

PUBLISHED IN PAMPHLET FORM FOR THE FOLLOWING:

ORDINANCE 21-055

TITLED:

AMENDING CERTAIN PROVISIONS OF ARTICLE I AND ARTICLE II OF
CHAPTER 22 (FIRE PROTECTION) OF THE MUNICIPAL CODE OF THE
VILLAGE OF BOLINGBROOK (FIRE PREVENTION BUREAU
AND FIRE DEPARTMENT)

VILLAGE CLERK
VILLAGE OF BOLINGBROOK

PREPARED BY & MAIL TO:

VILLAGE CLERK'S OFFICE
VILLAGE OF BOLINGBROOK
375 W. BRIARCLIFF RD.
BOLINGBROOK, IL 60440

ORDINANCE 21-055

**AMENDING CERTAIN PROVISIONS OF ARTICLE I AND ARTICLE II OF
CHAPTER 22 (FIRE PROTECTION) OF THE MUNICIPAL CODE OF THE
VILLAGE OF BOLINGBROOK (FIRE PREVENTION BUREAU
AND FIRE DEPARTMENT)**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village and its residents to amend the existing provisions of the Municipal Code regarding fire department administration.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

SECTION TWO: Division 1 ("Generally") and Division 2 ("Enforcement Authority and Procedure") of Article II ("Fire Prevention Bureau") of Chapter 22 ("Fire Protection") of the Municipal Code of the Village of Bolingbrook shall be amended by deleting the stricken language and adding the new underlined language to read, as follows:

ARTICLE II. - FIRE PREVENTION BUREAU

DIVISION 1. - GENERALLY

Sec. 22-21. - Fire prevention bureau; fire marshal.

(a) Established; fire marshal to supervise operations. The village board has created within the fire department a fire prevention bureau. The village fire marshal shall supervise the day-to-day operations of the fire prevention

bureau. The fire prevention bureau, under the supervision of the fire marshal, shall enforce all laws and ordinances covering the following:

- (1) Inspection of potential hazards.
- (2) Abatement of existing hazards
- (3) Investigation of the cause, origin and circumstances of fires.
- (4) Control and use of explosives and flammables.
- (5) Regulation of the maintenance of fire escapes.
- (6) Regulation of the installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment.
- (7) Control of the means and adequacy of exits in case of fire, from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters, and all other places in which persons work, meet, live or congregate.
- (8) Educational fire prevention programs.
- (9) Dangerous accumulations of rubbish, waste, paper, boxes, shavings or other highly flammable, combustible or toxic materials.
- (10) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts.

(b) Fire marshal's authority to make interpretations. The fire marshal shall have the power to interpret any of the provisions of the fire prevention code and life safety code upon application in writing by the owner or lessee, or his duly authorized agent. The particulars of such interpretation and the decision of the fire marshal thereon shall be entered upon the records of the department and a signed copy furnished the applicant.

(c) Duty to investigate fires. The fire marshal or his duly designated agent shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the village in which property has been destroyed or damaged, and if it appears to the officer making investigation that such fire is of suspicious origin, he shall then take immediate charge of the physical evidence and pursue a criminal investigation for the persons responsible.

(d) Fire drills required. The fire marshal shall require the officials of public, private and parochial schools, and other educational institutions to have one fire drill each month or per state requirement and to keep all doors and exits unlocked during the times the building is occupied.

~~(e) Report on activity of fire prevention bureau. The chief of the fire department shall submit a monthly report on the activities of the fire prevention bureau to the village administrator on the first day of each month.~~

(f)(e) Fire marshal to keep records. The fire marshal shall keep a record of all fires and of

all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby.

~~(g)~~(f) Other power and duties may be assigned by fire chief. The bureau shall have such other powers and perform such other duties as may be set forth in this Code and as may be conferred or imposed from time to time by the fire chief in the exercise of authority duly conferred upon him or as otherwise may be conferred or imposed by law.

DIVISION 2. - ENFORCEMENT AUTHORITY AND PROCEDURE

Sec. 22-46. - Right to enter for inspection.

(a) The fire marshal or his duly designated agent shall have the right and authority to enter any building, structure, or premises within the village corporate limits for the purpose of making inspections or investigations at all reasonable hours; provided that, except in cases of emergency, the right and authority conferred by this section shall not apply to the entry of a private residence.

(b) If the fire marshal or his duly designated agent determines that it is necessary to inspect a private residence, a written request shall be served upon the occupant of the premises. Such written request shall contain a statement of the time that inspection will be made and shall also contain a statement of the purpose of such inspection or investigation.

