Hazardous Materials Incident Reimbursement Ordinance (EXAMPLE)

Whereas, the <NAME OF ENTITY> provides and maintains a fire department primarily for the protection of life and property from structure fires; and,

Whereas, the <NAME OF ENTITY>recognizes that the possibility exists that a hazardous materials incident could occur in <LOCATION>, and that such an incident could be of a magnitude exceeding the normal apparatus, manpower and emergency operations capabilities of the <NAME OF ENTITY>, and also require the services of other <NAME OF ENTITY>departments, including, but not limited to, the police department and the public works department; and,

Whereas, the costs of mitigating such a hazardous materials incident would exceed the normal budgeted operating expenses of the <NAME OF ENTITY>; and,

Whereas, the <NAME OF ENTITY> desires to recover its costs to its residents for responding to and resolving such a hazardous materials incident by placing the burden of mitigation on the party responsible for the materials involved in the incident; therefore,

The <NAME OF ENTITY>shall recover all costs related to the mitigation of a hazardous materials incident by charging the owner of the material(s) involved in the incident for the following:

Reimbursement shall include, but not be limited to, personnel costs, including regular and overtime rates for any and all <NAME OF ENTITY> personnel involved in the operation; personnel and/or contract costs for outside experts and consultants rendered on a per diem or fee basis or for services of an intermittent or advisory nature; transportation costs including vehicle rental for evacuation of the public, the transportation of emergency personnel, and for the transportation of equipment and supplies; utility costs related to the incident including power, water, communications and other services; contractual services including scientific and/or analysis of substances and decontamination services for cleaning and/or decontaminating personal clothing, protective clothing, chemical suits, protective equipment, tools, appliances, hose, vehicles and other related equipment or supplies; commodities, such as protective gear, protective clothing, chemical suits, tools, chemicals, supplies and similar materials purchased for, and expended during, the incident; replacement costs for durable equipment declared a total loss as a result of contamination or damage during the incident; rental costs for the use of equipment owned by others used specifically during the incident.

# Hazardous Materials Incident Reimbursement Ordinance

All costs related to and resulting from a spill or release of hazardous or dangerous chemicals shall be the responsibility of the owner of said chemicals. The <NAME OF ENTITY>shall recover all costs related to the mitigation of a hazardous materials incident by charging the owner of the material(s) involved in the incident for the following:

Reimbursement shall include, but not be limited to, personnel costs, including regular and overtime rates for any and all <NAME OF ENTITY> personnel involved in the operation; personnel costs and contract costs for outside experts and consultants rendered on a per diem or fee basis or for services of an intermittent or advisory nature; transportation costs including vehicle rental for evacuation of the public, the transportation of emergency personnel, and for the transportation of equipment and supplies; utility costs related to the incident including power, water, communications and other services; contractual services including scientific and/or analysis of substances and decontamination services for cleaning and/or decontaminating personal clothing, protective clothing, chemical suits, protective equipment, tools, appliances, hose, vehicles and other related equipment or supplies; commodities, such as protective gear, protective clothing, chemical suits, tools, chemicals, supplies and similar materials purchased for, and expended during, the incident; replacement costs for durable equipment declared a total loss as a result of contamination or damage during the incident; rental costs for the use of equipment owned by others used specifically during the incident.

**ORDINANCE NUMBER XX**

**AN ORDINANCE AMENDING THE FIRE CODE**

**OF THE <NAME OF ENTITY>**

WHEREAS, The <NAME OF GOVERNING BODY> has determined that it is in the public interest to amend the Fire Code; and

WHEREAS, a public hearing concerning the amendment was held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

NOW, THEREFORE, BE IT ORDAINED BY THE <NAME OF GOVERNING BODY> that Chapter XX of the Code of Ordinances, <NAME OF ENTITY>, is hereby amended to read as follows:

Add Section XX (Hazardous Materials Incident Reimbursement)

a) All costs related to and resulting from a spill or release of hazardous or dangerous chemicals shall be the responsibility of the owner of said chemicals. The <NAME OF ENTITY> shall recover all costs related to the mitigation of a hazardous materials incident by charging the owner of the material(s) involved in the incident.

b) Reimbursement shall include, but not be limited to, personnel costs, including regular and overtime rates for any and all <NAME OF ENTITY> personnel involved in the operation; personnel costs for outside experts and consultants rendered on a per diem or fee basis or for services of an intermittent or advisory nature; transportation costs including vehicle rental for evacuation of the public, the transportation of emergency personnel, and for the transportation of equipment and supplies; utility costs related to the incident including power, water, communications and other services; contractual services including scientific and/or analysis of substances and decontamination services for cleaning and/or decontaminating personal clothing, protective clothing, chemical suits, protective equipment, tools, appliances, hose, vehicles and other related equipment or supplies; commodities, such as protective gear, protective clothing, chemical suits, tools, chemicals, supplies and similar materials purchased for, and expended during, the incident; replacement costs for durable equipment declared a total loss as a result of contamination or damage during the incident; rental costs for the use of equipment owned by others used specifically during the incident.

Mayor City Clerk/Recorder