

## ORDINANCE

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**AN ORDINANCE OF THE CITY OF FARMINGTON FOR THE PURPOSE OF REQUIRING THAT PERSONS BE RESPONSIBLE FOR THE STORING, HANDLING AND TRANSPORTATION OF HAZARDOUS MATERIALS AND THAT THEY SHALL AT THEIR OWN COST CLEAN UP ANY SPILLS OF THOSE MATERIALS AND ALSO PROVIDE REMEDIES FOR THE CITY TO CLEAN-UP SPILLS IF THE RESPONSIBLE PARTY FAILS TO DO SO, AND TO RECOVER THE COSTS FOR THE CITY.**

BE IT ORDAINED by the Council of the City of Farmington, Iowa:

**SECTION 1** Purpose. The order to reduce the danger to public health, safety and welfare from the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean up of spills within the city limits.

**SECTION 2** Definitions. For the purpose of Ordinance No. 49, Sections 1,2,3, and 4, these words have the following meanings:

1. "Hazardous waste" means any substance as defined in section 455B.111, subsection 3, paragraph a, Code of Iowa, and the rules of the Iowa Department of Natural Resources.
2. "Hazardous substance" means any substance as defined in section 455B.381, subsection 1, Code of Iowa,
3. "Hazardous condition" means the same as set out in section 455B.381, subsection 2, Code of Iowa.
4. "Person having control over a hazardous substance" means the same as set out in section 455B.381, Subsection 8, Code of Iowa.
5. "Clean-up" means the same as set out in section 455B.381, subsection 6, Code of Iowa.
6. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

**SECTION 3** Clean-up Required. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by clean-up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of clean-up shall be borne by the person having control over the hazardous substance. If the person having control over a hazardous substance does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure clean-up services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the clean-up is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any state or federal funds available for said clean-up.

**SECTION 4** Notifications. The first City officer or employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the police department which shall notify the proper State office in the manner established by the State.

**SECTION 5** Severability Clause. If any section provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 6** When Effective. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council of the City of Farmington, Iowa the 8th day of Dec., 1997.

Keith L. Muntz, Mayor  
Joan Rohdy, City Clerk

First Reading: Nov. 10, 1997  
Second Reading: Waived  
Third Reading: Dec. 8, 1997