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CARDS OF THANKS:

DYSON: I wish to thank the Lanark Fire Department for their quick response and wonderful care given to me in the past weeks. Also, thanks for all the calls, prayers, cards and food. Special thanks to all my friends, family, neighbors, St. Wendelin Church and Exchange State Bank. I'm home recuperating and God bless all of you for being there for Gary and me.

Bev Dyson

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ORDINANCE NO. 133

AN ORDINANCE OF THE CHADWICK FIRE PROTECTION DISTRICT PROVIDING FOR THE IMPOSITION OF CHARGES FOR SERVICES RENDERED IN THE PROVISION OF SERVICES TO NONRESIDENTS AND FOR TECHNICAL RESCUE SERVICES AND REQUIRING REIMBURSEMENT AND/OR RESTITUTION FOR THE HAZARDOUS MATERIALS EMERGENCY RESPONSES, DRIVING UNDER THE INFLUENCE RESPONSES, METHAMPHETAMINE INCIDENT RESPONSES, AND ARSON FIRE RESPONSES.

WHEREAS, the Chadwick Fire Protection District does, from time to time, render services to persons who are not residents of the Chadwick Fire Protection District;

WHEREAS, Section 11f of the Illinois Fire Protection District Act (70 ILCS 705/11f) authorizes fire protection districts to assess a charge for services rendered by a fire protection district;

WHEREAS, the Chadwick Fire Protection District does, from time to time, also render technical rescue services in responding to incidents for which the assistance of the District is requested;

WHEREAS, Section 26 of the Illinois Fire Protection District Act (70 ILCS 705/26) authorizes fire protection districts to fix, charge, and collect reasonable fees for technical rescue services provided by the District;

WHEREAS, the Chadwick Fire Protection District does, from time to time render services and undertake emergency action in connection with hazardous materials emergencies;

WHEREAS, Section 5 of the Hazardous Material Emergency Response Reimbursement Act (430 ILCS 55/5) requires responsible parties to reimburse fire protection districts for an emergency action response made by them in connection with a hazardous materials emergency for which that party is responsible;

WHEREAS, the Chadwick Fire Protection District responds from time to time to emergency calls involving driving while intoxicated incidents which meet the criteria of Section 11-501.01 of the Vehicle Code (625 ILCS 5/11-501.01);

WHEREAS, Section 11-501-01 of the Illinois Vehicle Code (625 ILCS 5/11-501.01) provides that persons who are found guilty

of violating Section 11-501 of the Vehicle Code (625 ILCS 5/11-501) and whose operation of a motor vehicle while in violation of that section (driving under the influence) proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of that emergency response in an amount up to One Thousand Dollars (\$1,000.00);

WHEREAS, the Chadwick Fire Protection District responds from time to time to emergency calls involving methamphetamine possession, consumption, manufacture or distribution which meet the criteria of Section 90 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/90);

WHEREAS, Section 90 of the Methamphetamine control and Community Protection Act (720 ILCS 646/90) provides that a person who commits a violation of that Act in a manner which requires an emergency response is required to make restitution to public entities making the emergency response to cover the reasonable cost of their participation in the emergency response including, but not limited to, regular and overtime costs and payments to private contractors to secure the site of the response;

WHEREAS, the Chadwick Fire Protection District responds from time to time to fires which are caused by or are the result of arson;

WHEREAS, Section 15 of the Emergency Services Response Reimbursement for Criminal Convictions Act (Public Act 96-400) provides that units of government responding to a fire resulting from an arson offense are eligible for reimbursement by a person convicted of the arson offense in an amount not less than One Thousand Dollars (\$1,000.00)

and not more than Ten Thousand Dollars (\$10,000.00);

NOW, THEREFORE, the premises considered, be it ordained and established by the Board of Trustees of the Chadwick Fire Protection District as follows:

SECTION 1. From and after the effective date of this ordinance there may be assessed against all persons, businesses, and other entities who are not residents of the Chadwick Fire Protection District, a charge for services rendered to such nonresidents by personnel and equipment of the Chadwick Fire Protection District.

