

## CHAPTER 33: FIRE DEPARTMENT

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***GENERAL PROVISIONS*****§ 33.01 CREATION; COMPOSITION.**

There is created a Municipal Fire Department for the village which shall consist of a Fire Chief, classified service personnel and such other personnel as may be authorized from time to time by the President and Board of Trustees.

('79 Code, § 33.01) (Ord. 1413, passed 11-20-89)

**§ 33.02 PURPOSE.**

Fire protection and emergency medical services are the primary responsibilities of the Fire Department. Actions to provide these services must be proactive as well as reactive in order to properly protect life and property within the village and other service areas of the department. The enforcement of fire prevention codes, education of the public on fire prevention methods, pre-planning of fire-fighting strategies and routes for commercial, industrial and public facilities, training of personnel in the safest most up-to-date procedures, constant maintenance of equipment and vehicles, inspection of all buildings open to the public and continual recertification of emergency medical personnel are some of the proactive activities that occur within the department regularly, before a fire or emergency call even occurs. These actions help to provide a water community and the most skilled personnel available to react to emergency situations that may arise.

('79 Code, § 33.02) (Ord. 1413, passed 11-20-89)

**§ 33.03 DUTIES OF FIRE CHIEF.**

(A) Fire Chief is the chief executive officer of the department and the final department authority in all matters of policy, operations and discipline consistent with state law, village code, village personnel policies and practices and departmental rules and regulations. He/she exercises all lawful powers of his/her office and issues lawful orders as are necessary to assure the effective performance of the department.

(B) Through the Fire Chief, the department is responsible for the protection of life and property within its legal jurisdiction. The Chief is responsible for planning, directing, coordinating, controlling and staffing all activities of the department, for continuous and efficient operations, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority, and for the department's relations with the citizens of the village, village government and other agencies.

('79 Code, § 33.03) (Ord. 1413, passed 11-20-89)

**§ 33.04 ABSENCE OF FIRE CHIEF.**

In the absence of the Fire Chief, the authority to command shall be as designated in the rules and regulations of the Matteson Fire Department.

('79 Code, § 33.04) (Ord. 1413, passed 11-20-89)

**§ 33.05 MEMBERS OF THE DEPARTMENT CONSIDERED CLASSIFIED SERVICE.**

All full-time, paid members of the department, with the exception of the Chief and Deputy Chief shall be considered to be members of the classified service and shall be appointed, promoted and removed by the Board of Fire and Police Commissioners of the municipality.

('79 Code, § 33.05) (Ord. 1413, passed 11-20-89)

**§ 33.06 MEMBERS OF THE DEPARTMENT NOT CONSIDERED CLASSIFIED SERVICE.**

All part-time, volunteer members of the department including the officers, shall be appointed by the Chief and shall be able-bodied and have attained their 18th birthday. Qualifications of candidates shall be as determined by the Chief and outlined in departmental regulations.

('79 Code, § 33.06) (Ord. 1413, passed 11-20-89)

**§ 33.07 DUTIES OF MEMBERS OF THE DEPARTMENT.**

(A) *General responsibilities.* Within the village jurisdiction and other areas covered by contractual or mutual aid agreements, members shall at all times take appropriate action to:

(1) Protect life and property.

(2) Enforce all federal, state and local laws and ordinances coming under the jurisdiction of the department.

(B) *Duty responsibilities.* Firefighters shall perform delegated to them, in the manner prescribed by law or ordinance, or by rules and regulations, practices and procedures contained herein. Firefighters shall acquire and utilize the knowledge of operation of all the various types of apparatus, tools, and equipment in use in the department and under the direction of their superior officers maintain such apparatus, tools and equipment (in their care and possession) in a clean condition and in readiness for operation at all times. Firefighters shall observe and study the principles of modern firefighting, fire prevention, rescue work, resuscitation, first aid, ventilation, and salvage operations. Firefighters shall constantly promote their physical and mental welfare.

('79 Code, § 33.07) (Ord. 1413, passed 11-20-89)

**§ 33.08 PROPERTY OUTSIDE OF CORPORATE LIMITS.**

(A) The members of the Fire Department are not authorized to go beyond the corporate limits of the municipality for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering ambulance service; however, the Fire Department shall render such service outside the corporate limits only when the municipality has agreed to provide such services by an existing written contract, or by a mutual aid agreement contract, or by a mutual aid agreement with another municipality to render service to property located beyond the corporate limits of the municipality, and on orders of the Chief of the Fire Department, or his/her representative or the Village President, and in such cases, the Fire Department may leave the corporate limits of the municipality.

