

# **NOTICE OF STANDING COMMITTEES**

Scheduled for  
Tuesday, May 14, 2019,  
beginning at 6:30 p.m. in

Council Chambers  
Village Hall of Tinley Park  
16250 S. Oak Park Avenue  
Tinley Park, Illinois

**Public Works Committee**  
**Public Safety Committee**  
**Administration & Legal Committee**

A copy of the agendas for these meetings is attached hereto.

Kristin A. Thirion  
Clerk  
Village of Tinley Park

**NOTICE OF A MEETING**  
**OF THE PUBLIC SAFETY COMMITTEE**

Notice is hereby given that a meeting of the Public Safety Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 6:30 p.m. on Tuesday, May 14, 2019, in the Council Chambers at the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, Illinois.

The agenda is as follows:

1. OPEN THE MEETING.
2. CONSIDER APPROVAL OF THE MINUTES OF THE PUBLIC SAFETY COMMITTEE MEETING HELD ON MARCH 12, 2019.
3. REVIEW THE COMMITTEE'S ASSIGNED RESPONSIBILITIES UNDER ORDINANCE 2019-O-022.
4. DISCUSS HAZARDOUS MATERIAL SPILLER PAY ORDINANCE.
5. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION  
VILLAGE CLERK

**MINUTES**  
**Public Safety Committee**  
**March 12, 2019 – 6:30 p.m.**  
**Village Hall of Tinley Park – Council Chambers**  
**16250 S. Oak Park Avenue**  
**Tinley Park, IL 60477**

Members Present: W. Brady, Chairman  
B. Younker, Village Trustee  
M. Glotz, Village Trustee

Members Absent: None

Other Board Members Present: None

Staff Present: D. Niemeyer, Village Manager  
P. Carr, Assistant Village Manager  
P. Connelly, Village Attorney  
D. Maiolo, Human Resources Director  
M. Thomas, Information Technology Manager  
J. Urbanski, Assistant Public Works Director  
K. Mulqueeny, Streets Superintendent  
L. Godette, Deputy Village Clerk  
L. Carollo, Commission/Committee Secretary

**Item #1** - The meeting of the Public Safety Committee was called to order at 6:30 p.m.

**Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE PUBLIC SAFETY COMMITTEE MEETING HELD ON JANUARY 8, 2019** – Motion was made by Chairman Brady, seconded by Trustee Younker, to approve the minutes of the Public Safety Committee meeting held on January 8, 2019. Vote by voice call. Chairman Brady declared the motion carried.

**Item #3 – DISCUSS FIRE DEPARTMENT PAY PLAN** - The Village's initial pay study conducted by NIU in 2006, focused on a pay plan that did not include Fire Suppression staff. Therefore, following implementation of the updated Village pay plan effective in October 2018, the Fire Department and Human Resources evaluated data provided by PayPoint HR and also verified up-to-date market data collection and analysis. Below is the recommended Fire Pay Plan in accordance with the Village's Strategic Plan:

- Ten (10) Step Paygrade and Step Structure – Format is similar to the Village Pay Plan. Step and/or Market Wage/COLA eligible. Plan includes 2% increases between each full step within each position.
- Rate Increases in First Year – Select positions. Entry pay rates for Lieutenants, Captains and Assistant Chiefs were increased to reflect market data and also encourage employees' interests in promotions within the department.
- Seniority – In the first year of the proposed plan, upon a successful evaluation, employees will have the opportunity to move 1 (one) full step increase within the same paygrade, excelling in all evaluation categories and also holding a minimum number of seniority years.

## Minutes

### Meeting of Public Safety Committee

March 12, 2019

- Merit Only Pay – Pay increases for the part-time positions of Assistant Chief and Deputy Chief would be subject to the “Merit Only” increase cap approved annually by the Village Board, based on a successful performance evaluation.
- Education Stipend Program - The education stipend would be replaced with a provision for a step increase following a successful performance evaluation, which would additionally support the internal promotion process.
- Change in Acting Rank Pay Program – Variable additional hourly pay amounts would be added to the Fire Suppression employees’ current pay based on the acting rank role.

Total cumulative cost for the first four (4) years is approximately \$513,500.00.

D. Niemeyer, Village Manager thanked the Human Resources and Fire Departments on their hard work regarding the Fire Pay Plan. Mr. Niemeyer additionally discussed next steps in proceeding with the Fire Pay Plan.

