

SPONSOR: Robert J. Golec

ORDINANCE NO. 7402

ORDINANCE TO AMEND CHAPTER 93 OF THE HAMMOND CITY CODE, "RESPONSE BY HAZ-MAT TEAM" (ORD. NO. 4993, ORD. NO. 5023 AND ORD. NO. 6042)

WHEREAS, The Hammond Fire Department Haz-Mat Team, advises and the Common Council does now find that certain changes are necessary in the operating procedures of the Haz-Mat Team, which alter the amount of recovery from at-fault shippers or facilities that suffer hazardous materials situations, to which the Haz-Mat Team responds;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond that the Hammond City Code, Chapter 93 (and Ordinances 4993, 5023 and 6042) be, and it hereby is, amended as follows:

1. Sub-paragraph (A) of §93.36 is amended to read as follows:

Shippers and other owners or users of vehicles who cause or suffer leaks or spills of potentially dangerous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials, within the City, for which leaks, spills, or other situations occur and Squad One (Hammond Fire Department's initial response vehicle) and/or Squad Two (Hammond Fire Department's secondary response vehicle) respond, shall reimburse the City a fee of \$200.00 per hour (or fraction of an hour) per vehicle responding. Reimbursement shall be made within 30 days of billing.

2. Sub-paragraph (B) of §93.36 is amended to read as follows:

Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving, hazardous, or toxic materials within the City of Hammond shall reimburse the City for any Fire Department equipment or services used and returned, used and discarded, damaged, lost, spent, destroyed or rendered unrepairable. Said reimbursement shall also cover the cost of any equipment, materials or services required of any City of Hammond Department that assists or provides equipment, materials or services to the response. Such reimbursement shall also cover the costs of any medical treatment and/or evaluations required by any Hazardous Material Responder, who has been injured or exposed to a dangerous, hazardous or toxic material, during the response to an incident. All services, equipment or materials covered in this subparagraph shall be reimbursed at actual or replacement cost. Reimbursement shall be made within 30 days of billing.

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3. Sub-paragraph (C) of §93.36 is amended to read as follows:

Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials within the city, for which leaks, spills, or other situations where more than one member of the Haz-Mat Team responds, shall reimburse the city for the man-hours (or fractions thereof) involved in the response, as follows:

The regular, appropriate-by-rank hourly rate of pay for each Haz-Mat Responder, involved, plus the regular, by rank, overtime rate per hour per responder. Reimbursement shall be made within 30 days of billing.

4. Sub-paragraph (D) of §93.36 shall be amended to read as follows:

When the City of Hammond's Hazardous Materials Coordinator (who is also the City's Director of Environmental Management) or any member of his staff responds to a shipper's (or other vehicle owner's) leak or spill of hazardous or toxic materials or other potentially dangerous situation involving hazardous or toxic materials within the City, said shipper or other vehicle owner or user shall reimburse the City for those man-hours (or fractions thereof) involved in the response at the rate of one and one-half (1 1/2) times their regular hourly rate of pay. Reimbursement shall be made within 30 days of billing.

5. Sub-paragraph (A) of §93.37 is amended to read as follows:

Owners or tenants of fixed facilities within the City, who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials, for which the Haz-Mat Team responds, shall be required to reimburse the City for any Squad One and/or Squad Two response at \$200.00 per hour per vehicle (or fraction of an hour) and for any equipment used, damaged, lost, spent, destroyed, or rendered unrepairable. Said equipment shall be reimbursed at actual or replacement cost. Reimbursement shall be made within 30 days of billing.

6. Sub-paragraph (C) of §93.37 is amended to read as follows:

Owners or tenants of fixed facilities within the City of Hammond, who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving, hazardous or toxic materials, for which leaks, spills or other situations requires the Hammond Haz-Mat Team to respond, shall only be required to reimburse the City for the man-hours of Squad One's

responders and/or Squad Two's responders. Reimbursement shall be made within 30 days of billing.

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7. Sub-paragraph (D) of §93.37 is hereby added and shall read as follows:

Owners or tenants of fixed facilities, shippers and other owners or users of vehicles, outside of the corporate boundaries of the City of Hammond, who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving, hazardous or toxic materials, for which leaks, spills or other situations requires the Hammond Haz-Mat Team to respond, shall be required to reimburse the City for: all man-hours involved at one and one half times (1 1/2) the responders regular hourly rate of pay; the actual or replacement cost of any equipment, materials, or services used, damaged, lost, spent, destroyed, or rendered unrepairable; plus an hourly fee of \$200.00 per hour (or fraction of an hour) per Hammond Fire Department Response apparatus responding. Such reimbursement shall also cover the costs of any medical treatment and/or evaluations required by any Hazardous Material Responder, who has been injured or exposed to a dangerous, hazardous or toxic material, during the response to an incident. Reimbursement shall be made within 30 days of billing.

8. 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/ ROBERT A. MARKOVICH, President
Hammond Common Council

ATTEST:

/s/ GERALD BOBOS, City Clerk

APPROVED by the Mayor on the 13th day of August, 1991.

/s/ THOMAS M. McDERMOTT, Mayor

PASSED by the Common Council of the City of Hammond,
Indiana, on the 12th day of August, 1991, presented to the
Mayor for his approval or rejection and approved by the
Mayor on the 13th day of August, 1991.

/s/ GERALD BOBOS, City Clerk