

**ORDINANCE NO. 2010-05**

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

**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 11f of the Act (70ILCS 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**, Section 26 of the 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 term "Technical Rescue Services" as used in this Ordinance are defined as emergency rescue/recovery response services including, but not limited to the following categories or types of services: (a) High Angle Rescue/Recovery, (b) Confined Space Rescue/Recovery, (c) Trench Engulfment Rescue/Recovery, (d) Structural Collapse Rescue/Recovery, (e) River/Lake Rescue/Recovery, (f) Vehicle/Machinery Rescue/Recovery, and/or (g) Extrication Rescue/Recovery; and

**WHEREAS**, the term “Extrication Rescue/Recovery” as used in this Ordinance includes but is not limited to any actions or operations that result in a person being removed from a vehicle involved in a motor vehicle collision or other accident/incident using specialized extrication tools; and

**WHEREAS**, the District renders Technical Rescue Services to its residents, to non-residents visiting or transiting the District, and by mutual aid to the residents of other communities; and

**WHEREAS**, the cost of training and equipping the Technical Rescue Services teams is great, yet the benefits often accrue to a small number of people or entities; and

**WHEREAS**, in performing Extrication Rescue/Recovery services the District and its emergency responders are required to observe and implement increased safety requirements mandated for emergency roadway operations, including the use of additional personnel and specialized equipment for personnel safety as well as scene and traffic control; and

**WHEREAS**, the 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 the District’s Technical Rescue Services pay fees to compensate the District for costs accruing to the District that result from services provided, including the costs of training and maintaining the Technical Rescue Services response teams; and

**WHEREAS**, the Board finds that it is in the best interest of the District and the residents of the District to require that those persons 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 Technical Rescue Services and/or Extrication services pay fees to compensate the District for costs accruing to the District that result from services provided, including the costs of training and maintaining the Technical Rescue Services response teams; and

**WHEREAS**, the Board finds that it is in the best interest of the District to establish standard and uniform fees to reimburse the District for an emergency response for Technical Rescue Services and Extrication Rescue/Recovery services.

**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:** 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 Services as set forth in this Ordinance:

- A. the owner of the property on which Technical Rescue Services are provided or occur;
- B. the owner of a vehicle at which Technical Rescue Services are provided or occur;
- C. any person involved in a any activity which caused or contributed to the causation of the emergency, including but not limited to any person filing a false report resulting in dispatch of Technical Rescue Services;
- D. 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
- E. 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 Three:** The charges for District emergency Technical Rescue Services or any other related rescue service are as follows.

A. For each category of Technical Rescue Services provided, except Extrication Rescue/Recovery services:

	Category	Resident	Non-Resident
1.	Per hour per vehicle	\$125.00	\$250.00
2.	Per hour per team member	\$ 35.00	\$ 70.00
3.	Cost of all materials used in providing the response.		

B. For Extrication Rescue/Recovery services, a fixed fee of \$375.00 per person receiving such services, regardless of whether such person is a resident or non-resident of the District.

**Section Four:** Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution, including but not limited to penalties for filing or causing false fire alarms (70 ILCS 705/6(h)).

**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 service 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.

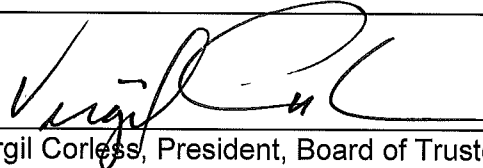
**Section Eight:** That this Ordinance shall be in full force and effect from and after its passage and approval.

**ADOPTED** this 10th day of November, 2010, by the following roll call vote:

AYES: Bradach, Corless, Markowitz, Olsen, Read

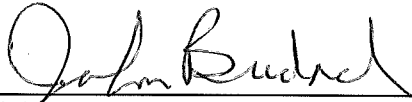
NAYS: none

ABSENT: none



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 10th day of November, 2010.

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 10th day of November, 2010.

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