

ORDINANCE NO. CO-2013-35

**AN ORDINANCE AMENDING TITLE III (ADMINISTRATION),
CHAPTER 33 (FIRE DEPARTMENT) OF THE MAYWOOD VILLAGE CODE TO
CREATE A NEW SECTION 33.20 (MITIGATION RATES FOR FIRE DEPARTMENT
SERVICES) RELATIVE TO RATES CHARGED FOR THE DEPLOYMENT OF
EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT**

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the cost to the Village for providing emergency and non-emergency services by the Fire Department has increased significantly over the past several years; and

WHEREAS, the number of emergency and non-emergency incidents that the Fire Department responds to each year continues to increase; and

WHEREAS, the Village has investigated different methods to maintain a high level of quality emergency and non-emergency service capability through the times of constantly increasing service demands, where maintaining an effective response by the Fire Department decreases the costs of incidents to insurance carriers, businesses and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party should be held accountable for their actions; and

WHEREAS, the President and Board of Trustees of the Village of Maywood find that it is necessary to Chapter 33 (Fire Department), Title III (Administration) of the Maywood Village Code to establish a new Section 33.20 (Mitigation Rates for Fire Department Services) to establish a comprehensive set of fees for fire department services in order to offset a portion of the increased costs of these services that the Village is incurring on an annual basis (the "Code Amendments"); and

WHEREAS, pursuant to the authority granted to municipalities by Sections 11-5-7 and 11-5-7.2 of the Illinois Municipal Code (65 ILCS 5/11-5-7 and 11-5-7.2) and the Village's home rule authority granted by Article VII, Section 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood have determined that it is in the best interests of the Village, its residents, property owners and business owners to approve the Code Amendments as set forth below.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, PURSUANT TO THEIR HOME-RULE AUTHORITY, SET FORTH AT ARTICLE VII, SECTION 6 OF THE ILLINOIS CONSTITUTION OF 1970, AS FOLLOWS:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1 as materials provisions of this Ordinance.

SECTION 2: Chapter 33 (Fire Department), Title III (Administration) of the Maywood Village Code is amended by establishing a new Section 33.20 (Mitigation Rates for Fire Department Services), which shall read in its entirety as follows:

“§ 33.20 MITIGATION RATES FOR FIRE DEPARTMENT SERVICES

(A) The Maywood Fire Department shall charge mitigation rates for the delivery of emergency and non-emergency services by the Fire Department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as set forth in this Section. The mitigation rates shall be based on usual, customary and reasonable costs of the emergency and non-emergency services and are billed on an hourly basis.

(B) A claim shall be filed to the responsible party through their insurance carrier. In some circumstances, the responsible party will be billed directly.

(C) The Village Manager reserves the right to waive the fees and/or related services charges, or any portion thereof, based on economic hardship reasons.

(D) The mitigation rates are average “billing levels”, and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (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 such apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department’s “actual personnel expense” and not just a firefighter’s basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

(E) The mitigation rates are as follows:

(1) MOTOR VEHICLE INCIDENTS

Level 1 - \$435.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the Fire Department responds to an accident/incident.

Level 2 - \$495.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the Fire Department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 - \$1,800.00

Includes Level 1 & 2 services as well as extrication (heavy rescue tools, ropes, airbags, cribbing, etc.). We will bill at this level if the Fire Department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and Fire Department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Level 4 - \$2,200.00

Includes Levels 1, 2, & 4 services as well as Air Care (multi-engine company response, mutual aid, and helicopter). We will bill at this level any time a helicopter is utilized to transport the patient(s).

Level 5

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

(2) HAZMAT

Level 1 - \$700.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$2,500.00

Intermediate Response: Claim will include 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. It will also include set-up and removal of decon center.

Level 3 – \$5,900.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. It also includes set-up and removal of decon center, detection equipment, recovery and identification of material, and disposal and environment clean up. Includes above, in addition to any disposal rates of material and contaminated equipment and material used at scene. The base cost includes three (3) hours of on-scene time, **each additional hour is billed at \$300.00 per hour per HAZMAT team.**

(3) PIPELINE INCIDENTS / POWER LINE INCIDENTS

(Includes, but not limited to: Gas, Sewer, Septic to Sewer, and Water Pipelines)

Level 1 - \$400.00

Basic Response: Claim will include engine response and first responder assignment, perimeter establishment, evacuations, first responder set-up and command. It includes inspection without damage or breakage.

Level 2 - \$1,000.00

Intermediate Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. It may also include HAZMAT team, Level A or B suit donning, breathing air and detection equipment and any time spent to supervise and/or assist in pipeline repair.

Level 3 – Itemized Claim Charges

Advanced Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. It may include HAZMAT team, Level A or B suit donning, breathing air and detection equipment and it may include time spent to supervise and/or assist pipeline repair of intermediate to major pipeline damage. It may include set-up and removal of decon center, detection, recovery and identification of material, disposal and environment clean up.

(4) FIRE INVESTIGATION

Fire Investigation Team - \$275.00 per hour.

Includes:

- Scene Safety
- Investigation
- Source Identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.

(5) WATER INCIDENTS

Level 1 - \$400 plus \$50 per hour, per rescue person.

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Level 2 - \$800 plus \$50 per hour, per rescue person.

Intermediate Response: Claim will include Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Level 3 - \$2,000 plus \$50 per hour per rescue person, plus \$100 per hour per HAZMAT team member.

Advanced Response: Claim will include Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. It will also include set up and removal of decon center, detection equipment, recovery and identification of material, disposal and environment clean up. It includes the above, in addition to any disposal rates of material and contaminated equipment and material used at scene.

Level 4

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary, and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

(6) BACK COUNTRY OR SPECIAL RESCUE

Minimum billed \$400 for the first response vehicle plus \$50 per rescue person. Additional rates of \$400 per hour per response vehicle and \$50 per hour per rescue person.

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

(7) CHIEF RESPONSE - \$250 per hour

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

(8) MISCELLANEOUS

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

SECTION 3: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4: All tables of contents, indexes, and internal references or cross-references to sections that have been deleted or amended by the Code amendments set forth above shall be amended so as to be consistent with the terms of this Ordinance.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 4 day of June 2013, pursuant to a roll call vote as follows: Mayor Perkins, Trustee(s) A. Dorris, M. Rogers,

AYES: M.Lightford, and R. Rivers

NAYS: None

ABSENT: Trustee A. Jaycox

PASSED by the Corporate Authorities of the Village of Maywood, Cook County, Illinois, on a roll call vote at a Regular Meeting thereof held on the 4 day of June, 2013, and approved by me as President, and attested by the Village Clerk on the same day.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK

Published by me in pamphlet form this 4 day of June, 2013.


VILLAGE CLERK