

Chapter 2.30

**FIRE DEPARTMENT<sup>13</sup>**

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**2.30.010 Created - Composition.**

There is created a Fire Department, an executive department of the City. The director of the Fire Department shall be the Fire Chief. The membership of the Fire Department shall consist of such positions as may be authorized and funded by the Mayor and City Council. Other members of the Fire Department are to be known as paid-on-call firefighters. All members of the Fire Department, including the Fire Chief, are to be considered to be employees of the City. (Ord. 2008-M-92 § 1; Ord. 2007-M-113 § 1; Ord. 2003-M-42 § 1; Ord. 2002-M-84 Ord. § 1; 1998-M-40 § 1; Ord. 1992-M-52 § 1; Ord. 1992-M-17 § 1; Ord. 1989-M-72 § 1; Ord. 1988-M-79 § 1; Ord. 1988-M-18 § 1; Ord. 1986-M-43 § 1; Ord. 1982-M-60 § 1; Ord. 1981-M-44 § 1; Ord. 1978-M-26 § 1(part); Ord. 1972-M-37 § 2; Ord. 1969-M-1 (part); Ord. 1966-15 (part): prior code § 8.001.)

**2.30.020 Fire Chief - Appointments, Promotion and Vacancy Filling.**

- A. The Fire Chief shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council until the first day of May following his or her appointment, except for the following:
  - 1. If the City Administrator determines that the Fire Chief is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the Fire Chief at any time during the year of appointment.

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2. If the Fire Chief demonstrates behavior that would be cause for immediate dismissal, the City Administrator, with Mayor and City Council approval, may terminate the Fire Chief immediately.

If a Fire Chief is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council, may appoint a new Fire Chief prior to May 1.

- B. The Assistant Fire Chief(s) shall be exempt rank(s) and position(s) shall be appointed or promoted by the City Administrator upon the recommendation of the Fire Chief and shall be subject to removal by the City Administrator.

The provisions of 65 Illinois Compiled Statutes 5/10-2.1-4, as amended, shall not apply to appointments, promotions or removals for the position(s) of Fire Chief and Assistant Fire Chief.

- C. Any full-time member of the Fire Department appointed as Fire Chief or Assistant Fire Chief unless outlined herein, shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from his/her appointed position.

1. Any full-time member of the Fire Department holding the rank of Assistant Fire Chief or Battalion Chief, prior to January 7, 2008, shall be classified during his or her term in such position as on furlough from the Fire Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns or retires from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the Fire Department as established under statute or City ordinance, unless removed from the department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.
2. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he or she shall be considered as on furlough from the Fire Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he or she resigned from his or her appointed rank or is removed by the appointed authority prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she held immediately prior to his or her appointment to the rank immediately below the Chief and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from the department by the Board of Fire and Police Commissioners. If he or she resigned from the appointed rank or is removed by the appointing authority after attaining eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.
3. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Fire Department.

(Ord. 2008-M-92 § 2; Ord. 2008-M-42 § 11; Ord. 2008-M-3 § 1; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.002.)

### **2.30.030 Full-time Firefighter – Appointment and Promotion.**

Deleted in its entirety.

(Ord. 2008-M-42 § 12; Ord. 2008-M-3 § 2; Ord. 2007-M-76 § 1; Ord. 2003-M-42 § 2; Ord. 2002-M-84 § 1; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.003.)

**2.30.040 Full-time Firefighter - Discharge.**

No full-time firefighter shall be discharged from the department except after a hearing on the charges before the board of fire and police commissioners as provided by statute; provided, that this section shall not be construed as affecting the power of the Mayor and City Council to appoint and remove the Fire Chief. (Ord. 2008-M-3 § 3; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.004.)

**2.30.050 Paid-on-call firefighter - Appointment.**

Deleted in its entirety. (Ord. 2008-M-92 § 3; Ord. 2008-M-3 § 4; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.005.)

**2.30.060 Paid-on-call firefighter - Qualifications.**

Deleted in its entirety. (Ord. 2008-M-92 § 4; Ord. 2008-M-3 § 5; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.006.)

**2.30.080 Fire Chief - Duties.**

The Fire Chief is responsible for the enforcement of all laws and ordinances coming within the legal jurisdiction of the department. The Fire Chief is responsible for planning, directing, coordinating, controlling, and staffing all activities of the department, for its continued and efficient operations, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with the citizens of St. Charles, the city government and other agencies. (Ord. 2008-M-3 § 6; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.007.)

**2.30.085 Fire Department - Duties**

It shall be the function and duty of the Fire Department and every member thereof to prevent, extinguish, and investigate the causes of fires occurring in the city, to enforce the provisions of this code and all city ordinances relating to fire and life safety hazards, and to prevent infractions of such laws and ordinances. The Fire Department shall have other such duties and responsibilities as may be prescribed by law, and as may be assigned to it by the Mayor, City Administrator, or City Council including, but not limited to hazardous materials response, technical rescue, water rescue, and public education. These specified powers and duties shall apply throughout all or part of any fire district served by the Fire Department pursuant to agreement. (Ord. 2008-M-3 § 7.)

**2.30.090 Recordkeeping by Fire Chief.**

The Fire Chief shall keep or cause to be kept such records and make such reports showing the activities of the Fire Department as may be required by the City Administrator, the Mayor and City Council or law. (Ord. 2008-M-3 § 8; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.016.)

**2.30.100 Rules and regulations.**

The Fire Chief shall make or describe such rules and regulations for the guidance of the members and employees of the fire department as he shall see fit, such rules and regulations, shall be binding on such members and employees. (Ord. 2008-M-3 § 9; Ord. 1978-M-26 § 1 (part); Ord. 1969-M-1 (part); Ord. 1966-15 (part): prior code § 8.009.)

**2.30.105 Chain of Command.**

Deleted in its entirety. (Ord. 2008-M-92 § 5; Ord. 2008-M-3 § 10.)

**2.30.110 Command at emergencies.**

Deleted in its entirety. (Ord. 2008-M-92 § 6; Ord. 2008-M-3 § 11; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.010.)

**2.30.115 Conduct, duties at emergency incidents.**

The Fire Chief or, in his or her absence, the officer in command at any emergency incident shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of life and property or to protect the adjoining property; and may direct or cause the removal, tearing down, cutting down, of any building, structure, or fence for the purpose of checking the progress of any emergency incident.

The Fire Chief, or any other fire officer in command at an emergency incident, may establish limits in the vicinity of any emergency incident within which no persons, except firefighters, police officers, and those admitted by any officer of the Fire Department, shall be permitted to go.

The Fire Chief, Assistant Fire Chiefs, Battalion Chiefs, Captains, and Lieutenants of the Fire Department shall have the power and authority to cause to be arrested any person, at or near the scene of an emergency incident, for any interference with the Fire Department in the performance of its duties or for the commission of a crime or violation of any ordinance in connection with the emergency incident. (Ord. 2008-M-3 § 12.)

**2.30.120 Obedience to orders.**

Deleted in its entirety. (Ord. 2008-M-92 § 7; Ord. 2008-M-3 § 13; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.008.)

**2.30.130 Absence of paid-on-call firefighter.**

Deleted in its entirety. (Ord. 2008-M-92 § 8; Ord. 2008-M-3 § 14; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.011.)

**2.30.140 Service outside corporate limits.**

Members of the Fire Department are authorized to go outside the corporate limits of the city for the purpose of rendering aid to other fire departments or municipalities for extinguishing fires and rendering aid in the case of emergencies in accordance with the following:

1. Where the Fire Department is acting pursuant to the terms and conditions of a contract, automatic-aid, or mutual-aid agreement to render service outside the corporate limits; or
  2. Where the Fire Chief, City Administrator, or the Mayor and City council has ordered such action.
- (Ord. 2008-M-3 § 15; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.015.)

**2.30.150 Enforcement of chapter.**

It shall be the duty of all officers of the Fire Department and all police officers of the city to see that the provisions of this chapter are enforced and to arrest on view any person who is found violating any of the provisions of this chapter or hinders, resists or refuses to obey any such officer in the discharge of his duty, and to that end all such officers are vested with the usual power and authority of police officers. (Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.013.)

