

ORDINANCE NO: 16-04

**AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE
MITIGATION RATES FOR NONRESIDENT FEES AND SPECIALIZED AND
TECHNICAL RESCUE SERVICES PROVIDED BY
THE WARRENVILLE FIRE PROTECTION DISTRICT**

WHEREAS, the Warrenville Fire Protection District (the "District"), is a fire protection district duly organized under the laws of the state of Illinois; and

WHEREAS, the Board of Trustees of the District has full power to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board of Trustees of the District for carrying into effect the objects for which the District was formed under 70 ILCS 705/6; and

WHEREAS, the Illinois Fire Protection District Act grants the Board of Trustees of a fire protection district authority to "fix, charge, and collect fees not exceeding the reasonable cost of the service for all services rendered by the district against persons, businesses, and other entities who are not residents of the fire protection district" (70ILCS 705/11f); and

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire district services; and

WHEREAS, the fire district has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire district decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property taxes upon residents to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, the District renders Specialized and Technical Rescue Services to its residents and, by mutual aid, to the residents of other communities; and

WHEREAS, Section 25 of the Fire Protection District Act (70 ILCS 705/25) grants the District the authority to fix, charge, and collect reasonable fees for specialized rescue services provided by the District to residents and nonresidents alike; and

WHEREAS, Section 26 of the Fire Protection District Act (70 ILCS 705/26) grants the District the authority to fix, charge, and collect reasonable fees for technical rescue services provided by the District to residents and nonresidents alike; and

WHEREAS, specialized and technical rescue services are defined as emergency rescue responses including, but not limited to, Tactical Rescue, Extrication Rescue, High Angle Rescue, Confined Space Rescue, Below Grade Rescue, and/or Trench Rescue ("Specialized and Technical Rescue Services"); and

WHEREAS, the cost of training and equipping the specialized and technical rescue services teams is great, yet the benefits often accrue to a small number of people or entities; and

WHEREAS, the Board of Trustees of the District ("Board") finds that it is in the best interest of the District and the residents of the District to require that those who benefit from Specialized and Technical Rescue Services pay fees to defray the cost of training and maintaining the teams; and

WHEREAS, this Ordinance is designed to compensate the District for costs accruing to the District that result from services provided to any person or the owner or persons responsible for an object or person that was involved in or caused an accident that necessitated the use of the District's Specialized and Technical Rescue Services; and

WHEREAS, the Board of Trustees of the Warrenville Fire District desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, as follows:

Section 1: The District shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to nonresidents (included but not limited to auto extrication and car fires). The District shall also initiate a separate set of mitigation rates for the delivery of technical and/or specialized rescue services to residents and nonresidents in both emergency and non-emergency incidents as listed in "EXHIBIT A". The mitigation rates shall be based on actual costs of the services and that which is usual, customary and

reasonable (UCR) as shown in "EXHIBIT A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

Section 2: Notwithstanding any other provision or rule of law, the following responsible persons shall be jointly and severally liable for all costs for both Nonresident Fees and for Specialized and Technical Rescue services as set forth in this Ordinance:

- A. the owner of the property on which the specialized emergency response occurs;
- B. any person involved in a any activity which caused or contributed to the causation of the emergency;
- C. in cases involving the rescue or recovery of an individual, the individual and his/her employer if the person was in the District in furtherance of the employer's interests; and
- D. in cases involving the rescue or recovery of property, the owner of the property and anyone who had custody or control of the property at the time of the emergency.

Section 3: A claim for reimbursement shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

Section 4: The District's Board of Trustees may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof. Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution.

Section 5: It is found and determined that all formal actions of the Board of Trustees concerning and relating to the adoption of this Ordinance were adopted in open meetings of the Board of Trustees, and that all deliberations of the Board of Trustees and any of its committees that resulted in such formal actions were in accordance with all legal requirements.

Section 6: Any person or entity that refuses to pay or fails to pay the above-listed service charges within sixty (60) days of notice of the charge will be deemed to have violated this Ordinance and will incur a fine of not less than \$100.00 nor more than \$500.00 for each offense, plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but not be limited to, attorneys' fees and the cost of collection. A separate offense shall be deemed committed for each day on which a violation occurs

and continues.

Section 7: The District is hereby authorized to waive any or all of the fees due under this Ordinance upon the recommendation of the Fire Chief. The Board may offer fee waivers by policy or on an individual basis.

Section 8: The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder. This Ordinance shall supersede any previously adopted ordinance or resolution that is in conflict with the provisions thereof.

Section 9: The Secretary of the Warrenville Fire Protection District is hereby directed to publish this Ordinance in full at least once in a newspaper published in the District. Publication shall take place at least ten (10) days prior to implementation of this Ordinance. The provisions of this Ordinance shall be in full force and effect ten (10) days after publication as provided by law (70 ILCS 705/7).

ADOPTED this 21st day of September, 2016 by a roll call vote.

AYES: 3

NAYS: 0

ABSENT: 0



President, Board of Trustees
Warrenville Fire Protection District

ATTEST:


Secretary, Board of Trustees
Warrenville Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS

SECRETARY'S CERTIFICATE

I, Bill Mennell, the duly qualified Secretary of the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, and the keeper of the records thereof, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

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adopted by said Board of Trustees at its meeting on the 21st day of September, 2016.

I do further certify that a quorum of said Board of Trustees was present at the said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act. Further, I certify that the Ordinance has not been amended or altered and is in full force and effect as of the date indicated below.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of September, 2016.



Secretary, Board of Trustees
Warrenville Fire Protection District

EXHIBIT A

70 ILCS 705/11f – Nonresident Fees. Allows Fire Protection Districts to bill nonresidents. Such charges may not be assessed against residents of the fire protection district or persons who request fire protection coverage for an unprotected area and who pay to the fire protection district an amount equal to the district's fire protection property tax pursuant to Section 4 of the Fire Protection of Unprotected Area Act.

In responding to emergencies of nonresidents, the Fire Protection District charges the following fees:

- (1) Two-hundred-fifty dollars per hour for vehicular responding to a call; plus
- (2) Seventy dollars per hour, per firefighter, responding to a call.
- (3) An additional charge may be levied to reimburse the district for extraordinary expenses of materials used in rendering such services.
- (4) No charge shall be made for services for which the total charge would be less than \$50.

70 ILCS 705/26 – Technical rescue services. A fire protection district may fix, charge, and collect reasonable fees for technical rescue services provided by the district for both residents and non-residents. The total amount collected may not exceed the reasonable cost of providing the technical rescue services and may include charges for personnel and equipment costs.

For each category of Technical Rescue Services provided, except Extrication Rescue/Recovery services the Fire Protection District charges the following fees:

	<u>Resident</u>	<u>Non-Resident</u>
Per Hour Vehicular Response	\$125.00	\$250.00
Per Hour, per Team Member	\$ 35.00	\$ 70.00
Materials Costs	Actual Cost	Actual Cost

For **Extrication Rescue/Recovery services**, a fixed fee of \$375.00 per person receiving such services, regardless of whether such person is a resident of non-resident of the district.

LATE FEES

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be assessed to the responsible party(s).