
**THE VILLAGE OF SOUTH CHICAGO HEIGHTS
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2019-ORD-15**

**AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK
COUNTY, ILLINOIS, AMENDING SECTIONS 34-2, 34-35 and 34-36 OF ARTICLES I
AND II OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE VILLAGE OF
SOUTH CHICAGO HEIGHTS (EMERGENCY SERVICE USER FEES AND FIRE
SERVICE AND FEE MITIGATION RATES)**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SOUTH CHICAGO HEIGHTS
THIS 16TH DAY OF DECEMBER, 2019**

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of South Chicago Heights,
Cook County, Illinois this 16th
day of December, 2019.

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AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK COUNTY, ILLINOIS, AMENDING SECTIONS 34-2, 34-35 and 34-36 OF ARTICLES I AND II OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS (EMERGENCY SERVICE USER FEES AND FIRE SERVICE AND FEE MITIGATION RATES)

WHEREAS, the Village of South Chicago Heights, Cook County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare (the “*Home Rule Powers*”); and

WHEREAS, the Village President and Board of Trustees of the Village of South Chicago Heights (the “*Corporate Authorities*”) are charged with the responsibility of protecting the health, safety and welfare of the residents of the Village; and

WHEREAS, the Corporate Authorities may from time to time amend the text of the Code of Ordinances of the Village of South Chicago Heights when it is determined to be in the best interests of the residents of the Village; and

WHEREAS, the Corporate Authorities are charged with the responsibility of reviewing user fees to ensure that the overall cost of services is accurately compensated; and

WHEREAS, the Corporate Authorities designate public safety regulations for the Village; and

WHEREAS, regulations and fees need to be implemented to accommodate the changing needs of the Village and its residents and to defray costs associated with emergency and non-emergency services response activity; and

WHEREAS, in performing rescue and recovery services the Village and its Fire Department members are required to observe and implement increased safety requirements mandated for emergency roadway operations, including the use of additional personnel and specialized equipment for personnel safety as well as scene and traffic control; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the Village and the residents of the Village to require that those persons or the owner or persons responsible for an object or person that was involved in or caused an incident that necessitated the use of the Village's services to pay fees to compensate the Village for cost accruing that result from the services provided, including the cost of training and maintaining the technical rescue services response teams; and

WHEREAS, it has been determined by the Corporate Authorities that it is necessary, advisable and in the best interest of the Village of South Chicago Heights to implement a fair and equitable procedure by which to collect mitigation rates and to establish a billing system in accordance with applicable laws, regulations and guidelines; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the health, safety and welfare of the residents of the Village to create regulations and provide for the fees herein specified to ensure the public health and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. Section 34-2 (“Charges for certain services provided by the Village Fire Department”) of Article I (“In General”) of Chapter 34 (“Fire Prevention and Protection”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois is hereby amended by deleting the following stricken language and adding the underlined language to read, as follows:

~~Sec. 34-2. - Charges for certain services provided by village fire department~~

Emergency Service User Fees.

(a) ~~The village shall make the following charges for ambulance or emergency medical services rendered by or on behalf of the village:~~ The recipients of basic life support services and/or advanced life support-mobile intensive care services from the firefighter/paramedic service program of the Village are obligated to pay a fee each and every time the services are provided by the Village for the use and operation of a Village ambulance or the rendering of emergency medical services, in an amount and in accordance with the following schedule:

- (1) Advanced life support (ALS) services #1 \$1,500.00
Advanced life support (ALS) services #2 1,500.00
- (2) Basic life support (BLS) services 1,000.00
- (3) Mileage associated with (1) and (2) above, per loaded mile ~~15.00~~ 20.00

All recipients of the service shall be billed for the service after completion thereof, and no person shall be denied service for reason of failure to pay past amounts billed or for reason of lack of residency within the corporate limits of the Village of South Chicago Heights.

(b) (1) When ambulance or emergency services are rendered by the Village of South Chicago Heights to residents, such persons shall not be billed for the remaining charges which may exist once final payment has been received from all insurance providers of the resident.

(2) When ambulance or emergency services are rendered by the Village of South Chicago Heights to non-residents, such persons shall be billed for the remaining charges which may exist once final payment has been received from all insurance providers of the non-resident. Unpaid balances shall be assigned to a debt-collection agency of the Village’s choice. The village may charge the following fees for fire protection services provided to owners of property lying outside the limits of the village

- (1) ~~Auto fire, per vehicle..... \$500.00~~
- (2) ~~Fire officer assistance, per hour..... 100.00~~

- ~~(3) Fire fighter assistance, per hour 50.00~~
- ~~(4) Fire department vehicle assistance, per hour 100.00~~
- ~~(5) Oil dry, per bag 10.00~~
- ~~(6) Water fee 100.00~~

(c) Annual Increase. The above referenced emergency service user fees shall be increased annually effective January 1 of each year, without further action of the Corporate Authorities pursuant to the Medicare ambulance inflation factor or three percent, whichever is greater.

