.

classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.  
(Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-122. Sparkler novelties defined.**

The term sparkler novelties shall mean and include any explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation and shall include any cylindrical tube(s), cardboard or heavy cone containing pyrotechnics composition including sparkler fountains, cone fountains, illuminating torches, or filter sparklers, however, that the term "sparkler novelty" shall not include smoke devices, trick noise makers and sparkler devices, known as "sparklers", consisting of a stick or wire coated with pyrotechnic composition not exceeding 3.5 ounces in weight per item; "party poppers", containing not more than 0.25 grains (16mg) of explosive composition; "snappers" containing not more than 0.02 grains (1 mg) of explosive composition; and "snakes" containing not more than 0.07 ounces (2 grams) of explosive composition.  
(Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-123. Consumer and display fireworks prohibited, except for permitted public displays.**

It shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, manufacture, store, offer for sale, expose for sale, sell at retail, use or explode any display or consumer fireworks in the village, except the board of trustees may grant a permit for the display of fireworks under such conditions as it may impose under the provisions of the Fireworks Use Act (425 ILCS 35/1 et seq.).  
(Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-124. Sale of sparkler novelties prohibited.**

It shall be unlawful for any person, firm, co-partnership or corporation to knowingly offer for

sale, expose for sale or sell any sparkler novelties within the village as defined in section 34-122 herein.

(Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-125. Penalties of seizure.**

Any person who violates any portion of this article shall be fined in an amount not less than \$50.00 and not more than as provided in section 1-11 for each and every offense, depending on the seriousness and frequency of violations. Anyone found to be in violation of this section shall relinquish all illegal fireworks to either the village fire marshal or the police department for destruction.

(Ord. No. 2006-20, § I, 3-6-2006)

**Secs. 34-126—34-150. Reserved.**

**ARTICLE V. OUTDOOR FIRES**

**Sec. 34-151. Definition.**

An outdoor fire shall mean an intentional bonfire, grass fire, or any similar burning conducted in the open air, or in an incinerator or similar device from which the smoke is discharged into the open air. Outdoor fires shall not include small outdoor woodburning fires, outdoor preparation of food by barbecue, the burning of wood in indoor fireplaces, burning conducted for the purpose of fire department training, or wetland burns as required by the U.S. Army Corps of Engineers.

(Code 1977, § 43.11(a); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

*Cross reference*—Definitions generally, § 1-2.

**Sec. 34-152. Outdoor fires prohibited.**

It is unlawful to build, ignite or maintain any outdoor fire in such a way as to endanger any building, structure, property or persons.

(Code 1977, § 43.11(b); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Sec. 34-153. Exceptions; special use permits required.**

All other outdoor fires are prohibited, and exceptions shall be made by a special use permit

only. Such special use permits shall be issued at the discretion of the fire chief or an authorized representative. Burning conducted under a special use permit shall conform to this section as well as additional regulations prescribed by the fire chief. The costs for such special use permit shall be determined by an applicable village fee schedule.

(Code 1977, § 43.11(c); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Sec. 34-154. Extinguishing outdoor fires.**

The fire chief, police chief, and the superintendent of public works, or their authorized representatives, shall have the authority to require that any outdoor fire be immediately extinguished when, in their opinion, such fire creates a hazard or constitutes a violation of this section. If such a request for a fire to be extinguished is not fulfilled, the fire chief, police chief, or superintendent of public works, or their authorized representatives, may take action to have such fire extinguished.

(Code 1977, § 43.11(d); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Sec. 34-155. Penalty.**

Persons who violate any portion of this article may be fined in an amount not less than \$25.00 and not more than as provided in section 1-11 for each and every offense, depending on the seriousness and frequency of violations.

(Code 1977, § 43.11(e); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Secs. 34-156—34-180. Reserved.**

**ARTICLE VI. HAZARDOUS EMISSIONS**

**Sec. 34-181. Hazardous emissions.**

*Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

*Abandonment* means the act of leaving a thing with the intent not to retain possession of or assert ownership control over it. The intent need not coincide with the act of leaving. It is prima

FIRE PREVENTION AND PROTECTION

§ 34-181

facie evidence of the necessary intent to abandon a vehicle, vessel or container containing a hazardous substance that:

- (1) The vehicle, vessel or container has been left for more than two days unattended and unmoved, unless the existence in place of the vehicle, vessel or container is a clear and present danger to the health or safety of the public, in which case an immediate abandonment is presumed; or
- (2) License plates or other identifying marks have been removed from the vehicle, vessel or container; or



FIRE PREVENTION AND PROTECTION

§ 34-181

- (3) The vehicle, vessel or container has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or
- (4) The owner/operator has been notified by a law enforcement agent to remove the vehicle, vessel or container and it has not been removed within 24 hours after notification.