(c) If entry is denied, the fire marshal or his duly designated agent may take additional measures to secure access to the premises, including, but not limited to, application for an administrative search warrant.

Sec. 22-47. - Scope of inspections.

The inspection and examination authorized in this division shall be for the purpose of reporting and correcting the following hazards pertaining to buildings and their occupants:

- (1) Disrepair.
- (2) Age and dilapidated condition.
- (3) Faulty or unapproved construction.
- (4) Inadequate fire escapes or lack of means of egress.

- (5) Inadequate fire alarm protection.
- (6) Inadequate fire extinguishing equipment.
- (7) Materials and buildings especially susceptible to fire or endangerment to life.
- (8) Conditions endangering other property or occupants.
- (9) Any other hazards dangerous to life or property.

Sec. 22-48. - Required inspections; matrix schedule of inspections.

(a) Inspection duties. It shall be the duty of the fire marshal, in addition to the inspections required below, to inspect as often as he shall find necessary, to the enforcement of this chapter, all buildings and premises in the village.

~~(b) Semi-annual notice of matrix schedule. The fire marshal shall cause to have published at least semi-annually a public notice that a matrix schedule is available in the fire prevention bureau which lists the approximate dates when fire prevention inspection shall be conducted. The matrix schedule shall be made available to any individual who requests information regarding upcoming fire prevention inspections. Inspections may be scheduled to a date within three working days of the published date if the published schedule is inconvenient with the management of the location to be inspected.~~

(c) Commercial and industrial buildings and premises. The fire marshal or his duly designated agent shall inspect all commercial and industrial buildings and premises not less than once a year.

(d) Places of public assembly. The fire marshal or his duly designated agent shall inspect all places of public assembly not less than once a year.

Sec. 22-49. - Order to correct violation.

(a) Authority; service of order. Where violations of this chapter or of any other laws or ordinances relating to fire hazards are found by the fire marshal or his duly designated agent, the fire marshal shall serve a written order co-signed by the village administrator to correct the violation upon the owner, operator, occupant or other person responsible for the violation. The order shall be served in one of the following ways:

(1)By making personal delivery of the order to the person responsible.

(2)By leaving the order with some person of suitable age and discretion upon the premises.

(3)By affixing a copy of the order to the door at the entrance of the premises in violation.

(4)By mailing a copy of the order to the last known address of the owner of the premises, by registered mail.

(5)By publishing a copy of the order in a local paper.

(b)Time for compliance. The order required herein shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, the fire marshal shall have the authority to require compliance immediately upon service of the order.

(c)Appeal from order. A person to whom an order hereunder is directed, or who is aggrieved by an interpretation of the fire marshal under section 22-21, shall have the right, within 48 hours of the service of such order, to appeal to the village board of trustees who shall review such order within 21 days and file its decision thereon. Unless the order is revoked or modified it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within ten days after an appeal shall have been determined.

(d)Failure to comply. When a person to whom an order is directed shall fail to comply within the specified time, he shall be liable for such penalty as may be provided by this chapter.

Sec. 22-50. - Submittal of building plans and specifications.

(a)The building commissioner shall submit to the fire prevention bureau a complete set of plans and specifications for all new building construction, remodeling, alteration and demolition for all types of buildings. The fire prevention bureau shall check plans and specifications for life safety and fire code requirements within ten days received, and shall submit in writing all approvals, disapprovals, corrections or changes to be made to all parties concerned. No building permit shall be issued until the plans have been submitted and reviewed for approval by the fire prevention bureau.

(b)Any building plans altered or disapproved by the fire prevention bureau containing recommendations for modification which are disputed by the applicant shall

be referred immediately to the village board of trustees, as provided in section 22-49(c).

Sec. 22-51. - Fire investigation.

(a)The fire marshal or his designated agent shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the village in which property has been destroyed or damaged or people have been killed or injured, and if it appears to the officer making the investigation that such fire is of suspicious origin, he shall then take immediate charge of the physical evidence and pursue a criminal investigation for the persons responsible for the incident.

(b)For this purpose, the fire marshal or his designated agent are designated conservators of the peace pursuant to 65 ILCS 5/3.1-15-25 to the extent authorized in this chapter. When acting in the scope of their investigative duties as provided in this chapter and while in the actual investigation and matters incident thereto, they shall be possessed with all powers of peace officers referred to in 65 ILCS 5/3.1-15-25, including powers of arrest, search and seizure and possession and use of firearms necessary to carry out the duties of this office.

(c)It is understood that no departmental personnel will act in the capacity of conservator of the peace until all requirements provided for in 65 ILCS 5/3.1-15-25 are complied with and the investigator is fully certified to act in this capacity pursuant to 65 ILCS 5/3.1-15-25.

