

Ord. 21-25

**AN ORDINANCE OF THE VILLAGE OF LYNWOOD, ILLINOIS  
AMENDING THE CODE OF THE VILLAGE OF LYNWOOD, ILLINOIS,  
CHAPTER 42, "FIRE PREVENTION AND PROTECTION",  
ARTICLE II, "FIRE DEPARTMENT",  
ARTICLE III, "EMERGENCY MEDICAL SERVICES",  
ARTICLE V, "FIRE PREVENTION",  
ARTICLE VI, "FIREWORKS AND EXPLOSIVES". AND  
ARTICLE VII, "SMOKE DETECTORS"**

WHEREAS, the Village pursuant to the authority granted to it pursuant to the Illinois Municipal Code established a fire department and created Chapter 42, "Fire Prevention and Protection", which chapter includes Articles I through VII; and,

WHEREAS, the fire department's day-to-day operations are currently the responsibility of a public safety fire administrator, who acts as the head administrative officer of the fire department and has sole, absolute control and command over all persons connected with the fire department including the chief of the fire department, but has no authority to be in command at a fire; and,

WHEREAS, Section 10-2.1-4 of the Illinois Municipal Code (65 ILCS 5/10-2.1-4) provides in part that, effective January 1, 2019, a person shall not be appointed as the chief, the acting chief, the department head, or a position, by whatever title, that is responsible for day-to-day operations of a fire department for greater than 180 days unless he or she possesses the qualifications and certifications listed therein, or a minimum of 10 years' experience as a firefighter at the fire department in the jurisdiction making the appointment; and,

WHEREAS, the current position of public safety fire administrator does not require a person to hold any of the qualifications or certifications or have the minimum experience as a firefighter required by the Municipal Code for a person to be appointed to a position, by whatever title, that is responsible for the day-to-day operations of the Village's fire department; and,

WHEREAS, the President and Board of Trustees find that it is in the best interest of the Village to amend the Code of Ordinances, Chapter 42, "Fire Prevention and Protection", Article II, "Fire Department", Article III, "Emergency Medical Services", Article V, "Fire Prevention", Article VI, "Fireworks and Explosives", and Article VII, "Smoke Detectors" to abolish the position of public safety fire administrator, further define the position of fire chief, and revise the foregoing articles within Chapter 42 to be consistent with the further defined role of the fire chief position; and,

WHEREAS, based on the foregoing recitals, in the opinion of the President the subject matter of the ordinance is of an urgent nature such that the effectiveness of the legislation would be lost or seriously hampered by a lapse of time.

**NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Lynwood, Illinois, as follows:**

**Section 1. Recitals.** The foregoing recitals are hereby incorporated into this Ordinance as findings of the Village President and Board of Trustees.

**Section 2. Amendment of Chapter 42, “Fire Prevention and Protection”, Article II, “Fire Department”.** Sections 42-19, 42-20, 42-21, 42-24, 42-25, 42-27, 42-29, and 42-35 of the Code of Ordinances, Village of Lynwood, Illinois, are hereby amended to abolish the position of public safety fire administrator and to read as follows:

**Sec. 42-19. – Establishment.**

There is hereby created and established a fire department, consisting of a fire chief, a deputy fire chief, and the members of the fire department as may from time to time be provided for by the president and board of trustees of the Village. All firefighters shall receive such compensation as provided from time to time by the president and board of trustees or as is provided in the annual appropriation ordinance. The president and board of trustees shall have the power to appoint and remove the fire chief and deputy fire chief pursuant to Section 42-20.

**Sec. 42-20. –Appointment of Fire Chief and Other Personnel.**

(a) The fire chief and deputy fire chief of the fire department shall each be appointed and removed by the Village President, with the advice and consent of the board of trustees.

(b) The fire chief shall recommend for appointment all paid on-call and part-time firefighters, who shall be approved by the Village president and board of trustees.

