



Legislation Text

File #: ORD18-1481, **Version:** 1

An Ordinance Amending Chapter 32 of the Village Code of Ordinances (Section 32.28)

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WHEREAS, the Village of Romeoville has previously created the Fire Department by Ordinance as set forth in Chapter 32 of the Village Code of Ordinances; and

WHEREAS, the President and Board of Trustees have determined that the following revisions to the provisions of Section 32.28 for the recovery of costs occurred by the Fire Department in responding to hazardous substances releases and incidents are in the best interests of the residents of the Village of Romeoville; and

WHEREAS, the Village of Romeoville is an Illinois home rule municipality and is exercising its home rule authority through the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: AMENDMENT TO CHAPTER 32.28 OF THE VILLAGE CODE OF ORDINANCES: Those provisions of all heretofore adopted Village Ordinances codified as and for Chapter 32.28 of the Village Code of Ordinances hereinafter set forth are hereby amended to read as follows:

(A) Notwithstanding any other rule or provision of law, and subject only to the defenses set forth in § [32.29](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=illinois(romeoville_il)$jumplink_q=%5bfield%20folio-destination-name:%2732.29%27%5d$jumplink_md=target-id=JD_32.29) [<http://library.amlegal.com/nxt/gateway.dll?f=jumplink\\$jumplink_x=Advanced\\$jumplink_vpc=first\\$jumplink_xsl=querylink.xsl\\$jumplink_sel=title;path;content-type;home-title;item-bookmark\\$jumplink_d=illinois\(romeoville_il\)\\$jumplink_q=%5bfield%20folio-destination-name:%2732.29%27%5d\\$jumplink_md=target-id=JD_32.29>](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=illinois(romeoville_il)$jumplink_q=%5bfield%20folio-destination-name:%2732.29%27%5d$jumplink_md=target-id=JD_32.29), the following enumerated classes of persons shall be jointly and severally liable for all costs incurred by the Village or the Department, or by any other unit of local government rendering assistance to the Village or the Department, in connection with the removal of or remedial action taken with respect to any release or substantial threat of release of hazardous substances within the corporate limits of the Village:

- (1) The owner or operator of any facility or vessel from which there is a release or substantial threat of a release of a hazardous substance;
- (2) Any person who, at the time of disposal, transport, storage or treatment of a hazardous substance 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 a hazardous substance;
- (3) Any person who by contract, agreement or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility owned or operated by another person, and from which facility there is a release or substantial threat

rescue personnel, or as otherwise established from time to time under Section 43.02A of this Code, whichever shall more fully reimburse the Village; and

(4) The cost for all Village and Department vehicles and equipment utilized in effectuating any removal or remedial action under this subchapter shall be equivalent to the reasonable value of such use of said vehicles to the Village and the Department, taking into account all relevant facts and circumstances, but in no event shall such reasonable value be less than \$400 per hour for engines, \$500 per hour for trucks, and \$300 per hour for other deployed equipment, , or as otherwise established from time to time under Section 43.02A of this Code, whichever shall more fully reimburse the Village;

(E) No indemnification, insurance, hold harmless, risk shifting or other similar agreement, or any conveyance of any facility, site or vessel shall be effective to transfer any liability to the Village or the Department for removal or remedial action costs from the person on whom such liability is imposed by this subchapter, but nothing in this subchapter shall prohibit any person on whom such liability is imposed by this subchapter from enforcing an indemnification, insurance, hold harmless, risk shifting or other similar agreement, or any conveyance of any facility, site or vessel against another person. Furthermore, nothing in this subchapter shall bar any cause of action which any person subject to liability for removal or remedial action costs under this subchapter has against any other person for such liability, whether by contribution, subrogation or otherwise.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency. .

SECTION 5: REPEALER. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

