

Chapter 11.1

HAZARDOUS INCIDENT RESPONSE TEAM

Article I. In General

Sec. 11.1-1. Hattiesburg Fire Department - designated as emergency responder for corporate limits of Hattiesburg.

This ordinance shall be known as the City of Hattiesburg, Mississippi's Hazardous Materials Ordinance, wherein the Hattiesburg Fire Department's Hazardous Incident Response Team (HIRT) is designated as the emergency responder for the hazardous materials emergencies which occur within the corporate limits of Hattiesburg, Mississippi. (Ord. 2477, sec. 1, 2-8-94)

Sec. 11.1-2. Risks

The City of Hattiesburg finds that there are risks in the production, use, storage, disposition and transportation of hazardous materials to its citizens, labor force, traveling public and shipping and transportation industry, and promulgates this ordinance as constituting an efficient reduction of the real risk. The City of Hattiesburg believes that the burden imposed on the producer, users, storers, shippers and transportation carrier, if any, is justified. (Ord. 2477, sec. 2, 2-8-94)

Sec. 11.1-3. Definitions.

A. The term "Person" shall mean any individual, corporation, partnership, association or governmental agency of the United States.

B. The term "Shipper" shall mean any person, corporation, association, or other entity that send goods by any mode of transportation.

C. The term "Carrier" shall mean and include a common contract or private carrier of property by any mode of transportation.

D. The term "Public Safety Official" shall mean members of the Hattiesburg Fire Department or Hattiesburg Police Department.

E. The term "Permit" shall mean the written authorization for the transportation of radioactive waste issued by the Mississippi Emergency Management Agency pursuant to section 45-14 of the Mississippi Code of 1972, as amended, known as the Mississippi Radioactive Waste Transportation Act.

F. The term "Preferred Route" shall mean the routes designated by the Hattiesburg Fire Department by which hazardous material is to be transported into, through and within the corporate limits of the City of Hattiesburg.

G. The term "Hazardous Material" shall mean a substance of material which has been determined by an official agency of the United States Government to be capable of posing an unreasonable risk to health, safety and property when manufactured, mined, used, stored and transported, and which has been so des-

ignated.

H. The term "City of Hattiesburg" shall mean all areas within the jurisdictional boundaries of Hattiesburg, Mississippi. (Ord. 2477, sec. 3, 2-8-94)

Section 11.1-4. Preferred Routes

Routes for transportation of hazardous materials into and through the corporate limits of Hattiesburg, Mississippi, are specified in Ordinance 2378, Sections 22-32 of the Code of Ordinances, dated July 16, 1991, wherein the 1991 Standard Fire Prevention Code is adopted.(Ord. 2477, sec. 4, 2-8-94)

Section 11.1-5. Application

A. No person shall knowingly manufacture, ship, transport, use or store hazardous material, or knowingly cause to manufacture, ship, transport, use or store hazardous material within the corporate limits of Hattiesburg, except in accordance with United States Department of Transportation or Nuclear Regulatory Commission, State of Mississippi statues, the Standard Fire Prevention Code (Ord. 2378) and this ordinance.

B. The provisions of the U.S. Department of Transportation regulations, State of Mississippi statues and regulations, and City of Hattiesburg ordinances, apply to transportation of hazardous material into, within and through the corporate limits of the City of Hattiesburg.

C. The provisions of this ordinance shall now apply to hazardous material shipped by or for the U.S. Government for military or national security purposes, or which are related to national defense, nothing herein shall be construed as requiring the disclosure of any defense information or restricted data so classified by the U.S. Government (Ord. 2477, sec. 5, 2-8-94)

Section 11.1-6. Standards

A. Movement routing all vehicles to transport any hazardous material shall be confined to preferred routes except when:

1. Emergency conditions make preferred routes unsafe.
2. The vehicle used to transport the hazardous material is required to enter the corporate limits of Hattiesburg before gaining access to preferred routes.
3. Delivery point of hazardous material is located in an area that requires the vehicle to move over other roads. In that event, the shortest and/or safest route will be used.
4. It is necessary to stop for rest, fuel, and/or vehicle repairs.
(Ord. 2477, sec. 6, 2-8-94)

B. Reports

1. Required: All manufacturers, users, storers, transporters of, or other entity whatsoever, shall immediately report incidents or accidents involving hazardous materials whether there is evidence of release or not, to the Hattiesburg Fire Department by the fastest possible means of communication and within the shortest time possible after occurrences of such accident or incident. The body of the report shall indicate:

- a. location of accident/incident
- b. hazardous material involved
- c. availability of shipping papers in transportation accident/incident
(Ord. 2477, sec. 6, 2-8-94)

C. Transport Vehicle

The operator of a vehicle used to transport hazardous material shall, before operating a vehicle into, within, or through the corporate limits of Hattiesburg, inspect such vehicle and determine that:

1. Brakes are in good working order
2. Steering mechanism is in good working order
3. All electrical wiring is in good working order
4. The vehicle is in a safe condition to transport hazardous material
5. All emergency features are installed and operative, as required by Federal Department of Transportation and State of Mississippi statutes and regulations.
6. That hazardous material placarding, as required by the Federal Department of Transportation, is accomplished.

D. Operator Qualifications

No person shall operate a vehicle used to transport hazardous material without first having met driver or operator training requirements, as outlined in Federal Department of Transportation regulations and State of Mississippi statutes.

E. Radioactive Waste Material Transportation Permit

No person shall transport radioactive waste material into, within, or through the corporate limits of Hattiesburg, without a permit issued by the Mississippi Emergency Management Agency, if this material is covered under the Mississippi Radioactive Materials Transportation Act, Mississippi Code 45-14, as amended.

F. Manufacturers, users, storers, transporters and disposers of hazardous material shall have sufficient liability insurance to protect the City of Hattiesburg and the general public at large from possible death, injury or damage to any person or property due to manufacture, use, storage, transportation or disposal of this

material.

G. Manufacturers, users, storers, transporters, and disposers of hazardous material shall be required to hold the City of Hattiesburg harmless for all claims, actions or proceedings in law or equity arising from hazardous material incidents/accidents within the corporate limits of Hattiesburg, including all costs of defending same, provided however, the nothing contained herein shall be construed as a waiver of the City governmental immunity.

H. Manufacturers, users, storers, transporters and disposers of hazardous material shall be responsible for the cost of cleanup of hazardous material accident sites, to include professional personnel deemed necessary by the Hattiesburg Fire Department's HIRT Team and other City personnel deemed necessary by the Hattiesburg Fire Department's HIRT Team to provide proper cleanup and decontamination efforts. These decontamination and cleanup operations must meet the requirements of the United States Environmental Protection Agency, Office of Pollution Control, Department of Environmental Quality, State of Mississippi and City of Hattiesburg.

Section 11.1-7. Enforcement

The Hattiesburg Fire Department is expressly authorized to enforce the provisions of this ordinance.

Section 11.1-8. Planning for Hazardous Material Response

The Hattiesburg Fire Department shall perform those functions assigned to them in the Basic Emergency Management Plan and maintain a current state of readiness at all times.

Section 11.1-9. Penalties and Violations

Violations of the provisions of this ordinance or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its provisions, shall upon conviction thereof, be fined not more than \$500 and imprisoned not more than ninety (90) days or both. Each day such violation occurs shall be a separate offense. Nothing herein contained shall prevent the Hattiesburg Fire Department from taking such lawful actions as is necessary to prevent or remedy any violation.

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