

ORDINANCE NO. _____

AN ORDINANCE AMENDING FEES FOR EMERGENCY RESPONSE SERVICES

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. That Section 17.21. is hereby amended to read as follows:

17.21. Hazardous Materials -Department Not Liable.

The Village of Downers Grove, the Downers Grove Fire Department, their officers, agents, or employees shall not have any liability or responsibility for any claim, injury or damage of any kind resulting from emergency action taken in response to a hazardous materials incident to which they respond.

Section 2. That Section 17.21.1. is hereby added to read as follows:

17.21.1. Definitions.

Terms used in Section 17.21 shall have the following meanings:

(a) *Emergency Action.* Any action taken at or near the scene of a hazardous materials emergency incident to prevent or minimize harm to human health, to property, or to the environment from the unintentional release of hazardous materials, by clean-up or abatement of such materials.

(b) *Hazardous Materials.* Any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic, or radioactive, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the Hazardous Materials Transportation Act (49 USCA, Sections 1801, et seq.) in a quantity which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

(c) *Hazardous Material Incident.* An incident which threatens public health or safety involving the actual or potential release of a hazardous substance or hazardous materials.

(d) *Person.* Any individual, partnership, corporation, trust, firm, company, estate, association or other legal entity.

(e) *Responsible Party.* A person who:

(1) owns or has custody of hazardous materials that are involved in an incident requiring emergency action; or

(2) owns or has custody of bulk or non-bulk packaging or a transport vehicle that contains hazardous materials and that is involved in an incident requiring emergency action; and

(3) who causes or substantially contributed to the cause of the incident, whether intentionally or negligently.

Section 3. That Section 17.21.2. is hereby added to read as follows:

17.21.2. Cost of Cleanup or Abatement

(a) Any responsible person shall have the duty to reimburse the Village for and shall be liable for the payment of all costs incurred as a result of any clean-up or abatement resulting from any emergency action taken by the Village or any agency at the direction of the Village, including, but not limited to: actual labor costs of the Village personnel (including workmen's compensation benefits, fringe benefits, and administrative overhead), costs of equipment operation and materials obtained directly by the Village,

replacement of expended supplies, and other costs incurred. Costs under this Section shall not include costs of actual fire suppression services which are normally or usually provided by the Fire Department.

(b) The Village shall prepare and forward to the responsible person, a bill for the total costs and expenses incurred for which such person is responsible pursuant to this Section; provided, however, any cost in connection with any independent cleanup contractor may be billed directly by such contractor. Payment of the total bill from the Village shall be made within thirty (30) days of receipt. Any bill or portion of a bill remaining unpaid after thirty (30) days of receipt shall accrue interest on the unpaid balance at the rate of one and one half percent (1.5%) per month, or fraction of a month.

Section 4. That Section 17.21.3. is hereby added to read as follows:

17.21.3. Penalties.

The remedy by this Article shall be in addition to any other remedies or penalties provided by law.

Section 5. That Section 17.21.4. is hereby added to read as follows:

17.21.4. Reimbursement of costs through the State of Illinois Emergency Response Reimbursement Panel

(a) When deemed necessary, the Village may solicit the assistance of the State of Illinois, Office of the State Fire Marshal, Hazardous Materials Emergency Response Reimbursement Panel (HMERRP) for assistance in recovering the costs of emergency actions taken by the Village in response to hazardous materials incidents from responsible parties.

(b) The Village and the Fire Department may file an application to HMERRP to obtain reimbursement for materials and equipment expended or rendered unserviceable due to chemical contamination after a reasonable but unsuccessful effort has been made to recover any such expended costs from the responsible parties.

(c) In the event that materials or equipment are expended or rendered unserviceable because of their use at a hazardous materials incident which occurs outside the Village, the Village personnel are operating under existing or future mutual aid/response agreements, a summary of costs expended shall be presented to the governmental agency or authority having jurisdiction over the hazardous materials incident where the costs were incurred, so that such agency can bill the responsible party and reimburse the Village for such costs. In the event that the governmental agency or authority having jurisdiction lacks the means to collect the Village's costs from the responsible party, then the Village shall utilize the means set forth in paragraphs (a) and (b) of this section to obtain reimbursement or assistance in collection of such costs.

Section 6. That Section 17.24. is hereby amended to read as follows:

17.24. Interference with inspections.

No person shall in any manner interfere with the fire chief or his designee while he is engaged in the investigation, inspection or examination of any building in the Village, or, who shall prevent him from making such inspection, investigation or examination. (R.O. 1925, § 172.)

Section 7. That Section 17.28. is hereby amended to read as follows:

17.28. Emergency Medical Service and Transportation Fee.

(a) The following fees shall be imposed upon each person who uses emergency medical service and/or transportation provided by the Downers Grove Fire Department:

Residents

Non-Residents

EMT

Basic Life Support Calls	\$275	350.00
Advanced Life Support I Calls	\$350	\$425 \$450
Cardiac Monitor	\$100	\$100
Oxygen	\$50.0	\$50
Advanced Life Support II Calls	\$500	\$600
Mileage-per loaded mile	\$5	\$5

(b) The following fees shall be imposed for emergency rescue services provided by the Downers Grove Fire Department:

	<u>Residents</u>	<u>Non-Residents</u>
<u>Extrication</u>	<u>\$250</u>	<u>\$500</u>
<u>Extinguish Vehicle Fire</u>	<u>\$400</u>	<u>\$800</u>
<u>Engine Response (to accident)</u>	<u>\$100</u>	<u>\$200</u>
<u>Hazardous Material Cleanup (for fluids normal found in passenger vehicles)</u>	<u>\$300</u>	<u>\$600</u>
<u>Command Response</u>	<u>\$100</u>	<u>\$200</u>

(c) The following fees shall be imposed for specialized rescue services performed by the Downers Grove Fire Department:

<u>High Angle Rescue</u>	<u>\$2,000</u>
<u>Structural/Building Collapse Rescue</u>	<u>\$2,000</u>
<u>Confined Space Rescue</u>	<u>\$2,000</u>
<u>Technical Trench Rescue</u>	<u>\$2,000</u>

(d) No fee shall be charged to any person for emergency medical services provided under the following conditions:

(1) The person is a Village employee and the emergency ~~medical~~ services and/or transportation provided are related to an injury or illness covered by the Village's worker's compensation or Village health insurance;

(2) The person dies prior to being admitted to the hospital; or

(3) The Village Manager or his designee may waive the fee, or a portion of the fee, if he determines that the person is incapable of paying the fee.

Section 8. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 9 That this ordinance shall be in full force and effect from and after its passage and publication in the

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manner provided by law.

Mayor

Passed:

Published:

Attest:

Village Clerk