*Costs* means all expenses incurred by the village or any other public agency assisting the village as a result of any removal or remedial action. These expenses include, but are not limited to, the actual labor costs of personnel involved, the cost of equipment, consumable materials, and actual damage or loss to any equipment and material, and the cost of any contract labor or materials necessary as a function of the removal or remedial action.

*Container* means a receptacle used for the shipment of goods that meets one or more of the following:

- (1) Of permanent character and strong enough for repeated use; or
- (2) A cargo container used to transport small quantities of materials (e.g., box, drum, carboy); or
- (3) Specifically designed to facilitate the carriage of goods by one or more modes of transportation without intermediate re-loading.

*Facility* means any building, structure, installation, equipment, pipe or pipeline 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. Also, any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed, or otherwise come to be located.

*Fire chief* means the Fire Chief of the Village of Gurnee or his authorized representative.

*Hazardous substance* means:

- (1) Any material as designated pursuant to the Federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 USA 9601 (14), as amended or as may be amended; or
- (2) Any substance, material, waste, or mixture designated as a hazardous material, waste, or substance according to 49 Code of Federal Regulations (CFR) or according to 430 ILCS 35/1 et seq., as amended or as may be amended, excluding highway route controlled quantities of radioactive materials as defined in 49 CFR and special fireworks as defined in 49 CFR 173.88(d) when the aggregate amount of the flash powder does not exceed 50 lbs.; or
- (3) Any material listed on the Environmental Protection Agency Pollutants, 40 CFR 401.15, as amended, or as may be amended; or
- (4) Any material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a class 2 combustible liquid, or a class 3 combustible liquid; or
- (5) Any material which has been determined by the party storing it, or having control of it, through testing or other objective means, to be likely to create a significant potential or actual hazard to the public health, safety, or welfare or to the environment. This definition shall not establish any requirement to test for the purposes of this section; or
- (6) Any material which has been determined by the fire chief, through information based on appraisal and assessment from reliable resources, to be likely to create a significant potential or actual hazard to the public health, safety, or welfare or to the environment. The fact that the material in question is not designated as a hazardous substance pursuant to subdivisions 1-5 of this definition, or is excluded by the legislation of NFPA classifications of subdivisions 1-4, does not preclude the

fire chief from determining that the material is a hazard, given the totality of the particular facts and circumstances, existing at the time of the hazardous substance incident.

- (7) 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 a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., sections 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.

*Hazardous substance incident* means any circumstance involving the release or threatened release of a hazardous substance, which in the judgment of an emergency response authority, whether said emergency response authority be the village, a MABAS agreement member unit, or a federal or state agency or other local agency, creates a significant potential or actual hazard to the environment or to the public health, safety, and welfare excluding regulated risks associated with hazardous substances in the normal course of an individual's employment. "Hazardous substance incident" includes those incidents of releasing or abandoning of a hazardous substance, whether or not such release or abandoning is found to threaten immediate and irreparable harm, but such term does not include any release of a hazardous substance authorized pursuant to federal, state, or local law or regulation.

*Person* means any individual, public or private corporation, partnership, association, firm, trust, sole proprietorship, or estate, state or any department, institution, or agency thereof, any municipal corporation, county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties and which is not subject to privilege or immunity from liability for a hazardous substance incident.

*Release* means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leeching, dumping, vaporizing, evaporating, or disposing into the environment of a hazardous substance, but excludes:

- (1) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
- (2) The normal application of fertilizer;
- (3) A release authorized pursuant to any federal, state or local law or regulation.