(c) All full-time paid members of the fire department, with the exception of the fire chief and deputy fire chief shall be considered members of the classified service and shall be appointed, promoted, and removed by the board of police and fire

commissioners of the Village upon recommendation of the fire chief, with the approval of the Village President and board of trustees.

**Sec. 42-21. –General powers and duties of the fire chief and deputy fire chief.**

(a) *Suspension; rules.* The fire chief shall have control and command over all personnel within the fire department. The fire chief shall possess full power and authority over its organization, government, and discipline, and the direction and control of the bureau of fire prevention, and to that end the fire chief may prescribe and establish from time to time such rules and regulations as he may deem advisable, subject to the approval of the president and board of trustees. The fire chief, in his sole discretion, shall have the power to terminate paid any on-call or part-time firefighter. The fire chief shall report directly to the village president.

(b) *Custody of fire department property.* The fire chief shall have the custody, subject to the direction of the president and board of trustees, of all fire apparatus including engines, trucks, ladders, hoses, and all other equipment belonging to the fire department and shall keep complete records of all business transactions in the Department and of all property placed in his or her custody or charge.

(c) *Authority at fires.* In the event of fire or the threat of fire, the fire chief, or his assistants in their order of rank, shall take command of such incident and direct the management thereof in the best manner possible. It shall be the duty of the fire chief, if within his power, to respond to all fires occurring in the Village, and in the case of his absence from any fire-related incident, the officer in charge of the first in fire company shall take charge of the department and shall have and exercise all of the power of the chief until properly relieved by a higher ranking fire officer.

(d) *Records.* The fire chief shall keep all necessary records of fire department personnel, records of fire calls, medical calls and such other records and statistics as may be required by law.

(e) *Investigations, documentation of fire and medical facts.* It shall be the duty of the fire chief to investigate the cause and circumstances of every fire occurring within the Village by which property has been destroyed or damaged and/or injury to or death of human life has occurred. Such investigation shall begin within 48

hours of the occurrence of such fire and notification shall be made to the state fire marshal as required.

(f) *Power to enter premises; stop construction.* The fire chief shall have the power to enter the premises wherein any fire has occurred in order to investigate the origin of the fire. The fire chief shall have the power to stop construction of any building when such construction is being carried out in a careless and reckless manner or in violation of any ordinance of the Village pertaining to fire safety and fire prevention.

(g) *Examination of dangerous buildings; alterations.* The fire chief shall examine all walls and buildings reported dangerous or damaged by fire or accident, and shall, when requested by the president, also examine all buildings under application for permit to raze, alter, enlarge, or rebuild, and he shall make a report of the condition thereof to the building commissioner.

(h) *Destruction of buildings to prevent spread of fire.* The fire chief, or in his absence at any fire the highest ranking fire officer, or in the absence of a fire officer, the Village president or any two members of the board of trustees, may direct the members of the fire department to cut down and remove any building, erection, tree, or fence, for the purpose of investigating or putting into check the progress of any fire, and the fire chief or other officer in command shall have the power to destroy or cause to be destroyed any structure during the progress of extinguishing or checking such fire.

(i) *Deputy Fire Chief.* The Deputy Chief shall perform all duties delegated to him or her in the manner proscribed by laws or ordinance, or by the rules and regulations of the Fire Department. In the absence of his or her superior officer, the Deputy Chief shall take command of companies, and the authority, powers, duties, and responsibilities of such superior officer shall be vested in such Deputy Chief.

#### **Sec. 42-24. – Records; reports.**

The fire chief shall keep or cause to be kept a record of all meetings of the department and the attendance of the members, a record of all fires, and during the last week in April of each year, file with the Village clerk a full report of the records

and attendance at fires, the previous calendar year's fire loss statistics, and any other pertinent fire department information. which report shall be under oath.