**2.30.160 Funds - Foreign Fire Insurance Company Tax Board.**

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- A. The City of St. Charles Foreign Fire Insurance Company Tax Board (hereinafter BOARD) shall consist of seven (7) trustees; the Fire Chief, who shall hold office by virtue of rank, and six (6) members, who shall be elected at large by sworn members of the Fire Department. If there are an insufficient number of candidates to fill all these positions, the number of BOARD members may be reduced to not less than three (3) trustees. All members of the Fire Department shall be eligible to be elected as trustees of the BOARD. The trustees of the BOARD shall annually elect officers. The BOARD officers shall be a Chairman, a Vice Chairman, a Secretary, and a Treasurer.
  - B. The BOARD shall make all needful rules with respect to the BOARD and the management of money to be appropriated to the BOARD, including, but not limited to, rules prescribing the method for submission of matters for its consideration. All such rules shall be first approved by the BOARD prior to being in full force and effect. Such rules may be changed from time to time by a majority vote of the BOARD.
  - C. The BOARD shall manage and authorize the disbursement of all foreign fire insurance company tax funds received by the City for the maintenance, use, and benefit of the Fire Department. Such expenditures shall inure solely to the Fire Department as a whole. The offices of the BOARD shall develop and maintain a listing of those items the BOARD feels are appropriate expenditures under the Foreign Fire Insurance Company Fees Act.
  - D. The City Treasurer shall cause all funds received from the Foreign Fire Insurance Company Tax to be paid to the Treasurer of the BOARD. Such funds delivered to the Treasurer of the BOARD shall be deposited in the Foreign Fire Insurance Company Tax Fund, which is hereby authorized to be established. The Treasurer of the BOARD shall be responsible to pay any authorized collection fees or service charge associated with the same and shall further be responsible to disburse all funds from the Foreign Fire Insurance Company Tax Fund only upon authorization of the BOARD for only the purposes set forth herein.
  - E. The Treasurer of the BOARD shall give a bond to the City in an amount equal to one and one-half times the anticipated annual Foreign Fire Insurance Company Tax to the BOARD. Such bond shall be approved by the Mayor of the City conditioned upon the faithful performance by the Treasurer of his/her duties under this Section and the rules and regulations of the BOARD. The cost of such bond shall be payable from the Foreign Fire Insurance Company Tax Fund.
  - F. As part of the annual municipal audit, the funds of the BOARD shall be audited, at the expense of the BOARD, to verify the funds have been expended by the BOARD solely for the maintenance, use, and benefit of the Fire Department as a whole.
  - G. All meetings of the BOARD shall be held in accordance with the provisions of the Illinois Open Meetings Act, as may be amended from time to time, and the BOARD shall annually publish its regular meeting schedule which shall include the location and time of all regular meetings. A complete record of the proceedings of each meeting of the BOARD shall be kept.
  - H. At no time shall the actions of the BOARD or its officers interfere with the ordinances and rights of the City or its Fire Chief, the composition of the Fire Department, the Board of Fire and Police Commissioners of the City, or in any way impede the operation of the Fire Department. The City retains the right to withhold approval for use by City employees or in Fire Department City facilities of equipment, supplies, or services purchased by the BOARD but not approved by the City.
  - I. The term "members" of the Fire Department shall be construed to include those persons described in Section 2.30.010 of the St. Charles Municipal Code.
- (Ord. 2011-M-1 § 1; Ord. 2008-M-3 § 16; Ord. 1994-M-59 § 1; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part); prior code § 8.012.)

### **2.30.170 Unauthorized use of apparatus prohibited.**

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It is unlawful for any person to use any fire engine, hose or any other apparatus belonging to the City for any private purpose other than official business of the Fire Department. It is unlawful for any person to remove the same or any part thereof from its place of deposit or, having control thereof, to permit such engine, hose or other apparatus to be used for any private purpose other than aforesaid. Upon conviction, such person shall be fined not less than five dollars nor more than five hundred dollars. (Ord. 2008-M-3 § 17; Ord. 1978-M-26 § 1 (part); Ord. 1969-M-1 (part); Ord. 1966-15 (part): prior code § 8.014.)

### **2.30.180 Meetings and social activities – Records required.**

Deleted in its entirety. (Ord. 2008-M-92 § 9; Ord. 1978-M-26 § 1 (part); Ord. 1966-15 (part): prior code § 8.017.)

### **2.30.190 Fire protection training.**

- A. The city elects to participate in the training programs provided for in the Illinois Fire Protection Training Act.
- B. Before an individual may commence regular full-time employment as a firefighter, said individual must have been certified by the Illinois State Fire Marshal as a Firefighter II, as having successfully completed a course approved by the office of the State Fire Marshal and attain licensure as an emergency medical technician-paramedic (EMT-P) with the Illinois Department of Public Health.
- C. For paid on-call personnel, the Firefighter II training must be completed by the trainee within that individual's probationary period of one calendar year from the initial date of probationary appointment.
- D. The Board of Fire and Police Commissioners is authorized to make any necessary amendments to the rules of the Board of Fire and Police Commissioners.

(Ord. 2008-M-3 § 18; Ord. 1982-M-57 § 1.)