(B) The municipality may enter into a written contract for providing emergency ambulance and other fire emergency services to individuals residing in single-family residences, multiple-family residential dwellings, commercial establishments, and industrial establishments on private property not within the corporate limits of the municipality shall be in such sums as may be determined and approved by the Board of Trustees.

(C) (1) In the event that emergency ambulance and other fire emergency services are rendered to individuals on private property not located within the corporate limits of the municipality, and no other contract is in effect, then in such case, the fee is established as outlined in § 33.10 of this chapter for each call.

(2) When fire emergency services are rendered, the charge for such services shall be computed at the rate of \$75 per hour per vehicle and \$20 per hour per firefighter responding to a call for assistance. An additional charge may be levied to reimburse the village for extraordinary expenses of materials used in rendering such services. No charge shall be made for services for which the total charge would be less than \$50.

(D) The Fire Department shall respond to such calls so long as the residents within the corporate limits of the municipality will not be denied reasonable availability of the Fire Department's personnel or equipment.

(E) In the event there is not a valid existing contract between the individual and the municipality for such services rendered, then within five days after such services have been provided by the Fire Department, the Chief, or his/her appointed representative, shall prepare a statement of costs, and shall forward the same by certified mail to the owner of the subject property or to the individual receiving the services of the department. In the event that the statement is not paid in full within 90 days, the Village Attorney is empowered to take such legal steps as may be necessary to secure payment, including, but not limited to, the filing of a civil action, as well as the perfecting of any and all liens relative to collecting such sums as may be due and payable for the rendering of said services.

('79 Code, § 33.08) (Ord. 1413, passed 11-20-89; Am. Ord. 1622, passed 2-7-96)

**§ 33.09 PARAMEDIC AND FIREFIGHTER II CERTIFICATION REQUIRED.**

(A) All candidates that become firemen on the Fire Department must become a State Certified Firefighter II within 12 months and a certified paramedic within 18 months after they are appointed to the Fire Department, and in the event that they fail to obtain either certification, or if they are not paramedic certified within the 18 months, then they shall be deemed to have failed the probation, and may be subject to dismissal by the Fire Chief.

(B) However, an extension of up to 12 months may be granted by the Fire Chief in order to accomplish Paramedic or Firefighter II Certification if it is felt that a reasonable effort has been made by the individual toward certification. In no event shall the probation be extended past the date on which the individual has failed to obtain certification after two examinations.

(C) Each and every fireman and lieutenant who is a member of the Fire Department, having been appointed after August 6, 1979, must remain a certified paramedic during the entire period that he/she is serving as a member of the Fire Department. The failure to remain certified as a paramedic may be a basis for immediate removal and discharge from the Fire Department by the Fire Chief.

(‘79 Code, § 33.09) (Ord. 1413, passed 11-20-89)

**§ 33.10 CHARGES FOR AMBULANCE SERVICES.**

(A) There is hereby established the following rate schedule per call for any ambulance service rendered by the Village Municipal Fire Department to any resident of the village, including services rendered to any resident employee of resident business establishments as follows:

..... (1) Ca

(2) Category 2: Advanced life support ambulance service

..... Lev  
..... Lev

(3) Category 3: Charges in addition to the rate schedule established in Category 1 and Category 2 for specialized services rendered:

..... Mi

(B) There is hereby established the following rate schedule per call for any ambulance service rendered by the Village Municipal Fire Department to any non-resident of the village, including services rendered to any non-resident employee of resident business establishments as follows:

..... (1)

(2) Category 2: Advanced life support ambulance service

.....  
.....

(3) Category 3: Charges in addition to the rate schedule established in Category 1 and Category 2 for specialized services rendered:

.....

(C) Any ambulance service provided pursuant to divisions (A) and (B) of this section shall be charged the sum of \$100 if said ambulance service call does not involve any transporting of a party. All of the funds collected pursuant to this non-transport ambulance service fee shall be placed in a special fund to apply to the costs of the purchase of a new ambulance when needed by the village.

