

## **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.

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Mayor

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City Clerk/Recorder