

ORDINANCE NO. 09-06

AN ORDINANCE PROVIDING FOR FEES IN RESPONSE TO EMERGENCY SITUATIONS REQUIRING SPECIALIZED OR TECHNICAL RESCUE SERVICES

WHEREAS, the Warrenville Fire Protection District (the "District"), located in DuPage County, Illinois, is a fire protection district duly organized under the laws of the State of Illinois; and

WHEREAS, the Board of Trustees of the District (the "Board") also has full power pursuant to 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 of Trustees of the District for carrying into effect the objects for which the District was formed; 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 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; 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; 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 finds that it is in the best interest of the District to establish a non-resident fee for an emergency response for automobile extrication and car fires.

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

Section One: Notwithstanding any other provision or rule of law, the following persons shall be jointly, or jointly and severally liable for all costs of 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 any one who had custody or control of the property at the time of the emergency.

Section Two: The charges for any response involving Specialized and Technical Rescue Services for a resident of the District shall be as follows:

- A. \$150.00 per hour per vehicle;
- B. \$35.00 per hour per team member; and
- C. cost of all materials or equipment necessary in providing the response.

Section Three: In addition to charges for a Specialized and Technical Rescue Services, if a person or entity within the District requests that, pursuant to occupational safety and health laws, the District or any intergovernmental agency to which the District belongs be listed as the rescue service or as the backup rescue service on the permit of a permit-required confined space activity, the charge for such additional service shall be \$1,000.00 per day. If a person or entity lists the District as the rescue service or the backup rescue service without notifying the District, in writing, in advance of entry into any permit-required confined space, the person or entity shall be charged \$1,500.00 per day for each day the permit is outstanding.

Section Four: The charges for any response involving Specialized and Technical Rescue Services for a non-resident shall be as follows:

- A. \$250.00 per hour per vehicle;
- B. \$70.00 per hour per team member or firefighter responding to a call for assistance; and
- C. Cost of extraordinary expenses for materials and equipment used in providing the response to the call for assistance.

Section Five: Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution.

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

Section Nine: 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 16th day of December, 2009, by the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

President, Board of Trustees,
Warrenville Fire Protection District

ATTEST:

Secretary, Board of Trustees,
Warrenville Fire Protection District

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

SECRETARY'S CERTIFICATE

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

ORDINANCE NO. 09-06

AN ORDINANCE PROVIDING FOR FEES IN RESPONSE TO EMERGENCY SITUATIONS REQUIRING SPECIALIZED OR TECHNICAL RESCUE SERVICES

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 16th day of December, 2009.

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 16th day of December, 2009.

Secretary, Board of Trustees
Warrenville Fire Protection District