

CHAPTER 35: FIRE DEPARTMENT

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GENERAL PROVISIONS**§ 35.01 ESTABLISHMENT; COMPOSITION**

There is hereby established the Fire Department, an administrative department of the Village, which shall consist of the Fire Chief and such other members as may be provided from time to time by the President and Board of Trustees. ('69 Code, § 32-615) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.02 APPOINTMENT OF MEMBERS

(A) All members of the regular Fire Department, except the Fire Chief, shall be appointed by the Fire and Police Commission.

(B) Paid-On-Call members shall be appointed to the Department by the Fire Chief.
(Am. Ord. 0-98-36, passed 10-12-98)

§ 35.03 POLICE POWER OF FIREFIGHTERS

The Fire Chief, Captains, Lieutenants, or any member of the Fire Department, shall have the power and authority during the time of a fire to arrest any suspected person or persons or any persons hindering, resisting or conducting himself in a disorderly manner, or refusing to obey any such firefighters while acting in the discharge of their duties. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.04 COMPENSATION

The members of the Fire department shall be compensated in accordance with the Village Personnel manual; or as stipulated in the Union Contract; or as provided in the annual budget of the Department. (Am. Ord. 0-98-36, passed 10-12-98)

FIRE CHIEF**§ 35.20 ESTABLISHMENT**

There is hereby established the office of Fire Chief, an administrative office of the Village. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.21 APPOINTMENT; TERM

The Fire Chief shall be appointed by the President and Board of Trustees on the recommendation of the Village

Manager. He may be removed at any time by the President and Board on the recommendation of the Village Manager. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.22 POWER AND AUTHORITY

The Fire Chief shall have sole and absolute control and command over all persons connected with the Fire Department of the Village, while on duty; he shall possess full power and authority over its organization, government and discipline, and to that end he may prescribe and establish, from time to time, such rules, regulations, policies and procedures as he may deem advisable. All disciplinary actions by the Chief shall be in accordance with State Statute concerning the authority of the Board of Fire and Police Commissioners. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.23 ATTENDANCE AT FIRES

The Fire Chief shall, if in his power, attend all fires occurring in the Village, and in case of his absence from any fire, the officer in command of the fire shall take charge of the Department, and during the absence of the Fire Chief shall have and exercise all of the powers of the Fire Chief. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.24 INVESTIGATION OF CAUSES OF FIRES

The Fire Chief shall investigate, or cause to be investigated, the cause of all fires which may occur in the Village as soon as may be possible after they occur, and shall have made and kept a record of said investigation and of the circumstances of each case. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.25 ANNUAL BUDGET

The Fire Chief shall prepare and submit, at such times as directed by the Village Manager, an annual budget setting forth the anticipated expenses and costs for the operation of the Fire Department for the forthcoming fiscal year. (Am. Ord. 0-98-36, passed 10-12-98)

SCENE OF FIRES

§ 35.30 AUTHORITY AT FIRES AND OTHER EMERGENCIES

The Fire Chief or duly authorized members of the Fire Department, as may be in charge of a fire or other emergency involving the protection of life and property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or to take any other action necessary in the reasonable performance of their duty. The Fire Chief may prohibit any person, vehicle or object from approaching the fire scene and may remove or cause to be removed from the scene any person, vehicle or object that may impede or interfere with the operations of the Fire Department. The Fire Chief may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the Fire Chief. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.31 VEHICLES CROSSING FIRE HOSE

A vehicle shall not be driven or propelled over any unprotected fire hose of the Department when laid down on any alleyway, street, private drive or any other vehicular roadway without the consent of the Fire Chief or other Fire Department official in charge of said operation. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.32 UNLAWFUL BOARDING OR TAMPERING WITH FIRE DEPARTMENT EMERGENCY EQUIPMENT

A persons shall not, without proper authorization from the Fire Department official in charge of said fire department emergency equipment, cling to, attach oneself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest; or sound the siren, horn, bell or other sound-producing device thereon; or manipulate, tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any fire department emergency vehicle. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.33 DESTRUCTION OF BUILDINGS

The Fire Chief, or in the absence of the Chief, the Fire Officer in charge of said fire, or in the case of the absence of such officers at any fire, the President or any two members of the Board of Trustees may direct the members of the Fire Department to tear down and remove any building, structure or fence for the purpose of checking the progress of any fire and in case of need may blow up or cause to be blown up any building or erection, during the progress of a fire, for the purpose of extinguishing or checking the same. (Am. Ord. 0-98-36, passed 10-12-98)