Section 3. Section 34-35 (“*Service charge for response to fire call outside corporate limits*”) of Article II (“*Fire Department*”) of Chapter 34 (“*Fire Prevention and Protection*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois is hereby amended by deleting the following stricken language and adding the underlined language to read, as follows:

Sec. 34-35. Service charge for response to fire call outside corporate limits.

(a) For any emergency response by the village fire department, other than ambulance service, which occurs in an unincorporated area, a service charge shall be imposed on the owner of the property for which said emergency response has occurred according to the following schedule as set forth in Section 34-36.:-

~~(1) For the first piece of apparatus responding, a base charge of \$400.00 is established for the first hour or fraction thereof for service. For each additional hour or fraction thereof for service, an additional charge of \$300.00 is established.~~

~~(2) For each additional piece of apparatus, a charge of \$300.00 is established for the first hour or fraction thereof, with an additional charge of \$300.00 per hour per unit also being established.~~

(b) The village shall, within 30 days of the response to said emergency call, invoice the property owner for the service charge incurred as a result of said emergency response. Payment of said invoice is expected within 30 days, after which interest shall accrue at the maximum rate permitted to be paid by a municipality by law.

Section 4. Section 34-36 (“*Reserved*”) of Article II (“*Fire Department*”) of Chapter 34 (“*Fire Prevention and Protection*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois is hereby amended by deleting the following stricken language and adding the underlined language to read, as follows:

Sec. 34-36. Reserved Fire Service and Fee Mitigation Rates.

(A) General: The Village hereby establishes cost mitigation rates for the deployment of certain emergency and non-emergency services by the Fire Department of the Village for services provided and/or rendered, including the provision of personnel, supplies and equipment to the scene of motor vehicle incidents and other emergency incidents as provided below, which are based on the actual costs of the services and those costs that are usual, customary and reasonable (UCR).

(B) Rates:

1. Motor Vehicle Incidents: The following rates shall apply for the provision of technical services to residents and nonresidents at the levels indicated for response to motor vehicle incidents:

(a) Level 1 - \$487.00: This service includes hazardous materials assessment, scene stabilization and basic response services.

(b) Level 2 - \$554.00: Includes level 1 services, cleanup and material used (sorbents) for hazardous fluid cleanup and disposal. Billing at this level will occur if the Fire Department must clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

(c) Level 3 - \$677.00: Relating to a car fire, provision of scene safety, fire suppression, breathing air, rescue tools, hose, tip use, foam, structure protection and cleanup of gasoline or other automotive fluids that are spilled as a result of the accident/incident.

(d) Add-on Services:

(i) Extrication \$1,461.00: Includes heavy rescue tools, ropes, airbags, cribbing, etc. This charge will be added if the Fire Department has to free/remove anyone from the vehicle(s) using any equipment. Billing at this level will not occur if the person to be extricated is unconscious or unable to move and the Fire Department is able to open a door to the vehicle to access and safely remove the person. This level is to be billed only if equipment is deployed.

(ii) Creating a Landing Zone \$448.00: Includes Air Care (multi-engine company response, mutual aid, helicopter). Billing at this level will occur any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

(iii) Itemized Response: In the case of an unusual incident, the Fire Department of the Village may bill each incident as an independent incident with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). Such incidents will be billed using itemized amounts for apparatus and personnel, plus products and equipment used.

(iv) Additional Time On-Scene:

Engine billed at \$448.00 per hour;
Truck billed at \$560 per hour; and
Miscellaneous equipment billed at \$336.00.

2. Hazardous Materials: The following rates shall apply for the provision of technical services to residents and nonresidents at the levels indicated for responses involving hazardous materials:

(a) Level 1 - \$784.00: Basic response includes engine response, first responder assignment, perimeter establishment, evacuations, setup and command.

(b) Level 2 - \$2,800.00: Intermediate response includes engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment, and setup and removal of decon center as necessary.

(c) Level 3 - \$6,608.00: Advanced response includes provisions of level 1 and level 2 services as well as robot deployment, recovery and identification of material, disposal and environmental cleanup. Also includes any disposal rates for contaminated equipment and material used at scene. This level includes three (3) hours of on scene time. Any hour in excess of three (3) hours shall be billed at three hundred thirty-six dollars (\$336.00) per hour for each HAZMAT team present. This additional amount shall be charged in fifteen (15) minute increments.

(d) Additional Time On-Scene (for all levels of service):

Engine billed at \$448.00 per hour;
Truck billed at \$560.00 per hour; and
Miscellaneous equipment billed at \$336.00.

