

ORDINANCE NO. 2013-14

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

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, the Carol Stream Fire Protection District is authorized to recover fees for specialized and technical rescue services under either Section 25 of the Fire Protection District Act (70 ILCS 705/25) or Section 26 of the Fire Protection District Act (70 ILCS 705/26); 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 ("Technical Rescue Team Services"); and

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/5) provides that units of government may contract with one another to perform any governmental service, activity, or undertaking that any of the agencies is authorized by law to perform; and

WHEREAS, Carol Stream Fire Protection District (the "District") has entered into intergovernmental agreements with other public agencies to provide specialized and technical rescue services to its residents and, by mutual aid, to the residents of other communities; and

WHEREAS, the cost of training and equipping the specialized and technical rescue services teams is great, however, 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 Technical Rescue Team Services pay fees to defray the cost of training and maintaining the teams; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Carol Stream 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 Technical Rescue Team 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 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;
- 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 Two: The charges for emergency Technical Rescue Team Services are as follows:

- 1. \$250.00 per hour per vehicle;
- 2. \$70.00 per hour per team member; and

3. cost of all materials or equipment necessary in providing the response.

Section Three: In the event the emergency incident which creates the need for the Technical Rescue Team Services results in a finding of fault by the Occupational Safety and Health Administration or the Illinois Department of Labor against any of the parties listed in Section One of this Ordinance, the District may rely on that finding in determining which party shall be responsible for the applicable fees.

Section Four: In the event the emergency incident which creates the need for the Technical Rescue Team Services does not result in a finding of fault by the Occupational Safety and Health Administration or the Illinois Department of Labor against any of the parties listed in Section One of this Ordinance, the District may make its own determination as to which party shall be responsible for the applicable fees.

Section Five: In addition to charges for Technical Rescue Team 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 Six: Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution.

Section Seven: 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.

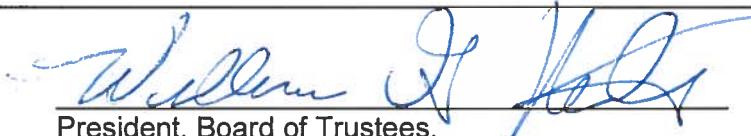
Section Eight: The Fire Chief is hereby authorized to waive any or all of the fees due under this Ordinance. He may do so by policy or on an individual basis.

ADOPTED this 9th day of September 2013, by the following roll call vote:

AYES: _____ 3 _____

NAYS: _____ 0 _____

ABSENT: _____ ✓ _____



President, Board of Trustees,
Carol Stream Fire Protection District

ATTEST:


Secretary, Board of Trustees,
Carol Stream Fire Protection District

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

SECRETARY'S CERTIFICATE

I, Richard Fisher, the duly qualified and acting Secretary of the Board of Trustees of the Carol Stream Fire Protection District, DuPage County, Illinois, do hereby certify that 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 9th day of September, 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 9th day of September, 2013.



Secretary, Board of Trustees
Carol Stream Fire Protection District