Staff requested approval and implementation of the Fire Pay Plan effective May 1, 2019, as outlined above.

Motion was made by Trustee Younker, seconded by Chairman Brady, to recommend approval of the Fire Pay Plan and implementation of a Fire Pay Plan ordinance in April 2019, be placed on the agenda of the next Village Board meeting. Vote by voice. Chairman Brady declared the motion carried.

#### **Item #4 – DISCUSS AWARDING THE CONTRACT FOR THE DISASTER RECOVERY**

**SOFTWARE – SECOND DATA CENTER** - The Emergency Management Department created plans for disaster recovery and business continuity to support and protect the residents of Tinley Park. In order to maintain business continuity and provide disaster recovery during the occurrence of a major event in the Village, the IT Department has also been developing an IT Centric Disaster Recovery Plan and Mitigation Strategy. A key component of the plan is creation of a secondary data center at a location outside Village Hall. The secondary data center will ensure data integrity and functional consistency for most or all of the crucial applications and software supporting the Village’s daily operations in the event of a failure at the primary location. The Disaster Recovery Secondary Data Center project will also allow faster data recovery from a potential cyberattack and provide Public Safety Departments accelerated access to the necessary key applications.

On December 4, 2018, the Disaster Recovery Secondary Data Center project was presented to the Village Board in Executive Session. At that time, the Village Board recommended a Request for Proposal (RFP) be initiated to allow companies to bid on the project. The Village received one (1) response to the RFP from Meridian IT before the RFP deadline.

Meridian IT submitted a design and build proposal for a new secondary data center including integration of the new hardware and software with the existing data center at Village Hall. The design of an online and operational backup data center will allow the Village to mirror the existing data center while utilizing the new hardware immediately for additional computer and storage capabilities. In the event of a single site disaster at either data center, the secondary site will failover and allow the Village to continue operations without any data loss or significant downtime. The Village’s current fiber network design will facilitate the ability to maintain business operations during a disaster.

Funding is available in the approved FY-19 Capital Projects Budget, in the amount of \$163,500.00

## **Minutes**

### **Meeting of Public Safety Committee**

**March 12, 2019**

Staff requested contract approval to Meridian IT for the Disaster Recovery Second Data Center project and maintenance agreement in the amount of \$161,279.38.

Trustee Glotz asked why only one company responded to the RFP when there were twenty-three (23) RFP downloads. M. Thomas, Information Technology Manager stated some companies likely could not meet the design specs and one company was a construction company, for which Mr. Thomas stated this project would be out of their expertise. Trustee Glotz suggested before the next Village Board meeting contacting the companies to identify the reasoning behind not responding to the RFP.

Motion was made by Chairman Brady, seconded by Trustee Younker, to recommend contract approval to Meridian IT for the Disaster Recovery Second Data Center project and maintenance agreement in the amount of \$161,279.38, be placed on the agenda of the next Village Board meeting. Vote by voice. Chairman Brady declared the motion carried.

**Item #5 – RECEIVE COMMENTS FROM THE PUBLIC** – Regarding the Fire Department Pay Plan, a resident asked if the proposed 2% increase is enough to incentivize current employees and if there are additional subsidies if an employee is certified. Chairman Younker asked P. Carr, Assistant Village Manager/Emergency Management Director how the Village is working towards an ALS engine. Mr. Carr stated a phased program is in place, currently undergoing a CPR assist evaluation, moving towards BLS licensure and lastly ALS.

### **ADJOURNMENT**

Motion was made by Chairman Brady, seconded by Trustee Younker, to adjourn this meeting of the Public Safety Committee. Vote by voice call. Chairman Brady declared the motion carried and adjourned the meeting at 6:42 p.m.

