

CITY OF FREEPORT

STEPHENSON COUNTY, ILLINOIS

ORDINANCE NO. 2018-24

**AN ORDINANCE AMENDING CHAPTER 242 ENTITLED "FIRE DEPARTMENT" OF THE CODIFIED
ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF FREEPORT, ILLINOIS

THIS ____ DAY OF _____, 2018

Published in pamphlet form by authority of the

City Council of the City of Freeport,

Stephenson County, Illinois, this

____ day of _____, 2018.

**AN ORDINANCE AMENDING CHAPTER 242 ENTITLED "FIRE DEPARTMENT" OF THE CODIFIED
ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

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WHEREAS, the City of Freeport, Illinois ("City") has Codified Ordinances of the City (the "Code"); and

WHEREAS, Chapter 242 of the Code entitled "Fire Department" provides for fire department regulations; and

WHEREAS, the City now desires to amend various sections of Chapter 242 to reflect a change in organizational structure for the Fire Department; and

WHEREAS, the City Council finds that such amendment is in the best interest of the public health, safety, morals and general welfare of the residents of the City of Freeport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. That the following sections of Chapter 242 of the Code are hereby amended to read as follows (additions shown in **bold** and deletions as ~~striketroughs~~):

242.03 RANK.

Within the Department, the organization, according to rank, shall be as follows:

- (a) Chief.
- (b) ~~Battalion Chief~~ **Deputy Chief**.
- (c) ~~Captain~~ **District Chief**.
- (d) Lieutenant.
- (e) Firefighter.

242.05 FIRE CHIEF.

(a) Appointment and Removal. The City Manager shall select and appoint the Fire Chief. The Chief of the Fire Department may be removed or discharged by the City Manager; provided, however, that the City Manager shall file with the corporate authorities the reasons therefor and such removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. Candidates qualified to serve as Fire Chief must meet the following criteria:

(1) Have obtained the rank of ~~Battalion Chief~~ **Deputy Chief, Captain District Chief,** Lieutenant, or a similar rank within a department of comparable size and composition of the Freeport Fire Department, and held any such rank for a minimum total of three years.

(2) Have served as a professional fire fighter for at least 10 consecutive years.

(3) Have an Associate's Degree in a related field or have obtained Fire Officer II certification, or be able to successfully complete such education within one year of appointment.

(4) Commencing August 1, 2017 and thereafter, any person newly appointed to serve as the Fire Chief shall reside within the corporate limits of the City within six months of the date of his/her appointment.

The City Manager may remove or discharge the Fire Chief. In such case, the City Manager shall file with the corporate authorities the reasons for such removal or discharge, and which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. The person removed as Chief, unless discharged from the Department for cause, may elect to resume the position and rank in the Department which he or she held immediately prior to his or her appointment as Chief, by election, in writing, delivered to the Board of Fire and Police Commissioners within thirty days of such removal. Upon election, such restoration to such position and rank shall be automatic and not subject to the discretion of the Board or any other authority. However, such individual shall be subject to discharge from the Department for cause, by established procedures, if such cause existed at the time of his or her removal as Chief. Upon such assumption of former position and rank, the number of positions within such rank shall be automatically increased by one if such increase is necessary to assure that no other member of the Department, of an equal or lower rank, shall be required to surrender position or rank. If such an increase takes place, thereafter the number of positions within such rank shall be decreased by one by attrition. This section shall be subject to the provisions of 65 ILCS 5/10-2.1-4, which section is incorporated herein by reference.

(b) Authority and Duties. The Chief, in addition to all other duties required of him or her by law, shall:

(1) Enforce this chapter and all other ordinances of the City and all statutes of the State among all members of the Department, and shall give any necessary orders, and take any needed action, to ensure such enforcement.

(2) Promptly report to the City Manager and the Board all violations of statute or ordinance by members of the Department.

(3) Render at least annually to the City Manager and the Board confidential written efficiency reports on each member of the Department as to character, attitude, competency, ability, attention to duty, discipline and courtesy.

(4) Not be disrespectful or discourteous to the City Manager, the Mayor or to any member of Council or of the Board.

(5) Assign duties to each member of the Department, consistent with lawful orders of the City Manager.

(6) Not publicly criticize, or release for publication any criticism of, the City Manager, the Mayor, members of Council or members of the Board.