**Sec. 42-25. –General duties.**

It shall be the function and duty of the fire department and every member thereof to aid in the prevention of and to extinguish all accidental or destructive fires in the Village and to prevent the occurrence or spread of the fires. The fire department shall be responsible for the enforcement of fire regulations with the assistance of the Village law enforcement authority.

**Sec. 42-27. – Duty to enforce article.**

It shall be the duty of all officers of the fire department and all police officers of the Village to see that the provisions of this article are enforced and to arrest on view any person who shall be found violating any of the provisions of this article or who shall hinder, resist, or refuse to obey any officer in the discharge of his duty, and to that end, all the officers are hereby vested with the usual power and authority of police officers.

**Sec. 42-29. – Service outside corporation limits.**

Members of the fire department are authorized to go outside the corporate limits of the Village for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents, provided that the fire department shall not render the service outside the corporate limits except on orders of the fire chief, deputy fire chief, an assistant fire chief or the Village president. If the Village has undertaken by contract to render service to property outside the corporate limits, the fire department may leave the corporate limits in fulfillment of the contract.

**Section 3. Repeal of Ordinance.** Consistent with the abolishment of the position of public safety fire administrator, Section 42-22, "Command at fires", of Chapter 42, "Fire Prevention and

Protection”, Article II, “Fire Department”, of the Code of Ordinances, Village of Lynwood, Illinois, is hereby repealed.

**Section 4. Amendment of Chapter 42, “Fire Prevention and Protection”, Article III, “Emergency Medical Services”.** Section 42-60, of the Code of Ordinances, Village of Lynwood, Illinois, is hereby amended to remove references to the public safety fire administrator and to read as follows:

**Sec. 42-60. – Charges for the use of rescue equipment.**

(a) *Established by board.* The charges for use of the village rescue equipment shall be as established from time to time by the board of trustees as set forth in chapter 38.

(b) *Itemized billing for services; payment.* The fire chief shall submit in writing an itemized bill directly to the owner of the property or vehicle involved and a copy to the collector's office, village attorney, village president and board of trustees. The money shall be payable to the village.

(c) *Disposition of funds.* Money received pursuant to this section shall be used and designated for the specific use of purchasing fire and rescue equipment deemed necessary by the fire department through written request by the fire chief to the village president and board of trustees. Access to these funds shall only be made under the direction and approval of the village president and board of trustees to the village treasurer.

(d) *Exceptions.*

(1) Notwithstanding any above stated provision of the section, any fees applicable due to any section of 42-60 shall be waived if any residential owner enters into a contract with the Village of Lynwood pertaining to the fees for their residence associated with the use of village emergency medical service equipment. A copy of said contract is attached to Ordinance No. 15-14 and will be available at either the village clerk's office or the Lynwood Fire Department. The cost of entering into this contract will be \$250.00 annually for fire and emergency medical services, (excluding commercial ambulance services) unless the person contracting with the village is 65 years old or older, in which

case the fee shall be \$100.00 per year upon the showing of proof of ownership and age.

(2) The charge for commercial businesses is \$1,000.00 per year. Property containing both a residence and separate commercial business building will be required to pay a residence and business fee. A residence with a business in the home will be required to pay the business fee.

**Section 5. Amendment of Chapter 42, “Fire Prevention and Protection”, Article V, “Fire Prevention”.** Sections 42-106, 42-108, and 42-111 of the Code of Ordinances, Village of Lynwood, Illinois, are hereby amended to remove references to the public safety fire administrator to read as follows:

**Sec. 42-106. - Bureau of fire prevention established; appointment of fire prevention officer.**

There is established the bureau of fire prevention for the purpose of enforcement of the village's fire prevention code. The bureau shall be operated under the supervision of the fire chief. The fire prevention officer in charge of the bureau of fire prevention shall be appointed by the president, upon the advice of the board of trustees. His appointment shall continue during good behavior and satisfactory service and he shall not be removed from office except for cause.

**Sec. 42-108. - Reports; amendments to code.**

A report of the bureau of fire prevention shall be made annually and transmitted to the president and board of trustees of the village. It shall contain all proceedings under this Code with the statistics as the chief of the fire department may wish to include therein. The fire chief shall also recommend any amendments to this Code that, in his judgment, shall be desirable.

**Sec. 42-111. - Permits required.**

The village president, the fire chief, the fire prevention officer of the bureau of fire prevention, the building commissioner and the public safety committee shall act as a committee to determine and specify, after giving affected persons an opportunity

to be heard, any new materials, processes or occupancies that shall require permits, in addition to any now enumerated in the code. The fire prevention officer of the bureau of fire prevention shall post the list in a conspicuous place in his office and distribute copies thereof to interested persons.

**Section 6. Amendment of Chapter 42, “Fire Prevention and Protection”, Article VI, “Fireworks and explosives”.** Section 42-144, of the Code of Ordinances, Village of Lynwood, Illinois, is hereby amended to remove references to the public safety fire administrator to read as follows:

**Sec. 42-144. - Public displays; permits.**

(a) *Safety requirements.* Permits may be granted for the public display of fireworks. Every display shall be handled by a competent individual and shall be of such character and so located, discharged or fired, as not to be hazardous to property or endanger any person.

(b) *Application for permit.* Applications for permits for the discharge of fireworks or for pyrotechnical displays shall be made to the president and board of trustees in writing, and shall state the name of the person, place of residence and age, the place where it is proposed to give the public display of fireworks, and what experience that person has had, if any, in the discharge of fireworks.

(c) *Application to be in writing; fee; transfer.* Applications for permits shall be made in writing at least 15 days in advance of the date of the display, and shall be accompanied by payment for the permit fee established by the board of trustees as set forth in chapter 38. After the privilege shall have been granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(d) *Qualification for permit.* Permits may be granted hereunder to any groups of three or more adult individuals applying therefor. The licensee shall post a bond in a sum not less than \$1,000.00 conditioned on compliance with the provisions of this law and the regulations of the state fire marshal adopted hereunder, except that the village shall not be required to file the bond.



(e) *Inspection.* The permit shall be issued only after inspection of the display site by the fire chief or his designee to determine that the display shall not be hazardous to property or endanger any person.

(f) *Forms; distribution.* Forms for the application and permit may be obtained from the office of the state fire marshal. One copy of the permit shall be on file with the fire chief and one copy forwarded to the office of the state fire marshal.

(g) *Insurance.* No exhibition for which a permit may be granted pursuant to this article shall be held unless the proprietor thereof has in force a public liability insurance policy in the amount of at least \$50,000.00. A certificate showing the insurance shall be filed with the clerk at least five days prior to the exhibition.

**Section 7. Amendment of Chapter 42, “Fire Prevention and Protection”, Article VII, “Smoke Detectors”.** Section 42-180, of the Code of Ordinances, Village of Lynwood, Illinois, is hereby amended to remove references to the public safety fire administrator to read as follows:

**Sec. 42-180. - Enforcement.**

The fire chief or the building inspector of the village or their duly authorized agents are responsible for the enforcement of this section and may issue citations for noncompliance of this section requiring the building owner or tenant to appear in court and show cause, if any, why there has been noncompliance with this section.

**Section 8. Repeal of Conflicting Ordinances.** All other ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

**Section 9. Severability.** The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

**Section 10. Effective Date.** This Ordinance shall be in full force and effect from and after its passage.


**ADOPTED** by the President and Board of Trustees of the Village of Lynwood, Cook County, Illinois, at a meeting legally assembled on the 25<sup>th</sup> day of May, 2021, on motion of Trustee Clark seconded by Trustee Killing, carried on the "aye" votes of Trustees Killing, Blakey, Clark.

Voting "nay": None

Abstain: None

Present: None

Absent: Dunlap.

  
Village Clerk

APPROVED BY ME THIS  
25<sup>th</sup> day of May, 2021.

  
VILLAGE PRESIDENT