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**THE VILLAGE OF TINLEY PARK**  
Cook County, Illinois  
Will County, Illinois

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**ORDINANCE**  
**NO. 2019-O-022**

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**AN ORDINANCE AMENDING TITLE III CHAPTER 30  
SECTION 40 OF THE TINLEY PARK MUNICIPAL CODE  
ENTITLED "STANDING COMMITTEES"**

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**JACOB C. VANDENBERG, PRESIDENT**  
**KRISTIN A. THIRION, VILLAGE CLERK**

**CYNTHIA A. BERG**  
**WILLIAM P. BRADY**  
**WILLIAM A. BRENNAN**  
**DIANE M. GALANTE**  
**MICHAEL W. GLOTZ**  
**MICHAEL G. MUELLER**  
**Board of Trustees**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park  
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

**ORDINANCE NO. 2019-O-022**

**AN ORDINANCE AMENDING TITLE III CHAPTER 30  
SECTION 40 OF THE TINLEY PARK MUNICIPAL CODE  
ENTITLED "STANDING COMMITTEES"**

**WHEREAS**, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

**WHEREAS**, the President and Board of Trustees believe it is in the best interests of the Village and its residents to amend Title III, Chapter 30 Section 40 of the Tinley Park Municipal Code to conform the committee structure to reflect the actual operations of the Village and to efficiently schedule said meetings; and

**WHEREAS**, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interests of said Village of Tinley Park to amend the aforementioned provisions of the Tinley Park Municipal Code pursuant to this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

**Section 1:** The Preambles hereto are hereby made a part of, and operative provisions of, this Ordinance as fully as if completely repeated at length herein.

**Section 2:** That Title III Chapter 30 Section 40 (30.40) of the Tinley Park Municipal Code entitled "STANDING COMMITTEES" is hereby amended by deleting the language in its entirety and replacing it with the underlined text as follows:

The following are hereby established as the Standing Committees of the Board of Trustees of the Village:

(A) **Finance Committee** shall have the following functions:

- (1) Oversee preparation of Annual Budget, Financial Reporting and audit functions;
- (2) Oversee revenue generation activities including property tax levies, sales tax, and other taxes imposed by the village;
- (3) Oversee long-term financing/ bonds.
- (4) Oversee all matters and recommendations from the Treasurer's Office

(B) **Community Development** shall have the following functions:

- (1) Oversee comprehensive planning of village-uses-both development and redevelopment;
- (2) Oversee planning requests including development and redevelopment;
- (3) Oversee requests for zoning and building ordinance variances;
- (4) Oversee compliance with village zoning, building and health ordinances;
- (5) Oversee incorporation of Green Initiatives into codes where applicable/practical;
- (6) Oversee Building Code changes;
- (7) Oversee consumer protection initiatives.
- (8) Oversee economic development efforts including special taxing areas and tax increment financing districts;
- (9) Oversee and review all Economic Incentive polices and Agreements;

(C) **Public Safety Committee** shall have the following functions:

- (1) Oversee matters of public safety including police, fire and emergency management services;
- (2) Oversee outsourced services related to provision of public safety services (ambulance).

(D) **Administration and Legal** shall have the following functions:

- (1) Oversee all matters concerning the organization, reorganization and efficient management of Village government;
- (2) Oversee and monitor federal and state legislation and administrative regulations in which the Village may have an interest;
- (3) Oversee human resources activities, including compensation and collective bargaining and internal communications.
- (4) Oversee outsourced Service Agreements in conjunction with departments/liaisons;
- (5) Periodically review and make recommendations for changes to the Village Code.



(E) **Public Works Committee** shall have the following functions:

- (1) Oversees matters of Village infrastructure and maintenance of streets, sanitary sewers and water lines under village jurisdiction;
- (2) Oversees the village flood mitigation program and maintenance of supporting infrastructure (detention, retention) under village jurisdiction;
- (3) Oversees outsourced services for engineering maintenance;
- (4) Oversees coordination/ communication with other jurisdiction/ agencies.

(F) ~~**Economic Development and Marketing**~~ shall have the following functions:

- ~~(1) — Oversee economic development efforts including special taxing areas and tax increment financing districts;~~
- ~~(2) — Oversee and review all Economic Incentive policies and Agreements;~~
- (2) (1) Identify, develop and oversee the marketing of the Village assets and programs;
- (3) (2) Identify and develop initiatives to achieve economic gain to the Village while preserving the integrity of the Village and its brand;
- (4) (3) Oversee communications with external constituencies.
- (4) Communicate information and events of the Village of Tinley Park to the public

(G) The following Standing Committees shall hold their regular meetings on the Second Tuesday of each Month at ~~7:30 p.m.~~ 6:30 p.m.

- ~~(1) The Public Works Committee;~~
- (2) ~~The Community Development Committee~~ Administration & Legal
- (3) The Public Safety Committee.

