

ORDINANCE NO. F-1172

**AN ORDINANCE AMENDING ARTICLE II  
OF THE WHEATON CITY CODE  
(FIRE DEPARTMENT REORGANIZATION)**

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality having those powers provided by State Law; and

WHEREAS, the Mayor and City Council of the City of Wheaton deem it in the best interests of the public health, safety and welfare to provide fire fighting/emergency services for the residents of the City; and

WHEREAS, the Mayor and City Council of the City upon review and consultation with the Fire Chief and the City Manager have determined that the reorganization of the Wheaton Fire Department is reasonable, will promote efficient command structure, and the efficient use of Wheaton Fire Department and City resources.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

**SECTION 1:** That Article II, entitled Fire Department, of Chapter 30, of the Wheaton City Code, including all of the subsections of Article II, is hereby repealed and rescinded in its entirety and replaced with a new Chapter 30, Article II, Sections 30-31 through 30-33, which shall read as follows:

**"SECTION 30-31: COMPOSITION AND COMMAND STRUCTURE**

The Fire Department shall consist of the Fire Chief who shall be appointed by the City Manager. The Fire Chief shall be exempt from the jurisdiction of the Wheaton Board of Fire and Police Commissioners and may be removed by the City Manager in conformance with Chapter II, Article IV, Division 1, Section 2-167 of the Wheaton City Code. The chain-of-command of the Fire Department from highest rank to lowest rank shall be as follows:

- A. Fire Chief;
- B. Acting Fire Chief;
- C. Deputy Fire Chief;
- D. Acting Deputy Fire Chief;

- E. Captain;
- F. Lieutenant;
- G. Firefighter.

**SECTION 30-32: DEPUTY FIRE CHIEF, AND CAPTAINS**

- A. There is hereby created the position of Deputy Fire Chief. The Deputy Fire Chief shall be appointed by the City Manager. The Deputy Fire Chief shall report to the Fire Chief and the City Manager and shall be exempt from the jurisdiction of the Wheaton Board of Fire and Police Commissioners. The Deputy Chief may be removed by the City Manager in conformance with Chapter II, Article IV, Division 1, Section 2-167 of the Wheaton City Code.
- B. There is hereby created the position of Captain in the Fire Department. There shall be three (3) Fire Department Captains who shall be tested, qualified and appointed in conformance with 50 ILCS 742/1 et. seq. and any other rules and regulations deemed appropriate and reasonable by the Wheaton Board of Fire and Police Commissioners.

**SECTION 30-33: TRANSITION**

- A. **APPOINTMENT OF FIRE CHIEF**  
The City Manager shall appoint a Fire Chief upon the passage and publication of this Ordinance or upon a vacancy in the position.
- B. **APPOINTMENT OF DEPUTY FIRE CHIEF**  
The City Manager shall appoint a Deputy Fire Chief upon passage of this Ordinance or upon a vacancy in the position.
- C. **CAPTAINS**  
The Captain's position shall not become effective until a Captain is appointed and sworn in conformance with this Ordinance. Thereafter, any vacancy in a Captain's position shall be filled by the Wheaton Board of Fire and Police Commissioners in conformance with the requirements of this Ordinance and its rules and regulations. Prior to

Captains rank becoming effective, existing Battalion Chiefs shall continue to serve in the capacity of Battalion Chief and shall be superior in rank to all officers other than the Fire Chef and Deputy Fire Chief. Upon the swearing in of the first Captain, the Battalion Chiefs' position is abolished and shall no longer exist. Any qualified Battalion Chief may apply for a Captains position in conformance with the standards established by the Wheaton Board of Fire and Police Commissioners. Any Battalion Chief who does not become a Captain shall resume the next highest permanent rank held by that Battalion Chief prior to his appointment as Battalion Chief and shall receive the pay and benefits of that next highest rank effective on the date the first Captain is sworn in.

Should any Battalion Chef's position become vacant for any reason prior to the appointment of any Captain such position shall not be filled and the Fire Chef shall assign the work of the vacant Battalion Chiefs position as the Fire Chief deems fit and appropriate."

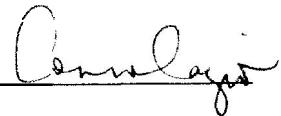
SECTION 2: All Ordinances and parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 3: That if any part or portion of this Ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in a manner prescribed by law. The effective dates of the Composition and Command Structure and the transition to reorganization shall be as stated herein.

  
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Mayor

Attested by:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote:

Ayes: Councilman Mouhelis  
Councilman Suess  
Councilwoman Cony  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays: None  
Absent: Councilman Bolds

Motion Carried Unanimously

Passed: May 15, 2006

Published: May 16, 2006