

ORDINANCE NO. 2017-2317

BE IT ORDAINED, by the City Council of the City of Rock Falls that the Municipal Code of the City of Rock Falls be and the same is hereby amended by addition of the following as Article VI to Chapter 20 of the Municipal Code:

Section 1. "Article VI. Open Burning

Section 20-150 Open burning prohibited.

(a) *Definitions:* For purposes of this Ordinance, the following terms are defined, and terms not otherwise defined shall carry the ordinary and customary definition thereof.

(1) *Landscape Waste* means dry leaves, trimmings and shrubs, tree limbs and branches, vines, grass clippings, green trimmings or branches, wet leaves or grass, and other materials having been derived from growing plants.

(2) *Smolder* means to burn sluggishly and slowly without open flame but producing smoke.

(3) *Recreational fire* means a fire created outside of buildings for the purpose of entertainment or cooking.

(b) Open burning of any material, including but not limited to landscape waste, except as otherwise permitted or allowed by the Municipal Code of the City of Rock Falls, is hereby declared to be a nuisance and is prohibited within the city limits. Violation of this Section is a Class C violation punishable as set forth in Section 1-41 of the Municipal Code.

(c) Notwithstanding the prohibition against open burning, recreational fires shall be permitted subject to the following conditions and restrictions:

(1) Recreational fires may be created using small dry sticks, dry limbs, logs, charcoal, propane or other cooking or camping fuel only.

(2) Recreational fires shall not be created or burned between the periods of 11:00 pm and 7:00 am on any day, and any fire created prior to 11:00 pm on any day shall be extinguished at or prior to 11:00 pm.

(3) Recreational fires shall not be created nor allowed to continue burning during periods when winds exceed a constant speed of ten (10) mph or greater, or during periods of extreme drought, as determined by the chief of the Twin Cities Joint Fire Command. When extreme drought conditions have been determined to exist, public notice will be made through newspaper and by posting on the website of the city.

(4) Recreational fires shall be created and burned only in an enclosed vessel, fire pit or fireplace (for example, a Chiminea designed for burning of organic

materials). No such vessel, fire pit or fireplace shall be greater than six (6) feet measured in any dimension, and all such vessels, fire pits or fireplaces must be equipped with a spark screen in use and in place around or over the flame and burning materials at all times while burning is occurring.

(5) Garbage, trash, refuse, lumber building materials, tires, and landscape waste, (except as otherwise permitted in subparagraph (1) hereof) shall not be used as the source of fuel for a recreational fire.

(6) Upon the direction of police or fire personnel, a recreational fire shall be extinguished immediately.

(7) Recreational fires shall not be created nor allowed to burn unless a responsible adult is within the immediate vicinity of that fire at all times while burning is occurring to supervise and assure that the fire exists in accordance with the requirements of this Section. For purposes of this paragraph, "immediate vicinity" means within an area no greater than 25 feet from the recreational fire.

(d) In the event that personnel of the fire department of the city are dispatched to extinguish any open burning existing or being conducted in violation of the provisions of this Section, then the person having created or being in charge of or conducting such unlawful open burning shall be required to pay and reimburse directly to the city, in addition to any fine or penalty that may be levied for violation, the sum of \$150.00 as reimbursement for costs incurred by the city in the dispatch of the fire department . The amounts due shall be billed by the city to the responsible person, and shall be due and payable within 30 days of said billing. The city shall be entitled to any legal remedy available to it for collection of the amounts not paid as required by this paragraph.

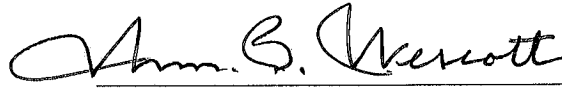
(e) Violation of the provisions of this Section shall be subject to issuance of an ordinance violation ticket and punishable as a Class C violation as set forth in Section 1-41 of the Municipal Code of the city. In the absence of any ability of the city to determine one specific person who may be the violator of a provision of this Section, the occupant of the residence at which is located the illegal open burning shall be the party responsible for any penalties or expenses set forth herein."

Section 2. All prior ordinances in conflict herewith are hereby repealed.

Section 3. If any section, paragraph, sentence, clause or other portion of this ordinance is held or deemed to be unconstitutional or invalid, then such holding or finding of unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this ordinance.

Section 4. This ordinance shall be effective upon its adoption, passage and publication in pamphlet form.

Passed this 5th day of July, 2017.



Mayor William B. Wescott

ATTEST:


City Clerk



Alderman Voting Aye

Alderman Voting Nay

Reitzel

Kuhlemier

Logah

Kleckler

Snow

Folsom

Schuneman

Sobottka

Mayor Wescott voted aye
to break tie
