

CHAPTER 14

FIRE PREVENTION AND PROTECTION

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ARTICLE I. IN GENERAL

*Cross references Ordinance providing fire protection and assumption of indebtedness and obligation of West Kankakee Fire Protection District, dated July 17, 1967, saved from repeal, Sec. 1 7(10); ordinance authorizing City to enter into contract for operation and monitoring of fire alarm systems numbered 69 51, dated August 4, 1969, saved from repeal, Sec. 1 7(11); authority of members of Fire Department to issue tickets and citations, Sec. 2 1 bond required for Fire Chief, Sec. 2 2; maintenance responsibility of Fire Chief, Sec. 21 10(c); false alarms, Sec. 22 30; foreign fire insurance company tax, Sec. 31 6; fire lanes, Sec. 32 171.2; unauthorized turning on or tampering with fire hydrants, Sec. 34 2.

State law reference Authority of City to provide fire protection, Ill. Rev. Stat. Ch. 24, Sec. 11 6 1 et seq.

Sec. 14 01. Department established; composition.

There is hereby established an executive Department of the Municipal Government of the City which shall be known as the Fire Department. This department shall be under the supervision and control of the Chief of the Fire Department by and with the advice and consent of the City Council and shall consist of the Chief and such employees as the City Council may, from time to time, provide.

Sec. 14 02. Reserved.

Editor note Ord. No. 75 12, Sec. 1, adopted Feb. 18, 1975, repealed Sec. 14 2 relative to residence requirements for firemen. Said section was derived from Code 1965, Sec. 6.09.

Sec. 14 02.1. Residence requirements for firemen.

- (a) Any person employed by the City as a member of the Fire Department shall reside within the City limits of the City.
- (b) Any presently employed person residing outside the City limits on the effective date of this section (March 3, 1975), pursuant to the ordinance previously in effect allowing persons to live within five (5) miles of the City limits, or any presently employed person under written agreement to purchase real estate within five (5) miles of the City limits on the effective date of this section shall not be affected by the requirements of this section. (Ord. No.75 19, Secs.1,2, 3 3 75)

Sec. 14 03. Fire Chief Office created.

The Fire Chief shall be appointed by the Mayor, by and with the advice and consent of the City Council. (Code 1965,

Sec. 6.02)

Sec. 14 04. Authority of Fire Chief generally.

The Fire Chief shall have charge of the Fire Department, and in subordination to the Mayor and the Board of Fire and Police Commissioners, shall have full command and control over the Fire Department, and over all members thereof. He shall make and promulgate rules and regulations governing the Fire Department, which shall be obeyed by the members of the Fire Department. He shall have the general care and custody of the property and equipment belonging to the Fire Department, and he shall personally attend to all repairs required to be made upon the same. (Code 1965, Sec. 6.02)

Sec. 14 05. Discipline within the Fire Department.

In order to enforce the discipline in the Fire Department, the Fire Chief may temporarily suspend any member from duty, or impose other appropriate penalty for any breach of discipline by a member. He may, either upon his own knowledge, or upon information communicated to him by others, prefer formal charges to the board of fire and police commissioners against any member of the Fire Department for incompetence, neglect of duty, disobedience of orders or violation of any of the standing rules and regulations of the department. He may also, pending such charges, suspend such delinquent member from duty, and such suspension shall continue in force until the charges can be investigated by the Board of Fire and Police Commissioners and final action be taken thereon by the board. (Code 1965, Sec. 6 02)

Sec. 14 06. Duty of Fire Chief to keep records.

The Fire Chief shall keep, in a book to be provided by the City for that purpose, a full and accurate record of all transactions in the Fire Department, and of all property placed in his charge or custody; and he shall, annually, make a written report to the City Council showing the condition of the department under his management, together with a complete list of all fires occurring in the City during the preceding year, the date and location of each fire, the name of the owner of the property destroyed, the cause of the fire, loss incurred thereby, amount of insurance, and such other information as he may deem important to the city. (Code 1965, Sec. 6.02)

Sec. 14 07. Deputy Fire Chief.

“There is hereby created the office of Deputy Fire Chief. In case of the temporary absence or disability of the Fire Chief, the Deputy Fire Chief being present, having the most seniority, in terms of service with the Fire Department, shall possess the powers and exercise the duties of the Fire Chief. The Mayor, with the advice and consent of the City Council, shall appoint Deputy Fire Chiefs in the number deemed necessary from time to time in the best interest of the department.

In the event of the discharge of an Deputy Fire Chief from the office of Deputy Fire Chief, the officer so discharged from such office shall revert in seniority and position to his last permanent rank, as established under the rules and regulations of the Police and Fire Commission. (Code 1965, Sec. 6 02; Ord. No.71 20, Sec. 1, 5 17 71; Ord. No.75 4, Sec. 1, 1 20 75; Ord. No. 76 74, Sec.1, 12 20 76;)

Sec. 14 07.1. Acting Fire Chief.

The Mayor shall designate the Assistant Fire Chief to serve as Fire Chief in the absence of or inability of the Fire Chief to serve. The person designated shall receive additional compensation as may be set by the council during the time of his designation. The Mayor may change such designation from time to time in the best interest of the department as he may deem proper. (Ord. No. 71 21, Sec. 1, 5 17 71)

Editor's note Ord. No.71 21, Sec. 1, is included herein as Sec. 14 7.1 at the discretion of the editors.

Sec. 14 08. Duty to obey Fire Chief at fires.

Every person above the age of twenty one (21) years present at any fire in the City, shall be subject to the orders of the Fire Chief or other officer in command at the fire, in extinguishing the fire, and in removing and protecting property. No person not a member of the Fire Department shall be bound to obey the orders of the Fire Chief or other officer at any fire, unless such officer is wearing his badge of office, or his official character shall be otherwise known or made known to such person. (Code 1965, Sec. 6.02)

Sec. 14 09. Fire Inspector generally.

There is hereby created the office of Fire Inspector who shall be appointed as provided by law. (Code 1965, Sec. 6.03)

Sec. 14 10. Assistant Fire Inspector generally.

There is hereby created the office of Assistant Fire Inspector, who shall be appointed as provided by law. (Code 1965, Sec. 6 031)

Sec. 14 11. Duties of firemen generally.

- (a) Each member of the Fire Department, when on duty, shall wear an appropriate badge, to be furnished him by the City. If he destroys, or loses it, he shall replace it at his own expense. When any person ceases to be a member, he shall immediately deliver his badge and any other effects in his possession belonging to the City to the Fire Chief.
- (b) Members of the Fire Department shall be on duty at all such hours of the day or night as shall be prescribed by the rules and regulations of the department, except when otherwise ordered by the Fire Chief. (Code 1965, Sec. 6.05)

Sec. 14 12. Removal of property saved from fire.

No person shall remove or be permitted to remove any property in the possession of the Fire Department, saved from any fire, until proof of the ownership thereof shall have been made to the satisfaction of the Fire Chief. (Code 1965, Sec. 6.06)

Sec. 14 13. Hindering firemen.

No person shall willfully resist, obstruct or hinder any member of the Fire Department in the performance of his duty at a fire or at any other time when said member shall be engaged in official Fire Department duties. (Code 1965, Sec. 6.07; Ord. No. 84 39, Sec. 1, 12 3 84)

Sec. 14 14. Damaging fire apparatus prohibited.

It shall be unlawful for any person to willfully or maliciously injure, break or deface any fire apparatus belonging to the City. (Code 1965, Sec. 6.07)

Sec. 14 15. Arrests at fires.

The Mayor, any Aldermen, or the Fire Chief may, and the Chief of Police and all policemen shall, during the progress of any fire, arrest any person found stealing or trespassing upon any property, or willfully injuring or breaking any fire apparatus; or any person resisting or obstructing any member of the Fire Department in the discharge of his duty, or otherwise conducting himself in a riotous or disorderly manner. (Code 1965, Sec. 6.08)

Sec. 14 16. Fire protection agreement with Kankakee Community College; connection to City's fire alarm system; costs.

The City of Kankakee Illinois, is authorized to enter into a fire protection agreement with Kankakee Community

College located on Illinois Route 49 in the County of Kankakee, State of Illinois, whereby said college (shall) be permitted, at its own expense, to connect to the city's fire alarm system at Fire Station No. 1 in Kankakee, Illinois, and the City shall furnish protection and related services to said college for a period of five years, commencing January 1, 1972, said college to pay to the City in each year an annual amount of one dollar (\$1.00), together with such other terms and conditions as may be, from time to time, set forth by the city; and the Mayor and City Clerk are authorized to execute and sign said agreement without further submission to the City Council. (Ord. No. 71 49, Sec. 1, 12 20-71)

Editor's note Ord. No. 71 49 did not expressly amend this Code, hence inclusion of Sec. 1 herein as Sec. 14 16 was at discretion of the editors.

Sec. 14 17. Isolation of area during emergency.