SECTION THREE: Division 1 ("Generally") of Article III ("Fire Department") of Chapter 22 ("Fire Protection") of the Municipal Code of the Village of Bolingbrook shall be amended by deleting the stricken language and adding the new underlined language to read, as follows:

ARTICLE III. - FIRE DEPARTMENT

DIVISION 1. - GENERALLY

Sec. 22-76. - Established; membership.

The village board has established a fire department for the village consisting of the following members:

Fire Department Members

Position	Number
Fire chief	1
Deputy fire chief	1
Battalion chief	5
Fire marshal	1
Civilian fire inspector (a non-sworn, civilian position)	1
Lieutenants	15
Firefighters	69

Sec. 22-77. - Fire chief.

(a)Generally. The fire chief, under the supervision of the mayor, shall have authority over the administration of the fire department and all building and fire apparatus used by the fire department. The fire chief shall, through the deputy chief, be responsible for the training and conduct of members of the fire department and may make or prescribe such rules and regulations for the guidance of the members of the department as he shall deem necessary.

(b)Temporary suspension of firefighters. The fire chief shall have the power to suspend any firefighters from duty for a period not to exceed 30 days, but he shall report such suspension, with the reasons for his actions, to the fire and police board at its next regular meeting. On such report being made, such board shall take whatever action as shall seem to them to be just and right in the premises. The suspension may be made with or without pay by the fire chief, and any person suspended without pay shall not be entitled to pay while so suspended, nor until he shall be returned to duty.

Sec. 22-78. - Fire marshal.

The village board has created the office of fire marshal. The fire marshal shall be appointed by the fire chief with the approval of the mayor and board of trustees and shall be removed from office by the fire chief at any time with the approval of the mayor and board of trustees. The candidate shall be a member of the fire department. He shall receive such compensation as shall be fixed by the mayor and board of trustees. The fire marshal shall supervise the fire prevention bureau as provided in article II of this chapter and shall perform such other duties as may be assigned by the fire chief.

Sec. 22-79. - Fire inspector.

The village board has created the office of ~~civilian~~ fire inspector. The office of ~~civilian~~ fire inspector shall be a ~~non-sworn, civilian~~ position. The ~~civilian~~ fire inspector shall be appointed by the fire chief with the approval of the mayor and board of trustees and shall be removed from office by the fire chief at any time with the approval of the mayor and board of trustees. The ~~civilian~~ fire inspector shall receive such compensation as set forth in the collective bargaining agreement approved by ordinance ~~be fixed by the mayor and board of trustees~~. The ~~civilian~~ fire inspector shall perform fire prevention bureau related duties and such duties as may be assigned by the fire chief.

Sec. 22-80. - Battalion chief.

The village board has created the office of battalion chief. Notwithstanding anything to the contrary herein, a battalion chief shall be appointed by the fire chief with the approval of the mayor. There shall be no more than five battalion chiefs. The candidate shall be a member of the village fire department. ~~Additional compensation for~~ This position shall receive such compensation as listed in the Personnel Policy Manual. ~~be as determined by the board of trustees~~. A battalion chief shall, under the direction of the fire chief, have command of an assigned shift and other duties as may be assigned by the fire chief.

Sec. 22-81. - Deputy fire chief.

(a)The village board has created the office of deputy fire chief. There shall be one deputy fire chief. The deputy fire chief shall be appointed by the fire chief with the approval of the mayor and board of trustees and shall be removed from office by the fire chief at any time with the approval of the mayor and board of trustees. The candidates shall be members of the village fire department. The deputy fire chief shall receive such compensation as set forth in the Personnel Policy Manual. ~~shall be fixed by the mayor and board of trustees.~~

(b)The deputy fire chief shall assist the fire chief with day to day operations of the fire department, including, in the absence of the fire chief, the deputy fire chief shall assume the duties and responsibilities of the office of , and shall perform such duties as may be assigned by the fire chief.

Sec. 22-82. - Appointment and compensation of members; probationary period.

(a)All regular members of the fire department, except the fire chief, deputy fire

chief, battalion chiefs and the fire marshal, shall be appointed by the board of fire and police commissioners. They shall be employees of the village and shall receive such compensation as set forth in the collective bargaining agreement approved by ordinance ~~as is fixed by the mayor and board of trustees from time to time by ordinance.~~

(b)The appointments by the fire and police board shall be in conformance with the provisions of this Code and the rules and regulations of the fire and police board as approved and amended by the village board of trustees.

