

SPONSOR: Michael Opinker  
5<sup>th</sup> District Councilman

**ORDINANCE NO. 9290**

**AN ORDINANCE AMENDING ORD. 5023, AMENDED ORD. 6042,  
AND AMENDED ORD. 7402 ALSO KNOWN AS SECTION 93.047 OF  
THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO  
REIMBURSEMENT CHARGES FOR HAMMOND FIRE DEPARTMENT  
HAZARDOUS MATERIAL SPILLS**

WHEREAS, Indiana Code Section 36-8-12.2-6. allows a municipal fire department (as defined I.C. 36-8-12.2-2) to seek reimbursement against the owner of a vehicle or structure which requires the Hammond Fire Department to respond for a hazardous materials emergency; and

WHEREAS, Indiana Code Section 36-8-12.2-7 permits the Hammond Fire Department to bill the responsible party for the total value of assistance provided as per a schedule of service charges issued by the State Fire Marshall; and

WHEREAS, entities or individuals who refuse to reimburse the Hammond Fire Department are subject to a penalty for failure to pay the charge and may be sued in a Court of law. (I.C. 36-8-12.2-10, 11); and

WHEREAS, the State Fire Marshall's schedule of fees were adopted January 1, 2011 and the Hammond Municipal Code does not agree with the schedule of fees; and

WHEREAS, Section 93.047 of the Hammond Municipal Code has not been amended or updated since 1991 and needs to be amended to reflect the 2011 schedule of fees approved by the State Fire Marshall; and

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that Ordinances 5023, 6042, and 7402 also known as Section 93.047 of the Hammond Municipal Code, which pertains to reimbursement to the

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Hammond Fire Department for hazardous material, chemical or fuel spills be amended  
as follows:

Section 93.047 Charges for use of Hammond Fire Department  
Services by Owners, Operators and Tenants of Mobile and Fixed Facilities  
sustaining a hazardous material, chemical or fuel spill in the City of  
Hammond

(A) Owners, Operators or tenants of mobile or fixed facilities  
within the City of Hammond who cause or suffer leaks or spills of a  
hazardous or toxic material, or other potentially dangerous situation  
involving hazardous or toxic materials for which the Hammond Fire  
Department responds, shall be required to reimburse the City for any  
response as follows:

- 1) For initial response with a fire engine, a fire truck, or a fire  
apparatus, including a hazardous material response unit, or  
fire rescue unit dispatched don a fire or hazardous material  
incident, two hundred fifty dollars (\$250) per response vehicle  
except command/control vehicles, which is one hundred (\$100)  
dollars per vehicle.
- 2) For each hour or fraction thereof, as on-scene assistance, one  
hundred fifty dollars (\$150) per response and fifty (\$50)  
dollars per command/control vehicle.
- 3) For expendable material such as absorption materials,  
emulsifiers, or other agents used in cleanup operations, the  
actual replacement cost of those materials.
- 4) For collection of debris, chemicals, fuel or contaminated  
materials resulting from a spill, the actual cost of removal

and disposal at an authorized location.

(B) Owners, Operators or tenants of mobile or fixed facilities within the

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City of Hammond who cause or suffer leaks or spills of a hazardous or toxic material, or other potentially dangerous situation involving hazardous or toxic materials for which the a separate clean up contractor must be called in, shall assume and bear full responsibility for the payment of the cleanup contractor.

(C) Owners, Operators or tenants of mobile or fixed facilities within the City of Hammond who cause or suffer leaks or spills of a hazardous or toxic material, or other potentially dangerous situation involving hazardous or toxic materials for which the City of Hammond responds must reimburse the Hammond Fire Department for such costs within 60 days or a penalty in the amount of ten percent (10%) shall be added to the bill and an action for reimbursement shall be filed in the Lake Superior or Circuit Court as authorized by IC. 36-8-12.2-10 and I.C. 36-8-12.2-11.

NOW BE IT FURTHER ORDAINED that herein ordinance shall have full force and effect from and after passage, approval by the Council, signing by the President thereof and approval and signing of the Mayor.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 23<sup>rd</sup> day of March, 2015.

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Michael Opinker, President /s/  
Hammond Common Council

ATTEST:

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Robert J. Golec, City Clerk /s/  
City of Hammond, Indiana

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PRESENTED BY ME, the undersigned City Clerk of the City of Hammond,  
Indiana, to the Mayor, for approval and signature, this 24<sup>th</sup> day of March, 2015.

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Robert J. Golec, City Clerk /s/  
City of Hammond, Indiana

The foregoing Ordinance No. 9290 consisting of four (4) typewritten pages,  
including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor  
of the City of Hammond, Indiana, this 25<sup>th</sup> day of March, 2015.

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Thomas M. McDermott, Jr., Mayor /s/  
City of Hammond, Indiana

PASSED by the Common Council on the 23<sup>rd</sup> day of March, 2015, and approved  
by the Mayor on the 25<sup>th</sup> day of March, 2015.

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Robert J. Golec, City Clerk /s/