FIRE PREVENTION BUREAU**§ 35.50 POWERS AND DUTIES**

The Fire Chief shall appoint a Deputy Fire Marshal from the rank of Captain who shall be in charge of the Fire Prevention Bureau of the Fire Department. Personnel assigned to this position and assigned to assist with this activity shall constitute the Fire Prevention Bureau. The Bureau shall have the authority and power as provided under the adopted Codes and Regulations to carry out such activities as may be required to secure the Village from the threat of fire. (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.51 INSPECTION OF BUILDINGS; ASCERTAINMENT OF FIRE REGULATIONS

(A) The Fire Chief, Deputy Fire Marshal, or any of the authorized members of the Fire Prevention Bureau shall have the right to enter any building, structure or premises, whether completed or in the course of construction, for the purpose of determining whether such building, structure or premises have been or are being constructed and maintained in accordance with the fire regulations of this code.

(B) The Fire Chief or Deputy Fire Marshal shall also cause to be made regular inspections with sufficient frequency to secure efficient supervision of all buildings, structures and places used for manufacturing or

commercial purposes, or occupied or frequented by large numbers of people, and of all school buildings, public halls, churches, institutional buildings, theaters, multiple dwellings, and all places of amusement, recreation, assembly or employment to do the following:

- (1) To determine the safety of the occupants of such buildings, structures or places in the event of fire, panic or accident;
- (2) To examine the working order and repair of all doors, fire escapes and firefighting appliances, the condition and freedom from obstruction of all exits, corridors, stairways, fire escapes and their approaches, the disposition, arrangement and protection of stock, combustible material and rubbish, heating devices and ovens, flammable liquids and gases, and the protection of hazardous machinery, appliances and apparatus; and,
- (3) To ascertain whether the Fire Prevention provisions of this Code, as set forth in Section 94, are being efficiently carried out.

(C) It shall be unlawful to exclude the Fire Chief, Deputy Fire Marshal or any of the members of the Fire Prevention Bureau from any building, structure or premises, as set out in division (B) above.
(Am. Ord. 0-98-36, passed 10-12-98)

§ 35.52 MAINTENANCE OF FIRE SUPPRESSION EQUIPMENT

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of Section 94, Fire Prevention Code, except for the purposes of extinguishing a fire, training or testing, recharging or making necessary repairs or when permitted by the Fire Prevention Bureau Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the Fire Prevention Bureau Official.
(Am. Ord. 0-98-36, passed 10-12-98)

FIREFIGHTER'S PENSION FUND

§ 35.60 ESTABLISHMENT.

There shall be a firemen's pension fund established in the municipality, as is provided by state statute.
(69 Code, § 33-550(a)) (Ord. passed 6-25-51) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.61 BOARD OF TRUSTEES; COMPOSITION; TERM OF MEMBERSHIP.

The Board of Trustees of the Firemen's Pension Fund shall consist of the following members: The President of the Board Trustees, the Village Clerk, the Village Treasurer, the Village Attorney, and the Chief of the Fire Department; together with three persons who shall be elected from the members of the active Fire Department, and one person who shall be elected from the retired firefighters, as is provided by state statute. The firefighters elected to the Board of Trustees of the Firemen's Pension Fund shall be elected on the third Monday of April, for a term of three years.
(69 Code, § 33-550(b)) (Ord. passed 6-25-51) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.62 CONSTITUTION OF FUND

(A) The Firefighters Pension Fund shall consist of the following moneys which shall be set apart by the Village Treasurer

- (1) All moneys derived from the taxes levied by ILCS Ch. 40, Act 5, § 4-11-8;
- (2) Contributions by firefighters as provided under ILCS Ch. 40, Act 5, § 4-118.1;
- (3) All rewards in money, fees, gifts and emoluments that may be paid or given for or on account of extraordinary service by the Fire Department or any member thereof, except when allowed to be retained by competitive awards; and
- (4) Any money, real estate or personal property received by the Board.

(B) Contributions by firefighters.

(1) Beginning January 1, 1976, each firefighter shall contribute to the Pension Fund 6-3/4% of salary towards the cost of his or her pension.

(2) In addition, beginning January 1, 1976, each firefighter shall contribute 1% of salary toward the cost of the increase in pension provided in ILCS Ch. 40, Act 5, § 4-109. 1; beginning January 1, 1987, such contribution shall be 1.5% salary.

