

ORDINANCE 12-71

Passed: August 27, 2012

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 3, SECTION 3.20, RELATING TO THE "BOARD OF FIRE AND POLICE COMMISSIONERS;" SECTION 3.43 RELATING TO THE "MANAGEMENT PAY PLAN;" SECTION 3.46 RELATING TO RESIDENCY REQUIREMENTS;" CHAPTER 4, SECTION 4.02, RELATING TO THE "CHIEF OF POLICE," AND CHAPTER 5, RELATING TO THE FIRE DEPARTMENT OF THE CITY OF DEKALB.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the Corporate Authorities of the City have heretofore established a Board of Fire and Police Commissioners ("the Board") in compliance with applicable Illinois laws and regulations; and,

WHEREAS, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the utilization of the Board and by the amendment of Section 3.20 of the City Code as contemplated below; and,

WHEREAS, the Corporate Authorities of the City have heretofore established a City of DeKalb Police Department in compliance with applicable Illinois laws and regulations; and,

WHEREAS, the Corporate Authorities have staffed such department with a variety of sworn and unsworn personnel acting at the direction of a Chief of Police, and have established Section 4.02 of the City Code relating to the Chief of Police and his authority; and,

WHEREAS, the Corporate Authorities have determined that greater departmental efficiency is provided and that the public health, welfare, safety and morals are protected by the utilization of the Chief of Police for the selection of certain ranks within the Police Department and by the amendment of Section 4.02 of the City Code as contemplated below; and,

WHEREAS, the Corporate Authorities have determined that the Fire Department which has been previously established merits restructuring in order to accomplish the same goals and objectives relative to the Fire Department as outlined above for the Police Department, and thus directs the amendment of Chapter 5 of the City Code as contemplated below;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. That the Municipal Code of the City of DeKalb, Chapter 3 be amended in the following sections:

Section 3.20 shall be amended as follows:

3.20 BOARD OF FIRE AND POLICE COMMISSIONERS.

- a) There shall be a Board of Fire and Police Commissioners as provided by law, which shall consist of three (3) members whose terms shall be for three (3) years. Such members shall be appointed by the Mayor, with the consent of the Council.
- b) The Board of Fire and Police Commissioners shall have charge of all appointments to the Fire and Police Department, except: 1) the Chief of each department; 2) the Assistant or Deputy Chiefs; and, 3) Lieutenants or any successively higher rank in the Police Department. The Board shall conduct and hold all entrance and promotional examinations in the manner required by law. It shall also assume all other duties as provided by the Illinois Compiled Statutes.
- c) The Board of Fire and Police Commissioners shall give promotional preference to, or award credits for military or naval service to individuals seeking promotional appointments within the Fire and Police Departments in accordance with the requirements of Illinois law.
- d) The Board of Fire and Police Commissioners shall be authorized to establish Rules and Procedures for its operation, in accordance with the requirements of Illinois law, with any such Rules and Procedures requiring the approval of the City Manager and the Chiefs of the Fire and Police Departments.

Section 3.43(a) shall be amended as follows:

a) The following positions, with grade classifications, for purposes of this Section 3.43, are established:

<u>Grade</u>	<u>Position</u>
Grade 1	
Grade 2	Deputy City Clerk Administrative Associate
Grade 3	Executive Secretary Legal Assistant—Liability Legal Assistant—Corporate Neighborhood Program Specialist/CDBG Coordinator Administrative Assistant
Grade 4	Management Analyst/Human Resources Coordinator Transportation Planner
Grade 5	Plans Examiner Community Services Planner Economic Development Coordinator

Grade 6	City Planner Chief Building Inspector Chief Property Maintenance Inspector Deputy Information & Technology Director
Grade 7	Assistant Finance Director Assistant Public Works Director—Airport/Airport Manager Human Resources Director Accounting Services Manager Communication Coordinator Project Implementation Engineer Principal Planner Operations/Maintenance Section Manager
Grade 8	Assistant Public Works Director—Operations/Maintenance Assistant Public Works Director—Utilities Information & Technology Director Police Lieutenant Assistant City Attorney Economic Development and Policy Administrator Finance/Purchasing Director
Grade 9	Assistant City Manager City Attorney Assistant Public Works Director/Building/Engineering/Transportation Planning & Economic Development Director Assistant Fire Chief Police Commander
Grade 9.5	Deputy Fire Chief Deputy Police Chief
Grade 10	Director of Public Works Fire Chief Police Chief
Grade 11	City Manager

