

ORDINANCE NO. 2016-O-003

**AN ORDINANCE AMENDING ORDINANCE 96-O-1
CHARGING FEES FOR SERVICES RENDERED TO NONRESIDENT
HOMES AND BUSINESSES BY THE TRI-STATE FIRE PROTECTION DISTRICT**

WHEREAS, the Tri-State Fire Protection District (the "District"), DuPage County, 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 (70 ILCS 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, pursuant to said authority the Board adopted Ordinance 96-O-1 on March 11, 1996, establishing charges and fees for certain costs incurred by the District in rendering fire, rescue and emergency services to non-resident persons, homes and businesses; and

WHEREAS, since adoption of Ordinance 96-O-1, Section 11f of the Act (70 ILCS 705/11f) was amended by Public Act 96-0370 effective August 13, 2009; and

WHEREAS, the Board finds that it is in the best interest of the District and the residents of the District to require that persons, homes and businesses receiving District provided fire, rescue and emergency services reimburse the District at the maximum rates permitted by law for costs accruing to the District from services provided.

NOW, THEREFORE, Be It Ordained, by the Board of Trustees of the Tri-State Fire Protection District, DuPage County, 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SECTION TWO: Ordinance 96-O-1 is repealed in its entirety and replaced by the following provisions.

SECTION THREE: When the Tri-State Fire Protection District responds to:

(a) any fire or emergency service response involving persons, businesses, or other entities who are not residents, or personal or real property owned by non-residents of the Tri-State Fire Protection District, or

(b) utility or power line incidents attributable to non-resident persons, business or other entities (such as by way of illustration but not limitation, an identified non-resident contractor or its agents/employees which negligently cuts a utility or power line resulting in a District response to the incident site), then the District may charge the non-resident(s) up to \$250 per hour for District vehicles responding and up to \$70 per hour for personnel responding as provided in 70 ILCS 705/11f, and may charge for extraordinary expenses of materials used in rendering such services.

SECTION FOUR: Nothing in this Ordinance or Ordinance No. 96-O-1 shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution.

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 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 25th day of January, 2016, by the following roll call vote:

AYES: 3

NAYS: 0

ABSENT: 0



Eric Habercoss, President, Board of Trustees
Tri-State Fire Protection District

ATTEST:



Bob Jewell, Secretary, Board of Trustees
Tri-State Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

SS

SECRETARY'S CERTIFICATE

I, Bob Jewell, the duly qualified and acting Secretary of the Board of Trustees of the Tri-State Fire Protection District, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

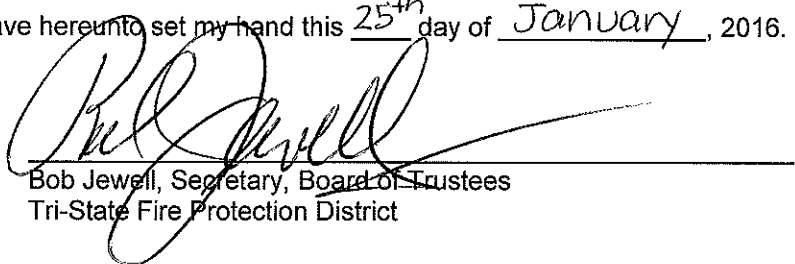
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which Ordinance was duly adopted by said Board of Trustees at a special meeting held on the 25th day of January, 2016.

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 25th day of January, 2016.



Bob Jewell, Secretary, Board of Trustees
Tri-State Fire Protection District