

**ORDINANCE NO. 2025-02**

**AN ORDINANCE IMPOSING FEES FOR  
REIMBURSEMENT OF COSTS INCURRED FOR RESPONSE TO  
HAZARDOUS MATERIAL SPILLS ("SPILLER PAYS") AND  
FOR REIMBURSEMENT OF COSTS INCURRED FOR RESPONSE TO  
EMERGENCY SITUATIONS REQUIRING TECHNICAL RESCUE SERVICES  
BY THE OAKBROOK TERRACE FIRE PROTECTION DISTRICT**

**WHEREAS**, the Oakbrook Terrace 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**, Section 26 of the Act (70 ILCS 705/26) grants the District the authority to fix, charge, and collect reasonable fees for technical rescue services provided by the District; and

**WHEREAS**, the term "Technical Rescue Services" as used in this Ordinance is defined as emergency rescue/recovery response services including, but not limited to the following categories or types of services: (a) High Angle Rescue/Recovery, (b) Confined Space Rescue/Recovery, (c) Trench Engulfment Rescue/Recovery, (d) Structural Collapse Rescue/Recovery, (e) River/Lake Rescue/Recovery, (f) Vehicle/Machinery Rescue/Recovery, and/or (g) Extrication Rescue/Recovery; and

**WHEREAS**, the term “Extrication Rescue/Recovery” as used in this Ordinance includes but is not limited to any actions or operations that result in a person being removed from a vehicle in a motor vehicle collision or other accident/incident using specialized extrication tools as well as extrication involving an electric vehicle; and

**WHEREAS**, the District renders Technical Rescue Services to its residents, to non-residents visiting or transiting the District, and by mutual aid to the residents of other communities; and

**WHEREAS**, the cost of training and equipping the Technical Rescue Services teams is great, yet the benefits often accrue to a small number of people or entities; and

**WHEREAS**, in performing Extrication Rescue/Recovery services the District and its emergency responders 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**, Section 22.2(f) of the Illinois Environmental Protection Act (415 ILCS 5/22.2(f)) provides that certain enumerated persons or parties “shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide...”; and

**WHEREAS**, the Board finds that it is in the best interest of the District and the residents of the District to require that those who benefit from the District’s Technical Rescue Services pay fees to compensate the District for costs accruing to the District that result from services provided, including the costs of training and maintaining the Technical Rescue Services response teams; and

**WHEREAS**, the Board finds that it is in the best interest of the District and the residents of the District to require that those persons or the owner or persons responsible

for an object or person that was involved in or caused an accident that necessitated the use of the District's Technical Rescue Services and/or Extrication services pay fees to compensate the District for costs accruing to the District that result from services provided, including the costs of training and maintaining the Technical Rescue Services response teams; and

**WHEREAS**, the Board finds that it is in the best interest of the District to establish standard and uniform fees to reimburse the District for an emergency response for Technical Rescue Services and Extrication Rescue/Recovery services; 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 Oakbrook Terrace 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:** This Ordinance shall supersede any ordinances or motions or parts of ordinances or motions in conflict with any part herein, and any such ordinances or motions or parts of such ordinances are hereby repealed.

**SECTION THREE:** If any section, paragraph or provisions of the Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Ordinance.

**SECTION FOUR:** The Secretary of the Oakbrook Terrace Fire Protection District is hereby directed to publish this Ordinance at least once in a newspaper published in the District. Publication shall take place at least ten (10) days prior to implementation of

this Ordinance. The provisions of this Ordinance shall be in full force and effect ten (10) days after publication as provided by law (70 ILCS 705/7).

**SECTION FIVE:** Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other District ordinance or resolution, including but not limited to penalties for filing or causing false fire alarms (70 ILCS 705/6(h)).

**SECTION SIX:** Any person or entity that refuses to pay or fails to pay the below-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 District's Fire Chief is hereby authorized to waive any or all of the fees due under this Ordinance. He or she may do so by policy or on an individual basis.

**SECTION EIGHT:** This Ordinance shall be in full force and effect from and after its passage and approval.

**SECTION NINE:** Notwithstanding any other provision or rule of law, the following persons shall be jointly, or jointly and severally liable for all costs of Technical Rescue Services as set forth in this Ordinance:

A. The owner of the property on which Technical Rescue Services are provided or occur; and

B. The owner of a vehicle at which Technical Rescue Services are provided or occur; and

C. The owner of an electric vehicle at which technical or specialized rescue services are provided; and

D. Any person involved in any activity which caused or contributed to the causation of the emergency, including but not limited to any person filing a false report resulting in dispatch of Technical Rescue Services; and

E. In cases involving the rescue or recovery of an individual, the individual and his/her employer if the person was in the District in furtherance of the employer's interests; and

F. In cases involving the rescue or recovery of property, the owner of the property and anyone who had custody or control of the property at the time of the emergency.