Section 3.46(c) shall be amended as follows:

c) The following positions are classified as emergency response positions under this Chapter 3 (with additional positions classified as emergency response positions under the City's various collective bargaining agreements):

Deputy Fire Chief
Assistant Fire Chief
Deputy Chief of Police
Police Commander
Police Lieutenant
Communications Coordinator
Information & Technology Director
Assistant Director of Public Works
Chief Building Inspector

Chief Property Maintenance Inspector
Operations/Maintenance Section Manager

Section 2. That the Municipal Code of the City of DeKalb, Chapter 4, Section 4.02 be amended as follows:

4.02 CHIEF OF POLICE.

a) Appointment. There is hereby created the office of Chief of Police who shall be the head of the Police Department He shall be appointed and removed from office at the discretion of the City Manager. His appointment shall be subject to the approval of the Council He shall, before entering upon the duties of his office, execute a bond to the City of DeKalb in the sum of \$2,000 with such sureties as the Council shall approve, conditioned for the faithful performance of the duties of his office as prescribed by law and the ordinances of the City.

b) Duties. The Chief of Police shall have the custody, care and control of the public property of the Police Department, and of all firearms and other equipment and the books and records of the Police Department. He shall devote his whole time to the municipal affairs of the City to preserve the peace, order, safety and cleanliness thereof, and to this end he shall execute and enforce all laws and ordinances unless the enforcement of any ordinance is specifically the responsibility of some other officer of the City. He shall be charged with the duty of protecting the rights of persons and property and providing a proper police force at every fire.

c) Authority. The Chief of Police shall be the chief administrative officer for the Police Department and shall have responsibility and the authority for the supervision of all officers and civilian employees of the department. He shall be responsible to the City Manager for the proper management and efficient operation of the department.

d) Reports. The Chief of Police shall submit annual reports to the City Manager of the state of the police force, with a detailed statement of the transactions of the department as he may deem advisable. He shall also make reports of any other matter or thing concerning such department when requested by the City Manager.

e) City Jail. The Chief of Police shall have the custody, charge and keeping of the City Jail and of all persons committed thereto.

f) Selection of Certain Officers. The Chief of Police shall be responsible for the selection and promotion of all Lieutenant and successively higher ranked officers within the Police Department, subject to the advice and consent of the City Manager. Lieutenants and successively higher ranked officers shall not be subject to selection or promotion by the Board of Fire and Police Commissioners.

Section 3. That the Municipal Code of the City of DeKalb, Chapter 5 be amended as follows:

5.01 DEPARTMENT ESTABLISHED.

There is hereby established a Fire Department of the City of DeKalb which shall consist of a Chief, one or more Deputy Chiefs, one or more Assistant Fire Chiefs, Battalion Chiefs, Captains,

Lieutenants, and such number of other firefighters and employees as the Council shall from time to time provide.

5.02 ORGANIZATION

The Fire Department shall be organized into such divisions and units thereof, as shall be determined by the Fire Chief with the approval of the City Manager. The scope, duties and responsibilities of each division and for each officer and employee shall be established in the Fire Department's Rules and Regulations and Standard Operating Guidelines issued by the Fire Chief. The manual may be revised from time to time.

5.03 APPOINTMENT FIREFIGHTER.

a) All firefighters shall be appointed by the Board of Fire and Police Commissioners. Appointments shall be made only after a vacancy has been established or upon requisition by the Fire Chief with the approval of the City Manager; provided, however, that no appointment shall be made without an appropriation having been made for the salary of said position. All firefighters shall be required to satisfy all rules and regulations of the Board of Fire and Police Commissioners, other applicable local regulations, and all applicable state or federal regulations.

b) Original appointments of firefighters to the Fire Department shall be for a probationary period consistent with the then-current requirements of the collective bargaining agreement between the City and the Fire Department's bargaining unit or, for non-bargaining unit employees, for a period consistent with applicable City policies or regulations. At the end of the probationary period, the Fire Chief shall certify to the Board of Fire and Police Commissioners that the appointment is either to be made permanent or nullified.