(H) (H) The following Standing Committees shall hold their regular meetings on the Fourth Tuesday of each month at ~~7:30 p.m.~~ 6:30 p.m.

- (1) The Finance Committee;
- (2) The Economic Development and Marketing Committee;
- (3) ~~The Administration and Legal Committee.~~ The Community Development Committee

**Section 4:** Any policy, resolution, or ordinance of the Village of Tinley Park that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

**Section 5:** That this Ordinance shall be in full force and effect from and after its adoption and approval.

**Section 6:** The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

PASSED THIS 7<sup>th</sup> day of May, 2019.

AYES: Berg, Brady, Brennan, Galante, Glotz, Mueller

NAYS: None

ABSENT: None

APPROVED THIS 7<sup>th</sup> day of May, 2019.



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VILLAGE PRESIDENT

ATTEST:



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VILLAGE CLERK

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS  
COUNTY OF WILL )

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-O-022, "AN ORDINANCE AMENDING TITLE III CHAPTER 30 SECTION 40 OF THE TINLEY PARK MUNICIPAL CODE ENTITLED "STANDING COMMITTEES" ," which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 7, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 7<sup>th</sup> day of May, 2019.

  
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KRISTIN A. THIRION, VILLAGE CLERK



# Interoffice Memo

**Memo #19-75**

Date: May 9, 2019

To: Patrick Carr, Asst. Village Manager

From: Forest Reeder, Fire Chief

A handwritten signature in black ink, appearing to read "Forest Reeder".

Re: Hazardous Materials Spiller Pays Ordinance

Legal has prepared a draft ordinance identifying a fee structure that would be assessed in the event we have a hazardous materials spill, threatened release, or other similar event in the Village response areas. Previously, we did not have a conforming ordinance that covered our actual time, personnel assignments and regular and specialty equipment used during these incidents.

We will be charging the fees prescribed in Public Act 99-0770 that allow for \$250 per hour and \$70 per responder. In addition, the Village may recover costs pertaining to the use of certain materials in removing/remediating hazardous materials.

The basis of the charges are to reimburse the Village for expenses incurred when removing and/or remediating hazardous material incidents/emergencies. The amount set is a policy decision and could be adjusted at the Committee or Boards discretion. This structure is the area standard and is used in some of our neighboring communities.

I recommend the Public Safety Committee review, approve the attached ordinance, and move it forward to the full Board for approval at the May 21, 2019 meeting.

FFR/caf

attach. Draft Ordinance: HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT

cc: FD Memo File  
Spiller Pays File

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**THE VILLAGE OF TINLEY PARK**

**Cook County, Illinois**

**Will County, Illinois**

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**ORDINANCE**

**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL  
CODE ENTITLED "ADMINISTRATION" ADDING CHAPTER 45:  
HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT**

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**JACOB C. VANDENBERG, PRESIDENT  
KRISTIN A. THIRION, VILLAGE CLERK**

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Board of Trustees**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park  
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

**VILLAGE OF TINLEY PARK**  
Cook County, Illinois  
Will County, Illinois

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL  
CODE ENTITLED "ADMINISTRATION" ADDING CHAPTER 45:  
HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT**

**WHEREAS**, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

**WHEREAS**, the Village of Tinley Park ("Village") in response to certain hazardous material incidents desires to protect the public health, safety, and welfare of its residents through the proper removal and remediation of hazardous materials; and

**WHEREAS**, the Village desires to amend its Title III of the Village Code to include Chapter 45 entitled "HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT," which would create certain fees to reimburse the Village in responding to hazardous material incidents; and

**WHEREAS**, Public Act 99-0770 allows the Village to charge and collect certain fees related to Village employees responding to hazardous emergency incidents; and

**WHEREAS**, pursuant to the Hazardous Materials Transportation Act, 430 ILCS 30/1 *et al* and the Uniform Hazardous Substances Act of Illinois, 430 ILCS 35/1 *et al.*, the Village is further granted the authority to charge fees for certain costs incurred by the Village in removing and or remediating hazardous materials; and

**WHEREAS**, the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village and its residents to adopt Chapter 45 of Title III of the Village Code pursuant to this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:**

**SECTION 1:** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**SECTION 2:** That Title III Chapter 45 entitled “HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT,” is hereby created and shall be added in numerical order as follows:

