

ORDINANCE NO. F-1397

AN ORDINANCE AMENDING CHAPTER 30, FIRE PREVENTION AND PROTECTION, BY THE ADDITION OF NEW ARTICLE VI, REIMBURSEMENT FOR SPECIALIZED RESCUE SERVICES

WHEREAS, the Corporate Authorities of the City of Wheaton, Illinois deem it appropriate to regulate, control, fix, charge and collect reasonable fees for fire, police or other specialized rescue services provided by the City of Wheaton; and

WHEREAS, the Corporate Authorities of the City of Wheaton have concluded that the reimbursement for specialized rescue services performed by the City of Wheaton promotes the safety, health and welfare of its residents, business owners and those receiving any such specialized rescue services; and

WHEREAS, the Corporate Authorities of the City of Wheaton have concluded that the reimbursement for specialized rescue services performed by the City of Wheaton is an effective and efficient method of increasing the safety of those individuals requiring specialized rescues, and improving the efficiency of the expenditure of public funds for private purposes; and

WHEREAS, the Fire Chief has recommended establishment of a reimbursement for specialized rescue services ordinance as a means of ensuring the public safety.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage, Illinois, that Chapter 30 (Fire Prevention and Protection) of the Wheaton City Code is hereby amended by the addition of Article VI to be entitled "Reimbursement for Specialized Rescue Services," Sections 30-106 through 30-116, which shall read as follows:

Section 1: Secs. 30-106 – 30-110. Reserved

Article VI. Reimbursement for Specialized Rescue Services

Sec. 30-111. Definitions.

For purposes of this Ordinance "specialized rescue service" shall mean: vehicle extrication involving mechanical means, structural collapse, trench collapse, below grade rescue, tactical rescue, high angle rescue, high elevation rescue above four stories, water rescue or recovery, confined space rescue, rescue requiring the assistance of non-City of Wheaton personnel or equipment, or other non routine rescues which require one or more participants to have special training, abilities or certifications.

Section 30-112: Reimbursement for Specialized Rescue Services.

There is hereby imposed a fee to reimburse the City of Wheaton for specialized rescue services provided, managed or directed by the City of Wheaton Fire Department and or Police Department in such amount as will reimburse the City of Wheaton for the total reasonable cost of providing those rescue services, which costs shall include:

- (a) personnel costs at the scene of the special rescue, as well as any call back or overtime costs, resulting from the need of having additional City employees cover non special rescue work while other personnel are participating in the special rescue, not to exceed the personnel costs recited in Appendix B of this Code; and
- (b) vehicular and equipment costs used at the special rescue at a rate not to exceed the vehicular and equipment costs recited in Appendix B of this Code; and
- (c) disposable equipment costs used at the scene of the special rescue; and
- (d) the actual cost to the City of having to use any non-City owned resources to accomplish the special rescue; and
- (e) The total fee shall not exceed the actual cost of providing the special rescue services.

Section 30-113: Determining Special Rescue Fees

After each special rescue the Fire Chief and or the Police Chief or their designee, shall compute the special rescue fee allocable to the special rescue and in conformance with the standards set forth herein. The invoice for the special rescue fee shall be prepared by the City Finance Director and sent to the liable party.

Section 30-114: Liable Parties.

The fee shall be charged to any of the following parties whose act or omission was a cause of the special rescue including but not limited to:

- (a) the owner of the property on which the specialized rescue services occurred;
- (b) any party involved in an act or omission that caused or contributed to the need for the special rescue;
- (c) a person or person who is rescued during the emergency and his or her employer if the person was acting in furtherance of the employer's interests;

(d) in cases involving the rescue or recovery of property, any person having control or custody of the property at the time of the emergency.

Section 30-115: Multiple Liable Parties.

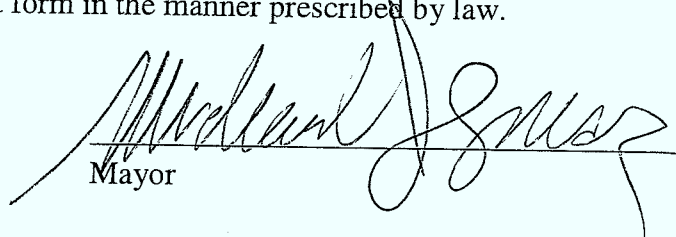
Where more than one parties act or omission is a cause of the special rescue, such parties shall be jointly and severally liable.

Section 30-116: Appeal of Fees.

A liable party may contest whether the amount of any fee imposed by a special rescue is reasonable by filing a written notice of appeal with the City Manager not less than fourteen (14) business days after mailing of the invoice for the special rescue fees. The written appeal shall specify why a fee is unreasonable in sufficient detail to explain the basis of the fees alleged unreasonableness. Within fourteen (14) calendar days of receipt of the notice of appeal, the City Manager shall set an evidentiary hearing on the appeal. It shall be the appellant's burden to establish that all or part of the special rescue fee is unreasonable. The City Manager shall reduce the special rescue fee in any amount he finds to be unreasonable."


Section 2: All ordinances or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, expressly repealed.

Section 3: This ordinance shall become effective effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Prendiville
Councilman Suss
Councilwoman Corry
Councilman Johnson

Councilman Levine
Mayor Gresk

Nays: None
Absent: None

Motion Carried Unanimously

Passed: December 1, 2008
Published: December 2, 2008