

ORDINANCE 2016-06

AN ORDINANCE CONCERNING FEES CHARGED FOR
FIREFIGHTING AND EMERGENCY SERVICES
FOR THE CITY OF STREATOR, LA SALLE AND LIVINGSTON COUNTIES, ILLINOIS

WHEREAS, the City of Streator, Illinois, (the "City") may render firefighting and other emergency response services and supplies to non-residents and others who by operation of law can be required to pay for services in specific circumstances.

WHEREAS, Section 11-6-1.1 of the Illinois Municipal Code, 65 ILCS 5/11-6-1.1, permits the City to "fix, charge, and collect firefighting service fees not exceeding the actual cost of the service for all firefighting services" provided by the City "against persons, businesses, and other entities that are not residents" and also permits the City to charge "for extraordinary expenses of materials used in rendering the services."

WHEREAS, Section 11-6-5 of the Illinois Municipal Code, 65 ILCS 5/11-6-5, permits the City, under appropriate circumstances, to "fix, charge, and collect reasonable fees for specialized rescue services" provided by the City.

WHEREAS, Section 11-6-6 of the Illinois Municipal Code, 65 ILCS 5/11-6-6, permits the City to "fix, charge, and collect reasonable fees for technical rescue services" provided by the City.

WHEREAS, the Hazardous Material Emergency Response Reimbursement Act, 430 ILCS 55/1 *et seq.*, authorizes the City to recover costs incurred by the City for an emergency response to a hazardous material emergency incident.

WHEREAS, Section 22.2 of the Environmental Protection Act, 415 ILCS 5/22.2, permits the City to recover costs incurred for removal or remedial action as a result of a release or substantial threat of a release of a hazardous substance or pesticide.

WHEREAS, the City has or may enter into in the future mutual and/or automatic aid intergovernmental agreements for the provision of firefighting and emergency response services outside the corporate limits of the City.

WHEREAS, the City renders firefighting and emergency response services on public and private property within or outside the City's corporate limits to resident and non-resident persons, businesses and other entities in the performance of its obligations to the public and the provision of such services is costly to the City and its taxpayers.

WHEREAS, the City Council of the City of Streator finds that it is authorized by Illinois law and in the best interests of the City to establish a schedule of charges for services and to charge and collect such amounts as permitted by law.

NOW, THEREFORE, be it ordained by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois, as follows:

Section 1: Recitals. The City Council hereby finds that the recitals contained in the preambles are true and correct and incorporate them into this Ordinance by this reference.

Section 2: Definitions. The following words, terms and phrases shall have the meanings set forth herein.

A. *Nonresident* means any person who does not permanently reside within the boundaries of the City of Streator, Illinois.

B. *Person* means any individual, partnership, corporation, trust, firm, company, estate, association or other legal entity.

C. *Services* includes, but is not limited to, fire protection; fire suppression; nonresident motor vehicle fire suppression; collision or accident response; vehicle extrication; emergency medical services; rescue services; water recovery response; responding to and removal and remedial action regarding any and all spillage or release, or any and all threats or risks of a spillage or release, of any and all hazardous wastes and/or materials and/or chemicals and any other situation where the Streator Fire Department responds.

D. *Specialized Rescue Services* includes, but is not limited to, structural collapse, tactical rescue, high angle rescue, underwater rescue and recovery, confined space rescue, below grade rescue, and trench rescue.

E. *Technical Rescue Services* includes, but is not limited to, services provided for confined space, high angle, below grade and trench incidents.

The definitions set forth in the Hazardous Material Emergency Response Reimbursement Act, 430 ILCS 55/1 *et seq.*, as the act may be amended from time to time, are adopted by reference as if fully set forth herein.

Section 3: Billing Procedure. The Fire Chief or officer in charge shall determine the name and address of the person receiving services at the time services are rendered. Within five (5) business days, the Fire Chief will determine if such person is a candidate for billing under this Ordinance. Any questionable candidates shall be referred to the City Manager for determination. The Fire Chief shall promptly report to the City Manager the detail of services, the name and address of the owner(s) and/or occupant(s) of the property and/or the name and address of the person(s) for whom such services were rendered, the amount of fees and charges due hereunder, and the name and address of any applicable accident, casualty, or fire insurance company for such owner(s) and/or occupant(s) and/or person(s) if identified to the Fire Chief. The City Manager shall direct the preparation and delivery of a statement for fees and charges to the person(s) receiving services. Upon written request, the City Manager may waive fees and charges, or a portion thereof, in cases of death, hardship, inability to pay or other mitigating circumstances. All such fees and charges shall be due and payable to the City on or before the thirtieth calendar day following the date of the City's statement for such fees and charges and there shall be assessed and collected interest on the unpaid balance of such charges from time to time computed at the annual percentage rate of five percent (5%) for each day thereafter until such statement of fees and charges is fully paid.

As may be appropriate under the circumstances, the City Manager shall pursue payment for services in accordance with mutual and/or automatic aid intergovernmental agreements or state or federal law, regulation or rule.

Section 4: Fees. The fees for services provided by the City shall be in accordance with the Illinois Compiled Statutes whenever such Statutes clearly establish fees or limits.

A. Services shall be billed according to the following fee schedule.

DESCRIPTION	HOURLY FEE
Fire Suppression Vehicles	
Fire Truck, Tanker, Ladder Truck, <i>et cet.</i>	\$ 125.00
Command Vehicle	\$ 75.00
Firefighters	\$ 35.00
Supplies and Equipment	
Items to be charged as current rates incurred by the Fire Department	

B. A minimum of one hour shall be billed. All hourly fees thereafter shall be rounded to the nearest one-fourth (1/4) hour with the time calculated from the time that the truck(s), vehicle(s) and personnel are dispatched from the City's fire station until such truck(s), vehicle(s), and personnel return to the City's fire station.

C. The fee for any item not provided for in Section 4A shall be calculated at the higher of the current Federal Emergency Management Agency schedule of equipment rates or the schedule of average annual equipment ownership expenses prepared by the Illinois Department of Transportation.

D. All funds collected shall be paid into the General Fund to defray Fire Department expenses.


Section 5: Non Compliance. Statements for services which remain unpaid shall be referred to the City Attorney for collection. Any person who fails to pay a statement for services shall be liable for all fees and charges due to the City, interest on the outstanding balance due and shall also pay the City's reasonable attorneys' fees and expenses and costs, including, but not limited to, any applicable court costs, incurred in collection of the amounts owed to the City.

Section 6: Severability. Each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than that part affected by such decision.

Section 7: Effective Date. This Ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

Passed by the Mayor and City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof held on 15th day of **June, 2016** and approved by me as Mayor on the same day.

APPROVED:


 Jimmie D. Lansford, Mayor

ATTEST:


 Linda Underwood, City Clerk

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Jimmie D. Lansford	√			
Councilwoman Tara Bedei	√			
Councilman Ed Brozak	√			
Councilman Brian Crouch	√			
Councilman William Phelan	√			