(D) The charges provided in this section, however, shall not be assessed against any residents, non-residents, individuals, or corporations, residents of other villages, or the employees of any of the parties, who heretofore have entered into a written contract for fire department services to be rendered by the village's Municipal Fire Department, and which contract is in force and effect at the time that the ambulance service is rendered.

(E) All charges shall be billed as soon as practicable after services are rendered.

(F) All charges unpaid 60 days after being billed, will be subject to an administrative review, for the purpose of determining if it would be practicable to forward such charges to a collection agency designated by the village as a representative of the village.  
(‘79 Code, § 33.10) (Ord. 1413, passed 11-20-89; Am. Ord. 1622, passed 2-7-96; Am. Ord. 1702, passed 6-15-98; Am. Ord. 1816, passed 6-18-2001; Am. Ord. 1905, passed 4-21-2003; Am. Ord. 2020, passed 3-21-2005; Am. Ord. 3033, passed 11-19-2007)

**§ 33.11 RETIREMENT.**

If a part-time or volunteer member has served the Fire Department for 15 years or more, and personally wishes to retire, he/she may do so at a regular meeting in writing. He/she will then be eligible to receive one free vehicle sticker per year.

(‘79 Code, § 33.11) (Ord. 1413, passed 11-20-89)

**§ 33.12 CHARGES FOR VEHICLE FIRES.**

(A) There is hereby established a fee of \$125 per hour, per vehicle, and a rate not to exceed \$35 per hour, per firefighter responding, for any fire services rendered by the Village Municipal Fire Department as a result of a vehicular fire to any non-resident of the village.

(B) The charges provided in this section, however, shall not be assessed against any non-residents, individuals, or corporations resident of other villages or the employees of any of the parties who heretofore have entered into a written contract for Fire Department services to be rendered by the village's Municipal Fire Department, and which contract is in force and effect at the time that the fire engine service is rendered. The charges shall be billed as soon as practicable after services are rendered.

(Ord. 1821, passed 8-6-2001)

**§ 33.13 CHARGES FOR SPECIALIZED RESCUE.**

(A) There is hereby established a fee of \$125 per hour, per vehicle, and a rate not to exceed \$35 per hour, per firefighter responding, for any fire services rendered by the village Fire Department as a result of a specialized rescue to include tactical rescue, high angle rescue, confined space rescue, below grade rescue, trench rescue and/or water rescue or any other specialized rescue.

(B) The following persons shall be jointly and severally liable for all costs of a specialized rescue team as set forth in this section:

(1) The owner of the property on which the specialized emergency response occurs;

(2) Any person involved in any activity which caused or contributed to the causation of the emergency;

(3) In cases involving the rescue or recovery of property, the owner of the property and any one who had custody or control of the property at the time of the emergency;

(4) In cases involving the rescue or recovery of property, the owner of the property and any one who had custody or control of the property at the time of the emergency.

(Ord. 3052, passed 4-7-2008)

***PENSION FUND***

**§ 33.20 ESTABLISHMENT.**

There is established a Firemen's Pension Fund in and for the municipality, as provided by state law.

('79 Code, § 33.20) (Ord. 1413, passed 11-20-89)







**§ 33.21 BOARD OF TRUSTEES OF FUND; ELECTION; MEETINGS.**

(A) There is created a Board of Trustees of the Fireman's Pension Fund which shall consist of the members as provided by the applicable Illinois Compiled Statutes.

(B) The term of office of the members shall be as prescribed by the Illinois Compiled Statutes, and the election of the Trustees shall be held at those times and places as are required by law and in the manner required by law.

(C) The Board of Trustees shall be organized and shall hold meetings as provided by the Illinois Compiled Statutes.

('79 Code, § 33.21) (Ord. 1413, passed 11-20-89)

**§ 33.22 SOURCES OF FUNDS.**

The pension funds shall consist of the taxes, accumulations, assessments, and deductions as are provided by the Illinois Compiled Statutes, and shall include an assessment or deduction of 8¼ %, and any larger amount permitted by law, from the salary of each firefighter covered under the fund.

('79 Code, § 33.22) (Ord. 1413, passed 11-20-89)

**§ 33.23 POWERS AND DUTIES OF BOARD OF TRUSTEES OF FUND.**

The Board of Trustees of the fund shall have all of the powers, duties, and obligations conferred and imposed on it by applicable state law.