**SECTION TEN:** The charges for District Emergency Technical Rescue Services or any other related rescue service are as follows:

A. For each category of Technical Rescue Services provided, except Extrication Rescue/Recovery services:

	Category	Resident	Non-Resident
1.	Vehicles	\$125.00 per vehicle	\$250.00 per hour
2.	Team Members	\$ 35.00 per member	\$ 70.00 per member
3.	Current Cost of all materials used in providing the response.		

B. For-Rescue/Recovery services, a fee of \$250.00 per hour for all vehicles and \$70.00 per hour per person receiving such services, for ALL NON-RESIDENTS OF THE DISTRICT. COST OF ALL MATERIALS USED IN PROVIDING THE RESPONSE.

C. EXTRICATION CHARGE OF \$500 FOR ALL RESIDENTS OR NON-RESIDENTS USING SPECIALIZED EXTRICATION TOOLS.

**SECTION ELEVEN:** DEFINITIONS: As used in this Ordinance, the following terms shall have the following meanings:

**COSTS** All expenses incurred by the District or by another authorized emergency response agency for any removal or remedial action.

**EMERGENCY**

**RESPONSE  
AGENCY**

A unit of local government, volunteer organization or other support agency including licensed hazardous waste contractors that provide one or more of the following services: (1) firefighting services; (2) MOTOR VEHICLE FIRES AND ACCIDENT SCENE RESPONSES; (3) hazardous materials response teams; (4) emergency service, disaster response or civil defense services; (5) public works or maintenance; (6) police agencies (federal, state or local); or (7) remediation, mitigation or disposal of hazardous materials by a hazardous waste contractor.

**FACILITY**

Any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock or aircraft. Also, any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed, or otherwise come to be located.

**HAZARDOUS  
MATERIALS**

Any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radioactive including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C. §5101 *et seq.*) in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

**MATERIALS  
INCIDENT**

A situation involving an actual, suspected or possible hazardous material for which the Fire District or other emergency response agency must respond in order to ensure the safety of personnel or property.

**MUTUAL AID**

Any action taken by the Fire District or any public agency pursuant to an intergovernmental agreement, including, but not limited agreements made as part of the Mutual Aid Box Alarm System (MABAS).

**PERSON**

Any individual, business, firm, partnership, corporation, association, trust, estate, joint venture or other legal entity, or their legal representative, agent or assign.

**RELEASE**

Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous

material or any constituent thereof may enter the environment.

**REMEDIAL  
ACTION**

Any action consistent with permanent, remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment.

**REMOVAL**

The cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threat of release of hazardous materials, the disposal of removed material, or the taking of such action as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the environment.

**RESPONSE**

Any removal or remedial action to a materials incident or other incident.

**SECTION TWELVE: PROHIBITED ACTS:** No person shall cause, threaten or allow the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or Federal agency having primary jurisdiction over the release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

**SECTION THIRTEEN: RESPONSE AUTHORITY:**

A. The Fire Chief or his authorized representative shall have authority to respond to any release or threatened release of hazardous materials within the District

or affecting the public water supply, wells or sewage treatment works located within the District. This authority includes, but is not limited to, remedial action and removal.

B. The Fire Chief shall have primary authority to respond to any release or threatened release of hazardous materials as described above. The Fire Chief shall report any release or threatened release of hazardous materials to all appropriate Federal, State and local public health, safety and emergency agencies within twenty-four (24) hours of any substantial release of hazardous materials. The Fire Chief shall relinquish his response authority at such time, if any, as the Federal, State or local emergency response agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

C. The Fire Chief, during such time as response authority is vested in him or her, shall be authorized to utilize all District personnel and equipment and he or she may, in his sole discretion, take such remedial or removal action as he or she may deem necessary or appropriate to respond to the release or threatened release of hazardous material including the use of material and in accordance with any Mutual Aid Box Alarm System ("MABAS") agreements.

