

ARTICLE 9

HAZARDOUS MATERIALS RECOVERY COSTS

Section	Subject Matter
3-9.01	DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP OR ABATEMENT; LIABILITY FOR COSTS

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### HAZARDOUS MATERIALS RECOVERY COSTS

#### SEC. 3-9.01 DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP OR ABATEMENT; LIABILITY FOR COSTS.

- a. The Fire Department is authorized to cleanup or abate the effects of any hazardous substance or material unlawfully released, discharged or deposited upon or into property or facilities within the City. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such cleanup or abatement activity:
  - (1) The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit; and
  - (2) The person or persons who owned or had custody or control of the hazardous substance or material at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and
  - (3) The person or persons who owned or had custody or control of the container which held such hazardous material or substance at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.
- b. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other city official, to clean up or abate the effects of any hazardous substance or material unlawfully released, discharged or deposited upon or into any property or facility within the City, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The person described in subsection a. shall be liable to the City for all costs incurred as a result of such supervision or verification.
- c. For purposes of this section, "hazardous substance or material" shall be as defined in Sections 3-8.04 i. and 3-8.06 of this Code.
- d. For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials.
- e. The remedies provided by this section shall be in addition to any other remedies provided by law.
- f. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.