('79 Code, § 33.23) (Ord. 1413, passed 11-20-89)

***FOREIGN FIRE INSURANCE BOARD***

**§ 33.35 CREATION.**

There is hereby created a four-member Foreign Fire Insurance Board for the village, comprised of officers elected as set forth below, whose purpose is to establish rules and regulations with respect to the management of money to be received by the village as foreign fire insurance tax receipts as provided for by ILCS Ch. 65, Act 5, § 11-10-1.

('79 Code, § 33.40) (Ord. 1472, passed 7-15-91)

**§ 33.36 ELECTION OF OFFICERS.**

(A) The Board shall consist of four officers, one of whom shall be elected Treasurer. The Board shall elect from among its remaining three members a President, a Vice President, and a Secretary (none of whom shall be the Treasurer). The President, Vice President, and Secretary shall be elected at the first regular meeting of the Board, and annually thereafter at the first regular meeting held during the calendar year.

(B) (1) At least one of the three officers other than Treasurer will be elected from the regular full-time sworn members of the Village Fire Department holding the rank of lieutenant or above at the time of their election and during the entire time each may serve in that position. Persons eligible for election as the remaining two officers for the Board shall include all regular full-time sworn members of the Village Fire Department at the time of their election and during the entire time each may serve as an officer. However, no probationary member of the department may hold such office during the time of his/her probation.

(2) Elections for the three officers other than Treasurer shall be conducted by Australian ballot listing all persons then eligible for election as candidates for these positions (other than persons who have nominated themselves for the office of Treasurer as set forth below). All full-time active members of the Fire Department at the time of the election shall be eligible to vote. Eligible voters shall vote for three of the listed candidates, and the three receiving the most votes shall be elected as officers to the Board.

(C) Any person eligible for election as an officer of the Board may submit a written nomination to the Fire Chief requesting that he/she be placed on the ballot as a candidate for Treasurer of the Board. In such case, the person shall not be listed on the ballot for the other officer positions but only for Treasurer. Ballots and elections shall otherwise proceed for this position in the same manner as set forth in division (B) of this section.

(D) The original election to the Board shall consist of the Treasurer and one of the officers elected from all the regular full-time sworn members of the department having a term of three years and the remaining two officers shall be elected for a period of two years. In subsequent elections each officer (including the Treasurer) shall hold office on the Board for a term of three years and until his/her successor is chosen. Election shall take place within 30 days following the effective date of this subchapter, and thereafter, during the final quarter of the calendar year in which the term of office expires. The term of each officer (including the Treasurer) shall run from January 1 of the year immediately following the year in which an election is held, except that for the original election, the term of office shall begin immediately following the election and shall include the period of time from the election to January 1. Each officer shall hold office during the term unless he/she no longer holds a qualifying position in the Fire Department, in which case his/her term shall cease immediately and he/she is thereby removed from the Board. The remaining Board officers shall appoint temporary successors to complete the unexpired term of any Board officer (including Treasurer).

(E) All elections will be organized, conducted, and supervised by the Village Clerk. ('79 Code, § 33.41) (Ord. 1472, passed 7-15-91)

### § 33.37 DUTIES AND POWERS.

(A) *President.* The President shall preside at all meetings of the Foreign Fire Insurance Board. The President shall have such other powers as may be given from time-to-time by action of the Village Board of Trustees, consistent with ILCS Ch. 65, Act 5 (Illinois Municipal Code).

(B) *Vice President.* The Vice President shall carry out the duties of the President during the absence or inability of the president to perform such duties and shall carry out such other functions as are assigned from time-to-time by the Foreign Fire Insurance President or the Village Board of Trustees.

(C) *Secretary.* The Secretary shall take minutes at any and all meetings of the Foreign Fire Insurance Board. The Secretary shall keep these minutes in a manner identical to the manner in which Village Board minutes are kept. The Secretary shall also perform any other duties and functions as are assigned from time-to-time by the President of the Foreign Fire Insurance Board or the Village Board of Trustees.