**CHAPTER 45: HAZARDOUS MATERIAL EMERGENCY RESPONSE  
REIMBURSEMENT**

**45.01 PURPOSE AND INTENT**

**45.02 DEFINITIONS**

**45.03 HAZARDOUS MATERIALS OR HAZARDOUS SUBSTANCE INCIDENCE  
EXPENSE RECOVERY**

**45.04 LIMITATION OF LIABILITY**

**45.05 PROHIBITED ACTS**

**45.08 RESPONSE AUTHORITY**

**45.09 LIABILITY FOR FEES; COSTS; PENALTIES**

**45.10 DUTY TO REIMBURSE**

**45.11 EFFECTIVE DATE**

**45.01 PURPOSE AND INTENT.**

It is the purpose and intent of the Village of Tinley Park to establish certain charges and rates to reimburse the Village for cost associated with the remediation and removal of hazardous materials that pose a substantial danger to the public health, safety, and welfare.

**45.02 DEFINITIONS.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

“COSTS.” Shall mean all expenses incurred in relation to the provisions of services by the Village or any Emergency Response Agency, regardless of whether the Village would have otherwise incurred those costs including reasonable costs of equipment used in the provision of such services, costs of materials expended in providing such services, costs of storing hazardous or any other materials recovered during the course of providing such services, or any other costs attributable to the provision of such services.

“EMERGENCY ACTION.” Shall mean any action taken at or near the scene of hazardous material emergency incident to prevent or minimize harm to human health, to property, or to the environment from the unintentional release of a hazard material.

“EMERGENCY RESPONSE AGENCY.” Shall mean a unit of the Village of Tinley Park or any unit of local government that provides any of the following: (1) firefighting services, (2)

emergency rescue services, (3) emergency medical services, (4) hazardous materials response teams, (5) civil defense, or (6) technical rescue teams.

**"FACILITY."** Shall mean 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 hazardous material has been deposited, stored, disposed of, abandoned, placed, or otherwise come to be located.

**"FIRE ADMINISTRATOR."** Shall mean the Village of Tinley Park Fire Administrator.

**"HAZARDOUS MATERIAL."** Shall mean any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, combustible, or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling, use including reasonably foreseeable ingestion by children, or transported in commerce, and also means any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged. This definition shall include all definitions described in the Hazardous Materials Transportation Act, 430 ILCS 30/1 *et al* and the Uniform Hazardous Substances Act of Illinois, 430 ILCS 35/1 *et al*.

**"MUTUAL AID."** shall my any action taken pursuant to an intergovernmental agreement, including, but not limited to, agreements made as part of a Mutual Aid Box Alarm System ("MABAS").

**"RELEASE."** shall mean 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."** Shall mean 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 run off, 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 of the environment.

**"REMOVAL."** Shall mean the clean up of released hazardous materials from the environment, including such actions as may be necessary and 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. The term includes, but is not limited to, security fencing, provision of the alternate water supplies, and temporary evacuation of threatened individuals.

**“RESPONSE.”** Shall mean any removal or remedial action.

**“RESPONSIBLE PARTY.”** Shall mean any person who: (1) owns or has custody of hazardous material that is involved in an incident requiring emergency action by an emergency response agency; (2) owns or has custody of bulk or non-bulk packaging or a transport vehicle that contains hazardous material that is involved in an incident requiring emergency action by an emergency response agency; or (3) causes or substantially contribute to the cause of the incident.

#### **45.03 HAZARDOUS MATERIALS OR HAZARDOUS SUBSTANCE INCIDENCE EXPENSE RECOVERY**

A. Notwithstanding any other provision or rule of law, the following Responsible Party shall be jointly and severally liable for all costs of removal and remedial action incurred by the Village 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; and

(5) Any person who by an intentional or non-intentional negligent act causes a release or substantial threat of release of such hazardous materials.

B. The Village shall prepare and forward to the Responsible Party or Parties in a hazardous material incident a bill for the total costs and expenses incurred for which said Responsible Party or Parties are responsible pursuant to this Chapter; provided, however, any costs in connection with any independent cleanup contractor shall be billed directly by such contractor. Payment of

the total bill shall be made within sixty (60) days of receipt. Any bill or portion of a bill remaining unpaid after sixty (60) days of receipt shall accrue interest on the unpaid balance of 1.5% per month, or the maximum legal rate, whichever is lower.