- (a) Authority to place barricades, etc. The Chief or other officers of the Fire Department in charge at the scene of an emergency shall have the authority to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operations so as to prevent accident or interference with the lawful efforts of the Fire Department to manage and control the situation and to handle the fire apparatus.
- (b) Interference prohibited. No person except a person authorized by the Chief or a public officer acting within the scope of his public duties shall remove, unlock, destroy, tamper with, or otherwise molest in any manner any lock, gate, door, barricade, chain enclosure, sign, tag or seal which has been lawfully installed by the Fire Department or by its order or under its control. (Ord. No. 74 6, Sec. 1, 2 4 74)

Sec. 14 18. Obstructing fire hydrants.

No person shall place or keep any post, fence, growth, weeds, bushes, trash or other material or thing near any fire hydrant that would prevent such hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to a fire hydrant. Ord. No. 74 6, Sec. 2, 2 4 74)

Sec. 14 19. Illinois Fire Protection Training Act.

- (a) Election of City to participate. The City of Kankakee hereby elects to participate in the programs provided for in the Illinois Fire Protection Training Act.
- (b) Completion of state training course required. Before an individual may commence regular full time employment State Fire Marshall as a Firefighter 11, as having successfully completed an approved training course as provided in said act. The Firefighter 11 training must be completed by the trainee probationary period of twelve (12) months, except for volunteers, part time and paid on call personnel.
- (c) Amendment of personnel rules, etc. The board of Fire and Police Commissioners is hereby instructed and directed to make the necessary amendments to the personnel rules, the manual of rules of the Kankakee Fire Department, and rules of said board of Fire and Police Commissioners in order to require that any person appointed to the Fire Department of the City shall not become a regular member of the Kankakee Fire Department unless and until he shall complete pursuant to said Illinois Fire Protection and Training Act, the approved training course within twelve (12) months of the date of his initial employment. (Ord. No. 82 32, Secs. 1 4, 11 1 82)

Editor's note Having not expressly amended the Code the provisions of Secs. 1 4 of Ord. No. 82 32, adopted Nov. 1, 1982, have been codified as Sec. 14 19 at the editor's discretion.

Sec. 14 20. Fire lanes on privately owned property within the corporate limits of the City of Kankakee established.

A fire lane is defined as an area no less than 50 feet in length and no less than 12 feet in width located at curbside.

A fire lane shall be no less than 50 feet in length and no less than 12 feet in width and shall be identified by painted lines outlining said area and shall be further identified by appropriate signs at both ends of the length of said fire lane, at the owner's expense.

Fire lanes are established on the following privately owned property within the corporate limits of the City of Kankakee:

1. 250 North Schuyler
2. 145 Broadway Drive
3. 50 Meadowview Center
4. 240 Warren Avenue
5. 1440 East Court Street
6. 340 North Dearborn
7. 1200 West Jeffrey Street
8. 2250 Crestwood Avenue
9. 446 South Washington Avenue
10. 505 South Schuyler Avenue
11. 2205 East Court Street
12. 1801 W. Station
13. 300 E. River St. (amended addition - Ord. 94-04)

It shall be an offense for any person to block or obstruct a fire lane or any portion thereof by parking or stopping a vehicle thereon or allowing a vehicle to stand therein for any purpose whatsoever. Said fire lanes shall not be used by any private or commercial vehicle for the purpose of unloading or picking up cargo.

Any vehicle blocking or obstructing in whole or in part any fire lane is declared a fire and life safety hazard and public nuisance. Such vehicles may be ticketed or removed from said fire lane by any officer of the Police or Fire Department and the owner of said vehicle shall be liable for all costs related to moving, towing or storing said vehicle and shall further be liable for any fine assessed in connection herewith.

Violations of any provisions of this Ordinance shall, upon conviction of that offense, be punished by a fine of not more than \$500.00. (Ord. No. 90-52, Sec. 1--5, 10-15-90; amended by Ord. 94-04; 1-18-94)

Sec. 14-21--14 26. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 14 27. Adoption of fire prevention code.

The City of Kankakee has been vested with the authority to adopt Codes by reference to them pursuant to 50 ILCS 220 provided that three (3) copies of said Codes are filed in the Office of the City Clerk; and the City of Kankakee has already adopted by reference:

- the BOCA National Building Code in Section 8-14.
 - the BOCA National Property maintenance Code in Section 8-24.
 - the National Electrical Code in Section 8-36.
 - the Illinois Plumbing Code in Section 8-110.
 - the BOCA National Mechanical Code in Section 8-140.
 - the Fire Prevention Code in Section 14-27; and
 - the Life Safety Code in Section 14-28,
- all of the Municipal Ordinances of the City of Kankakee.

Said Codes are regularly updated every several years and it is in the best interest of the citizens of the City of Kankakee that the most up-to-date and best researched Codes be in force and some of the Municipal Ordinances that adopted some of said Codes only adopted an outdated edition of aid Code and have not regularly adopted anew revision of said codes.

Therefore, this ordinance - Ordinance Number 99-05 ordains that all future changes and editions of said enumerated Codes heretofore adopted by reference by the City of Kankakee, by and hereby are adopted automatically as they are from time to time provided by the Code authorities.

Three (3) copies of each said updated Code shall be kept on file in the Office of the City Clerk of the City of Kankakee and made available for public use, inspection and examination. (Ord. No. 99-05, Sec. 1&2, 2-1-99).

State law references Incorporation by reference of technical codes, Ill. Rev Stat. Ch. 24, Sec. 1 3 1 et seq. and Ch. 85, Sec. 101 et seq.

- (a) There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 Edition thereof, and the whole thereof, of which code not less than three (3) copies have been and now are filed in the office of the City Clerk and the same are hereby incorporated as fully as if set out at length herein. (Ord. No. 86 41, Sec. 1, 11 17 86)
- (b) If any other ordinance or part of ordinances or codes are in conflict or are inconsistent with the provisions of the Fire Prevention Code, hereby adopted, the most stringent code shall prevail. (Ord. No. 74 5, Sec. 1, 2 4 74; Ord. No. 76 66, Sec. 1, 11 15 76)

Sec. 14-27.5. Duties of Fire Prevention, Education and Investigation Division.

- (a) Fire Inspectors.
 - 1. It shall be the duty of the uniformed and civilian members of the Bureau of Fire Prevention to enforce all laws and Ordinances of the Fire Prevention Code so adopted or written by the City of Kankakee.
 - 2. They shall have such other powers and perform such other duties as are set forth in other Sections of this Chapter and other provisions of the code of the City as may be conferred and imposed from time to time by law.
- (b) Arson Investigator.
 - 1. It shall be the duty of the Fire Chief or such other uniformed member of the Fire Prevention, Education and Investigation Division assigned as a Fire Investigator to determine the cause, origin, and circumstances of all fires where arson (incendiary nature) is suspected, fires where death(s) occurred, fires where the cause(s) cannot be readily determined, and to other fires or fire related incidents as required.
 - 2. Arson Investigator. All designated Arson Investigators shall be and the same are hereby designated Conservators of the Peace pursuant to the extent authorized in this Chapter. When acting in the scope of their investigative duties as provided in this Chapter, they shall be possessed of all powers of peace officer referred to in Illinois Revised Statutes, Chapter 127 1/2, Section 702, including powers of arrest, search and seizure and possession and use of firearms necessary to carry out the duties of their office. (Ord. 93-61; 10-1-93)

Sec. 14 28. Adoption of Life Safety Code.

Refer to Section 14-27 which speaks to the adoption of the Life Safety Code. (Ord. No. 99-05, Sec. 1&2, 2-1-99)

State law references Incorporation by reference of technical codes, Ill. Rev. Stat. Ch. 24, Sec. 1 3 1 et seq. and Ch. 85, Sec. 1001 et seq.

- (a) There is also hereby adopted by the city, by reference, the Life Safety Code, 1991 Edition, formerly known as Code for Safety to Life from Fire in Building and Structures or the Building Exit Code published by the National Fire Protection Association. This code deals with life safety from fire and like emergencies. It covers construction, protection and occupancy features to minimize danger to life from fire, smoke, fumes or panic before buildings are vacated. It specifies the number, size and arrangement of exit facilities sufficient to permit prompt escape of occupants from buildings or structures in case of fire or other conditions dangerous to life. Three (3) copies have been and now are on file in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein.

That all future changes of the NFPA codes by and hereby are adopted automatically as they are from time to time provided by the NFPA. (Sec. 14-28 (a) paragraph 2 amended by Ord. 93-35; 6-7-93.)

- (b) In the event there is a conflict between the provisions of the Code adopted by reference within this section and the other provisions of this Code or ordinances of the city, the most stringent provisions shall prevail. (Ord. No. 74 5, Sec . 2, 2 4 74; Ord. No. 77 1, Sec. 1, 5 16 77; Ord. No. 28 16, Sec. 1, 6 7 82; Ord. No. 86 39, Sec. 1, 11 20 86; Ord. No. 88 30, Sec. 1, 7 18 88; Ord. No. 91-38 amending Ord. No. 88-30, 6-17-91; Sec 14-28(a), paragraph 2; Ord. 93-35; 6-7-93)

Sec. 14 29. Definition for Fire Prevention Code

Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Kankakee, Illinois.

Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the attorney for the City.

Wherever the term "Chief of the Fire Prevention Education and Investigation Division" is used in the Fire Prevention Code, it shall be held to mean the director of the Fire Prevention, Education and Investigation Division for the City.

Wherever the term "division" of fire prevention, education and investigation is used in the code, it shall be held to mean the Fire Prevention, Education and Investigation Division for the City. (Ord. of 12 16 68, Sec. 3; amended by Ord. 94-46; 7-5-94)

Sec. 14 30. Establishment of Fire Prevention, Education and Investigation Division, Enforcement of Fire Prevention Code, Fire Prevention, Education and Investigation division generally.

There is hereby established, within the City of Kankakee Fire Department, the Bureau of Fire Prevention, Education and Investigation, as a division of the Department, which shall have the duties, obligations, and responsibilities as hereinafter recited.

The Fire Prevention Code shall be enforced by the Fire Prevention, Education and Investigation Division in the Fire Department of the City, which is hereby established and which shall be operated under the supervision of Chief of the Fire Department.

The Chief of the Fire Department may detail such members of the Fire Department to the Fire Prevention, Education and Investigation Division as shall from time to time be necessary.

A report of the Fire Prevention, Education and Investigation Division shall be made annually and transmitted to the Chief of the Fire Department. It shall contain all proceedings under this Code, with such statistics as the Chief of the Fire Department may wish to have included therein. The director of the Fire Prevention, Education and Investigation Division shall also recommend any amendments to the Code which, in their judgment, shall be desirable. (Ord. of 12-16-68, Sec 2; amended by Ord. 94-46; 7-5-94)

Sec. 14 31. Powers and duties of Fire Prevention, Education and Investigation Division.

It shall be the duty of the officers and firefighters of the Fire Prevention, Education and Investigation Division to enforce all laws and ordinances of the City and of the state covering the following:

1. The prevention of fires.
2. The storage and use of explosives and flammable liquids and gases.
3. The installation and maintenance of automatic sprinklers, standpipes, fire alarm systems and other fire extinguishment equipment.
4. Any building or structure which, for want of repairs, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.
5. The maintenance and regulations of fire escapes and exits.
6. Any building or other structure which lacks adequate exit facilities, such as educational, industrial, institutional, commercial and apartment buildings and public assembly areas and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
7. The investigation of the cause, origin and circumstances of fires.
 - (a) Arson investigators shall have the powers of arrest, search and seizure and possession and use of firearms necessary to carry out the duties of their office.
8. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable or combustible materials.
9. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts.
10. Fire safety programs for schools, pre-schools, senior citizens, civic groups, and other business or groups.
11. Home fire safety surveys by request of owner or occupant.

They shall have such powers and perform such other duties as are set forth in this Code and as may be conferred and imposed by the Chief of the Fire Department or by law. (Ord. of 12 16 68, Sec. 4; amended by Ord. 94-46, 7-5-94)

Sec. 14 32. Establishment of limits of districts in which storage of flammable liquids in outside above ground tanks is prohibited are established as follows:

- (a) The limits referred to in section 16.51 of the fire prevention code in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby established as follows:

According to the City Zoning Ordinance and/or written consent of the Fire Prevention, Education and Investigation Division.

- (b) The limits referred to in section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows:

According to the City Zoning Ordinance and/or written consent of the Fire Prevention, Education and Investigation Division. (Ord. of 12 16 68, Sec. 5; amended by Ord. 94-46, 7-5-94)

Sec. 14 33. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

According to the City Zoning Ordinance and/or written consent of the Fire Prevention, Education and Investigation Division. (Ord. of 12 16 68, Sec. 6; amended by Ord. 94-46, 7-5-94)

Sec. 14 34. Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.

The limits referred to in section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows:

According to the City Zoning Ordinance and/or written consent of the Fire Prevention, Education and Investigation Division. (Ord. of 12 16 68, Sec. 7; amended by Ord. 94-46, 7-5-94)

Sec. 14 35. Transportation allowance for Fire Prevention, Education and Investigation Division.

When no automobile or vehicle is furnished or assigned to the Fire Prevention, Education and Investigation Division, each inspector or firefighter so assigned to the division working on a daily basis, shall receive twenty five dollars (\$25.00) per month from the City of maintenance, repairs, additional insurance premiums, tires and general wear and tear and depreciation for using their personal car in making inspections, investigations, answering fire calls, handling complaints and other duties pertaining to Fire Department business. (Ord. of 12 16 68, Sec. 8; amended by Ord. 94-46, 7-5-94)

Sec. 14 36. Submittal of building plans and specifications to the Fire Prevention, Education and Investigation Division.

- (a) All persons shall submit a complete set of plans and specifications for all new building construction, remodeling, alteration and demolition for all types of buildings, except one and two (2) family dwellings, before acquiring a building permit. The Fire Prevention, Education and Investigation Division shall check plans and specifications for life safety and fire code requirements within ten (10) days after received, and shall submit in writing all approvals, disapprovals, corrections or changes to be made to all parties concerned. No building permit shall be issued until the plans have been submitted and approved by the Fire Prevention, Education and Investigation Division.
- (b) The area of authority, jurisdiction and responsibility concerning reviewing building plans and specifications and working with other City Inspectors will be for enforcement and compliances of the following areas:
 - 1. Enforcement of the Americans Insurance Association, Fire Prevention Code as adopted by this article.
 - 2. Enforcement of the National Fire Protection Association, Fire Codes including Life Safety Code as adopted by this article.
 - 3. Fire protection and extinguishment systems in all occupancies.
 - 4. Installation of fire walls, doors and windows assemblies.
 - 5. Installation of fire alarm systems, exit and directional lighting.
 - 6. Installation of commercial incinerators. (Ord. of 12 16 68, Sec. 9; amended by Ord. 94-46, 7-5-

Sec. 14 37. Amendments made in the Fire Prevention Code and Life Safety Code.

The Fire Prevention Code and Life Safety Code adopted by this article are amended and changed in the following respects:

- (a) Amend Article 21, liquefied Petroleum Gases, 21.3a of the Fire Prevention Code by amending the following words, "2000" gallons water capacity, to read "150 gallons water capacity".
- (b) Amend Article 21, Liquefied Petroleum Gases, Section 21 5 of the Fire Prevention Code by adding the following paragraphs:
 - b. All liquefied petroleum portable cylinders and containers used or connected next to or alongside of buildings in the City shall be set on fire resistive pads designed for such containers. Wherever necessary, tanks shall be secured to building to prevent them from falling or tipping over.
 - c. All liquefied petroleum portable and permanently installed cylinders and containers shall have valves, connectors, manifold valve assemblies and regulators covered by a metal hood, designed for such use, at all times, for protection against the weather and physical damage."
- (c) Amend Article 21, Liquefied Petroleum Gases, Section 21.6 of the Fire Prevention Code by adding the following paragraphs:
 - c. No liquefied petroleum cylinders and container shall be stored or installed on any public sidewalk, parkway, alley or street.
 - d. No liquefied petroleum cylinders and containers shall be stored or installed on porches, stairway landings, breezeways, basement light wells or underneath means of egress or on upper floors above ground level."
- (d) Amend Article 28, Precautions Against Fire. General, Section 28.15 of the Fire Prevention Code by adding: Section 28.17. Permit Required for Open Flame Devices and Candles in Restaurants, Night Clubs and Public Assembly Areas.
 - 1. A permit shall be required to use candles and open flame devices, in restaurants, nightclubs and other public assembly areas, under the following restrictions.
 - 2. All open flame devices or candles shall be installed and recessed within mesh covered glass containers designed for such use, wire mesh cage, or set in hurricane type holders on heavy bases or other similar safety devices approved by the director of Fire Prevention, Education and Investigation Division.
 - 3. Such open flame safety devices shall be well supported against tipping or falling and so located as to avoid danger of ignition of combustible material.
 - 4. Kerosene, fuel oil, gasoline, liquefied petroleum gas or any other flammable or combustible fuel fed lamps or lighting devices is strictly prohibited.
 - 5. Open flame devices maybe used on stages where it is a necessary part of a theatrical performance, provided adequate safety precautions satisfactory to the director of the Fire Prevention, Education and Investigation Division are implemented.
 - 6. This section is not meant to restrict open flame devices or candles in churches or places of worship, where it is required as a part of a religious or ceremonial service or activity, provided adequate safety precautions are implemented to avoid danger or injury to the occupants.

- (e) Amend Life Safety Code, Chapter 11, Residential Occupancies, Section 11 3, Apartment Houses, Paragraph 11 333, Alarm Systems to read as follows:

"11 333. Every apartment building unless provided with automatic sprinkler protection in accordance with Section 6 4, or automatic fire alarms in accordance with Section 6 3 shall have manual fire alarm facilities in accordance with Section 6 3 if of more than two (2) stories in height or more than seven (7) apartment units, in which all apartment units open into a common exit facility inside the building. Exceptions are: Where each apartment unit opens directly to the outside, onto an open balcony type landing, which exits to ground level by two (2) approved outside stairways." (Ord. of 12 16 68, Sec. 10)

Sec. 14.37.1. The National Fire Code, 1990 Edition adopted.