*Remove or removal* means any one or more of the controlling, containing, collecting, isolating, diverting, confinement, stabilizing, neutralizing, cleanup or removal of released hazardous substances from the environment or from any facility or any one or more of such actions as may be necessary to be taken in the event of the threat of a release of hazardous substances or such actions as may be necessary to monitor, assess, and evaluate the release or threatened release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health, safety or welfare or to the environment which may otherwise result from a release or threatened release of hazardous substances. The term includes, in addition, without being limited to, security fencing or other measures to limit access to property or facilities, providing of alternative water supplies, temporary evacuation of and housing for threatened individuals, and any emergency assistance which may be provided under the Illinois Emergency Services and Disaster Agency Act of 1975, as amended or as may be amended, pursuant to a MABAS agreement.

*Vehicle* means any device which is capable of moving itself, or being moved, from place to place upon wheels or tracks. The term includes, but is not limited to, any motor vehicle, trailer, semi-trailer, railroad engine, railroad car, or aircraft.

*Vessel* means any craft which is made to float upon water or which does float upon water. (Ord. No. 99-43, § 1(28.17(A)), 4-5-1999; Ord. No. 2001-84, § 1(28.17(A)), 10-15-01)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 34-182. Liability for hazardous substance incident, removal and costs.**

(a) It shall be unlawful for any person to cause, suffer, threaten, suffer the threat of or allow, the discharge of hazardous substances or hazardous materials into the environment unless such discharge is in accordance with an appropriate permit granted by the [State of] Illinois Environmental Protection Agency or other federal, state or local agency having primary jurisdiction over the discharge and such discharge is in such a condition, place and manner as will not create a clear and present or potential hazard to human health, property or the environment.

(b) The Gurnee Fire Department, under the command of the fire chief and his designated representatives, and in cooperation with all other appropriate jurisdictional authorities, is authorized to remove and abate the effects of any hazardous substance incident:

- (1) Upon or into the environment of or property or facilities in the village; or
- (2) Pursuant to any mutual aid box alarm agreement in effect; or
- (3) Outside the corporate or response limits where the health, welfare, or property of the village or those people within its protection are in danger.

(c) The following persons shall be jointly and severally liable to the village for payment of all costs, direct and indirect, incurred by the village as a result of any removal or abatement of a hazardous materials incident and to any member unit of a MABAS agreement rendering aid to the village pursuant to said agreement:

- (1) The person or persons whose conduct caused such release; and
- (2) The person or persons who owned or had custody or control of the hazardous substance at the time of such release, without regard to fault or proximate cause; and
- (3) The person or persons who owned, operated, or had custody or control of the facility, container, vehicle or vessel which held such hazardous substance at the

time of, or immediately prior to, such release or threatened release, without regard to fault or proximate cause; and

- (4) Any person owning or in control of any real property from which a hazardous substance is, or is threatened to be, released.
- (5) 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 discharge or substantial threat of a discharge of such hazardous materials.
- (6) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a discharge or a substantial threat of discharge of such hazardous substances.

(d) In the event any person undertakes voluntarily or upon order of the fire chief to remove or abate the effects of any actual or threatened hazardous substance release, the fire chief may take such action as is necessary to supervise or verify the adequacy of the removal or the abatement. The persons described in paragraph (b)(2) through (c)(6) of this section shall be liable to the village for all costs, direct or indirect, incurred as a result of such supervision or verification.

(Ord. No. 99-43, § 1(28.17(B)); Ord. No. 2001-84, § 1(28.17(B)), 10-15-01)

**Sec. 34-183. Removal or abatement costs.**

(a) For purposes of this section, costs incurred by the village shall include all costs and expenses of the village incurred in connection with the removal, cleanup, abatement of, or remedial action resulting from, the discharge of hazardous material or the extinguishment of a fire involving hazardous material and shall include, but shall not be limited to, the following: actual labor costs of village personnel involved in the clean up or abatement of the discharge or the extinguishment of a fire involving hazardous material (including,

without limitation, worker's compensation benefits, fringe benefits, and administrative overhead); cost of equipment operation; damage and loss as published and updated by the village finance director; cost of materials obtained directly by the village; cost of any contract labor or materials; cost of any medical treatment or expense incurred by the village, its employees and agents, and arising out of said emergency services; costs of consultants whose expertise is required to remove or abate the incident or to assess the nature and the extent of the damage done; the replacement costs of vehicles or equipment which, in the reasonable determination of the fire chief, is contaminated beyond reuse or repair; laboratory costs; costs of materials and equipment obtained directly by the village; costs incurred by any other fire department or entity providing a MABAS response; and attorney's fees and costs incurred in collecting monies owed to the village by the liable party or parties.

