

ORDINANCE NO. 2016-04

**AN ORDINANCE AMENDING ORDINANCE #2011-02
CHARGING FEES FOR SERVICES RENDERED
TO NONRESIDENT HOMES AND BUSINESSES BY THE
ALGONQUIN-LAKE IN THE HILLS FIRE PROTECTION DISTRICT**

WHEREAS, the Algonquin-Lake in the Hills Fire Protection District ("District"), McHenry and Kane Counties, 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 11f of the Act (70 ILCS 705/11f) grants the Board 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"; and

WHEREAS, pursuant to said authority the Board adopted Ordinance 2011-02 on June 22, 2011, establishing charges and fees for certain costs incurred by the District in rendering fire, rescue and emergency services to non-resident persons, homes and businesses; and

WHEREAS, since adoption of Ordinance 2011-02, Section 11f of the Act (70 ILCS 705/11f) was amended by Public Act 99-0770 effective August 12, 2016; and

WHEREAS, the Board finds that it is in the best interest of the District and the residents of the District to require that non-resident 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 Algonquin-Lake in the Hills Fire Protection District, McHenry and Kane Counties, 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Section Two: Section One of Ordinance 2011-02 is repealed in its entirety and replaced with the following:

Section One: When the Algonquin-Lake in the Hills Fire Protection District responds to:

- a. any fire or emergency service response involving persons, businesses, or other entities who are not residents, or personal or real property owned by non-residents of the Algonquin-Lake in the Hills Fire Protection District, or
- b. utility or power line incidents attributable to non-resident persons, businesses or other entities (such as by way of illustration but not limitation, an identified non-resident contractor or its agents/employees which negligently cuts a utility or power line resulting in a District response to the incident site),

then the District may charge the non-resident(s) up to \$250 per hour for one or more District vehicles responding to any such incident and up to \$70 per hour per firefighter for personnel responding to any such incident as provided in 70 ILCS 705/11f, and may charge for extraordinary expenses of materials used in rendering such services (70 ILCS 705/11f(c)).

Section Three: Nothing in the Ordinance or Ordinance 2011-02 shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution.

Section Four: The Board ratifies, reaffirms and readopts all un-amended provisions of Ordinance 2011-02.

Section Five: 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 Six: 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 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.

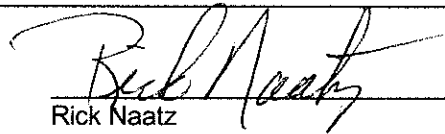
Section Eight: That this Ordinance shall be in full force and effect and after its passage and approval.

ADOPTED this 16th day of November, 2016, by the following roll call vote:

AYES: Trustee Tansaint, Trustee Markowitz, Trustee Bradach, Trustee Tison, Trustee Naatz

NAYS: Ø

ABSENT: Ø



Rick Naatz
President, Board of Trustees
Algonquin-Lake in the Hills Fire Protection District

ATTEST:



John Bradach
Secretary, Board of Trustees
Algonquin-Lake in the Hills Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF MCHENRY) SS

SECRETARY'S CERTIFICATE

I, **JOHN BRADACH**, the duly qualified and acting Secretary of the Board of Trustees of the Algonquin-Lake in the Hills Fire Protection District, McHenry and Kane Counties, 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 16th day of November, 2016.

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 November, 2016.



John Bradach
Secretary, Board of Trustees
Algonquin-Lake in the Hills Fire Protection District