- (a) The National Fire Code, 1990 Edition is hereby adopted by reference. One copy of the National Fire Code shall be kept on file in the office of the Fire Chief for public use, inspection and examination.
- (b) In the event there is a conflict between the provisions of the code adopted by reference within this section and the other provisions of this Code or Ordinances of the City, the other provisions of this Code or Ordinances of the City shall prevail. (Ord. No. 90-25, Article I, Sec. 14-37.1, 5-21-90)

Sec. 14 38. Modifications.

The director of the Fire Prevention, Education and Investigation Division shall have power to modify any of the provisions of the Fire Prevention Code and Life Safety Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the director of the Fire Prevention, Education and Investigation Division thereon shall be entered upon the records of the department and a signed copy furnished the applicant. (Ord. of 12 16 68, Sec. 11; amended by Ord. 94-46, 7-5-94)

Sec. 14 39. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the codes hereby adopted do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council committee appointed by the Mayor within thirty (30) days from the date of the decision appealed. (Ord. of 12-16 68, Sec. 12)

Sec. 14 40. New materials, processes or occupancies which may require permits.

The Chief of the Fire Department, director of the Fire Prevention, Education and Investigation Division and the City Building Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said codes. The director of the Fire Prevention, Education and Investigation Division shall post such list in a conspicuous place in his office, and distribute copies thereof, to interested persons. (Ord. of 12 16 68, Sec. 13; amended by Ord. 94-46, 7-5-94)

Sec. 14 40.1. Installation of fire hydrants and fire protection equipment on public and private property.

Editor's note Ord. No 74 6, Secs. 3 5, amended this Code by adding, Secs. 14 42- 14 44 which sections have been redesignated as Secs. 14 40.1- 14 40.3 by the editors for purposes of classification.

- (a) The Chief of Fire Department shall designate the type, number and location of fire hydrants to be installed and maintained upon all premises within the City of Kankakee. This shall be done according to

the relative severity of probable fire, including the rapidity with which it may spread, taking into consideration, occupancy of the building, fire load of content, type of construction, square footage of buildings, exposure protection to other structures, buildings set back from City controlled streets and roads, accessibility to the complex or structure by fire apparatus; distance from City controlled fire hydrants are located in relation to building or buildings involved.

- (b) On all premises where a building or buildings or portions of buildings including commercial, institutional, public assembly, educational, mercantile, storage, business and residential occupancies are hereafter constructed and set back more than four hundred (400) feet from a City controlled street, avenue or road, fire hydrants shall be installed as may be required by the Fire Department.
- (c) This shall include new and existing buildings which may front on a City street or road, but because of size or future expansion or additions to the rear or side portions of a building or buildings are set back further than four hundred (400) feet from a City street or City fire hydrant, there shall be installed working fire hydrants in the rear or side areas of the plant or complex as may be required by the Fire Department.
- (d) Fire hydrants shall be connected water system. Paved access to fire hydrants shall be provided and maintained to accommodate fire fighting apparatus.
- (e) All costs pertaining to required installation of fire hydrants and mains on private property shall be the responsibility of the developer, contractor and or the owners, unless satisfactory arrangements prior to installation are made between the City of Kankakee and the Kankakee Water Company.
- (f) On all new construction sites on private property or City controlled streets or roads, fire mains and hydrants shall be installed prior to construction of a plant, complex or building. Streets and roads on construction projects shall be accessible and travelable by heavy duty fire apparatus. (Ord. No. 74 6, Sec. 3, 2 4 74)

Sec. 14 40.2. Fire extinguishing and alarm systems.

- (a) Approval required; periodic tests. All fire extinguishing systems including combination standpipes, dry and wet standpipes, sprinkler systems, special automatic extinguishing systems, basement inlet pipes, fire alarm, heat and smoke detecting systems shall be approved by the Fire Prevention, Education and Investigation Division prior to installation and shall be subject to such periodic tests as may be required.
- (b) Installation and maintenance requirements. Fire extinguishing and alarm systems shall be installed and maintained in accordance with the latest standards of the National Fire Protection Association. (Ord. No. 74 6, Sec. 4, 2 4 74). This section shall apply only to new construction within the City of Kankakee and buildings which are being substantially renovated. Substantial renovation shall consist of a project which costs in excess of 50% of the fair market value of the premises being renovated as of the date of said renovation.
 - 1. All buildings which contain existing fire extinguishing and alarm systems are required to maintain those systems in accordance with the National Fire Code and International Building Code Standards.
 - 2. If an occupancy (as defined in the National Fire Code and the international Building Code) changes and the codes require installation of a fire extinguishing and alarm systems thereon, installation of same shall be required. (Ord. 09-82)

Note See the editor's note to Sec. 14 40.1.

Sec. 14 41.3. Standpipes generally.

- (a) All standpipes shall comply with the requirements of this section. Required installation of standpipes shall be determined by the latest edition of adopted Building Code.
- (b) Standpipe systems shall be installed according to Kankakee Fire Prevention, Education and Investigation Division specifications, using the latest edition of the National Fire Protection Association Pamphlet #14 entitled, "Standpipe and Hose Systems" as a standard for specifications. (Ord. No. 74 6, Sec. 5, 2 4 74)

Note See the editor's note to Sec. 14 40.1

Sec. 14 41.4. Violations.

- (a) Any person who shall violate any of the provisions of the codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the director of the Fire Prevention, Education and Investigation Division, Chief of the Fire Department, City Council committee appointed by the Mayor or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of an offense punishable as provided by section 1 13. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. of 12 16 68, Sec. 14)

Sec. 14 42. Residential dwellings to be equipped with smoke detectors.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the Rules and Regulations of the Illinois State Fire Marshall.

"Approved carbon monoxide alarm" or "alarm" means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshall, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association.

"Dwelling unit" means a room or suite of rooms used for human habitation and includes a single family residence as well as each living unit of a multiple family residence as well as each living unit of a multiple family residence and each living unit in a mixed-use building.

B) Requirements and Responsibilities for Smoke Detectors:

- (a) Every dwelling unit shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall or on a wall located between 4 and 6 inches from the ceiling.
- (b) Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level.

- (c) Every structure which (1) contains more than one dwelling unit, or (2) contains at least one dwelling unit and is mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located between 4 and 6 inches from the ceiling.
- (d) It shall be the responsibility of the owner of a structure to supply and install all required detectors. The owner shall be responsible for making reasonable efforts to test and maintain detectors in common stairwells and hallways. It shall be the responsibility of a tenant to test and to provide general maintenance for the detectors within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies which the tenant cannot correct. The owner shall be responsible for providing one tenant per dwelling unit with written information regarding detector testing and maintenance. The tenant shall be responsible for replacement of any required batteries in the smoke detectors in the tenant's dwelling unit, except that the owner shall ensure that such batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the smoke detector which have been reported in writing to the owner or the authorized agent of the owner.
- (e) The requirements of this Section shall apply to any dwelling unit in existence on July, 1988, beginning on that date. Except as provided in subsection (f) and (g), the smoke detectors required in such dwelling units may be either battery powered or wired into the structure's AC power line, and need not be interconnected.
- (f) In case of any dwelling unit that is newly constructed, reconstructed, or substantially remodeled after the effective date of the Ordinance, the requirements of this Section shall apply beginning on the first day of occupancy of the dwelling unit after such construction, reconstruction or substantial remodeling. The smoke detectors required in such dwelling unit shall be permanently wired into the structure's AC power line and if more than one detector is required to be installed within the dwelling unit, the detector shall be wired so that the actuation of one detector will actuate all the detectors in the dwelling unit.

Inspections shall be conducted prior to occupancy by the Fire Department in cooperation with the Department of Building and Zoning, of all new dwelling units and any existing units prior to sale, including contract sales. Appropriate certificates of satisfactory compliance shall be issued upon completion of inspection. The fee charged for inspection and re-inspections shall be \$50.00 for all dwelling units. Results of inspection shall be valid for (30) days from date of inspection. (Ord. No. 90-46, Sec.1-3, 9-4-90; amended by Ord. 94-19; 4-4-94 amended by Ord. 05-65; Ord. 14-17).

B) Requirements and Responsibilities for Carbon Monoxide Alarms:

- a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.
- b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.
- c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of the tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling with written information regarding alarm testing and maintenance. The tenant is responsible for

replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner.

- d) The carbon monoxide alarms required under this Act may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.

C) Exemptions for Carbon Monoxide Alarms:

- (1) A residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner, to receive carbon monoxide from that source.
- (2) A residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source by the local building commissioner.