(7) Make available to the City Manager all files, official records and documents of the Department or relating to Department business, except where such release would jeopardize the safety or privacy of the Department, Department employees or members of the public.

(8) Receive and obey all lawful orders of the City Manager.

(9) Be the superior officer within, and direct the work of, the Department, be obeyed and respected accordingly by all members and be responsible for the discipline of the members. When necessarily absent, the Chief shall leave with the ~~Battalion Chief~~ **Deputy Chief** information as to his or her whereabouts and return.

(10) Establish rules and regulations not inconsistent with this chapter, any other ordinances or resolutions of Council or any rules or regulations of the City Manager or Board.

(11) Be responsible and account, for all property, equipment and buildings provided for the Department and employ the same as the City Manager may direct, and be responsible and account for all goods or other property received and reclaimed under Department authority and make final disposition thereof as the City Manager may direct.

(12) Attend all Council meetings; serve all written notifications as ordered by the City Manager and perform all such other duties as shall be prescribed by City Manager or the Board.

(13) Remove or destroy any property whenever it shall become necessary for the preservation of property from fire, to prevent the spreading of fire or to protect adjoining property.

(14) Have full authority, whenever the safety of persons or of property is endangered by fire or other casualty, to disconnect, temporarily, electric wires, gas pipes and water pipes or connections.

(15) When a vacancy exists in a rank other than firefighter, appoint some qualified member of the Department as an acting member of that rank. That appointed person shall serve only until the Board shall have appointed a person from its valid promotion eligibility roster to fill that vacancy.

242.06 ~~BATTALION CHIEF~~ **DEPUTY CHIEF(S)**.

Authority and Duties. The ~~Battalion Chief~~ **Deputy Chief(s)** shall have command of the Department and exercise all of the powers of the Fire Chief during the absence of the Chief. The ~~Battalion Chief~~ **Deputy Chief(s)** shall perform such duties as may be assigned by the Chief. **There shall be two Deputy Chiefs in the Department, a Deputy Chief for Administration and a Deputy Chief for Operations.**

242.07 ~~CAPTAIN~~ **DISTRICT CHIEF**.

A ~~Captain~~ **District Chief** shall be in command of his or her shift and during that period shall have charge of and responsibility for the condition and good order of the physical facilities and equipment of the Department. The ~~Captain~~ **District Chief** shall be responsible for the discipline of the members of the Department on duty under his or her command. At fires occurring during his or her shift, the ~~Captain~~ **District Chief** shall assume command unless and until the Fire Chief or ~~Battalion Chief~~ **Deputy Chief** arrives. When more than one shift is in service, the on-duty ~~Captain~~ **District Chief** shall be in command and the off-duty ~~Captain~~ **District Chief** (s) shall be second in command. There shall be three ~~Captains~~ **District Chiefs** in the Department.

242.08 LIEUTENANT.

A Lieutenant, in the absence of the ~~Captain~~ **District Chief**, shall be in command of the shift. There shall be ~~six~~ **nine** lieutenants in the Department.

242.09 SPECIALISTS.

(a) Appointment and Removal. The Chief of the Department may appoint and remove, from among the members of the Department, a **Chief** Fire Inspector, a Master Mechanic and an Assistant Mechanic. In making such appointments, the Chief shall appoint those individuals believed by him or her to be the best qualified, giving consideration to seniority when appropriate.

(b) Declaration of Title of Specialist. An individual assigned to perform the duties of Fire Inspector, Master Mechanic or Assistant Mechanic is hereby declared to be a "specialist" during the time he or she holds such job assignment.

(c) Chief Fire Inspector. **The Deputy Chief for Administration shall also be appointed as the Chief Fire Inspector.** The Chief Fire Inspector shall have control of and supervise the general operations of the Bureau of Fire Prevention, ~~shall assume the authority of a Captain's position~~ and shall report directly to the Fire Chief, who shall be in charge of the Bureau of Fire Prevention. ~~When an individual is removed from the position of Chief Fire Inspector, regardless of the reason for the removal, the provisions of subsection (i) hereof shall apply. The Fire Inspector shall be entitled to the same compensation as a Captain in the Fire Department, regardless of the individual's rank prior to appointment as Fire Inspector.~~

(d) Master Mechanic. The Master Mechanic shall have general supervision of the machine and repair shops of the Department and the repair and maintenance of apparatus and equipment. He or she shall keep a record of all supplies and shall be responsible for all tools and appliances belonging to the repair shop.