#### **45.04 LIMITATION OF LIABILITY**

The Village, its agents, its officers, and employees shall not have any liability or responsibility for any claim, injury, or damage of any kind resulting from a hazardous material incident to which the Village or any of its department officers, agents, or employees respond.

#### **45.05 PROHIBITED ACTS**

No person shall cause, threatened, or allow the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environment 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.

#### **45.08 RESPONSE AUTHORITY**

A. The Fire Administrator or his authorized representative shall have authority to respond to any release or threatened release of hazardous materials within the Village or affecting the public water supply, wells, or sewage treatment works located within district. This authority including, but is not limited to, remedial action and removal.

B. The Fire Administrator shall have primary authority to respond to any release or threatened release of hazardous materials as described. The Fire Administrator 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 material. The Fire Administrator shall relinquish his response authority at such time, if any, as the federal, state, or local public health, safety, or emergency agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

C. The Fire Administrator, during such time as Response authority is vested in him, shall be authorized to utilize all Village personnel and equipment and he may, in his sole discretion, take such remedial or removal action as he 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") agreement.

D. All responding personnel shall cooperate with, and operate under, the direction of the Fire Administrator or other persons he designates when exercising response authority under this Chapter until such time as the person exercising such response authority has determined that the response is complete or responsibility is assumed by the federal, state, or local emergency response agency having primary jurisdiction over the released or threatened release.

E. The person exercising response authority under this Chapter 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.

#### **45.09 LIABILITY FOR FEES; COSTS; PENALTIES**

A Responsible Party shall be jointly and severally liable for any fee, costs, or penalties described herein.

The fees to be paid by a Responsible Party to the Village in conjunction with the Village's response to the hazardous material emergency shall be as follows:

- Two-Hundred and Fifty Dollars (\$250.00) per hour, for responding to a call;
- Seventy Dollars (\$70.00) per responder, for responding to a call; and
- All costs shall be reimbursable to the Village related to materials utilized in rendering remedial or removal services.

These fees shall be imposed regardless of residency.

Any person violating any provision of this Chapter shall be fined two hundred dollars (\$200.00), for each offense, which fine shall be payable in addition to the fee otherwise due and owing to the Village.

All fees assessed and collected under this Chapter shall be deposited into the Village's general fund.

#### **45.10 DUTY TO REIMBURSE**

It shall be unlawful for any responsible party to fail to reimburse the Village, within sixty (60) days after the mailing of a bill for the hazardous material emergency incident, the costs incurred by the Village and any private contractor responding to the incident at the request of the Village.

The amount of the hazardous material emergency reimbursement fee shall be calculated in a manner provided in Section 45.09 of this Chapter.

The failure to pay any debt due to the Village as imposed pursuant to this Chapter, after the period granted for payment has expired by any person liable for such debt, shall constitute a violation of this chapter. Judgment shall be entered against any person who violates this section in the amount of the debt remaining unpaid on the date the judgment is entered plus litigation and collection costs, attorney's fees and an amount representing all fines and penalties assessed pursuant to this Chapter. An administrative penalty of 75% of the amount of debt remaining unpaid on the date the judgment is entered shall be assessed for each month or portion thereof in which the debt remained unpaid.

Nothing in this section shall preclude the village from seeking to collect any debt due the village through the use of any other administrative procedure or court proceeding authorized by law.

#### **45.11 EFFECTIVE DATE.**

This ordinance shall become effective immediately upon adoption.

**SECTION 3:** Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

**SECTION 4:** That this Ordinance shall be in full force and effect from and after its adoption and approval.

**SECTION 5:** That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 21<sup>st</sup> day of May, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 21<sup>st</sup> day of May, 2019.

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VILLAGE PRESIDENT

ATTEST:

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VILLAGE CLERK

STATE OF ILLINOIS       )  
COUNTY OF COOK       )    SS  
COUNTY OF WILL       )

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_, "AN ORDINANCE AMENDING TITLE III OF THE TINLEY PARK MUNICIPAL CODE ENTITLED "ADMINISTRATION" ADDING CHAPTER 45: HAZARDOUS MATERIAL EMERGENCY RESPONSE REIMBURSEMENT," which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 21, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21<sup>st</sup> day of May, 2019.

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KRISTIN A. THIRION, VILLAGE CLERK

**PUBLIC  
COMMENT**

**ADJOURNMENT**