

ORDINANCE NO. 293

AN ORDINANCE PROVIDING FOR RECOUPING COSTS
INCURRED DURING A HAZARDOUS MATERIAL INCIDENT
IN THE CITY OF BARLING, AND FOR OTHER PURPOSES..

WHEREAS, it is very expensive in labor, materials, and equity for the City of Barling to respond to an incident involving hazardous materials; and

WHEREAS, the City of Barling has determined that it must recoup the costs incurred by it for such response;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, AS FOLLOWS:

Section One. A “hazardous material” is one that poses an unreasonable risk to the health and safety of personnel (either employees or emergency responders), the public and/or the environment if it is not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal, or transportation.

The term “hazardous material” shall be used when referring to hazardous substances, petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals. Hazardous substances shall include those chemicals that could cause serious irreversible health effects, endanger the public, and/or harm the environment.

Section Two. As used in this Ordinance, “special services” shall mean that work, labor, equipment, or services which may be provided by or contracted for by the City of Barling which may become involved in hazardous materials response, recovery, or clean up, which are due to specialized training and equipment to the degree that the provision of such work, labor, equipment, or services is reasonable and practicable in the judgment of the officials supervising the operation/provision of said services; said special services may include (but are not limited to) hazardous materials response, recovery, or clean up. Fire fighting activities which do not involve hazardous materials are expressly excluded from this Ordinance.

Section Three. The special services authorized by this Ordinance shall be provided at the individual rate structure of the City of Barling and equipment and may include contracted services and equipment used by the City of Barling during said hazardous materials response, recovery, or clean up, which is as follows:

- (a) A charge of \$200 for the first hour and \$100 for each additional hour for each major piece of fire apparatus which responds to the incident;
- (b) An hourly charge equivalent to the regular hourly pay for each hour that each

on-duty employee of the Fire Department spends in response to and/or on the scene of the incident, and the regular time and one-half of pay for each hour that each off-duty employee of the Fire Department spends in response to and/or on the scene of the incident;

(c) The replacement costs of all expendable equipment and supplies used by the Fire Department in managing and mitigating the incident including any equipment damaged or made unusable by contamination; and

(d) All costs incurred by the Fire Department for any labor, materials, or supplies provided by third parties at the request of the Barling Fire Department, including but not limited to, the Regional Hazardous Materials Emergency Response Team, local government entities, business and industrial facilities, specialists, consultants, and utilities and any other costs necessary to manage and mitigate the incident.

Section Four. The Chief of the Barling Fire Department shall:

1) Prepare and issue statements to the County Judge of Sebastian County, pursuant to the Interlocal Agreement governing the hazardous materials program, for all costs incurred within thirty (30) days of providing said services or determining the costs.

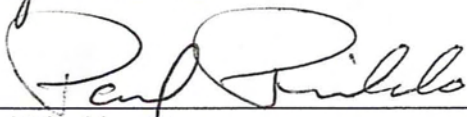
2) Maintain adequate records which shall include (but are not limited to) the following information:

- a) Date of service provided.
- b) Type of service provided.
- c) List of Response Personnel.
- d) Accounts Payable and Receivable.
- e) Such other information as may be required by County officials.

Section Five. Any person and/or corporation responsible for a hazardous materials incident which results in emergency services response within the City of Barling shall be assessed the full costs of said response and shall be responsible for the full cost of the recovery and/or clean up of said incident.

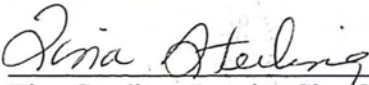
Section Six. This Ordinance shall not be deemed to repeal any existing laws, but shall be cumulative thereto. If any provision of this act is held invalid, such invalidity shall not affect other provisions hereof, and to this and the provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED this 9th day of April, 2002.



Paul Rivaldo, Mayor

ATTEST:



Tina Sterling, Interim City Clerk