(e) Assistants. The Chief may direct members of the Department to temporarily serve as Assistant Inspector or Assistant Mechanic, and while so serving, such assistants shall be under the direction and guidance of the respective specialists in charge.

(f) EMT-Firefighters. Any member appointed as a firefighter must obtain and maintain State certification as an EMT.

(g) Firefighter/Paramedic. Any qualified applicant appointed to the Fire Department may be required, as a condition of continued employment, to achieve Paramedic (EMT-P) status at a designated time following probation. The fire-fighter/paramedic shall abide by all requirements of the State and the City to become State certified and to maintain certification.

(h) Compensation. (EDITOR'S NOTE: Subsection (h) was repealed by Ordinance 95-43, passed August 21, 1995.)

(i) Promotions.

(1) While serving as a specialist, an individual shall be eligible to take advancement examinations and to qualify for successively higher rank in the same manner as other members of the Department.

(2) When an individual's specialist status is terminated, regardless of the reason for the termination, he or she shall revert to the rank and compensation level held immediately prior to assuming the duties of specialist, except that if while serving as a specialist, he or she duly qualified for promotion to a higher rank and there is a vacancy in the higher grade, then he or she shall be entitled to the appropriate higher rank and compensation level.

(j) Hours and Duties. The aforesaid specialists shall work such hours and shifts as may be assigned by the Chief. The Master Mechanic shall, in the discretion of the Chief, perform regular duties of the Department, including the fighting of fires, when not performing duties of his or her particular specialty.

242.11 PROMOTIONS.

Appointments to higher rank, except for Fire Chief and ~~Battalion Chief~~ **Deputy Chief**, shall be made from the next lower rank by examination. All candidates for the position of Lieutenant must have served a minimum of seven consecutive years as a firefighter immediately prior to the date of the effective date of the promotional eligibility list for the position of Lieutenant and must have successfully passed Level III Firefighter certification. All candidates for the position of ~~Captain~~ **District Chief** must have served a minimum of three consecutive years as a Lieutenant immediately prior to the date of the written examination for the position of ~~Captain~~ **District Chief**. All candidates for the position of ~~Battalion Chief~~ **Deputy Chief** must have served a minimum of one year as a ~~Captain~~ **District Chief** or three years as a Lieutenant immediately prior to the date of the written examination for the position of ~~Battalion Chief~~ **Deputy Chief**.

A promotional eligibility list shall be established and maintained by the Board with appointments to be made from the three highest rated members on such list, without reference to the priority of the time of the examination, or from all of the members on such list if there are fewer than three members.

242.14 CLOTHING AND GEAR ALLOWANCES.

The Fire Chief, the ~~Battalion Chief~~ **Deputy Chief**, ~~the Fire Inspector~~ and managerial and exempt employees of the Department shall be paid an annual clothing allowance as approved by the City Manager and as set forth within the Fire Department's annual budget. This clothing

allowance shall be utilized solely for the purpose of purchasing dress and everyday uniforms for the above-named employees. The City shall purchase the protective firefighting equipment and gear for all employees of the Department, the specifications and cost of which shall be determined in the sole discretion of the City.

242.16 SHIFTS.

Members of the Department shall be divided into three shifts. The division into shifts shall be made by the Fire Chief from time to time. Each shift shall be on duty for twenty-four hours and off duty for the following forty-eight hours. A ~~Captain~~ **District Chief** shall be in command of each shift. **Deputy Chiefs may be assigned to a forty hour work week by the Fire Chief.**

242.17 TARDINESS.

(a) Members shall report for duty on time. A tardy member on his or her arrival, shall immediately notify the officer in charge. ~~Captains~~ **District Chief** shall note in the Company Journal the exact time such tardy member arrives.

(b) Tardiness of thirty minutes or more will constitute failure to report. In such cases the Fire Chief must be notified, the position filled, and charges filed with the Chief. Members who fail to report will not go on duty until so ordered by the Chief. Failure to report may be excused only for sickness or disability.

242.18 OFF-SHIFT DUTIES.

Members of the off shift shall report for duty for all second alarms of fire, when called for special duty for all second alarms of fire, when called for special duty or in an emergency upon request of the Fire Chief or ~~Battalion Chief~~ **Deputy Chief**. The officer in command of each shift shall keep a record of each member who, when off duty, fails to so respond and shall report such failure, in writing, to the Chief. A member, for disciplinary purposes, shall be considered as being on duty at all times.

