

ORDINANCE NO. 2011-03

**AN ORDINANCE AMENDING ORDINANCE 2006-04
SPILLER PAYS ORDINANCE OF THE
ALGONQUIN-LAKE IN THE HILLS FIRE PROTECTION DISTRICT**

WHEREAS, the Algonquin-Lake in the Hills Fire Protection District (the "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 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 2006-04 on November 14, 2006, 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 certain 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 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Section Two: Subsection C of Section 7 of Ordinance 2006-04 is repealed in its entirety and replaced with the following.

C. Charges for removal or remedial action when rendered by the District or any agency in accordance with any mutual aid agreement shall be as follows:

- 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 Algonquin-Lake in the Hills 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.

Section Three: Nothing in this Ordinance or Ordinance 2006-04 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 2006-04.

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:

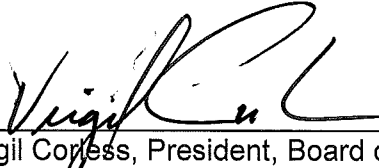
That this Ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED this 22nd day of June, 2011, by the following roll call vote:

AYES: Bradach, Corless, Markowitz


NAYS: none

ABSENT: Olsen



Virgil Corless, 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)
)
COUNTIES OF KANE AND 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, Kane and McHenry 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 22nd day of June, 2011.

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 22nd day of June, 2011.



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