3. Fire Investigation Team: Fire investigation services will be charged at three hundred eight dollars (\$308.00) per hour. These services include scene safety, investigation, source identification, K-9/arson dog unit, identification equipment, mobile detection equipment and fire report. For purposes of this charge, the claim shall begin when the fire investigator or investigation team responds to the incident. This charge is limited to logged time only. This fee will only be levied if it is determined that fire investigation is necessary based upon the facts and circumstances of the fire in question.

4. Fires: Fire suppression services will be charged at four hundred forty-eight dollars (\$448.00) per hour, per engine and five hundred sixty dollars (\$560.00) per hour, per truck. This service shall include scene safety, investigation and fire/hazard control. For purposes of this charge, the claim shall begin when the Village Fire Department responds to the incident and this charge is only for logged time.

5. Illegal Fires: Fire suppression services will be charged at four hundred forty-eight dollars (\$448.00) per hour, per engine and five hundred sixty dollars (\$560.00) per hour, per truck when a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions, or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

6. Water Incidents: The following rates shall apply for the provision of technical services to residents and nonresidents at the levels indicated for response to water incidents:

(a) Level 1 - \$448.00 plus \$56.00 per hour, per rescue person: Provision of basic response services including engine response, first responder assignment, perimeter establishment, evacuations, first responder setup and command, scene safety and investigation (including possible patient contact and hazard control).

(b) Level 2 - \$896.00 plus \$56.00 per hour, per rescue person: Intermediate response includes provision of level 1 services as well as cleanup and material used (sorbents), minor hazardous cleanup and disposal. Billing will occur at this level if the Fire Department of the Village must clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

(c) Level 3 - \$2,240.00 plus \$56.00 per hour, per rescue person and \$112.00 per hour, per HAZMAT team member: Advanced response includes provisions of level 1 and 2 services as well as DART activation, donning breathing apparatus, setup and removal of decon center, detection equipment, recovery and identification of material, and disposal and environmental cleanup. Also includes any disposal rates of contaminated equipment and material used at scene.

(d) Level 4 - Itemized response: In the case of an unusual incident, the Fire Department may bill each incident as an independent incident with actual costs and/or customary mitigation rates using itemized rates deemed usual, customary and reasonable (UCR). Such incidents will be billed using itemized amounts for each trained rescue person plus rescue products and equipment used.

7. Fire Chief Response To Incident: For any incident for which a response is attended to by the fire chief, there shall be a charge of two hundred fifty dollars (\$250.00) per hour. This will be charged when the fire chief directly responds to an incident, including the setup of command and providing direction of the operations, safety and administration of the incident.

8. Equipment Charges: The charges for equipment used for the services identified in this section, including specialized rescue services to the extent the same is not limited by law, may include the following hourly rates:

- (a) Engine: Four hundred forty-eight dollars (\$448.00).
- (b) Truck/squad: Five hundred sixty dollars (\$560.00).
- (c) Boat rescue: Four hundred fifty dollars (\$450.00).
- (d) Other/miscellaneous: Three hundred thirty-six dollars (\$336.00).

(C) Implementation And Procedures:

1. The mitigation rates above are flat fees, except as otherwise identified, and have been determined to be usual, customary and reasonable for the incident responses listed. The mitigation rates were determined by itemizing costs for a typical incident (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs and maintenance) and labor rates (based upon an average department's "actual personnel expense", and not simply a firefighter's basic wage). The actual personnel expense includes costs such as wages, benefits, workers' compensation, insurance, etc. When a claim is submitted, it will be itemized and based on the actual services provided in accordance with the above rates.

2. The mitigation rates shall represent an additional cost of the claim for damages of the vehicles, property and/or injuries, and shall be filed with the insurance carrier of the owner of the vehicle, owner of the property or the responsible party(ies) as set forth above. In some circumstances, the responsible party will be billed directly.

3. The village board may make rules or regulations and from time to time may amend, revoke or add rules and regulations as they may deem necessary or expedient in respect to billing for services under this section and the collection of rates as established herein.

4. Any person or entity that refuses to pay or fails to pay charges billed will be deemed to have violated this section. The village may 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 5. That any state statute requirement in conflict hereof with this Ordinance is hereby superseded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the Village.

Section 6. This Ordinance, and its parts, are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance that is declared invalid shall not affect the validity of any other provision of this Ordinance, which shall remain in full force and effect.

Section 7. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally Left Blank)

ADOPTED by the President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois this 16th day of December 2019, pursuant to a roll call vote, as follows:

VOTE:

AYES: 6 E. Fazzini, T. Fioriuzzo, E. Stanton, S. Morrato, T. Baseo & J. Ross

NAYS: 0

ABSENT: 0

APPROVED by the President of the Village of South Chicago Heights, Cook County, Illinois on this 16th day of December 2019.


VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK