

## CHAPTER 36

# DISCHARGE OF HAZARDOUS SUBSTANCES

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**36.01 PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters, or aquifers or on any private property within the City, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

**36.02 CONTAINMENT, CLEANUP AND RESTORATION.** Any person, in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for any expenses incurred. Should any person fail to engage the necessary labor and equipment to comply or to complete the requirements of this section, the Fire Chief or Assistant Fire Chief of the Fire Department may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the City.

**36.03 SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to the Fire Department officers and staff and to City Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

**36.04 PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and which results in a situation so critical that immediate steps must be taken to protect life and limb, the Fire Chief, the Chief's Assistant or the senior City Police or Fire Official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the Council can take appropriate action.

### **36.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Department or Fire Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Department or Fire Department shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Police Department or Fire Department, which shall then notify the Department of Natural Resources.

**36.06 ENFORCEMENT.** The Fire Chief and the Chief's Assistant, as well as the City police officers, shall have authority to issue citations or complaints under this chapter.

**36.07 CIVIL LIABILITY.** Any person in violation of this chapter shall be liable to the City for any expenses incurred by the City of loss or damage sustained by the City by reason of such violations.

**36.08 PENALTIES.** Any person in violation of this chapter shall forfeit to the City upon conviction thereof a minimum of \$400.00 and not to exceed \$5,000, plus the costs of prosecution, and in default of payment thereof, imprisonment in the County jail for ten (10) days. Each day of the violation shall constitute a separate offense.

**36.09 HAZARDOUS MATERIAL EQUIPMENT AND TRAINING FUND.** One-half of convicted fine shall be put into a hazardous material equipment and training fund for the Fire Department to use at their discretion.