(b) When the action to remove or abate the effects of a hazardous substance includes extinguishing a fire, the costs imposed pursuant to this section may only include the expenses related to the hazardous substance and not to any expense related to extinguishing the fire.

(c) Nothing contained in this section shall be construed to change or impair any right of recovery or subrogation arising under any mutual aid agreement, or other ordinance, statute, or provision of law. No criminal or quasi-criminal remedy for any wrongful action shall be excluded or impaired by this section.

(d) The director of finance of the village shall prepare invoices for any and all sums due from any and all parties pursuant to this section, shall allow 45 days for payment of the reimbursement amount and shall consider any written objections on the type and amount of expense.

- (1) If payment is made after 45 days but within 60 days after invoice, a 1.5 percent interest charge shall be incurred;
- (2) If payment is made after 60 days but within 90 days after invoice, a 2 percent interest charge shall be incurred;

- (3) If payment is made after 90 days but within 120 days after invoice, a 2.5 percent interest charge shall be incurred; and
- (4) If payment is not made within 120 days after invoice, the finance director shall refer the matter to the village board to determine whether to instruct the village attorney to proceed with litigation.

(e) A MABAS member unit rendering aid to the village in a hazardous substance incident pursuant to a MABAS agreement shall have its own right of action under this section for recovery of its costs.

(Ord. No. 99-43, § 1(28.17(C)); Ord. No. 2001-84, § 1(28.17(C)), 10-15-01)

**Sec. 34-184. Liberal construction.**

This section shall be liberally construed to give effect to its purpose, which is to shift the burden of liability for threatened or actual hazardous substance instances from the taxpayers of the village and the Warren-Waukegan Fire Protection District to those as defined in this section as being responsible for the incident.

(Ord. No. 99-43, § 1(28.17(D)); Ord. No. 2001-84, § 1(28.17(D)), 10-15-01)

**Secs. 34-185—34-199. Reserved.**

**ARTICLE VII. RESCUE SERVICES**

**Sec. 34-200. Rescue services provided by village.**

The purpose of this article is to establish the appropriate fees for the provision of emergency medical and ambulance transportation services by the Gurnee Fire Department.

(Ord. No. 2006-71, § I, 8-21-2006)

**Sec. 34-201. Fees.**

(a) *Applicability.* Each person that receives ambulance transportation or emergency medical services from the village shall be charged a user fee for such ambulance transportation and emergency medical services performed by the village on behalf of such person.

(b) *Billing; amount; disposition of revenue.* The village administrator or designee shall cause a bill to be issued and sent to the appropriate entity or person responsible for payment for said person having been transported by ambulance and having received emergency medical services. The village board shall establish a schedule of the applicable fees for all services received by a person with regard to ambulance transportation and emergency medical services. The village board is authorized to modify or change the fees from time to time based upon, but not limited to, applicable Medicare rates, reimbursement rates, costs standard in the insurance or health care industry, and actual cost of services and supplies.

(c) *[Authority to accept payment.]* The village administrator or designee is hereby authorized to accept payment from Medicare, Medicaid, any federal health care program, insurers or other third party payers for any fee charged under this section.

- (1) As to village residents, the village will charge and collect only those amounts that are covered by federal health care programs, including but not limited to Medicare and Medicaid, insurers or any other third party payer. Such bills shall be sent directly to the third party payer, if the identity of such payer is known, with a statement to the resident indicating that the village will accept the payment by the third party payer as payment in full. Any and all payments made by the aforesaid third parties for residents, will be accepted by the village as paid in full and the resident will have no obligation to make any additional payment as a co-payment, deductible or otherwise.
- (2) In relation to nonresidents, the nonresident shall be liable and responsible for full payment of the transportation and services provided.
- (3) All fees collected in conformance with this section shall be deposited in the general fund of the village.
- (4) In addition to the provisions herein, the procedures for collection of fees shall be

pursuant to the village's account receivable policy and other applicable village rules and regulations.  
(Ord. No. 2006-71, § I, 8-21-2006)