D) Enforcement:

- (a) Inspections shall be conducted prior to occupancy by the Fire Department in cooperation with the Department of Building and Zoning, of all new dwelling units and any existing units prior to sale, including contract sales. Appropriate certificates of satisfactory compliance shall issued upon completion of inspection. The fee charged for inspection shall be \$50.00 for all dwelling units. Results of an inspection shall be valid for (30) days from the date of inspection. (Ord. 90-46, Sec. 1-3, 9-4-90; amended by Ord. 94-19; 4-4-94 amended by Ord. 05-65; Ord. 2007-04; 2/5/07; Ord. 14-17)

Sec. 14-43 Key Lock Box System

- (a) The following structures shall be equipped with a key lock box at or near the main entrance, within six (6) feet of grade level, or such other location designated by the fire chief:
 - (1) assembly, health care, business or industrial structures protected by an automatic alarm system or automatic suppression system and which are not open and accessible at all times, or other structures that are secured in a manner that restricts access during an emergency, and are equipped with an automatic fire alarm system.
 - (2) multi-family residential structures that have restricted access through locked doors, have a common corridor for access to living units, and are required by adopted fire codes to have a fire alarm system;
- (b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational.
- (c) The required key lock box shall be provided, installed and retained by the owner of the structure.
- (d) The fire chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.
- (e) The owner of a structure required to have a key lock box shall. At all times, keep a key or other device in

the lock box that will allow access to all areas of the structure.

- (f) The fire chief shall be authorized to implement rules and regulations for the use of lock box system.
- (g) Single and two family dwellings shall be exempt from the requirements of this ordinance.
- (h) Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in section 1-13 of this code for any violation of this section, provided that the fine for a conviction for a violation of this section shall be not less than One Hundred and no/100s Dollars (\$100.00) and not more than Five Hundred and no/100s Dollars (\$500.00).
- (i) Each day that a violation exists this ordinance shall be considered a separate violation for the purposes of enforcement, prosecution and punishment.

GRACE PERIOD: The owner of each building required to comply with this ordinance shall have a period of twelve (12) months from receipt of notice following any inspections conducted by the City of Kankakee Fire Department or City of Kankakee Code Enforcement Department. However, all buildings must be in full compliance no later than December 31, 2006, regardless of the receipt of any notice herein. (Ord 05-12)

Sec 14-44-14 52. Reserved.

ARTICLE III. FLAMMABLE LIQUIDS AND LIQUEFIED PETROLEUM GAS

*State law references Requirements for vehicle transporting flammable liquids, Ill. Rev. Stat. Ch. 95 1/2, Secs. 218 and 219a;

liquified petroleum gas containers, Ch. 104, Secs. 113 et seq.

liquefied petroleum gases, Ch. 104, Sec. 119 et seq.

Sec.14 53. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Combustible liquids. The term "combustible liquids" shall mean any liquid having a flash point or above one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade) and below two hundred (200) degrees Fahrenheit (ninety three and four tenths (93.4) degrees centigrade), and shall be known as a Class III liquid.

Flammable liquids. The term "flammable liquids" shall mean any liquid having a flash point below one hundred forty (140) degrees Fahrenheit (sixty 60) degrees centigrade and having a vapor pressure not exceeding f(40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit (thirty seven and eight tenth (37.8) degrees centigrade).

Liquefied petroleum gases. The terms "liquefied petroleum gases, ""LPG, " and "LP Gas" shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: Propane, propylene, butane (normal butane or iso butane), and butylenes.

Liquid. The term "liquid" shall mean and include when not otherwise identified, both flammable and combustible liquids.

Permanent. Parking. The term "permanent parking" shall be considered over one hour's time.

Pick up truck. The term "pick up truck" shall mean any self propelled motor vehicle which is used for local delivery, which has space on the rear portion of the truck for storage and transportation of

portable containers for liquefied petroleum gases.

- Tank full trailer. The term "tank full trailer" shall mean any vehicle with or without auxiliary motive power, equipped with a cargo tank mounted thereon or built as an integral part thereof and used for the transportation of flammable and combustible liquids, asphalt or liquefied petroleum gases and so constructed that practically all of its weight and load rests on its own wheels.
- Tank semi-trailer. The term "tank semi-trailer" shall mean any vehicle with or without auxiliary motive power, equipped with a cargo tank mounted thereon or built as an integral part thereof, and used for the transportation of flammable and combustible liquids, asphalt or liquefied petroleum gases and so constructed that, when drawn by a tractor by means of a fifth wheel.
- Tank Truck. The term "tank truck" shall mean any single self propelled motor vehicle equipped with a cargo tank mounted thereon, and used for the transportation of flammable and combustible liquids, asphalt or liquefied petroleum gases.
- Tank Vehicle. The term "tank vehicle" shall mean any tank truck, tank full trailer, or tractor and tank semi-trailer combination. (Ord. of 4 17 67, Sec. 1)

Sec. 14 54. Reserved.

Sec. 14 55. Transporting over City streets.

- (a) For the purposes of the transportation of flammable and combustible liquids and LP gases by tank vehicles or pick up trucks from primary sources of supply, such as refineries, waterway terminals or pipe line terminals, to any wholesale bulk plant or user bulk storage or automotive service station within the city, such trucks shall use marked state and federal streets, avenues and roads.
- (b) In delivering such flammable and combustible liquids or LP gases from primary supply sources to any wholesale bulk plant or user bulk storage or automotive service station or consumer which does not abut on a marked state or federal street or road, the tank vehicle or pick up truck shall proceed on a marked route and shall depart the reform over an intersecting street or avenue which is nearest the destination to which delivery is to be made and, upon completion of such delivery, shall return to the nearest marked route.
- (c) This shall not prevent such flammable and combustible liquid or LP gas tank vehicles from using any officially designated detour from any established state or federal route which has been closed to motor vehicle traffic or rendered impassable or unsafe by reason of any accident, emergency or occurrence.
- (d) It shall be unlawful for any driver of any flammable or combustible liquid or LP gas tank vehicle or pick up truck of any capacity to drive behind or follow alongside another such vehicle carrying flammable or combustible liquids or LP gases within a two (2) block distance of such vehicle. All such vehicles shall travel at posted speed limits within the city.
- (e) Signs shall be posted by the City designating such rules at all marked state and federal routes that enter the city, and additional signs shall be posted in appropriate places within the City proper indicating to drivers of such vehicles that they are to maintain a two (2) block distance from each other while traveling in the same direction, which sign shall be of suitable size and read substantially as follows:

ALL FLAMMABLE LIQUID AND LP TRUCKS TO MAINTAIN A 2 BLOCK DISTANCE WHILE TRAVELING THE SAME DIRECTION.

- (f) The driver of every tank vehicle enroute from any primary source of supply to any wholesale bulk plant or user bulk storage or service station shall carry a manifest stating the point of origin and the destination of the trip which it is then making, the name of the consignor and of the consignee and the kind and

quantity of liquid or gases carried, and at any time, upon demand of any police officer or authorized representative of the Fire Department of the city, shall exhibit such manifest. The driver of any tank vehicle not subject to routing, at any time, upon demand of any police officer or authorized representative of the Fire Department of the City shall bring such vehicle to a stop and shall give such information as may reasonably be required under the provisions of this article as to the type of liquid being transported and the origin and destination of the trip. (Ord. of 4 17 67, Sec. 2)

Sec. 14 56. Extinguisher requirements for vehicles.

- (a) Every tank vehicle over three thousand (3000) gallon water capacity that is used in transporting flammable or combustible liquids or LP gases shall be provided with at least one approved portable fire extinguisher having at least a 12 B, C rating, or, when more than one is provided, each fire extinguisher shall have at least a 6 B, C rating.
- (b) Every tank vehicle, pick up or delivery truck under three thousand (3000) gallon water capacity that is used in transporting flammable or combustible liquids or LP gases, which includes portable LP gas cylinders, shall be provided with at least one approved portable fire extinguisher having at least an 8 B, C rating.
- (c) Rating shall be in accordance with the Standard for Installation, Maintenance and Use of Portable Fire Extinguisher NFPA No.10. (Ord. of 4 17 67, Sec. 3)

Sec. 14 57. Securing of Portable containers in delivery trucks required.

Portable containers of LP gases transported in delivery trucks shall be secured to prevent movement, tipping over or physical damage. (Ord. of 4-17-67, Sec. 3)

Sec. 14-58. Parking and garaging tank vehicles.

- (a) It shall be unlawful to permanently park any flammable or combustible liquid or LP gas tank vehicle over three thousand (3000) gallon water capacity on any City street, highway, avenue, road, alley or public park within the city.
- (b) Any permanent parking of any flammable or combustible liquid or LP gas tank vehicle over three thousand (3000) gallons water capacity on any private property or lot in the City shall require a written permit from both the police Chief and Fire Chief after they have surveyed the area in question. They shall have the power to approve, deny and regulate the location and how many vehicles may park permanently, taking into consideration the protection and life safety of the citizens of the City.
- (c) Tank vehicles and trucks containing LP gas shall not be parked, stored or garaged in any building in the City unless the building is specifically approved for such use by the Fire Department.
- (d) It is not the intent of this section to prohibit such parking while making a bona fide delivery. (Ord. of 4-17-67 Sec. 4).

