

CHAPTER 1513
Cost Recovery of Emergency Actions

1513.01 Definitions	1513.04 Services of other governmental
1513.02 Purpose and scope	bodies or parties
1513.03 Liability for costs	1513.05 Procedure

CROSS REFERENCES

Liability for unauthorized spill, release, discharge -
see Ohio R.C. 3745.13
Emergency planning - see Ohio R.C. 3750.01 et seq.

1513.01 DEFINITIONS.

As used in this chapter:

- (a) "Common carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(E) or 4912.02(A), as appropriate.
- (b) "Contract carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(F) or 4923.02(A), as appropriate.
- (c) "Costs" shall include, but not be limited to, all direct and incidental costs, including personnel costs, incurred by or on behalf of the City in connection with the investigation, mitigation, minimization, removal or abatement of an unauthorized spill, release or discharge, in the following respects:
- (1) Operating any vehicle, apparatus or equipment used in connection with any such incident;
 - (2) Sanitizing, cleaning and/or repairing any vehicle, apparatus, equipment or apparel used in connection with any such incident;
 - (3) Testing any spilled, released or discharged material, or any vehicle, apparatus, equipment or apparel used in connection with any such incident;
 - (4) Storing any spilled, released or discharged material;
 - (5) Disposing of any spilled, released or discharged material, or any vehicle, apparatus, equipment, apparel or goods rendered unusable as a result of any such incident;
 - (6) Replacing any vehicle, apparatus, equipment, apparel or goods lost or rendered unusable as a result of any such incident; and
 - (7) Any costs incurred by any private party or governmental body, or subdivision thereof, whose assistance is requested by the City in the event of an unauthorized spill, release or discharge, and who submits a written invoice to the City setting forth its costs incurred in responding to the incident.

(d) "Material" has the same meaning as in Ohio R.C. 3745.13 and any other regulations promulgated or matters decided thereunder, as appropriate.

(e) "Motor vehicle" means any automobile, truck, tractor, trailer, semitrailer, motorbus or any other self-propelled vehicle not operated or driven on fixed tracks.

(f) "Private motor carrier" has the same meaning as in Ohio R.C. 4923.02.

(g) "Railroad" has the same meaning as in Ohio R.C. 4907.02.

(h) "Unauthorized spill, release or discharge" has the same meaning as in Ohio R.C. Chapter 3745 and any regulations promulgated or matters decided thereunder, and shall include, but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, releasing, injecting, escaping, leaching, dumping or disposing of any material into or upon the environment, which may endanger the public health or safety or the environment. The term does not include any spill, release or discharge that is in compliance with Ohio R.C. Chapter 1509, 3704, 3734 or 6111 and rules adopted thereunder, or the terms and conditions of a current and valid permit or license.

1513.02 PURPOSE AND SCOPE.

The purpose of this chapter is to provide for compensation to the City for costs incurred in investigating, mitigating, minimizing, removing or abating unauthorized spills, releases or discharges of materials into or upon the environment within the territorial jurisdiction or responsibility of the City, which spills, releases or discharges require emergency action to protect the public health or safety or the environment.

1513.03 LIABILITY FOR COSTS.

(a) Any person or corporation responsible for causing or allowing an unauthorized spill, release or discharge of material into or upon the environment is liable to the City for disaster services rendered, and all incidental and related costs. The costs shall be paid by the person or entity responsible for causing or allowing the unauthorized spill, release or discharge of materials into or upon the environment that required emergency action to protect the public health or safety or the environment.

(b) If an unauthorized spill, release or discharge occurs from a motor vehicle or train being operated by or on behalf of a common carrier by motor vehicle, contract carrier by motor vehicle, private motor carrier or railroad or pipe line, a

claim or civil action shall be submitted to or brought against, as appropriate, and the costs of the emergency action shall be recovered from the motor carrier or railroad regardless of whether the motor carrier or railroad or pipe line was responsible for causing or allowing the unauthorized spill, release or discharge to occur.

(c) Costs recoverable under this chapter shall accrue commencing with the first notification to the City of an incident involving, or which may involve, or subsequently proves to involve, an unauthorized spill, release or discharge.

1513.04 SERVICES OF OTHER GOVERNMENTAL BODIES OR PARTIES.

(a) The Director of Public Safety-Service or his designated representative shall have the authority to request the assistance of any other governmental body, or agency or division thereof, in the event of an unauthorized spill, release or discharge at a location within the territorial jurisdiction or responsibility of the City.

(b) The Director of Public Safety-Service or his designated representative shall have the authority to request the assistance of any expert, consultant or contractor in the event of an unauthorized spill, release or discharge at a location within the territorial jurisdiction or responsibility of the City.

1513.05 PROCEDURE.

(a) The Director of Public Safety-Service or his designated representative shall keep a record of the City's costs for investigating, mitigating, minimizing, removing or abating the unauthorized spill, release or discharge, including any incidental costs. A schedule of charges used to determine such costs shall be kept on file in the office of the Safety-Service Director and made available for inspection by the public during normal working hours. The schedule shall be revised, as necessary, to reflect increases and decreases in the value of the items listed.

(b) Not less than thirty days before bringing civil action for the recovery of costs pursuant to this section and Ohio R.C. 3745.13, the Law Director shall submit to the responsible party a written itemized claim for the total certified costs incurred by the City and a written notice that, unless the amount is paid to the City within thirty days after the date of mailing of that claim and notice, the Law Director shall bring a civil action for that amount.

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