

CHAPTER 244
Fire Department

244.01 Hazardous materials incidents.

CROSS REFERENCES

Firemen's Retirement System - see M.C.L.A. Secs. 38.551 et seq.
Borrowing money for fire protection - see M.C.L.A. Sec. 117.4a
Fire stations - see M.C.L.A. Sec. 117.4e
Fire Board - see ADM. Ch. 288
BOCA National Fire Prevention Code - see F.P. Ch. 1610
Miscellaneous fire regulations - see F.P. Ch. 1620

244.01 HAZARDOUS MATERIALS INCIDENTS.

(a) Purpose. In order to protect the City of Litchfield from incurring extraordinary expenses resulting from the utilization of City resources to respond to an incident involving hazardous materials, there is hereby established in and for the City a policy for the imposition of charges to recover reasonable and actual costs incurred by the City in responding to calls for assistance in connection with the hazardous materials released.

(b) Definitions. As used in this chapter:

- (1) "Hazardous materials" means and includes, but is not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.
- (2) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.
- (3) "Responsible party" means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released.

(c) Liability for Costs of Clean-up. Where the Litchfield Police Department and/or the Fire Department responds to a call for assistance in connection with a hazardous materials release within the City of Litchfield, actual costs incurred by the City responding to such a call shall be imposed upon responsible parties, including, but not limited to:

- (1) One hundred fifty dollars (\$150.00) per hour for the first hour, or fraction thereof, and one hundred dollars (\$100.00) per hour for every additional hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to stand by at the hazardous materials incident. Charges herein provided for shall be changed from time to time by resolution of the Litchfield City Council upon recommendation of the Litchfield Fire Board.
- (2) One hundred fifty dollars (\$150.00) per hour for the first hour, or fraction thereof, and one hundred dollars (\$100.00) per hour for each additional hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident. Charges herein provided for shall be changed from time to time by resolution of the Litchfield City Council upon recommendation of the Litchfield Fire Board.
- (3) One hundred dollars (\$100.00) per hour for the first hour, or fraction thereof, and seventy-five dollars (\$75.00) per hour for each additional hour, or fraction thereof, for each additional Police and/or Fire Department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident. Charges herein provided for shall be changed from time to time by resolution of the Litchfield City Council upon recommendation of the Litchfield Fire Board.
- (4) All personnel-related costs incurred by the City as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time police officers; overtime pay and related fringe benefit costs for hourly employees; and fire run fees paid to on-call fire-fighters. Such personnel-related charges shall commence after the first hour that the Fire Department has responded to the hazardous materials incident and shall continue until all City personnel have concluded hazardous materials incident-related responsibilities.
- (5) Other expenses incurred by the City in responding to the hazardous materials incident, including, but not limited to, the rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees and replacement costs relating to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.

- (6) Charges to the City imposed by any local, State or Federal government entities related to the hazardous materials incident.
- (7) Costs incurred in accounting for all hazardous materials incident-related expenditures, including billing and collection costs.

(d) Billing Procedures. Following the conclusion of the hazardous materials incident, the Fire Chief shall submit a detailed listing of all known expenses to the City Clerk, who shall prepare an invoice to the responsible party for payment. The Clerk's invoice shall demand full payment within thirty days of receipt of the bill. Any additional expenses that become known to the Fire Chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty days, the City shall impose a late charge of one percent per month or fraction thereof.

(e) Equitable Remedy. The City may pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction to collect charges imposed under this section. The recovery of charges imposed under this section does not limit the liability of responsible parties under local ordinance or State or Federal law, rule or regulation.

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