

122-0-96

AN ORDINANCE

Establishing the Evanston Fire and
and Life Safety Services
Cost Recovery Program

WHEREAS, the Evanston Fire Department's staff expends considerable time and money in performing fire prevention duties, inspections, code enforcement, and other responsibilities pursuant to specific codes and ordinances; and

WHEREAS, it has become increasingly necessary to defray the costs of such services by the establishment of certain user fees; and

WHEREAS, the City Council has established a policy that the costs of Fire Department responses to incidents due to a negligent, unlawful or unauthorized act shall be borne by the party or parties responsible;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 9 of the Evanston City Code, 1979, as amended, be and is hereby amended by adding the following new Chapter 14:

CHAPTER 14

FIRE DEPARTMENT COST RECOVERY PROGRAM

9-14-1: DEFINITIONS:

CARELESS: Not taking ordinary or proper care; heedless; inattentive.

CONTRACT: An oral or written agreement to have work performed by a contractor.

CONTRACTOR: Person or entity who has a contract to perform a task or service.

EMERGENCY RESPONSE: Any call requiring the Fire Department to respond.

INCENDIARY ACT: A fire purposely set by a person or persons.

INCIDENT: Any request, by any person for the services of the Evanston Fire Department.

MALICIOUS ACT: A wrongful act intentionally done without legal justification or excuse; an unlawful act done wilfully and purposely.

NEGLIGENCE: Failure to use the ordinary care a reasonably prudent and careful person would use under similar circumstances; failure to do something which a reasonable person would do; or the doing of something which a reasonable and prudent person would not do.

9-14-2: ACTS REQUIRING COST REIMBURSEMENT: The following acts are subject to the fees enumerated in Section 9-14-3:

- (A) **Negligence/Careless Acts:** Any Contractor whose Negligence or careless actions or conduct causes an Incident resulting in appropriate Emergency Response, shall be required to make restitution, pursuant to Section 9-14-3 of this chapter, to the City of Evanston for the costs of that Emergency Response.
- (B) **Malicious or Incendiary Acts:** Any person whose Malicious or Incendiary Act causes an Incident resulting in Emergency Response, shall be required to make restitution, pursuant to Section 9-14-3 of this chapter, to the City of Evanston for the costs of that Emergency Response.
- (C) **Driving Under the Influence:** Pursuant to Chapter 625, Section 5/11-501(a) of the Illinois Compiled Statutes, any person who has 0.10 or more alcohol concentration in his or her blood or breath, or whose blood or urine contains evidence of the unauthorized use of cannabis, as defined by the Illinois Cannabis Control Act, 720 ILCS 550/1 et seq. (1994), or of the unauthorized use of a controlled substance, as defined by the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq. (1994), and who causes an Incident resulting in appropriate Emergency Response, upon conviction (includes supervision and probation) shall be required to make restitution, pursuant to Section 9-14-3 of this chapter, to the City of Evanston for the costs of that Emergency Response.

- (D) Helicopter Standby: When a helicopter (other than governmental crafts such as Coast Guard crafts or those carrying political personnel) lands or hovers within the boundaries of the City, the person responsible for such helicopter shall be required to make restitution, pursuant to Section 9-14-3 of this Chapter, to the City of Evanston for the costs of a fully staffed fire engine required for standby.
- (E) Fire Company Standby: When a Fire Company (engine, truck, or ambulance with the appropriate number of firefighters) is requested or required to standby for a non-City sponsored event, the person responsible shall be required to make restitution, pursuant to Section 9-14-3 of this chapter, to the City of Evanston for the costs of such Fire Company Standby.

9-14-3: FEES: The following fees shall apply to all acts enumerated in Section 9-14-2:

Per Fire Engine Per Hour	\$350.00
Per Truck Company Per Hour	\$350.00
Per Command Van Per Hour	\$175.00
Per Ambulance Per Hour	\$350.00
Per Administrative Vehicle Per Hour	\$100.00
Per Administrator Per Hour	\$100.00
Per Fire Inspector Per Hour	\$ 75.00
Per Suppression Member Per Hour	\$ 75.00

A minimum of one hour shall be charged. Subsequent hours will be billed at 15 minute increments.

9-14-4: LATE FEES: All fees shall be paid to the City Collector within 60 days of the invoice date. In the event that the fees are not paid within the 60 day period, said fees shall be increased by 50%.

9-14-5: WAIVER OF FEES: The Fire Chief or his/her designee may waive or reduce fees, upon his discretion, based on mitigating circumstances.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 11, 1996

Adopted: November 25, 1996

Approved: December 9, 1996

Lorraine H. Norton
Mayor

ATTEST:

Hester Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel