

AN ORDINANCE CREATING ARTICLE VI (LIFT ASSISTANCE) OF CHAPTER 11
(FIRE PREVENTION AND PROTECTION OF THE CODE OF THE CITY OF PEORIA)

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including the regulation of the licensing of massage establishments within its city limits; and

WHEREAS, the City operates a full-time Fire Department staffed by approximately two hundred highly 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 City; and

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

WHEREAS, in 2019 the Peoria Fire Department responded to eighty-five (85) lift-assist incidents at nursing home facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1: Article VI (Life Assistance) of Chapter 11 (Fire Prevention and Protection of the Code of the City of Peoria) is hereby created as follows:

Section 11-165. 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 (i) 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) **Emergency medical treatment;** For purposes of this article, emergency medical treatment shall mean treatment beyond an initial assessment routinely performed by the Peoria Fire Department.
- (c) **Lift Assist;** Lift assist shall mean a response by the Peoria 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.
- (d) **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.

Section 11-166. Lift assist cost recovery; fee schedule; records

- (a) The city shall charge a fee to assisted- living facilities and nursing care facilities for services provided by the City of Peoria Fire Department in connection with providing a lift assist to any person.
- (b) The fee for providing such lift assist shall be \$400.00 per lift assist incident
- (c) The fire department shall maintain records in connection with services provided pursuant to this article, and shall forward the records to the city finance department.

Section 11-167. Billing, Delinquency and Collection.

- (a) The city finance department 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 city council.
- (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.
- (c) Any person or entity liable for public safety pension fee who fails to pay such fee when due, or any portion thereof, shall pay to the city a penalty of \$5.00 per month up to the first six months or part of a month within which a delinquency remains. If the fee, or any portion thereof, remains delinquent beyond six months, any person liable for the fee shall pay to the city a penalty of \$20.00 per month for every month thereafter within which a delinquency remains.
- (d) Upon the occurrence of a delinquency, the city or its agent for billing and collection, shall send to the owner or owners the following: a copy of each delinquency notice 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; and, a notice that the unpaid charges may create a lien on the premises receiving or benefitting from the

service for the amount of the delinquency and any and all charges which subsequently become delinquent.

- (e) The city shall also have the power, from time to time, to file suit against the owner of the real estate in a civil action to recover amounts due pursuant to this chapter plus reasonable attorney's fees and costs of suit.
- (f) The city shall add interest at a rate of six percent per annum on all liens filed against property owners for delinquent fees imposed pursuant to this article.

Section 11-168. Appeals

Any assisted-living facility or nursing care facility subject to a fee under this article may, within ten (10) days of the issuance of such a bill, appeal to the City Administrator. The City Administrator or his/her designee will hear the appeal within thirty (30) days and issue a decision within ten (10) days of the hearing.

Section 2. This ordinance shall be in full force and effect immediately after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of March, 2020.

AYES:

NAYS:

ABSENT:

APPROVED:

Jim Ardis, Mayor

ATTEST:

Beth Ball, City Clerk

EXAMINED AND APPROVED:

Corporation Counsel