(3) **Salary** means the annual salary, including longevity, attached to the firefighter's rank, as established by the Village appropriation ordinance, including any compensation for overtime which is included in the salary so established, but excluding any "overtime pay," holiday pay, "bonus pay," "merit pay," or any other cash benefit not included in the salary so established.

(4) The contributions shall be deducted and withheld from the salary of firefighters.
(Am. Ord. 0-98-36, passed 10-12-98)

Statutory reference:

For provisions regulating the Firefighters Pension Fund, see IL CS Ch. 40, Act 5, §§ 4-1 01 et seq.

MUTUAL FIRE AID PROGRAM

§ 35.80 PURPOSE OF PROGRAM

The purpose of this subchapter is to provide for a program of mutual aid between this Village and other municipalities and fire protection districts, whereby each municipality and district will be obligated to come to the assistance of a neighboring municipality or district in the event of a disaster of such magnitude that the local fire fighting and ambulance equipment and personnel cannot effectively cope with it.

('69 Code, § 155-50) (Ord. passed 2-14-55; Am. Ord. 0-77-07, passed 2-14-77) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.81 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

MUNICIPALITY. A city, village or incorporated fire protection district.

MUTUAL FIRE AID PROGRAM. A plan or program as provided for in this article whereby the municipalities participating in the program agree to come to one another's assistance in case of fire or other disaster too large for local equipment to handle.

MUTUAL AID AREA. Any territory covered by any valid and binding mutual aid agreement entered into by the Village.

PARTICIPATING MUNICIPALITY. A municipality in the mutual aid area that participates in the mutual fire aid program by adopting an ordinance authorizing or approving the program and entering into an appropriate agreement (substantially as provided herein) with other participating municipalities for rendering and receiving aid in case of fire or other disaster.

STRICKEN MUNICIPALITY. A participating municipality in which a fire or other disaster occurs that is of such magnitude that it cannot be adequately coped with by local fire fighting equipment and personnel.

AIDING MUNICIPALITY. A municipality furnishing fire equipment to a stricken municipality or to another aiding municipality.

('69 Code, § 155-55) (Ord. passed 2-14-55; Am. Ord. 0-89-59, passed 9-11-89) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.82 AGREEMENT TO EFFECTUATE MUTUAL FIRE AID PROGRAM

The Chief of the Village Fire Department, with the approval of the president, is authorized on behalf of this Village to enter into and from time to time alter and amend an agreement with any or all of the municipalities in the mutual aid area defining and putting into effect a mutual fire aid program providing generally as follows:

(A) In the event that, in the judgment of the officer in charge of the Fire Department of a stricken municipality, the available fire fighting equipment of that municipality is inadequate to cope effectively with a fire or other disaster, the officer may call on a neighboring municipality to furnish fire fighting equipment and personnel to the extent specified in the agreement to the stricken municipality, for use either:

- (1) In combating the fire or other occurrence;
- (2) As a standby reserve to meet other calls that may occur before the local fire fighting equipment is free to take care of them.

(B) Each aiding municipality furnishing firefighting equipment to a stricken municipality shall have the right to call on another participating municipality for fire fighting equipment and personnel to the extent specified in the agreement as a standby reserve to take the place, in part, of the equipment furnished to the stricken municipality until such equipment shall be returned.

(C) On receipt of a call under divisions (A) or (B) above, the aiding municipality called upon shall to the

extent provided in the agreement furnish the equipment and personnel called for by the stricken municipality or by the first aiding municipality; except that each aiding municipality always may be permitted to retain sufficient fire fighting equipment and personnel to fight any fire or to meet any emergency within its own boundaries that reasonably may be anticipated. ('69 Code, § 155-60) (Ord. passed 2-14-55) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.83 OBLIGATION OF VILLAGE UNDER MUTUAL FIRE AID PROGRAM

The Village shall furnish fire fighting equipment and personnel, for use outside its boundaries, as provided in the tentative mutual fire aid program or in any mutual fire aid program agreed to, to any municipality that has agreed to conform to the program and has assumed the obligations imposed upon it thereby.
(‘69 Code, § 155-70) (Ord. passed 2-14-55) (Am. Ord. 0-98-36, passed 10-12-98)

§ 35.84 NOTICE TO ALL MUNICIPALITIES.

Notice of the passage of § 35.80 through §35.83 shall be given to all municipalities named in the tentative mutual fire aid program.
(‘69 Code, § 155-75) (Ord. passed 2-14-55) (Am. Ord. 0-98-36, passed 10-12-98)