

SPONSOR: HAMMOND FIRE DEPARTMENT
HAZ-MAT TEAM

ORDINANCE NO. 5023

AN ORDINANCE TO AMEND ORDINANCE NO. 4933 AND CHAPTER 93 OF THE HAMMOND MUNICIPAL CODE TO ADD ADDITIONAL SECTION ON RESPONSES BY THE CITY'S HAZ-MAT TEAM

WHEREAS, on January 13, 1986, the Common Council of the City of Hammond approved Ordinance No. 4993, which dealt with the creation of the City of Hammond Haz-Mat Team and with reimbursement to the City for responses by the Haz-mat Team; and

WHEREAS, there are more situations that may call for responses by the Haz-Mat Team than those expressed in Ordinance No. 4993; and

WHEREAS, there are entities other than shippers that may require responses by the City's Haz-mat Team, including owners of automobiles and other vehicles which use the streets and highways in Hammond, Indiana, and including owners (or tenants) of fixed facilities within the City of Hammond; and

WHEREAS, these other situations, which may call for responses by the Haz-Mat Team, and these other entities, for which the Haz-Mat Team may provide services, should, as it is with through-city shippers who cause or suffer leaks or spills of potentially hazardous or toxic materials, result in e reimbursement to the City for Haz-Mat Team equipment damaged, lost, spent, destroyed or rendered irreparable by the Haz-Mat Team's response thereto;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond that Ordinance No. 4993 and Chapter 93 of the Hammond Municipal Code are amended, as follows:

1. There is hereby created within the Hammond Fire Department a team of specially trained firefighters to deal with spills or leaks of hazardous or toxic materials and other potentially dangerous situations involving hazardous or toxic materials within the City of Hammond, which team shall be known as the Hammond Haz-Mat Team;

2. Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of potentially hazardous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials, within the City of Hammond, for which leaks, spills or other situations the Hammond Haz-Mat Team's initial response vehicle, Squad One, responds, shall pay the City of Hammond within thirty (30) days as fee for said service, \$150.00 per hour (or fraction of an hour);

ORDINANCE NO. 5023

3. Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of, or other potentially dangerous situations involving, hazardous or toxic materials within the City of Hammond, for which leaks, spills or other situations the Hammond Haz-Mat Team (and or Hammond Fire Department vehicles) responds, shall reimburse the City within thirty (30) days for the team's equipment, whether used and returned, used and discarded, damaged, lost, spent, destroyed or rendered irreparable, pursuant to the "Equipment Inventory", which is attached hereto, marked as Exhibit (A) and incorporated herein by reference;

4. Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of, or other potentially dangerous situations involving, hazardous or toxic materials within the City of Hammond, for which leaks, spills or other situations more than one member of the Hammond Haz-Mat Team responds, shall reimburse the City

within thirty (30) days for the man-hours involved in the response, as follows:

Haz-Mat Coordinator	\$27.50 per hour
Private	\$20.00 per hour
Engineer	\$20.37 per hour
Captain	\$20.80 per hour
Training Officer	\$20.93 per hour
Battalion Chief	\$21.22 per hour
Assistant Chief	\$21.65 per hour
Deputy Chief	\$25.76 per hour
Chief	\$26.90 per hour

5. Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of, or other potentially dangerous situations involving, hazardous or toxic materials within the City of Hammond, for the clean-up of which separate clean-up contractors must be called in (in the determination of the responding Training or Chief Officer), shall assume and bear full responsibility for the payment for said clean-up directly to the clean-up contractor;

6. Owners or tenants of fixed facilities within the City of Hammond, who cause or suffer leaks or spills of, or other potentially dangerous situations involving, hazardous or toxic materials, for which the Hammond Haz-Mat Team responds, shall also be required, as aforesaid, to reimburse the City (a) for the Haz-Mat Team's initial, Squad One, response (\$150.00 per hour or fraction of an hour) and (b) for Haz-mat Team equipment used, damaged, lost, spent, destroyed or rendered irreparable, pursuant to "Equipment Inventory" (Exhibit A);

7. Owners or tenants of fixed facilities within the City of Hammond, who cause or suffer leaks or spills of, or other potentially dangerous situations involving, hazardous or toxic materials, for the clean-up of which separate clean-up contractors must be called in (in the determination of the

ORDINANCE NO. 5023

responding Training or Chief Officer), shall assume and bear full responsibility for the payment of said clean-up directly to the clean-up contractor;

8. Owners or tenants of fixed facilities within the City of Hammond, who cause or suffer leaks or spills of, or other potentially dangerous situations involving, hazardous or toxic materials, for which leaks, spills or other situations more than one member of the Hammond Haz-Mat Team responds, shall not be required to reimburse the City for the man-hours involved in the response, except for those of the initial, Squad One, responder;

9. The Hammond Fire Department and the Hammond Board of Public Works and Safety shall be responsible for billing the shipper, other owner or user of a vehicle, or owners or tenants of fixed facilities within the City of Hammond, who cause or suffer a leak of, spill of, or other potentially dangerous situation involving hazardous or toxic materials within the City of Hammond, within a reasonable time after the Haz-Mat Team's response to the leak, spill or other situation, for the use of the Hammond Haz-Mat Team's resources;

10. Shippers, other owners or users of vehicles, and owners or tenants of fixed Hammond facilities, who fail to reimburse the City within thirty (30) days, according to said billing by the Hammond Fire Department and/or Hammond Board of Public Works and Safety, shall be deemed to have violated City ordinances and shall suffer a penalty, in addition to the owed reimbursement, as provided in §10.99;

11. This ordinance shall be embodied in the Hammond Municipal Code in Chapter 93 beginning with §93.50;

12. In the event that any portion of this ordinance is ever declared invalid, unconstitutional or otherwise null and void, the Common Council of the City of Hammond specifically intends that all of the remaining portions

hereof shall continue to have full force, effect and validity until or unless declared otherwise.

BE IT FURTHER ORDAINED by the Common Council that this ordinance shall have full force and effect from and after its passage and approval by the Council, signing by the President thereof, approval by the Mayor and publication as required by law.

/s/ JON E. DeGUILIO, President
Hammond Common Council

ATTEST:

/s/ STANLEY KULIK, City Clerk

ORDINANCE NO. 5023

Approved by the Mayor on the 15th day of April, 1986.

/s/ THOMAS M. McDERMOTT, Mayor
City of Hammond, Indiana

PASSED by the Common Council of the City of Hammond, Indiana, on the 14th day of April, 1986, presented to the Mayor for his approval or rejection and approved by the Mayor on the 15th day of April, 1986.

/s/ STANLEY KULIK, City Clerk