242.37 MAINTENANCE OF EQUIPMENT.

When fire runs require the cleaning of apparatus and changing the hose, the same shall be done on returning to station. A thorough examination of apparatus shall be made each morning and after each run by the ~~Captain~~ **District Chief** and the driver. No person shall handle, climb or sit upon apparatus, except members of the Department when actually engaged in cleaning and polishing or when responding to an alarm.

242.43 REPORTING OF ILLNESSES OR DISABILITIES; SICK LEAVE.

If any member becomes sick or disabled while off duty, he or she shall immediately notify the shift commander and inform him or her of the nature of his or her illness or disability. Notification of absence due to sickness shall be given to an individual designated by the Fire Chief as soon as possible on the first day of such absence and every day thereafter (unless this requirement is waived by the Chief), but no later than one hour before the start of the employee's work shift, unless it is shown that such notification was impossible. Failure to properly report an illness shall be considered an absence without pay. When any member on

duty becomes too ill for duty, he or she shall notify his or her superior officer. The Shift Commander will determine if the member is too ill to perform his or her duties and, if so, shall relieve said member from duty. ~~Captains~~ **District Chiefs** shall visit the sick, injured or disabled members of their companies at least once each week and make written reports to the Chief of their condition. Hour for hour shall be charged against the accumulated sick leave for each duty hour that a member is absent. Any member who is absent more than ninety calendar days on account of sickness or disability, without full restoration of ability, may be discharged by the Board of Fire and Police Commissioners as incapacitated and physically unfit for service, subject to the provisions of Chapter 296.

242.45 FIRE ALARM RECORD; COMPANY JOURNAL.

There shall be kept at each station a fire alarm record and a Journal which shall contain an accurate and complete record of the actions and operations of each company for each day; the regular and special duties performed by the members, individually and collectively; delinquencies of members; orders received and given; accidents to persons or apparatus; and everything else pertaining to the business of the company or the Department. The Journal shall be open to the inspection of the Fire Chief, the ~~Battalion Chief~~ **Deputy Chief** or the Board of Fire and Police Commissioners.

242.50 VIOLATIONS.

- (a) Generally. No person shall violate, or aid in the violation of, any provision of this chapter.
- (b) Disciplinary Action. Disciplinary action shall be taken by, and before, the Board of Fire and Police Commissioners in accordance with the rules and regulations adopted by the Board of Fire and Police Commissioners.
- (c) Reports. A superior officer is required to report any violation by a member of his or her command and is responsible for discipline in his or her command. Copies of such reports shall be transmitted within forty-eight hours to the Fire Chief. The Chief shall forward his or her written recommendations to the Board and shall inform the City Manager of such action.
- (d) Summary Suspensions. The Fire Chief, or the ~~Battalion Chief~~ **Deputy Chief** in command, may suspend a member of the Department without pay in accordance with the provisions of 65 ILCS 5/10-2.1-17.

242.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

For a violation of this chapter, any one or more of the following penalties may be assessed:

- (a) A written or verbal reprimand administered by the Fire Chief, the ~~Battalion Chief~~ **Deputy Chief** or the **District Chief** ~~Shift Commander~~.

(b) Suspension without pay for a period not to exceed five days, administered by the Fire Chief, or the ~~Battalion Chief~~ **Deputy Chief** in command, or for a period not to exceed thirty days, administered by the Board of Fire and Police Commissioners.

(c) Discharge from the Department and the service of the City.

(d) Demotion in rank.

Section 3. That the remaining sections of Chapter 242 not included herein shall remain unchanged.

Section 4. As of the effective date of this Ordinance, employees holding the rank of Battalion Chiefs shall be renamed as Deputy Chiefs and employees holding the rank of Captains shall be renamed as District Chiefs.

Section 5. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 7. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

Section 8. This Ordinance is expressly adopted pursuant to the Home Rule Authority of the City of Freeport as created by Article 6 of Section VII of the Illinois Constitution of 1970.

PASSED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this ____ day of _____, 2018.

Dovie L. Anderson, City Clerk

YEAS: _____

NAYS: _____

ABSTAIN: _____

PRESENT: _____

APPROVED by the Mayor of the City of Freeport this ____ day of _____, 2018.

Jodi Miller, Mayor

Date Published: _____

Date Effective: _____

Approved as to form:

City Legal Counsel