(D) *Treasurer.* The Treasurer shall:

(1) Have charge and custody of and be responsible for all funds collected by the village from the Foreign Fire Insurance Company fees as described in ILCS Ch. 65, Act 5, § 11-10-1;

(2) Deposit all such monies in the name of the Village Fire Department in such banks, savings and loan associations, or other depositories as shall be selected by the Village Board of Trustees;

(3) Invest said funds as are not immediately required in such securities as the Village Board of Trustees shall specifically or generally select from time-to-time;

(4) Maintain the financial books and records of the department; provided, however, that all investments of the Foreign Fire Insurance Company's fees shall be made only in those securities which may be purchased by Illinois non-home rule municipalities under the provisions of the Illinois Compiled Statutes;

(5) In general, perform all duties incidental to the office of Treasurer and such other duties as from time-to-time may be assigned to him/her by the Foreign Fire Insurance Board President or the Village Board of Trustees;

(6) The Treasurer of the Foreign Fire Insurance board shall give a sufficient bond to the village. This bond shall be approved by the Village President, conditioned upon the faithful

performance by the Treasurer of his/her duties under this subchapter and the rules and regulations provided herein. This bond shall be paid for from the funds collected from the Foreign Fire Insurance Company fees;

(7) The Treasurer of the Foreign Fire Insurance Board shall receive the Foreign Fire Insurance Company fees so paid and shall pay out the money upon the order of the Foreign Fire Insurance Board for the maintenance, use, and benefit of the department.  
(‘79 Code, § 33.42) (Ord. 1472, passed 7-15-91)

### **§ 33.38 RULES AND REGULATIONS.**

The Foreign Fire Insurance Board shall make all needful rules and regulations with respect to the management of the Foreign Fire Insurance Company fees to be paid to the Treasurer. All such rules and regulations promulgated by the Foreign Fire Insurance Board must be passed by the affirmative vote of at least three of the four presiding officers. All rules and regulations promulgated by the Foreign Fire Insurance Board must be approved by the Village Board of Trustees in the same manner as a village ordinance must be passed.  
(‘79 Code, § 33.43) (Ord. 1472, passed 7-15-91)

### **§ 33.39 PAYMENT OF FUNDS.**

The Village Treasurer shall pay the sums received from the insurance company specified in ILCS Ch. 65, Act 5, § 11-10-1 to the Treasurer of the Foreign Fire Insurance Board of the village.  
(‘79 Code, § 33.44) (Ord. 1472, passed 7-15-91)

### **§ 33.40 BUDGET.**

(A) *Preliminary budget.* The Foreign Fire Insurance Board shall approve a preliminary budget for the expenditure of the Foreign Fire Insurance Company fees collected by March of each year. Said budget shall prescribe the purposes for which foreign fire insurance fees will be expended for the maintenance, use, and benefit of the Village Fire Department for the upcoming fiscal year (May 1 - April 30). These purposes may include the following:

- (1) Purchase of safety equipment.
- (2) Training and materials and equipment.
- (3) Attendance at training schools subject to approval by the Fire Chief.

(4) Station furnishings and equipment.

(5) Emergency medical and fire suppression equipment.

(6) Membership assessments for the Community Firefighters Association Death Benefit Fund and Illinois Firefighters Indemnity Fund.

(7) Rescue dive equipment.

(8) Audit expense.

(B) *Final budget.* The Foreign Fire Insurance Board shall, by May of each year, prior to the start of the fiscal year, adopt a final budget for the collection and payment of the Foreign Fire Insurance Company fees. The final budget shall be approved by the Village Board of Trustees in the same fashion as any other regular village ordinance.

(C) *Budget amendments.* The Foreign Fire Insurance Board budget referred to in division (B) of this section may be amended at any time by the unanimous vote of the Foreign Fire Insurance Board and a majority vote of the Village Board of Trustees.  
( '79 Code, § 33.45) (Ord. 1472, passed 7-15-91)

**§ 33.41 ANNUAL AUDIT.**

The Foreign Fire Insurance Board shall provide to the Village Board an annual audit of the financial affairs of the Foreign Fire Insurance Board to be made by a certified public accountant at the end of each fiscal year in accordance with the generally accepted auditing principals. The annual report shall be delivered to the Village President, each Village Trustee and Village Administrator. Said audit shall be paid for from the funds collected from the Foreign Fire Insurance Company fees.  
( '79 Code, § 33.46) (Ord. 1472, passed 7-15-91)

