

ORDINANCE NO 13-8

AN ORDINANCE OF THE ALLIN TOWNSHIP FIRE PROTECTION DISTRICT, PROVIDING FOR THE IMPOSITION OF CHARGES FOR SERVICES RENDERED IN THE PROVISION OF SERVICES TO NON-RESIDENTS AND FOR TECHNICAL RESCUE SERVICES REQUIRING REIMBURSEMENT AND/OR RESTITUTION FOR HAZARDOUS MATERIALS, EMERGENCY RESPONSES, DRIVING UNDER THE INFLUENCE RESPONSES, METHAMPHETAMINE INCIDENT RESPONSES, AND ARSON FIRE RESPONSES.

WHEREAS, the Allin Township Fire protection District does, from time to time, render services to persons who are not residents of the Allin Township Fire Protection District;

WHEREAS, section 11 of the Illinois fire protection district act (70 ILCS 705/11F) authorizes fire protection districts to assess a charge for services rendered by a fire protection district to persons, business, and other entities who are not residents of the fire protection district;

WHEREAS, the Allin Township Fire Protection District does, from time to time, also render technical rescue services in responding to incidents for which the assistance of the district is requested;

Whereas Section 26 of the Illinois Fire Protection District ACT (70 ILCS 705/26) authorizes fire protection to fix, charge, and collect reasonable fees for technical rescue services provided by the District;

WHEREAS, the Allin Township Fire Protection District does, from time to time, render services and undertake emergency action in connection with hazardous materials emergencies;

WHEREAS, section 5 of the Hazardous Materials emergency response Reimbursement Act (430 ILCS 55/5) requires responsible parties reimburse to reimburse fire protection districts for an emergency action response made by them in connection with a hazardous materials emergency for which that party is responsible;

WHEREAS, the Allin Township Fire Protection District responds, from time to time, to emergency calls involving driving while intoxicated incidents which meet the criteria of Section 11-501.01 of the vehicle code (625 ILCS 5/11-501.01);

WHEREAS, Section 11-501.01 of the Illinois Vehicle Code (625 ILCS 5/11-501.01) provides that persons who are found guilty of violating Section 11-501 of the Vehicle Code (625 ILCS 5/11-501) and whose operation of a motor vehicle while in violation of that section (driving under the influence) proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of that emergency response in an amount up one thousand dollars (1,000.00);

WHEREAS, the Allin Township Fire Protection District responds, from time to time, to emergency calls involving methamphetamine possession, consumption, manufacture, or distribution which meet the criteria of Section 90 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/90) provides that a person who commits a violation of that Act in a manner which requires an emergency response is required to make restitution to public entities making the emergency response to cover the reasonable cost of their participation in the emergency response including, but not limited to, regular and overtime costs and payments to private contractors to secure the site of the response;

WHEREAS, the Allin Township Fire Protection District responds from time to time, to fires which are caused by or are the result of Arson;

WHEREAS, section 15 of the emergency services response reimbursement for criminal convictions act (Public Act 96-400) provides that units of government responding to a fire resulting from and arson offense are eligible for reimbursement by a person convicted of the arson offense in an amount not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00);

NOW, THEREFORE, the premises considered be it ordained and established by the Board of trustees of the Allin Township Fire Protection District as follows:

SECTION 1. From and after the effective date of this ordinance there may be assessed against all persons, businesses, and other entities who are not residents of the Allin Township Fire Protection District, a charge for services rendered to such non-residents by personnel and equipment of the Allin Township Fire Protection District.

SECTION 2. The charge provided in SECTION 1 hereof shall not be assessed against persons who request protection coverage for an unprotected area and who pay to the Allin Township Fire Protection District and amount equal to the District's fire protection tax pursuant to Section 4 of the Fire Protection of Unprotected Area Act (70 ILCS 715/4)

SECTION 3. From and after the effective date of this ordinance there may be assessed against any person, business, or entity to whom for which technical rescue services are rendered by the personnel and equipment of the Allin Township Fire Protection District a charge for such services. For purposes of this ordinance, the term technical rescue services shall include, but not be limited to, structural collapses, high angle, tactical, underwater, confined space, below grade, and trench rescue services.