Sec. 14.58.01 Spiller Pays Ordinance - Discharge of Hazardous Substances within the City of Kankakee - Definitions:

Costs: means all expenses incurred by the City of Kankakee or any of the public agency assisting the City of Kankakee, as a result of any removal or remedial action.

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. Also any site or area where

hazardous material has been deposited, stored, disposed of, abandoned or otherwise come to be located.

Hazardous Materials: mean any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radio active, including, but not limited to, any substance or material which is designated as hazardous material, pursuant to the "Hazardous Material Transportation Act" (49 USCA, Section 1801, et. seq.) in a quantity and form which may pose as substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of or otherwise managed.

Mutual Aid: means any action taken by the City of Kankakee or any other public agency, pursuant to an Intergovernmental Agreement, including, but not limited to any Agreement that is part of the Mutual Aid Box Alarm System.

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.

Release: means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous material or any constituent thereof may enter the environment.

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

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 or welfare of the environment. The term includes, but is not limited to, security, fencing, and provision of alternative water supplies and temporary evacuation of threatened individuals.

Response: means any removal or remedial action.

Sec. 14-58.02. Spiller Pays Ordinance - Prohibited Acts.

No person shall cause, threaten or allow 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. 14-58.03. Spiller Pays Ordinance - Response Authority.

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

The Fire Chief or Superintendent of Kankakee Wastewater Utility shall each have authority to respond to any 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 of Kankakee. The Superintendent of Kankakee Sewer Services shall have authority for those discharges into the sanitary or storm sewer systems of the City of Kankakee. 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 Superintendent 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 him, shall be authorized to utilize all Fire personnel and equipment and he may, in his sole discretion, take such remedial or removal action as he may deem 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. 14-58.04. Liability for Costs.

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in Section 14-58.05, hereinafter, the following persons shall be jointly and severally liable for all costs of removal and remedial action incurred by the City of Kankakee, as a result of a release or threatened 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 or substantial threat 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 or substantial threat 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 or a substantial threat of release of such hazardous substances.

Sec. 14-58-05. Spiller Pays Ordinance - Defenses.

There shall be no liability under Section 14-58-04 hereof for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of a hazardous material and the damages resulting 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. 14-58.06. Costs and Penalties.

Any person who is liable for the release or threatened release of a hazardous material 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 of Kankakee, or in accordance with any order of any court having jurisdiction on the matter, shall be liable to the City of

Kankakee for any costs incurred by the City of Kankakee as a result of such failure to provide or take such removal or remedial action, together with the cost of any removal or remedial action taken by the City of Kankakee 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 One Thousand Dollars (\$1,000.00) 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 Sec. 14-58.06, whichever is greater.

Charges for removal or remedial action when rendered by the City of Kankakee 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 of Kankakee 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 remove 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 of Kankakee or any responding agency.

Sec. 14-58-07. Spiller Pays Ordinance - 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. (Ord. No. 98-10, Sec. 14-58.01..14-58.07)

ARTICLE IV. BURNING OF RUBBISH

Sec. 14 59. No burning zones.

- (a) It shall be unlawful to burn or ignite any combustible rubbish, refuse, paper, plastics, or wood, out of doors at anytime, by any person, firm, corporation, retail or wholesale business or commercial store, single or multi-family residence within the corporate limits of the City of Kankakee.
- (b) Any business or commercial institution located within the corporate limits of the City of Kankakee, that wishes to dispose of materials by burning, shall install an approved commercial incinerator according to the Pamphlet No. 82 of the National Fire Protection Association, after first acquiring approval and a permit in writing from the Fire Department of the City. (Code 1965 Sec. 13.07; Ord. No. 79 56, Secs. 1, 2, 11, 19-79, Amended by Ord. No. 91-54)

Sec. 14 60. Construction, demolition and remodeling sites, dump and junkyard burning.

- (a) It shall be unlawful during the (a) construction or demolition of a building or structure to dispose of waste materials, rubbish, debris, trees or brush from such construction or demolition site by burning.
- (b) It shall be unlawful for any person or firm to burn any material whatsoever in or on any public or private dumping ground within the city.

- (c) It shall be unlawful for any junk dealer or person operating a junkyard to dispose of waste materials, rubbish, refuse, debris, car and truck bodies or interiors by burning in the city. An exception to this rule shall be that burning shall be done in a heavy duty commercial incinerator installed according to Pamphlet 82 of the National Fire Protection Association, that will emit the minimum of smoke odors, after first acquiring approval and a permit in writing from the Fire Department of the City.

Sec. 14 61. Residential burning generally; hours.

- (a) It shall be unlawful for any person to burn or ignite any combustible rubbish, refuse, paper, plastics or wood at anytime within the City of Kankakee.
- (b) It is not the intent of this section to prohibit the use of outdoor fireplaces, barbecue pits or charcoal burners for food preparation, provided such use creates no fire hazard. (Code 1965 Sec. 13.07, Amended by Ord. No. 91-54, 9-16-91)

Sec. 14 62. Reserved.

Sec. 14 63. Reserved.

(Previous section 14-63 which allowed burning of leaves was repealed by Ordinance Number 97-90, 12-01-97 - to be effective from January 1, 1998.

Sec. 14 64. Appeal.

Any person aggrieved by the provisions of this article may apply to the Chief of the Fire Department for relief and after investigating the facts of the case, the Chief may grant a variance where literal enforcement of such provisions would result in exceptional difficulty or unusual hardship so that substantial justice will be done and public safety and welfare secured. (Code 1965, Sec. 13.07, Ord. 91-54, 9-16-91)

Sec. 14 65. Enforcement.

Enforcing authority for the provisions of this article shall be the Chief of the Fire Department, inspectors or any on duty fire officer of the Fire Department of the City and any on duty police officer or patrolman of the police department. (Code 1965, Sec. 13.07, Ord. 91-54, 9-16-91)

Sec. 14 66. Issuance of permits for burning and commercial incinerators.

All permits for burning and commercial incinerators shall be issued by the Fire Department of the City, the Chief of the Fire Department or the inspector. (Code 1965, Sec. 13.07, Ord. 91-54, 9-16-91)

Sec. 14 67. Penalty for unauthorized burning.

Any person violating any provision of this article, upon conviction shall be subject to a fine of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for a second offense. Continuing violations of this article shall be subject upon conviction to a fine of not more than five hundred dollars (\$500.00). (Code 1965, Sec. 13.07, Ord. 91-54, 9-16-91)

Sec. 14 68 14 77. Reserved

**ARTICLE V. FIRE FIGHTER WORK AGREEMENT
ORDINANCE**

*Editor's Note Article V 14 78, contains the fire fighter work agreement ordinance adopted by the City in Ord. No. 85 4

Sec. 14 78. Short title of work agreement.

This article shall be known as the "Fire Fighter Work Agreement Ordinance". (Ord. No. 85 4, Sec. 1, 1 7 85)

Sec. 14 79. Specifics and details of agreement.

The City of Kankakee, Illinois, by and through its Mayor and City Council, enters into an agreement with Local 653 International Association of Fire Fighters as follows: Secs. 1, 2, enacted January 7, 1985. Each of the "parts" in 14 79 corresponds to the same part in the work agreement ordinance, which was effective from May 1, 1984 to April 30, 1985. Although Ord. No. 83 46 was not specifically amendatory of the Code, it has been codified herein as superseding the former work agreement. Prior to adoption of Ord. No. 83 46, Art. V was derived from the following work agreement ordinances:

| Ord. No. | Sec. | Date |
|----------|--------|---------|
| 77 21A | 1,2 | 4-4-77 |
| 79 20B | 1,2 | 6-18-79 |
| 83 9 | 1,2 | 1-3-83 |
| 84 46 | 1,2 | 11-7-83 |
| 1,2 | 1-7-85 | 85-4 |

Cross references Public Works Department work agreement ordinance, Secs. 2 184, 2 185; police work agreement ordinance, Secs. 27 81, 27 82. Current Contracts and Agreements on file in the City Clerk's Office.

**WORK AGREEMENT LOCAL 653
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AFL-CIO**

1987 1990 Ratified on Apr 04, 1988
1990 1993 Ratified on May 13, 1991
1993 1996 Ratified on Mar 30, 1994

Current Contracts are on file for inspection in the City Clerk's Office.(Ord.91-44 Fire Chief's and Assistant Fire Chief's Contract)

ARTICLE VI. AMBULANCE

Sec. 14 80. Ambulance Service.

Whenever an ambulance is maintained by the City of Kankakee Fire Department for service to the public the following shall apply:

- (a) Ambulance services shall be provided in cases of emergency to persons requiring pre-hospital care and/or transportation.
- (b) The Fire Department shall transport persons only to one of the following hospitals:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. St. Mary's Hospital 500 W. Court Street Kankakee, Illinois | <ol style="list-style-type: none"> 2. Riverside Hospital 350 N. Wall Street Kankakee, Illinois |
|---|---|

Sec. 14-81. Fees for Emergency Medical Services.

