

Ordinance No. O-13-19

**VILLAGE OF CAMPTON HILLS
AMENDING THE VILLAGE OF CAMPTON HILLS CODE
TO ADD A NEW TITLE 7A**

Be it Ordained by the President and the Board of Trustees of the Village of Campton Hills, Kane Village, Illinois, that:

SECTION 1: The Village Code is hereby amended to add thereto a new Title 7A as follows:

TITLE 7A. HAZARDOUS SUBSTANCES

Chapter 1. HAZARDOUS SUBSTANCE CONTROL AND HAZARDOUS MATERIALS INCIDENT EXPENSE RECOVERY

Sec. 7A-1-1 Definitions.

Hazardous material: Any substance, material or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, radioactive, flammable, combustible or which generates pressure through decomposition, heat or other means, which may cause injury or illness to humans, domestic livestock or wildlife, or protected natural areas and/or natural resources other material defined as hazardous by the Illinois Environmental Protection Act or any State or Federal law.

Third party: As used in this Chapter herein the term "third party" shall mean any person, persons, company, corporation or business entity specifically brought in to investigate or mitigate an incident.

Sec. 7A-1-2. General Statement Of Liability For Payment Of Expenses.

The recipients, benefactors, administrators, personal representatives, executors, successors, heirs or assigns thereof ("persons"), who are determined by the Village of Campton Hills to be recipients of emergency assistance or emergency services which imposed financial liability or responsibility on the Village or any other persons as a result of an incident involving known or potentially hazardous materials shall reimburse the Village for any expenses or supplies and equipment expended or contracted for as a result of services or assistance provided. In addition, the parties set forth above shall reimburse any third parties for services rendered or supplies and equipment expended as a result of their involvement in the incident. Said reimbursement to the Village or any other person and all appropriate parties shall also include the cost of all related medical monitoring or medical treatment of any representatives who, as a part of their association with the incident, may have come in contact with known or potentially hazardous materials.

Sec. 7A-1-3. Hazardous Materials Incident Expense Recovery.

- A. A person causing or permitting a hazardous materials incident shall be responsible jointly or severally, for all of the following:
1. Reimbursement in full for any and all costs incurred by the Village in responding to such hazardous materials incident at the rate of one hundred fifty dollars (\$150.00) per hour per vehicle (or any fraction of an hour) and the hourly pay, including overhead costs, and the prorated cost of employee benefits for each employee who participates in such response to a hazardous materials incident, and administrative expenses.
 2. Reimbursement in full for any and all costs incurred by the Village for equipment and materials damaged, lost, spent, destroyed or rendered irreparable in connection with a hazardous materials incident, including costs of time of employees spent in replacing said equipment and materials.
 3. Reimbursement of and full liability for any and all costs of cleanup and removal resulting from a hazardous materials incident, including, but not limited to, expenses charged by any third party as defined in Section 7A-1-1 of this Chapter, which may be necessitated by such hazardous materials incident.
- B. The Village shall prepare and forward to the person or persons causing or permitting a hazardous materials incident a bill for the total costs and expenses incurred for which said person or persons are responsible pursuant to this Chapter; provided, however, any costs in connection with any third party may be billed directly by such third party. Payment of the total bill shall be made within thirty (30) days of receipt. Any bill or portion of a bill remaining unpaid after thirty (30) days of receipt shall accrue interest on the unpaid balance at the rate of one and one-half percent (1 1/2%) per month, or fraction of a month. Enforcement of this Chapter may be pursued in Administrative Adjudication or other appropriate means.

Sec. 7A-1-4. Limitations Of Liability.

The Village, its agents, its officers or employees shall have no liability or responsibility for any claim, injury or damage of any kind resulting from a potentially hazardous materials incident to which the Village or any of its departments, officers, agents, or employees respond.

SECTION 2: Any motion, order, resolution or ordinance in conflict with the provisions of this Ordinance is, to the extent of such conflict, hereby superseded and waived.

SECTION 3. This Ordinance shall take full force and effect upon its passage, approval and publication as provided by law. This Ordinance shall be published in pamphlet form.

Passed this 17th day of September, 2013 by roll call vote.

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura B. Andersen	X _____	_____	_____	_____
Trustee Susan George	X _____	_____	_____	_____
Trustee Jim W. Kopec	X _____	_____	_____	_____
Trustee Albert L. Lenkaitis, Jr.	X _____	_____	_____	_____
Trustee Mike D. Millette	X _____	_____	_____	_____
Trustee Harry Blecker	X _____	_____	_____	_____
President Patsy J. Smith	_____	_____	_____	_____

APPROVED THIS 18th DAY OF September, 2013.



Patsy J. Smith, Village President

(SEAL)

ATTEST:



Carolyn Higgins, Village Clerk