5.04 FIRE CHIEF.

a) Command. The Fire Chief shall have the management and control of all matters pertaining to the Fire Department. He shall have sole and absolute control and command of all persons connected with the Fire Department. He shall possess full power and authority over its organization, government and discipline, and to that end he may prescribe and establish, from time to time, such rules and such regulations as he may deem advisable, subject to the approval of the City Manager. He shall be appointed and removed from office at the discretion of the City Manager. His appointment shall be subject to the approval of the Council.

b) Apparatus. The Fire Chief shall have the custody of the Fire Department buildings and all property and equipment belonging to the Fire Department.

c) Investigation of Fires: Records. The Fire Chief, or designee, shall investigate the cause of all fires which shall occur in the City as soon as may be after they occur, and keep a record of his proceedings and the circumstances of each cause. He shall have the right to enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of the fire. In addition to the foregoing records, the Fire Chief or his designee(s) shall maintain a record (log) of all incidents of the Fire Department.

d) Attendance at Emergencies. It shall be the duty of the Fire Chief, if in his power, to attend all major structure or complex emergency incidents occurring in the City.

e) Annual Report. The Fire Chief shall, on a schedule established by the City Manager, make a full and complete report to the City Manager of all transactions in the department for the preceding year. Such report shall also show, as nearly as can be ascertained, the type and number of emergency response activities for the previous fiscal year.

f) Collective Bargaining Agreements and Discipline. The Fire Chief, or designee, shall have authority to impose discipline consistent with the rules and regulations of the Fire Department established by him, the personnel policies or other regulations of the City where applicable, and the provisions of the then-current Collective Bargaining Agreement in effect between the City and Fire Department employees.

g) Other Powers Permitted by Law: The Fire Chief shall have such additional and supplemental authority as may be provided by applicable Illinois law, including but not limited to the provisions of the Illinois Municipal Code, and other powers or authority as established by any other City ordinance, resolution or applicable regulation.

5.05 DEPUTY FIRE CHIEF.

There is hereby created the position of Deputy Fire Chief, who shall perform such duties as established by the Fire Chief. All Deputy Fire Chiefs shall be appointed and removed by the Fire Chief, subject to the advice and consent of the City Manager. Under circumstances where the Fire Chief is unable or unavailable to act, the Deputy Fire Chief may temporarily assume the power and authority of the Fire Chief, either 1) for a brief duration during an actual emergency without additional action; or, 2) for a prescribed period of time when authorized by the City Manager.

5.06 ASSISTANT FIRE CHIEF.

There is hereby created the position of Assistant Fire Chief, who shall perform such duties as established by the Fire Chief. All Assistant Fire Chiefs shall be appointed and removed by the Fire Chief, subject to the advice and consent of the City Manager. Under circumstances where the Fire Chief and Deputy Fire Chief are both unable or unavailable to act, the Assistant Fire Chief(s) may, in order of seniority, temporarily assume the power and authority of the Fire Chief, either 1) for a brief duration during an actual emergency without additional action; or, 2) for a prescribed period of time when authorized by the City Manager.

5.07 POWERS AT FIRES.

a) Command. The Fire Chief or other Fire Department officer in command may prescribe limits in the vicinity of any emergency incident, within which no persons, shall be permitted to go. The Police Department shall, on request of the Fire Chief, or other Fire Department officer in command of the Fire Department at any fire, enforce the provisions of this Section.

b) Removal of Property. The Fire Chief in command at any emergency incident shall have power to cause the removal of any property whenever it shall become necessary for the preservation of

such property from fire, or to prevent the spreading of fire, or to protect adjoining property.

c) Destroying Buildings. The Fire Chief, or in his absence, the Fire Department officer in command at any emergency may direct the members of the Fire Department to demolish and remove any building, erection or fence for the purpose of checking the progress of any fire.

d) Obedience to Orders. Every person who shall be present at a fire shall obey the orders of the Fire Chief and other Fire Department officers of the Fire Department, in extinguishing the fire and in the removal and protection of property.

e) Assistance. It shall be lawful for the Fire Chief, or other Fire Department officer in command of the Fire Department to require the aid of any person to aid in the extinguishing of any fire.

5.08 HINDERING FIREFIGHTER: DAMAGING FIRE APPARATUS.

No person shall offer any hindrance to any Fire Department officer or firefighter in the performance of his duty at an emergency incident, or in any manner interfere with, destroy, damage or deface any Fire Department apparatus or equipment belonging to the City of DeKalb.

5.09 OBSTRUCTING FIRE HYDRANTS.

No person shall in any manner obstruct the use of any fire hydrant, or have or place any material in front thereof, or within five feet of either side thereof.

5.10 IMPERSONATING FIREFIGHTERS.

No person, not a member of the Fire Department, shall impersonate a firefighter or Fire Department officer of the Fire Department at an emergency incident or going to or returning from an emergency incident, by wearing a cap or badge or in any other way.

