

ORDINANCE # 06-04

AN ORDINANCE AUTHORIZING THE IMPOSITION OF CHARGES FOR SERVICES RENDERED IN THE CONTAINMENT, REMOVAL AND DISPOSAL OF MATERIALS HAZARDOUS TO THE PUBLIC HEALTH AND SAFETY.

WHEREAS, there has been an escalation in the number of incidents involving the leakage, spillage and other unauthorized releases of materials hazardous to public health and safety; and

WHEREAS, in order to preserve and protect public health and safety from the release of hazardous materials, by accident or otherwise, it is necessary such materials be rapidly contained, removed and disposed of in a safe and responsible manner; and

WHEREAS, such safe and responsible manner of containment, removal and disposal usually requires the employment of specially trained personnel and the use of special materials and services; and

WHEREAS, extra-ordinary costs are inevitably incurred in such containment, removal and disposal, it is reasonable that the person, firm or organization in possession of, in the process of transporting, or is otherwise responsible for the safe containment of materials hazardous to the public health and safety, if released by whatever cause, should bear the extra-ordinary cost incurred in containing, removing and disposing of such material;

NOW, THEREFORE, BE IT ORDAINED by the Village of Buckner, Franklin County Illinois;

SECTION 1: The Village Fire Department is authorized and directed to respond, immediately upon being notified, and to do all things within its capabilities to contain, remove and dispose of any material hazardous to public health and safety that is leaked, spilled or otherwise improperly released within the Village limits of Buckner or within the Village Fire Departments outlined area of response.

SECTION 2: Should such response require the services of special personnel and equipment beyond the capabilities of the Village Fire Department to provide, the Incident Commander of the Village Fire Department is authorized to obtain or to contract for the services of personnel or equipment sufficient to contain, remove and dispose of such hazardous materials.

SECTION 3: The cost incurred for the use of such special personnel and equipment, in addition to the cost of the use of Village personnel and equipment, shall be charged to the person, firm or organization, jointly and severally, in possession of, in the process of transporting or otherwise responsible for the containment of any hazardous material spilled, leaked or otherwise improperly released.

SECTION 4: The amount of the costs incurred by the Village from the use of special personnel and equipment is the amount to be charged the person, firm or organization shall be charged for the use of Village personnel, equipment and materials as follows:

1.	PUMPER TRUCK	\$300.00 PER HOUR
2.	RESCUE UNIT	\$300.00 PER HOUR
3.	UTILITY TRUCK	\$300.00 PER HOUR
4.	HAZMAT TRUCK	\$400.00 PER HOUR
5.	FIRE DEPT. PERSONNEL	\$50.00 PER HOUR/PER MAN
6.	VILLAGE PERSONNEL	HOURLY OVERTIME RATE +30%
7.	MATERIALS	COST OF REPLACEMENT
8.	OTHER EQUIPMENT	REGULAR HOURLY RATE +30%
9.	OTHER PERSONNEL	REGULAR OVERTIME RATE + 30%

PASSED THE 20th DAY OF APRIL, 2006.

APPROVED BY THE MAYOR THE 20th DAY OF APRIL, 2006.

ATTEST:

Shirley Lewis
CITY CLERK

James Dwyer
MAYOR

CREWS - AYE
GOLGE - ABSENT
HANSEN - AYE
MAND - AYE
SHEDDON - AYE
WHEELER - AYE