SECTION 4. From and after the effective date of this ordinance there may be assessed against any responsible party, as that term is defined in Section 3(c) of the hazardous material response reimbursement Act (430 ILCS 55/3 (c)), a charge for such services to reimburse the District for the services rendered, materials expended, and private contractors engaged in connection with a hazardous materials incident.

SECTION 5. From and after the effective date of this ordinance, there shall be assessed against any person who is found guilty of violating Section 11-501 of the Vehicle code (625 ILCS 5/11-501), whose operation of a motor vehicle while in violation of that section (driving under the influence) proximately caused any incident resulting in an emergency response by the Allin Township Fire Protection District, a charge of the expenses of that emergency response in the amount of one thousand dollars (\$1,000.00)

SECTION 6. From and after the effective date of this ordinance, there shall be assessed against any person who commits a violation of the Methamphetamine Control and community protection act in a manner which requires an emergency response by the Allin Township Fire Protection District an amount equal to the reasonable cost of its participation in the emergency response including, but not limited to, regular and overtime costs and payments made to private contractors to secure the site of the response.

SECTION 7. From and after the effective date of this ordinance, there shall be charges assessed against any person who is liable under Section 15 of the emergency service response reimbursement for criminal convictions act (Public Act 96-400) to the Allin Township Fire Protection District for its response

to a fire resulting from an arson offense in an amount not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00)

SECTION 8. The charge for services rendered by the Allin Township Fire Protection District under section 1, 3, 4, 6 and 7 hereof shall be \$250.00/hour per firefighting or rescue vehicle and \$70.00 per firefighter responding to a call for assistance under those sections, provided, however that no charge shall be made for services rendered for which the charge would be less than \$50.00 in addition to the foreign charges. A separate charge may be assessed for extraordinary expenses of materials used in rendering services by the Fire Protection District to nonresidents including, but not limited to, in connection with hazardous material emergency response under Section 4 or a methamphetamine incident under Section 6, the cost of any expendable materials used by the District in connection with the incident, the charge of any private contractor responding to the incident, or the loss of damage to District equipment.

SECTION 9. All receipts from charges assessed pursuant to this ordinance shall be deposited to and become a part of the General Fund of the Allin Township Fire Protection District.

SECTION 10. For purpose of this ordinance, the terms used herein shall have the meanings and definitions contained in the Illinois Fire Protection District Act (70 ILCS 705), the hazardous material emergency Response Reimbursement act (430 ILCS55), the Vehicle Code(625ILCS 5), the Methamphetamine control and community protection act (720 ILCS 646/90), and the emergency services response reimbursement for criminal convictions act (Public Act 96-400) and it shall be interpreted in a manner consistent with those Acts.

SECTION 11. This ordinance shall take effect from and after the date of its passage and publications as provided by law and all ordinances of the Allin Township Fire Protection District that conflict with this ordinance are hereby repealed.

PASSED AND APPROVED by the Board of Trustees of the Allin Township Fire Protection District this day of 13 Nov. A.D. 2013

AYES 3  
NAYS 0

Secretary of the Board of Trustees of the Allin Township Fire Protection District

*Scott Edille*

Approved by the President of the Board of Trustees of the Allin Township Fire Protection District this day of 13 Nov. 2013 *Mark Case pres*

CERTIFICATE

The undersigned Secretary of the Board of Trustees of the Allin Township Fire Protection District, a fire Protection District organized and existing under the laws of the State of Illinois, certifies that on the day and date, hereof, he was the duly appointed, acting and qualified Secretary of the said Fire Protection District; that in his capacity as Secretary he is the official keeper of the records, minutes and records and resolutions of said Fire Protection District and that the document attached hereto is a true and correct copy of the ordinance NO 13<sup>8</sup> open titled

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The original of which is part of the official records of the said Allin Township Fire Protection District dated this 13 day of Nov. 2013

Secretary, board of trustees of the Allin Township Fire Protection District

*Scott E. Hillier Sec.*

The undersigned certifies that on the day and date hereof; he was the duly appointed qualified and acting President of the Allin Township Fire District that on the day and date hereof; 13-11-2013 was the duly appointed qualified and acting Secretary of the Allin Township Fire Protection District in such capacity was the keeper of the official records minutes and resolutions of the said Fire Protection District.

President, Board of Trustees of the Allin Township Fire Protection District

*Mike Owen pres*