5.11 BADGES.

Every member of the Fire Department shall be issued a badge to be furnished by the City, and any member who shall lose or destroy the same, shall be required to pay the cost of replacing it. Whenever any member shall leave the department, he shall immediately deliver his badge and all other property belonging to the City, to the Fire Department.

5.12 FIREFIGHTERS PENSION FUND.

There is hereby established in the City a firefighter's pension fund in accordance with 40 ILCS 5/4-10, et. seq. The pension fund shall be administered by a Board of Trustees as provided by said law.

5.13 ESTABLISHMENT OF AMBULANCE SERVICE.

There is hereby established within the Fire Department of the City of DeKalb, and under the command of the Fire Chief, a City ambulance service.

5.14 FALSE FIRE ALARM FEE.

- a) Any person, firm, corporation or institution having a fire alarm, smoke detector or other type of alarm in a building owned, operated or under the control of said person, firm, corporation or institution, and which alarm has a direct or indirect connection with calls for a response from the DeKalb Fire Department, shall be charged a fee of One Hundred Dollars (\$100.00) upon the fourth (4th) and any subsequent false alarm within any calendar year. If the fee is not paid within sixty (60) days from the date of billing, then the fee shall increase to Five Hundred Dollars (\$500.00).
- b) For purposes of this Section, "false fire alarm" shall mean any alarm initiated for malicious/mischievous purposes or because of a malfunctioning installed fire alarm system.
- c) For purposes of this Section, each building shall be allowed three (3) false fire alarms within the prescribed times where a person, firm, corporation or institution should own, operate or control more than one building.
- d) If an individual should be found to have violated Chapter 52.38 of the DeKalb Municipal Code or similar provision under the laws of the State of Illinois, then the person, firm, corporation or institution that owned, operated or controlled the building where such false fire alarm occurred shall not be liable for the fee imposed under this Section.

5.15 FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS.

- a) All fire hydrants shall have a maximum distance of three hundred (300) feet between fire hydrants. There shall be a maximum distance of three hundred (300) feet from a fire hydrant to a protected structure, or protected property, as measured by roadway. Access roads shall be maintained during all seasons.
- b) All fire suppression systems shall have a fire department connection (Siamese); a fire hydrant will be required to supply the system. A fire hydrant for a fire suppression system shall be located no closer to the building (Siamese) than thirty (30) feet and no further from the building (Siamese) than fifty (50) or the height of the building.
- c) Any building that has an Early Suppression Fast Response (E.S.F.R.) fire suppression system will be required to contact the DeKalb Fire Department for specific regulations.
- d) Fire hydrants shall be located no closer than five (5) feet to a street curb.
- e) A fire hydrant shall be installed at a maximum height of twenty-four (24) inches and a minimum height of eighteen (18) inches from the bottom of the pumper connection to the final grade (ground level). The pumper connection shall face the street.
- f) All Fire Department connections (sprinkler, standpipe) shall be located in accordance with Fire Department recommendations.
- g) All fire hydrants shall be on a looped water main system, unless otherwise approved in writing by the City Engineer and the Fire Chief.

h) A fire hydrant for a cul-de-sac shall be located at the throat of the bulb.

i) The Fire Department shall have the authority to go on private property for the limited purpose of testing and inspecting fire hydrants for emergency use.

Section 4. Collective Bargaining Unit Side Letters Authorized.

The Mayor, City Manager or other authorized representatives of the City are hereby authorized and directed to execute one or more side letters or other agreements with the collective bargaining units comprising the sworn police officers and the firefighters of the City of DeKalb, reflecting the above-described changes in the organization of the Police Department and Fire Department of the City of DeKalb, on terms and conditions acceptable to them with the recommendation of the Chief of Police and Fire Chief, respectively.

Section 5. Staffing Plan Amendment Authorized; Pay Grade Alteration Authorized.

The City Manager is authorized and directed to update and amend the City's Staffing Plan, as a component of the City Budget, to reflect the changes in staffing contemplated by the presentations to Council at the City Council meeting on August 13, 2012. The City Manager is further authorized to update and amend the City's pay grade schedule for Chapter 3 employees, to create a new Grade 9.5, with compensation again consistent with the staff proposal presented on August 13, 2012.

Section 6. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section 7. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 8. This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: August 28, 2012. Effective date: September 7, 2012.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 27th day of August, 2012 and approved by me as Mayor on the same day. Passed on the Consent Agenda by roll call vote 8-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen.

ATTEST:


DIANE K. WRIGHT, City Clerk




KRIS POVLSSEN, Mayor