SECTION 2. The charge provided for in Section 1 hereof shall not be assessed against persons who request fire protection coverage for an unprotected area and who pay to the Chadwick Fire Protection District an amount equal to the District's fire protection tax pursuant to Section 4 of the Fire Protection of Unprotected Area Act (70 ILCS 715/4).

SECTION 3. From and after the effective date of this ordinance there may be assessed against any person, business, or entity to whom or for which technical rescue services are rendered by the personnel and equipment of Chadwick Fire Protection District a charge for such services. For purposes of this ordinance, the term technical rescue services shall include, but not be limited to, structural collapse, high angle, tactical, underwater, confined space, below grade, and trench rescue services.

SECTION 4. From and after the effective date of this ordinance, there may be assessed against any responsible party, as that term is defined in Section 3(c) of the Hazardous Material Response Reimbursement Act (430 ILCS 55/3(c)), a charge for such services to reimburse the District for the services rendered, materials expended, and private contractors engaged in connection with a hazardous materials incident.

SECTION 5. From and after the effective date of this ordinance, there shall be assessed against any person who is found guilty of violating Section 11-501 of the

Vehicle Code (625 ILCS 5/11-501) whose operation of a motor vehicle while in violation of that section (driving under the influence) proximately caused any incident resulting in an emergency response by the Chadwick Fire Protection District a charge for the expense of that emergency response in the amount of ne Thousand Dollars (\$1,000.00).

SECTION 6. From and after the effective date of this ordinance, there shall be assessed against any person who commits a violation of the Methamphetamine Control and Community Protection Act in a manner which requires an emergency response by the Chadwick Fire Protection District, an amount equal to the reasonable cost of its participation in the emergency response including, but not limited to, regular and overtime costs and payments made to private contractors to secure the site of the response.

SECTION 7. From and after the effective date of this ordinance, there shall be assessed against any person who is liable under Section 15 of the Emergency Services Response Reimbursement for Criminal Convictions Act (Public Act 96-400) to the Chadwick Fire Protection District for its response to a fire resulting from an arson offense in an amount not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00).

SECTION 8. The charge for services rendered by the Chadwick Fire Protection District under Sections 1, 3, 4, 6 and 7 hereof shall be \$250.00 per hour per fire fighting or rescue vehicle and \$70.00 per hour per firefighter responding to a call for assistance under those sections, provided, however, that no charge shall be made for services rendered for which the charge would be less than \$50.00. In addition to the foregoing charges, a separate charge may be assessed for extraordinary expenses of materials use din rendering services by the Fire Protection District to nonresidents including, but not limited to, in connection with a hazardous material emergency response under

Section 4 or a methamphetamine incident under Section 6, the cost of any expendable materials used by the District in connection with the incident, the charge of any private contractor responding to the incident, the loss or damage to District equipment.

SECTION 9. All receipts from charges assessed pursuant to this Ordinance shall be deposited to and become a part of the General Fund of the Chadwick Fire Protection District.

SECTION 10. For purposes of this Ordinance, the terms used herein shall have the meanings and definitions contained in the Illinois Fire Protection District Act (70 ILCS 705), the Hazardous Material Emergency Response Reimbursement Act (430 ILCS 55), the Vehicle Code (625 ILCS 5), the Methamphetamine Control and Community Protection Act (720 ILCS 646/90), and the Emergency Services Response Reimbursement for Criminal Convictions Act (Public Act 96-400) and it shall be interpreted in a manner consistent with those Acts.

SECTION 11. Should any provision of this Ordinance be found or declared to be invalid, that finding shall not affect the remaining provisions thereof which shall remain in full force and effect.

SECTION 12. This Ordinance shall take effect from and after the date of its passage and publication as provided by law and all ordinances of the Chadwick Fire Protection District in conflict with this Ordinance are hereby repealed.

PASSED AND APPROVED by the Board of Trustees of the Chadwick Fire Protection District this 9th day of December, A.D., 2010.

Ayes 3
Nays 0

DWIGHT SMITH

Secretary of the Board of Trustees of the Chadwick Fire Protection District

Approved by the President of the Board of Trustees of the Chadwick Fire Protection District this 9th day of December, 2010.

MICHAEL JOHNSON
President



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