D. All responding personnel shall cooperate with and operate under the direction of the Fire Chief or other person then exercising response authority under this Ordinance until such time as the person exercising such response authority has determined that the response is complete or responsibility for response is assumed by the Federal, State or local emergency response agency having primary jurisdiction over the release or threatened release.

E. The person exercising response authority under this Ordinance shall coordinate and/or cooperate with other Federal, State or local emergency response agencies involved in response to the release or threatened release of hazardous materials.



**SECTION FOURTEEN: LIABILITY FOR COSTS:**

A. Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in this Ordinance, the following persons shall be jointly and severally liable for all costs of removal and remedial action incurred by the District as a result of a release or threatened release of a hazardous material:

1. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous material.
2. Any person who, at the time of disposal, transport, storage or treatment of a hazardous material, owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous material.
3. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous materials.
4. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of release of such hazardous substances.

**SECTION FIFTEEN: DEFENSES:** There shall be no liability under this Ordinance for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of a hazardous material and the resulting damages occurred under one of the permitted defenses set forth in 415 ILCS 5/22.2(j).

**SECTION SIXTEEN: COSTS AND PENALTIES:**

A. Any person who is liable for the release or threatened release of a hazardous material who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the District, or in accordance with any order of any court having jurisdiction on the matter, shall be liable

to the District for any costs incurred by the District as a result of such failure to provide or take such removal or remedial action, together with the cost of any removal or remedial action taken by the District in accordance with the ordinance, and all attorneys' fees and related legal costs incurred in connection therewith.

B. In addition, any such person shall be guilty of a violation of this Ordinance and shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred and fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day on which a violation occurs or continues. Where such violation is found to be the result of willful and/or wanton conduct or gross negligence, or the person committing such violation attempts to evade responsibility hereunder by leaving the scene of the occurrence or by other means, that person shall be subject to a fine as provided for above or a fine in an amount equal to three (3) times the costs, including attorneys' fees and legal costs, for which it is liable under Paragraph A, whichever is greater.

C. Charges for removal or remedial action when rendered by the District or any agency in accordance with any mutual aid agreement shall be as follows:

- 1) The cost of vehicles as determined by the responding agency, but in no case less than \$250.00 per hour for all District vehicles, or such maximum rate as allowed by Illinois law, as amended from time-to-time; and
- 2) The cost of all personnel of the Oakbrook Terrace Fire Protection District or to any responding agency, incurred as a result of the removal or remedial action, but in no case less than \$70.00 per hour per team member, or such maximum rate as allowed by Illinois law, as amended from time-to-time; and
- 3) The cost of all materials and equipment used, expended, depleted, destroyed or removed from service in accordance with federal, state or local ordinance as a result of the mitigation or containment operations or at the request of the District or any responding agency; and
- 4) The costs of service and/or goods provided by a private or public


entity which are used, expended, depleted or destroyed as a result of the response.

**ADOPTED** this 9<sup>th</sup> day of April, 2025, by the following roll call vote:

AYES: - 3 -

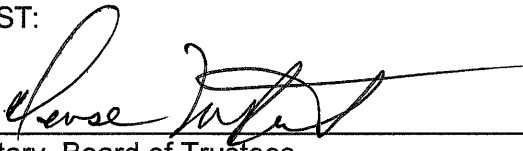
NAYS: - 0 -

ABSENT: - 0 -



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President, Board of Trustees  
Oakbrook Terrace Fire Protection District

ATTEST:



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Secretary, Board of Trustees  
Oakbrook Terrace Fire Protection District

STATE OF ILLINOIS       )  
                                      )  
COUNTY OF DUPAGE     )

SS

**SECRETARY'S CERTIFICATE**

I, Denise Rebot, the duly qualified and acting Secretary of the Board of Trustees of the Oakbrook Terrace Fire Protection District, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:


**ORDINANCE NO. 2025-02**

**AN ORDINANCE IMPOSING FEES FOR  
REIMBURSEMENT OF COSTS INCURRED FOR RESPONSE TO  
HAZARDOUS MATERIAL SPILLS ("SPILLER PAYS") AND  
FOR REIMBURSEMENT OF COSTS INCURRED FOR RESPONSE TO  
EMERGENCY SITUATIONS REQUIRING TECHNICAL RESCUE SERVICES  
BY THE OAKBROOK TERRACE FIRE PROTECTION DISTRICT**

which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 9<sup>th</sup> day of April, 2025.

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 9<sup>th</sup> day of April, 2025.

  
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Secretary, Board of Trustees  
Oakbrook Terrace Fire Protection District