

Ord. 23-06

**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 President and Board of Trustees find that it is in the best interest of the Village to amend Article II, "Fire Department", Article III, "Emergency Medical Services", Article V, "Fire Prevention", Article VI, "Fireworks and Explosives", and Article VII, "Smoke Detectors" to define the position of public safety fire administrator, and revise the foregoing articles within Chapter 42 to be consistent with the creation of a public safety fire administrator position.

NOW, THEREFORE, BE IT ORDAINED by 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 read as follows:

Sec. 42-19. – Establishment.

There is hereby created and established a fire department, consisting of a public safety fire administrator, 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. – Office of Public Safety Fire Administrator

(a) *Office established; appointment.* There is hereby created the office of public safety fire administrator of the fire department. The public safety fire administrator shall be appointed by the president with the advice and consent of the village board.

(b) *Position status.* The public safety fire administrator shall not be a firefighter as defined in 40 ILCS 5/4-106 and is specifically precluded from performing any firefighting duties. The public safety fire administrator shall not be eligible to be a member of any firefighters' pension fund of the Village and shall be eligible to participate in the state municipal retirement fund.

(c) *Duty and authority of administrator.* The public safety fire administrator shall be the head administrative officer of the fire department and shall have sole, absolute control and command over all persons connected with the fire department including the chief of the fire department. He shall possess full power and authority over its organization, government and discipline and the direction and control of the bureau of fire prevention of the Village and to that end he may prescribe and establish from time to time the rules and regulations as he may deem advisable, subject to the approval of the village board.

(d) 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. The fire chief and deputy fire chief shall be part-time firefighter positions. In the event of a vacancy in the fire chief position, the deputy fire chief shall act as fire chief until such time as the vacancy is filled.

(e) 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.

(f) 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.

Sec. 42-21. –Supervision over department.

(a) The public safety fire administrator shall have the control, subject to the order and direction of the president and board of trustees, of the fire department and all fire apparatus belonging to the Village. Whenever any fire apparatus needs repairing, the public safety fire administrator shall cause the same to be done without delay. The public safety fire administrator shall be a civilian management role and shall possess the qualifications and certifications required by the Illinois Municipal Code required to be responsible for the operations of a fire department.

(b) *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.

(c) *Records.* The public safety fire administrator 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. The public safety fire administrator 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 his custody or charge.

(d) *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.

(e) *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.

(f) *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.

(g) *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.

(h) *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 public safety fire administrator 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, which report shall be under oath.

Sec. 42-25. –General duties.

Except for the public fire safety administrator, 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.

Except for the public fire safety administrator, 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.

Except for the public fire safety administrator, 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 public safety fire administrator, 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. Amendment of Chapter 42, "Fire Prevention and Protection, Article II, "Fire Department", "Section 42-22, of the Code of Ordinances, Village of Lynwood, Illinois, is hereby reinstated to read:

Sec. 42-22. —Command at fires.

In case of fire, the firefighter of the highest rank shall take command of the fire department and direct the management thereof for the suppression of the fire in the best manner possible, and when it may be necessary for the protection of other property and to prevent the spread of conflagration, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible. In the event two officers of equal rank are eligible to take command as provided in this section, the officer having greatest seniority shall be entitled to take command.

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 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 public safety fire administrator 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 public safety fire administrator 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 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 public safety fire administrator. 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 public safety fire administrator shall also recommend any amendments to this Code that, in his judgment, shall be desirable.

Sec. 42-111. - Permits required.

The village president, the public safety fire administrator, 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 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 public safety fire administrator 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 public safety fire administrator 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 read as follows:

Sec. 42-180. - Enforcement.

The public safety fire administrator 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 28th day of February, 2023, on motion of Trustee Marshall, seconded by Trustee Clark, carried on the "aye" votes of Trustees Eaves, Kelly, Dudge, Blakey, Clark, Marshall.

Voting "nay": None

Abstain: None

Present: None

Absent: None



Village Clerk

APPROVED BY ME THIS
28th day of February, 2023.

Robert D. Curry
VILLAGE PRESIDENT