(c)All appointments of firefighters below the rank of officer shall be for a probationary period of one year. If, at the expiration of that time, the applicant, in the opinion of the fire and police board, proves to be fit for the position, he shall be permanently certified to the position by the board. If, in the judgment of the board, he shall prove unsatisfactory during the probationary period of one year, he shall be dropped from services.

Sec. 22-83. - Conduct of members of department.

It shall be the duty of every member of the fire department to conduct himself in a proper and law-abiding manner. He shall not behave in any manner which is a discredit to the fire department or in any way be guilty of conduct unbecoming a member of the fire department. He shall promptly obey all lawful orders of his superiors and shall maintain his uniform, equipment and person in a neat and orderly condition. He shall pay his debts promptly and not be seen in the company of, or associate with, persons of doubtful or questionable character. He shall obey and abide by the rules and regulations promulgated by the fire chief and the fire and police board.

Sec. 22-84. - Appointive position residency requirement.

All persons serving in the appointive fire department positions of fire chief, deputy fire chief, battalion chief,and fire marshal, ~~and civilian fire inspector~~ shall reside and have their domiciles within the village corporate limits from and after their appointment to any of the positions. ~~Notwithstanding the foregoing, any person serving in an appointive fire department position as of July 1, 2000, who does not reside and have domicile in the village, may continue to reside outside of the village; provided, however, if such person thereafter changes his residence or domicile, his new residence and domicile shall only be within the village corporate limits.~~

Sec. 22-85. - Obedience to order of fire chief.

No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief while in the lawful performance of his duties.

Sec. 22-86. - Firefighter training.

(a)~~Firefighter-II~~ Basic Operations Firefighter Certification training required. Before an individual may commence regular full-time employment as a firefighter in the village, he must complete an approved training course and be certified by the state fire marshal as a Basic Operations Firefighter Certification ~~firefighter-II~~, as provided in the Fire Protection Training Act, 740 ILCS 740/1 et seq. ~~Firefighter-II~~ Basic Operations Firefighter Certification training must be completed by the trainee within his probationary period of 12 months, subject to one 12-month extension at the request of the training officer, with the approval of the director of public safety. ~~Volunteers, part-time and paid-on-call personnel are exempt from the requirements of this section.~~

(b)~~Firefighter-III~~ Advanced Technician Firefighter Certification training required. ~~Firefighter-III~~ Advanced Technician Firefighter Certification training must be completed and certification attained not later than five years from the date of initial employment.

Sec. 22-87. - Fees for services.

The fees provided in the village fee schedule shall be paid to the village within 30 days of the date of an invoice therefor, for specialized services rendered by the village fire department.

SECTION THREE: Those portions of Chapter 22 of the Municipal Code that are not expressly amended herein shall be and are hereby ratified and affirmed and shall remain in full force and effect.

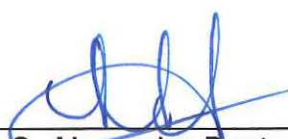
SECTION FOUR: Any policy, resolution or ordinance of the Village that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION FIVE: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

PASSED THIS 12th DAY OF OCTOBER, 2021.

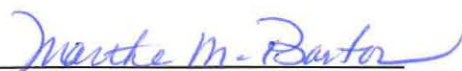
AYES:	6	Carpanzano, Doris, Lawler, Rupsis, Watts, Zarate
NAYS:	0	None
ABSENT:	0	None
ABSTENTIONS:	0	None

APPROVED THIS 12th DAY OF OCTOBER, 2021.



Mary S. Alexander-Basta
MAYOR

ATTEST:



Martha M. Barton
VILLAGE CLERK

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK ON OCTOBER 13, 2021.

STATE OF ILLINOIS)
COUNTIES OF WILL) SS
AND DUPAGE)

I, Martha M. Barton, certify that I am the duly elected and acting Village Clerk of the Village of Bolingbrook, Will and DuPage Counties, Illinois.

I further certify that on October 12, 2021, the Corporate Authorities of such municipality passed and approved Ordinance 21-055 entitled:

**AMENDING CERTAIN PROVISIONS OF ARTICLE I AND ARTICLE II OF CHAPTER 22
(FIRE PROTECTION) OF THE MUNICIPAL CODE OF THE VILLAGE OF
BOLINGBROOK (FIRE PREVENTION BUREAU AND FIRE DEPARTMENT)**

The pamphlet form of Ordinance 21-055 including the Ordinance and a cover sheet, thereof, was prepared on October 12, 2021. Copies of such Ordinance are available for public inspection upon request in the office of the Village Clerk.

DATED at Bolingbrook, Illinois, this 13th day of October, 2021.



Martha M. Barton

Martha M. Barton,
VILLAGE CLERK