

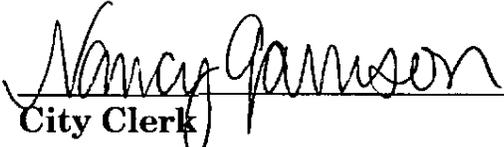
City of St. Charles, Illinois

Ordinance No. 2007-M-76

**An Ordinance Amending Title 2, "Entitled
"Administration and Personnel" of the City Code of the
City of St. Charles to Amend Therein Chapter 2.30,
Section 2.30.030, Entitled "Full-Time Firemen -
Appointment and Promotion"**

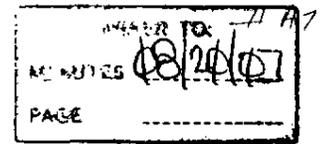
**Adopted by the
City Council
of the
City of St. Charles
August 20, 2007**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, August 24, 2007**


City Clerk



(SEAL)



ORDINANCE NO. 2007 - M - 76

**AN ORDINANCE AMENDING TITLE 2, ENTITLED
“ADMINISTRATION AND PERSONNEL” OF THE
CITY CODE OF THE CITY OF ST. CHARLES TO AMEND
THEREIN CHAPTER 2.30, SECTION 2.30.030,
ENTITLED “FULL-TIME FIREMEN –
APPOINTMENT AND PROMOTION”**

WHEREAS, the Illinois General Assembly has enacted the Illinois Municipal Code (Public Act 93-486, effective August 8, 2003, as amended by Public Act 94-135, effective July 7, 2005, as amended by Public Act 94-984, effective June 30, 2006), which is a comprehensive revision of State statutes regulating employment of police and fire departments of Illinois municipalities; and

WHEREAS, it is the clear intention of the Act to require units of local government to implement regulations that are at least as restrictive as those contained in the Act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

Section 1. That Title 2, entitled “Administrative and Personnel”, of the City Code of the City of St. Charles, Kane and DuPage Counties, Illinois, is hereby amended as follows:

2.30.030 Full-time Firemen - Appointment and Promotion

A. Except hereinafter set forth, all appointments and promotions to the fire department shall be made by the Board of Fire and Police Commissioners as provided for by law.

B. The fire chief shall be recommended for appointment by the city administrator and appointed by the mayor for the term of one year or until his or her successor is appointed, commencing May 1 of each year, with such appointment to be confirmed by the City Council.

C. The fire chief is authorized to appoint, suspend or discharge employees in the position immediately below the chief subject to the advice and consent of the city administrator. The rank immediately below the chief may be appointed from any full-time officer.

D. Any full-time member of the fire department holding the rank of assistant fire chief upon enactment of this ordinance shall be classified during his or her term in such position as on furlough from the fire department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the fire department as established under statute or city ordinance, unless removed from the Department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

E. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he shall be considered as on furlough from the fire department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he resigns from his appointed rank or is removed by the appointing authority prior to attaining eligibility to

retire on pension, he shall revert to and be established in whatever rank he held immediately prior to his appointment to the rank immediately below the chief, and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from the Department by the Board of Fire and Police Commissioners. If he or she resigns from the appointed rank or is removed by the appointing authority after attaining eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.

F. Any full-time member of the fire department appointed as fire chief shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from the appointed position.

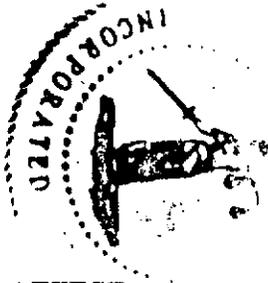
G. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the fire department.

Section 2. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois this 20th day of Aug, 2007.

PASSED by the City Council of the City of St. Charles, Illinois this 20th day of Aug, 2007.

APPROVED by the Mayor of the City of St. Charles, Illinois this 20th day of Aug, 2007.




MAYOR

ATTEST:

Filing Acknowledged this 20th day of Aug, 2007.


CITY CLERK

Council Vote:

Ayes: 10
Nays: 0
Absent:
Abstain:

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on August 20, 2007, the Corporate Authorities of such municipality passed and approved Ordinance No. 2007-M-76, entitled

"An Ordinance Amending Title 2, "Entitled
"Administration and Personnel" of the City Code of the
City of St. Charles to Amend Therein Chapter 2.30,
Section 2.30.030, Entitled "Full-Time Firemen –
Appointment and Promotion","

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2007-M-76, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on August 24, 2007, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 20th day of August 2007.



Nancy Garrison

Municipal Clerk

(S E A L)