

**ORDINANCE NO. 13-02**

**AN ORDINANCE AMENDING ORDINANCE 00-02  
SPILLER PAYS ORDINANCE OF THE  
WARRENVILLE FIRE PROTECTION DISTRICT, DuPAGE COUNTY, ILLINOIS**

**WHEREAS**, the Warrenville Fire Protection District (the "District"), DuPage County, Illinois, is a fire protection district duly incorporated under the laws of the State of Illinois, including the Illinois Fire Protection District Act (the "Act", 70 ILCS 705/0.01 et seq.); and

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

**WHEREAS**, Section 22.2(f) of the Illinois Environmental Protection Act (415 ILCS 5/22.2(f)) provides that certain enumerated persons or parties "shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide"; and

**WHEREAS**, pursuant to said authority the Board adopted Ordinance 00-02 on February 14, 2000 ("Ord. 00-02"), establishing charges and fees for certain costs incurred by the District in removal or remedial action incurred by the District as a result of a release or substantial threat of a release of a hazardous substance or pesticide; and

**WHEREAS**, the Board finds that it is in the best interest of the District and the residents of the District to require that persons, homes and businesses receiving District provided fire, rescue and emergency services reimburse the District at the maximum rates permitted by law for costs accruing to the District from services provided.

**NOW, THEREFORE**, Be It Ordained, by the Board of Trustees of the Warrenville Protection District, DuPage County, Illinois, as follows:

**Section One:** The Board finds and determines the above recitals to be true and correct, and incorporates them as if written out here in full.

**Section Two:** Subsection C of Section 7 of Ord. 00-02 is repealed in its entirety and replaced with the following.

C. Charges for removal or remedial action when rendered by the Warrenville Fire Protection District or any agency in accordance with any mutual aid agreement shall be specified in **Exhibit A**, attached to this Ordinance and by this reference incorporated herein.

**Section Three:** Pursuant to authority of the Illinois law including but not limited to the Fire Protection District Act and Environmental Protection Act, the Board may from time-to-time amend the charges for removal or remedial action when rendered by the Warrenville Fire Protection District or any agency in accordance with any mutual aid agreement, identified in this Ordinance by duly and properly adopting an amended **Exhibit A** at a meeting convened pursuant to the Open Meetings Act, memorializing the amendatory **Exhibit A**, the effective date of the amendatory **Exhibit A**, and recording in the minutes of said meeting the roll call vote of the Board approving said amendment.

**Section Four:** Nothing in this Ordinance or Ord. 00-02 shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution.

**Section Five:** The Board ratifies, reaffirms and readopts all un-amended provisions of Ordinance 00-02.

**Section Six:** The Fire Chief is hereby authorized to waive any or all of the fees due under Ord. 00-02 and this amendatory Ordinance. He may do so by policy or on an individual basis.

**Section Seven:** 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. The District reserves the right to pursue all remedies at law and equity to recover charges due and owing, including the use of the services of a collection agency.

**Section Eight:** 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.

**Section Nine:** That this Ordinance shall be in full force and effect from and after its passage and approval.

**ADOPTED** this 23<sup>rd</sup> day of January, 2013, by the following roll call vote:

AYES: 3

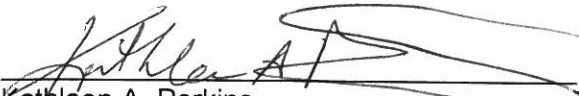
NAYS: 0

ABSENT: 0

[SEAL]

  
\_\_\_\_\_  
William Mennell  
President, Board of Trustees  
Warrenville Fire Protection District

ATTEST:

  
\_\_\_\_\_  
Kathleen A. Perkins  
Secretary, Board of Trustees  
Warrenville Fire Protection District

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**EXHIBIT A  
Charges to Certain Enumerated Persons or Parties**

The charges for removal or remedial action resulting from or attributable to a release or substantial threat of a release of a hazardous substance or pesticide, when such removal or remedial action is rendered by the Warrenville Fire Protection District or any agency in accordance with any mutual aid agreement, and pursuant to District Ordinance 00-02, as amended by this Ordinance, shall be provided below.

- 1) The cost of vehicles as determined by the responding agency, but in no case less than \$250.00 per hour per vehicle; and
- 2) The cost of all personnel including any over time cost to the Warrenville Fire Protection District or to any responding agency, incurred as a result of the removal or remedial action, but in no case less than \$70.00 per hour; and
- 3) The cost of all materials and equipment used, expended, depleted, destroyed or removed from service in accordance with federal, state or local ordinance as a result of the mitigation or containment operations or at the request of the District or any responding agency; and
- 4) The costs of service and/or goods provided by a private or public entity which are used, expended, depleted or destroyed as a result of the response.

Nothing in this Exhibit shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution, or otherwise impair the District's right to pursue all remedies at law and equity to recover charges due and owing, including the use of the services of a collection agency.

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF DuPAGE        )        SS

**SECRETARY'S CERTIFICATE**

I, Kathleen A. Perkins, the duly qualified and acting Secretary of the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

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which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 23<sup>rd</sup> day of January, 2013.

I do further certify that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 23<sup>rd</sup> day of January, 2013.

[SEAL]

  
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Kathleen A. Perkins  
Secretary, Board of Trustees  
Warrenville Hills Fire Protection District