The City of Kankakee shall charge users of the emergency medical service the following charge for each service rendered, on each occasion that emergency medical services are rendered to a user.

Sec. 14-81.1 Definitions.

A. Basic Life Support (BLS) Services: A basic level of pre-hospital care and non-emergency medical care that includes responding to an emergency call by ambulance; its crew and equipment; airway management; cardiopulmonary resuscitation (CPR); control of shock and bleeding; and splinting of fractures; as provided in the rules adopted by the Illinois Department of Public Health pursuant to the Emergency Medical Systems act (210 ILCS 50/1 to seq.) shall include, but is not limited to the following:

1. Glucose check;
2. Oxygen;
3. Chest Compressions (CPR);
4. CPAP;
5. Oral Glucose
6. Aspirin;
7. Nitrous Oxide;
8. Assist Ventilations (BVM);

B. Advance Life Support (ALS-1) Service, Level 1: The provision of ALS services and/or assessment at a level below for ALS-2 Services (listed below). This level of service shall include, but is not limited to the following:

1. IV;
2. EKG Monitor;
3. Medications;
4. Narcan;
5. Albuterol;
6. Oxygen via Nebulizer;
7. Nitro;

C. Advanced Life Support (ALS-2), Service, Level 2: The provision of ALS service and/or assessment with treatment including at least three (3) medication administrations and may include the provision of at least one of the following ALS procedures:

1. Defibrillation/cardioversion;
2. Endotracheal intubation;
3. Cardiac pacing;
4. Chest decompression;
5. Surgical airway;
6. Intraosseous line insertion;

D. User is any person for whom a call from emergency service has been made and responded to by emergency medical service whether the person accepts the service or is actually transported to a hospital.

Sec. 14-81.2 Resident and Non-Resident Users.

| <u>Services</u> | <u>Residents Users</u> | <u>Non-Resident Users</u> |
|----------------------------------|------------------------|---------------------------|
| Basic Life Support | \$500.00 | \$ 900.00 |
| Advanced Life Support-1 | \$800.00 | \$1,000.00 |
| Advanced Life Support-2 | \$900.00 | \$1,100.00 |
| Mileage (per mile): | \$ 10.00 | \$ 10.00 |
| Non-Transport Basic Life Support | \$200.00 | \$ 250.00 |

| | | |
|------------------------------------|----------|-----------|
| Non-Transport Advance Life Support | \$300.00 | \$ 350.00 |
| Oxygen Administration | \$ 50.00 | \$ 50.00 |

Said fees shall automatically be increased 2% over the above base each year commencing May 1, 2017 and an additional amount each year thereafter commencing on May 1 of said year.

Sec. 14-81.3

That no user of the aforesaid service, who is a recipient of Public Aid or covered by Medicare, shall be charged a fee greater than that which is recoverable from either the Illinois Department of Public Aid, and/or Medicare for the service rendered, if applicable. (sec. 14-81 amended by Ord. 93-37; 6-7-93; Ord. 98-30; 4-20-98; Ord. 14-18; 4-7-14; Ord. 16-39; 7-18-16))

Sec. 14 82. Collection of ambulance fees.

- (a) Whenever the ambulance fee is not paid within thirty (30) days of the service being rendered the ambulance fee shall be considered delinquent. The City of Kankakee may in its discretion file suit to collect such amounts as are delinquent and due against the responsible individual for the ambulance fee in a civil action, and shall collect, as well as, all court costs pertaining to said action, reasonable attorney fees, plus the sum of twenty five dollars (\$25.00) to cover the cost of preparation of all notices and forms as may be required.
- (b) The City shall add interest at the rate of nine percent (9%) per annum on all delinquent fees and on all judgments rendered against the responsible party. (Ord. 86 43, Sec. 1, 12 8 86; amending Ord. 85 52, Sec. 1, 12-2-85)

ARTICLE VII. INSURANCE

Sec. 14-83. Kankakee Firefighters' insurance board and insurance fund.

In accordance with the provisions contained in the Illinois Municipal Code, Chapter 24, Sections 11-10-1 and 11-10-2, all monies received each year beginning in 1990 that is collected and received by the City under the provisions of this statute shall immediately be forwarded by the City upon receipt to the treasurer of the Kankakee Firefighters Insurance Board for disbursement by the duly elected member of said board, for the maintenance, use and benefit of the Kankakee Fire Department. The official name of this Fund shall be the Kankakee Firefighters' Insurance Fund.

Thirty days from the date of passage of this ordinance by the City Council of the City of Kankakee, an election shall be held by the members of the Kankakee Fire Department in order to elect the initial officers to serve on this Board, until the first regular election which shall be held on May 1, 1992.

The Officers of the Board shall be Chairman, Vice Chairman, Secretary, Treasurer and Trustee and shall be elected by the full-time members of the Kankakee Fire Department to serve a term of two years. An election shall be held each two years on May 12, by the members of the Fire Department to retain or replace the officers of the Board.

The Officers of the Board shall be required to insure that the Treasurer of the Board has sufficient bonding to cover the assets of the Fund, and the Mayor shall approve the bond.

All monies disbursed by the Board shall be approved by the majority vote of the Board and all checks disbursed by the board shall be sighted by the Treasurer and Chairman of the Board. All members of the Fire Department will be given opportunity to express their views as to how the monies of the Fund should be disbursed, but the officers of the Board shall make all final decisions on disbursements of monies from the Fund.

The Board shall be empowered to adopt needful rules and regulations for the efficient and effective management of the fund. (Ord. No. 90-55, Sec 1,11-5-90).

Sec. 14-84 - 14-90. Reserved.

ARTICLE VIII. FALSE FIRE ALARMS.

Sec. 14-91. Definitions - False Fire Alarms.

For the purposes of this Section, the following words and phrases shall have the meanings ascribed to them in this Section.

False Alarm An alarm signal which indicates the existence of any emergency situation when in fact, no such emergency exists, and shall include any alarm signal generated by any fire protection system by whatever means, but shall not include alarms resulting from any of the following causes:

1. Fire causing structural damage to the protected premises verified by the Fire Department.
2. Earthquake causing structural damage to the protected premises.
3. Tornado or hurricane winds causing structural damage to the protected premises.
4. Flooding to the protected premises due to overflow of natural drainage.
5. Lightning causing physical damage to the protected premises.
6. Telephone line malfunction verified to the Fire Department by an authorized telephone company supervisor within seven days of the occurrence.
7. Electrical service interruption verified to the Fire Department by the local power company manager within seven days of the occurrence.
8. Plumbing or electrical malfunctions unrelated to the fire protection system.

Fire Alarm User A "fire alarm user" is defined as the owner of the property from which the false alarm originates, or the occupant of the property in whose name the fire alarm system is registered.

Sec. 14-92. Schedule of Fines.

The schedule of fines for false fire alarms shall be as follows:

Type of False Alarm Charged: A fire alarm user shall be fined for each fire alarm if such false fire alarm is:

1. given intentionally; or
2. due to or caused by improper installation, design or use or due to a lack of required maintenance; or
3. resulting from any test, repair, alteration or addition to the fire protection system without prior notification thereof to the City of Kankakee Fire Department.

Fines: A fire alarm user shall be fined for false fire alarms as follows:

1. First false alarm in a twelve month (12) period; no fine, warning letter.

2. Second false alarm in a twelve month (12) period; no fine, warning letter.
3. Third false alarm in a twelve month (12) period: \$100.00.
4. Each additional false alarm in a twelve month (12) period after three shall result in a false fire alarm charge of at least \$150.00 with each charge increasing by \$50.00 for each additional false alarm, not to exceed \$500.00 per additional incident.

Out of Service Alarm: If a fire alarm gives three (3) or more false fire alarms within a twelve (12) hour period, the City of Kankakee reserves the right to place out of service the fire alarm system and may require a fire watch at its discretion. If the City of Kankakee Personnel is required to serve on fire watch, the fire alarm users must reimburse the City of Kankakee at the actual cost of the personnel and equipment. Any fire alarm placed out-of-service under this Section must be repaired and placed back in service within the time period specified by the City of Kankakee Fire Chief.

Sec. 14-93. Additional Fines - False Fire Alarm.

That, in addition to the fine(s) set forth in Section One, if any false alarm user refuses to pay or fails to within 60 days of the notice of the fine, the user will be deemed to have further violated this Ordinance and will incur additional fine of not less than \$50.00, nor more than \$500.00 for each offense, plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but not be limited to, staff costs of inspection or re-inspection, legal fees and staff costs of enforcement. A separate offense shall be deemed committed for each day on which a violation occurs or continues.

Sec. 14-94. Penalty for Non-payment - False Fire Alarms.

Failure to pay fine which is reduced to judgment will result in a lien filed against the property at which the fire alarm is located.

Sec. 14-95. False Fire Alarms - non-liability for City.

