

ORDINANCE NO. 731

AN ORDINANCE PROVIDING REIMBURSEMENT TO THE TOWN
OF ST. JOHN FOR RESPONSES BY THE TOWN'S VOLUNTEER
FIRE DEPARTMENT AND POLICE DEPARTMENT TO HAZARDOUS AND
TOXIC MATERIAL SPILLS AND LEAKS.

WHEREAS, the St. John Volunteer Fire Department and Police Department must be called to the scene of hazardous and toxic material spills and leaks or fires for initial investigations and determinations of toxicity or hazards; and

WHEREAS, shippers, transporters, owners and their lessees and/or agents and other who cause or suffer hazardous and toxic material spills and leaks or fires, including owners of automobiles and other vehicles which use the streets and highways in the Town of St. John and also including owners (or tenants) of fixed facilities within the said Town should be responsible for the costs of said investigation, determination of toxicity or hazard, costs of stopping leaks or spills or fires, securing the area, clean up and providing contractor's and/or consultant's services where necessary to any or all of the above responses; and

WHEREAS, if hazardous or toxic materials are determined to be present, and if the St. John Volunteer Fire Department and Police Department respond to stop said hazardous and toxic material leaks and spills or fires, to secure the safety of the people of the Town of St. John and their property, and to arrange through contractors, consultants or otherwise to handle the clean up of said hazardous or toxic materials, then this ordinance shall control.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of St. John as follows:

I. DEFINITIONS

For purposes of this and the following sections related to hazardous and toxic material spills and leaks or fires, the word "OWNERS" shall be construed to mean shippers,

transporters, and owners and their lessees and agents, owners of automobiles and other vehicles, and their lessees and/or agents and owners of fixed facilities within the Town of St. John or adjacent thereto (where leaks or spillage flows upon or otherwise affects lands within the Town) and their lessees and/or agents.

For further purposes of this ordinance and the following sections related to hazardous and toxic material spills and leaks or fires, the words "HAZARDOUS, TOXIC, and DANGEROUS" shall be those substances which are:

- A. Listed in the latest edition of the U.S. Department of Transportation "Guidebook for Hazardous Material Incidents", or
- B. Listed in the latest edition "Dangerous Properties of Industrial Materials" by N. Irving Sax and contain the terms - dangerous, hazardous or toxic in the THR (Summary Toxicity Statement), the Disaster Hazard statement, the Fire Hazard Statement, the Explosion Hazard Statement, or the Acute Toxicity Statement, or,
- C. Listed in the latest edition of the "Condensed Chemical Dictionary" by Gessner G. Hauley and the words dangerous, hazardous, or toxic are used in the "Hazard" explanation used to categorize the substance.

II. ST. JOHN VOLUNTEER FIRE DEPARTMENT AND POLICE DEPARTMENT RESPONSE REQUIRED

The St. John Volunteer Fire Department and Police Department shall be called forthwith to the scene of all hazardous and/or toxic spills or leaks or fires or potentially hazardous or toxic spills or leaks or fires within or affecting the Town of St. John by Owners responsible therefor.

II. COMPENSATION AND REIMBURSEMENT

Owners who cause or suffer leaks or spills or fires of potentially hazardous and/or toxic materials and hazardous and/or toxic materials within or upon the lands of the Town

of St. John for which leaks or spills or fires the St. John Volunteer Fire Department and Police Department must initially respond, shall pay the Town of St. John within thirty (30) days from the date of billing therefor, as compensation and reimbursement for providing said response services, the sum of Two Hundred (\$200.00) Dollars per call, together with a charge of Ten (\$10.00) Dollars per hour per responding member.

III. DAMAGED EQUIPMENT

Owners who cause or suffer leaks or spills or fires of potentially hazardous and/or toxic materials and hazardous or toxic materials within the Town of St. John for which leaks or spills or fires the St. John Volunteer Fire Department and Police Department vehicles and equipment are used in response, shall reimburse the Town within thirty (30) days from the date of billing therefor for any such equipment which has been damaged, destroyed, discarded or otherwise adversely affected, based upon an accurately prepared bill of particulars stating the damaged, destroyed or necessarily discarded replacement cost of each item.

IV. CONTRACTOR AND CONSULTANT COMPENSATION

Owners who cause or suffer leaks or spills or fires of hazardous or toxic materials or of potentially hazardous or toxic materials within the Town of St. John for the clean up of which consultants and/or separate clean up contractors are required to be called in (in the determination and at the discretion of the St. John Volunteer Fire Department and Police Department), shall assume and bear full responsibility for direct payment to the clean up contractor and/or consultant or reimbursement to the Town for expenditures made by it, where and when appropriate, for said clean up to the clean up contractor and/or consultant.

V. BILLING

The Clerk-Treasurer of the Town of St. John shall bill the responsible Owners within a reasonable time after response.

VI. PENALTY

Owners causing or suffering leaks or spills of hazardous or toxic materials or or fires of potentially hazardous or toxic materials within the Town of St. John, who fail to reimburse the Town within thirty (30) days after receipt of said billing, shall be deemed to have violated this ordinance, and shall suffer a penalty, in addition to the determined reimbursement, by way of fine of not less than One Hundred (\$100.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars. A separate offense shall be deemed committed for each ten (10) days violation is permitted to exist.

VII. SAVINGS CLAUSE

In the event that any portion of this ordinance is declared invalid, unconstitutional or otherwise unenforceable, St. John specifically intends that all of the remaining portions hereof shall continue to have full force, effect and validity.

VIII.

This ordinance shall be in full force and effect from and after its passage and approval by the Board of Trustees and publication as required by law.

Passed March 14, 1988



DAVID M. BIELSKI

RANDALL S. HARMON

DOUGLAS PATTERSON
BOARD OF TRUSTEES, TOWN OF ST.
JOHN, LAKE COUNTY, INDIANA

ATTEST:



BETTY L. SIEDELMANN
Clerk-Treasurer