

ORDINANCE NO. 200

AN ORDINANCE APPROVING A BILLING FEE SCHEDULE BETWEEN FIRE RECOVERY USA, LLC, AND THE WOODSTOCK FIRE/RESCUE DISTRICT

WHEREAS, the Woodstock Fire/Rescue District (the “District”), McHenry County, Illinois, is a fire protection district duly organized under the laws of the State of Illinois, including the Illinois Fire Protection District Act (the “Act”), 70 ILCS 705/1 et seq.; and

WHEREAS, the Board of Trustees (“Board”) of the Fire Protection District has full power pursuant to Section 6 of the Act to pass all necessary ordinances, and rules and regulations for the proper management and conduct the business of the board (70 ILCS 705/6) for carrying into effect the objects for which the District was formed; and

WHEREAS, Section 11f of the Act (70 ILCS 705/11f) grants the Board authority to “fix, charge, and collect fees not exceeding the reasonable cost of 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, pursuant to Section 11f of the Act the District adopts this Ordinance No. 200, charging fees for services rendered by the District to nonresident persons, homes and businesses, including therein motor vehicle incidents owned by nonresident entities located outside District boundaries, and

WHEREAS, Section 22.2(f) of the Illinois Environmental Protection Act (the “IEPA,” 415 ILCS 5/22.2(f)) provides that certain enumerated persons or parties “shall be liable for all cost 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 Section 22.2(f) of the IEPA the District adopted Ordinance No. 178 SPILLER PAYS ORDINANCE, charging fees for hazardous material response services rendered and costs incurred by the District to persons, homes and businesses receiving such services; and

WHEREAS, Section 26 of the Act grants the District the authority to fix, charge, and collect reasonable fees for specialized rescue services; and

WHEREAS, pursuant to Section 26 (70 ILCS 705/26) of the Act the District adopts Ordinance No. 200, charging fees to compensate for costs accruing to the District that result

from services provided, including the costs of training and maintenance the Technical Rescue Services response teams; and

WHEREAS, Section 25 of the Act (70 ILCS 705/25) grants the District the authority to fix, charge, and collect reasonable fees for specialized rescue services; and

WHEREAS, pursuant to Section 25 of the Act the District adopts Ordinance No. 200, charging fees to compensate for costs accruing to the District that result from services provided, including the costs of training and maintain of the Specialized Rescue Services response teams; and

WHEREAS, Fire Recovery USA LLC (the “Company”) is a California limited liability company authorized to conduct business in Illinois; and

WHEREAS, the Company engages in the business of performing billing services for fire departments nationally, including in Illinois; and

WHEREAS, Company seeks to assist the District with billing services for its nonresident (including motor vehicle incidents), hazardous material, technical rescue services, and specialized rescue services reimbursement efforts as enumerated herein; and

WHEREAS, the Board has approved an agreement with Fire Recovery USA to perform billing services for the District; and

WHEREAS, the Board finds and determines that it would be in the best interest of the residents and businesses of the District to establish a fee schedule to facilitate reimbursement of District costs, fees and expenses as provided by the District’s ordinances.

NOW, THEREFORE, Be it Ordained by the Board of Trustees of the Woodstock Fire/Rescue District that:

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: The Board hereby adopts the fee schedule attached as **Exhibit A**, for use by Fire Recovery USA in collecting fees pursuant to its agreement with the District.

Section Three: Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other district ordinance or resolution as permitted by law.

Section Four: The Fire Chief is hereby authorized to waive any or all of the fees due under Ordinance. He may do so by policy or on an individual basis.

Section Five: Any person or entity that refuses to pay or fails to pay the above listed service charges enacted by the respective district ordinances within sixty (60) days of notice of the charge will be deemed to have violated the respective 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 Six: 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 Seven: That this Ordinance shall be in full force and effect from and after its passage and approval.

PRESENTED, adopted and approved this 21st day of May, 2015.

YEAS: 4

NAYS: 0

WOODSTOCK FIRE/RESCUE DISTRICT

/s/ Robert Kristensen
Robert A. Kristensen, President

ATTEST:

/s/ Kenneth Marunde
Kenneth Marunde, Secretary

EXHIBIT A

FEE SCHEDULE FOR FIRE DEPARTMENT RESPONSE TO INCIDENTS

The Woodstock Fire/Rescue District shall assess the following fees for Fire District response to incidents:

Specialized Rescue Services

Non-resident @ \$250.00 per hour per vehicle
Non-resident @ \$70.00 per hour per team member

Resident @ \$125.00 per hour per vehicle
Resident @ \$35.00 per hour per team member

Technical Rescue Services (including Vehicle Extrication)

Non-resident @ \$250.00 per hour per vehicle
Non-resident @ \$70.00 per hour per team member

Resident @ \$125.00 per hour per vehicle
Resident @ \$35.00 per hour per team member

Hazardous Materials Response

Charge @ \$125.00 per hour per vehicle
Charge @ \$35.00 per hour per team member

A fine of a minimum of \$100.00 with maximum of \$1,000.00 per offense with a separate offense deemed to occur per day of the occurrence.

False Fire Alarms

An owner/occupant is allowed two unintentional false alarms during a 3-month period. The third and fourth false alarms in a 3-month period will result in a charge of \$100.00 and each additional false alarm in a 3-month period following the fourth false alarm will result in a charge of \$500.

Minimum Response charge for items not listed

Non-resident @ \$250.00 per hour per vehicle
Non-resident @ \$70.00 per hour per team member

Fees are based upon narrative provided in Woodstock Fire/Rescue District incident reports. Fees shall only be assessed for vehicles and crews that arrive on-scene and perform functions critical to the incident.

No vehicle charges for the Shift Commander as the command vehicle is not normally a required part of the on-scene services provided.

No vehicle or personnel charges will be applicable for the ambulance companies as this cost is included in the ambulance transport portion of the fee.