

ORDINANCE 20-06-001

First reading 06-11-2020

Second reading 07-09-2020

AN ORDINANCE RELATING TO LIFT ASSIST (non-medical response)

WHEREAS, the Limestone Township Fire Protection District (“District”) finds it in the public interest and desires to promote and protect the health, safety, welfare and convenience of the public and otherwise provide adequate protection from fire for lives and property;

WHEREAS, it is not in the public’s interest for District resources to be used in responding to certain non-medical lift assist; and

WHEREAS, the rights of the people of the District to receive adequate protection from fire for lives and property remains paramount; and

WHEREAS, the District operates a volunteer Fire Department staffed by approximately thirty trained professionals; and

WHEREAS, Fire Department personnel are often dispatched for lift assistance calls at care facilities; and

WHEREAS, the care facilities requesting lift assistance are compensated for providing care to their patients and/or residents; and

WHEREAS, the number of calls requiring the Fire Department to provide lift assistance to care providers limits their ability to provide services to the other areas of the District; and

WHEREAS, the District Board has determined that the care facilities should pay for the services being provided by the Fire Department.

IT IS, THEREFORE, ORDAINED by the Board of Trustees of the Limestone Township Fire Protection District as follows:

- A. This Ordinance is passed pursuant to 70 ILCS 705/6(h); 70 ILCS 705/26; and all other applicable provisions of the Illinois Fire Protection District Act and the District is authorized to enforce this Ordinance under the statutes and all other applicable authority existing in statute, regulation, or common law.
- B. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the other provisions of this Ordinance.
- C. All other District ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

Section 1. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given:

- (a) **Assisted-living facility;** Assisted-living facility means an Assisted Living Establishment licensed under the Assisted Living and Shared Housing Act (210 ILCS 9 *et. seq.*) and any other residential setting that provides assisted-living services for remuneration to three (3) or more persons who reside in such residential setting and are not related to the owner of the residential setting and, except as provided in subdivision (b) of this subdivision, includes a home, an apartment or a facility: assisted-living does not include a home, an apartment or a facility in which (1) casual care is provided at irregular intervals or (ii) a competent person residing in such home, apartment or facility provides for or contracts for his or her own personal or professional services if no more than 50 percent of the persons residing in such home, apartment or facility receive such services.
- (b) **Nursing care facility;** Nursing care facility shall mean a facility a licensed under the Nursing Home Care Act (210 ILCS 45 *et. seq.*) or a facility or long-term care facility where medical care, nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than twenty-four (24) consecutive hours to persons residing at such facility who are ill, injured or disabled.
- (c) **Emergency medical treatment;** For purposes of this article, emergency medical treatment shall mean treatment beyond an initial assessment routinely performed by the Limestone TFPD Fire Department.
- (d) **Lift Assist;** Lift assist shall mean a response by the Fire Department to assist in physically moving a person who does not require emergency medical treatment or transportation in an assisted-living facility and or nursing care facility.

Section 1. Lift assist cost recovery; fee schedule; records.

- (a) The District shall charge a fee to assisted-living facilities and nursing care facilities for services provided by the District in connection with providing a lift assist to any person.
- (b) The fee for providing such lift assist shall be \$225.00 per lift assist incident, excluding administrative fees
- (c) The fire department shall maintain records in connection with services provided pursuant to this article.

Section 2. Billing, Delinquency and Collection.

- (a) The District Administrative Section shall be responsible for the billing and collection of accounts due and owing, including the right to contract for billing and collection, subject to the approval of the Board. Facility will be invoiced at the beginning of each month for each lift assist at the facility.
- (b) Any bill or invoice for the fee imposed pursuant to this article shall be considered delinquent upon the expiration of the time allowed for payment, which is 30 days from invoice date. If the payment is not received by the next invoice cycle, a late fee of \$10.00 for every 30 days past due will be imposed.

- (c) Upon the occurrence of a delinquency(s) of three (3) months, the District shall send to the owner or owners the following: a copy of each bill sent to the person who had been paying the charges or some other notice sufficient to inform the owner or owners that the charges have become delinquent in an attempt to ensure payment is made.
- (d) The owner(s) shall be responsible for any collection costs including attorney's fees.

Section 3. Appeals

Any assisted-living facility or nursing care facility subject to a fee under this article may appeal the billing to the Board of Trustees at the next scheduled monthly Board meeting. The Board will issue a decision by the next scheduled meeting. Facility will be notified of their decision.

Section 4. Implementation.

This Ordinance shall be in full force and effect upon its adoption and ten (10) days after posting per prescribed guidelines.

ADOPTED this 13th day of August, 2020, by a vote of
3 AYES, 0 NAYS, and 2 ABSTENTIONS.



President, Board of Trustees



Secretary, Board of Trustees

Counsel Review - 02 June 2020