The City of Kankakee assumes no liability for:

1. Any defects in the operation of an alarm system.
2. For failure or neglect to respond appropriately upon receipt of an alarm.
3. For failure or neglect of any person in connection with the installation, operation or maintenance of any alarm system.
4. The transmission of alarm signals, pre-recorded alarm messages or the relaying of such signals and messages.

Sec. 14-96. False Fire Alarms - Scope of Ordinance.

Nothing in this Ordinance shall authorize the City of Kankakee to refuse to provide any service to any person, business or other entity that has not paid for services previously provided, or that owes money for services previously rendered.

This ordinance shall supersede any Ordinance or parts of Ordinances in conflict with any part herein, and any such Ordinance shall be and is hereby repealed.

If any section, paragraph or provision of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not effect any of the remaining provisions of this Ordinance. (Ord. No 98-31; 4-20-98)

Section 14-97-14-100. Reserved

ARTICLE IX.

Sec. 14-101. Response Fee - Fire Department.

When emergency responses, other than ambulance services, are rendered by the Fire Department of the City of Kankakee, for vehicle fires, or structural fires a fee shall be imposed in the amount of \$500.00 for each response to a structural fire which causes loss and \$250.00 for each response for a vehicle fire which causes loss.

Sec. 14-102. Waiver for Residents - Fee for Fire.

The City of Kankakee shall waive the above fee, or a portion thereof, for any resident whose fire or auto insurance policy does not reimburse or provide coverage for the payment of said fee. In the event any policy of insurance held by a resident provides reimbursement for said services at an amount less than the fee provided by this Ordinance, the fee shall be reduced to the amount reimbursable pursuant to the policy.

Sec. 14-103. Waiver for Mutual Aid Response.

The fee authorized by this ordinance shall not be assessed for any response to a call pursuant to the Mutual Aid or Box Alarm System.

Sec. 14-104. Authorization to obtain policy information.

The Fire Chief or his designee is hereby authorized to obtain a copy of all applicable insurance policies, from any person, business or citizen for whom services are performed. Failure or refusal to provide a copy of the applicable policies shall be a violation of this Ordinance and punishable by a fine not to exceed \$500.00.

Sec. 14-105. No refusal of service.

Nothing in this Ordinance shall authorize the City of Kankakee to refuse to provide service to any person, business or other entity that has not paid for services previously provided or that owes money to the City of Kankakee.

Sec. 14-106. Repeal Clause.

All Ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent they may be in conflict.

Sec. 14-107. Savings Clause.

The invalidation of any section, part, provision, term or phase of this Ordinance shall not affect the validity of the remaining sections of this Ordinance.

Sec. 14-108. Effective Date.

This Ordinance shall be in full force and effect upon its passage, approval and publication. (Ord. 2000-53, 6-19-2000), (Lateral Entry Firefighter 2007-104, 11-19-2007)

Article X. Hazardous Materials Occurrence.

14-109. Definitions.

A. **Responsible Party:** Means a person who:

1. Owns or has custody of the hazardous material that is involved in an incident requiring emergency action by an emergency response agency; or

2. Owns or has custody of bulk or non-bulk packaging or a transport vehicle that contains hazardous material that is involved in an incident requiring emergency action by an emergency response agency: or
 3. Who causes or substantially contributed to the cause of the incident.
- B. Occurrence: A discharge or threatened discharge of hazardous materials from a facility, equipment, vehicle or other instrumentality or thing within the boundaries of the City of Kankakee.

14-110. That unless otherwise exempt, any “Responsible Party” shall be charged for services rendered by the City of Kankakee Fire Department for any “Occurrence” at the rate hereinafter set forth, to wit:

A. Hazardous Materials Occurrence:

\$250.00 per hour per vehicle responding;
\$100.00 per hour for the Fire Chief responding;
\$ 70.00 per hour for all other responding personnel;
Replacement costs value for any item expended for the necessary mitigation or resolution of the occurrence.

B. Mutual Aid Assistance Charges:

\$250.00 per hour per vehicle responding;
\$100.00 per hour for the Fire Chief responding;
\$ 70.00 per hour for all other responding personnel;
Replacement costs value for any item expended for the necessary mitigation or resolution of the occurrence.

C. Non-Resident and Technical/Specialized Rescue:

1. Technical/Specialized Rescue Services

- a. Small basic charge for team response \$1,000.00;
- b. Additional charges:
 - i. \$125.00 per hour per vehicle;
 - ii. \$ 35.00 per hour per team member; and
 - iii. Cost of all materials or equipment used in providing the response.

2. Water Rescue/Recovery

- a. Basic charge for team response \$500.00;
- b. Additional charges:
 - i. \$125.00 per hour per vehicle;
 - ii. \$ 35.00 per hour per team member; and
 - iii. Cost of all materials or equipment used in providing the response.

D. Non-Resident Motor Vehicle:

\$125.00 per hour per vehicle;
\$ 35.00 per hour per team member or firefighter responding to a call for assistance; and
Cost of extraordinary expenses for materials and equipment used in providing the response to the call for assistance.

14-111. In the event it is deemed by the Fire Chief of the City of Kankakee Fire Department or his designee that it is necessary for the City of Kankakee Fire Department to request mutual aid assistance, the “Responsible Party” shall be charged, in addition to the rates set forth in Section 14-110 above, for all applicable charges assessed, for the services of each mutual aid company at the rate set forth in Section 14-110 above.

14-112. In the event that it is deemed by the Fire Chief of the City of Kankakee Fire Department or his designee that it is necessary in the mitigation or resolution of an “Occurrence” for the City of Kankakee Fire Department to call in MABAS 7 Hazardous Materials Response Team and /or a separate, independent, specialized service or clean-up contractor, the “Responsible party” shall be responsible for payment to the MABAS 7 Hazardous Materials Response Team and/or separate, independent, specialized service or clean-up contractor all reasonable charges assessed by said team or contractor to complete the mitigation or resolution of the occurrence. The responsibility for this payment shall be in addition to any and all applicable charges assess against the “Responsible Party” pursuant to Section 14-110 and 14-111 of this Code.” (Ord 10-23)

Article XI. Non-Resident and Technical/Specialized Rescue Services.

14-113. The following persons shall be jointly and severally liable for all costs of a Specialized Rescue Team as set forth in this ordinance.

- A. The owner of the property on which the specialized emergency response occurs;
- B. Any person involved in any activity which caused or contributed to the causation of the emergency;
- C. In cases involving the rescue or recovery of an individual, the individual and his/her employer if the person was in the City in furtherance of the employer’s interest; and
- D. In cases involving the rescue or recovery of property, the owner of the property and any one who had custody or control of the property at the time of the emergency.

14-114. The charges for any emergency response of Technical/Specialized Rescue Services for the purpose of Extrication, Tactical Rescue, High Angle Rescue, Confined Space Rescue, Below Grade Rescue, and/or Trench Rescue or any other non-water rescue are as provided in the City of Kankakee Code.

14-115. The charges for an emergency response of Technical/Specialized Rescue Services for Underwater Rescue/Recovery or any other water rescue are as provided in the Kankakee City Code.

14-116. The charges for an emergency response by the City of Kankakee Fire Department for a motor vehicle extrication or fire for a non-resident are as provided in the Kankakee City Code.

14-117. Non-Resident Fire Services Charges. In addition to any other charges imposed by this Code, non-residents shall be charged for all non-ambulance Fire Department services the charges imposed under the Kankakee City Code.

14-118. In addition to charges for Technical/Specialized Rescue Services response, if a person or entity within the City requests that, pursuant to occupational safety and health laws, the City or any intergovernmental agency to which the City belongs be listed as the rescue service or as the backup rescue service on the permit of a permit-required confined space activity, the charge for such service shall be \$1,000.00 per day. If a person or entity lists the City as the rescue service or the backup rescue service without notifying the City, in writing, in advance of entry into any permit-required confined space, the person or entity shall be charged \$1,500.00 per day for each day the permit is outstanding.

14-119. Any person or entity that refuses to pay or fails to pay the above-listed charges within sixth (60) days of notice of the charge will be deemed to have violated this Ordinance and will incur a fine of not less than \$100.00 or more than \$750.00 for each offense, plus all legal fees and all costs incurred in enforcement. Such fees and costs shall include, but not be limited to, attorney’s fees and the costs of collection. A separate offense shall be deemed committed for each day on which a violation occurs and continues.

14-120. In the event that it is deemed by the Fire Chief of the City of Kankakee Fire Department or his designee that it is necessary in the mitigation or resolution of a Technical/Specialized Rescue Event for the City of Kankakee Fire Department to call in MABAS 7, or other Fire Service agencies, or a separate, independent, specialized service or clean-up contractor, the “Responsible Party” shall be responsible for payment to MABAS 7, or other Fire Service agencies or a separate, independent, specialized service or clean-up contractor, all reasonable charges assessed by said contractor to complete the mitigation or resolution of the event. The responsibility for this payment shall be in addition to any and all

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Article XI. Non-Resident and Technical/Specialized Rescue Services.