

## HANCOCK COUNTY ORDINANCE NO. 8

TITLE: AN ORDINANCE REQUIRING PERSONS RESPONSIBLE FOR THE STORING, HANDLING AND TRANSPORTATION OF HAZARDOUS MATERIALS TO, AT THEIR OWN COST, CLEAN UP ANY LEAKS OR SPILLS OF THOSE MATERIALS AND PROVIDE REMEDIES FOR HANCOCK COUNTY TO CLEAN UP SPILLS IF THE RESPONSIBLE PARTY FAILS TO DO SO, AND TO RECOVER THE COSTS FOR THE COUNTY.

Be It Enacted by the Board of Supervisors of Hancock. County, Iowa:

**Section 1.** That the Ordinances of Hancock County, Iowa, be and the same are hereby added thereto by the following Ordinance No.8 entitled "Hazardous Substances" as set forth in Sections 2 through 9 inclusive:

### HAZARDOUS SUBSTANCES

Sections:

2. Scope and Purpose
3. Definitions
4. Cleanup Required
5. Notifications
6. Penalty
7. Repealer
8. Severability
9. Effective Date

**Section 2. Scope and Purpose.** In order to reduce the danger to public health , safety and welfare from the spill s of hazardous substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the county limits.

**Section 3. Definitions.** For the purpose of this ordinance, these words have the following meanings:

A. "Cleanup" means the removal of the hazardous wastes or substances to a place where the waste will not cause any danger to persons or the environment, in accordance with rules of the State Department of Natural Resources, therefore, or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable odor, as far as practible.

B. "Hazardous condition" means the same as set out in Section 4558.381, subsection 2, Code of Iowa.

C. "Hazardous substance" means any substance as defined in Section 455B.381, subsection 1, Code of Iowa.

D. "Hazardous waste" means those wastes which are included by the definition in Section 455B.411, subsection 2, paragraph (a), Code of Iowa.

E. "Responsible person" means the party, whether the owner, agent, lessor, or tenant, in charge of the hazardous substance or hazardous wastes being stored, processed, or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any person or to the environment.

F. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous waste or substance so as to neutralize it or to render the substance nonhazardous, safer 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 waste or substance to render it nonhazardous.

**Section 4. Cleanup 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 waste or substance or 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 County or an authorized officer or authorized agency shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that in the event the responsible party fails to comply with said deadline, the County will proceed to procure cleanup services and bill the responsible person for all personal equipment and disposal costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days of billing, the County may proceed to obtain payment by all legal means so If the cost of the cleanup is beyond the capacity of the County to finance, the authorized officer shall report through the County Auditor or to the Board of Supervisors and may seek any state or federal funds available for said cleanup.

**Section 5. Notifications.** The first County officer or employee who arrives at the scene of an incident involving hazardous substances, shall notify the County Disaster Services Office, or the Hancock County Sheriff's Department, which shall notify the State Department of Natural Resources.

**Section 6. Penalty.** Any person violating any provision of this ordinance shall be guilty of a simple misdemeanor, and upon conviction thereof be subject to a fine of not more than \$100000 or be imprisoned for not more than thirty (30) day so each day a violation occurs shall constitute a separate offense.

**Section 7. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 8. Severability.** If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**Section 9. Effective date.** This ordinance shall be in full force and effect after its final passage and publications as by law provided.

Passed this 26th day of February, 1990.

Published title and summary: January 31st and February 7th, 1990.

First Consideration: February 20, 1990

Second Consideration: February 26, 1990

Passed and approved: February 26, 1990

Full Ordinance published March 6, 1990

Signed by:

Ron Sweers, Chairman

Hancock County Board of Supervisors

Calvin Sorenson, Member

Hancock County Board of Supervisors

Gerald Burk, Member

Hancock County Board of Supervisors

Attested by:

Dorothy DeVary, Auditor

Hancock County, Iowa

**AMENDMENT NUMBER 1 TO HANCOCK COUNTY ORDINANCE NO, 8 (SECTION 5)**

TITLE: An Ordinance requiring persons responsible for the storing, handling and transportation of hazardous materials to, at their own cost, clean up any leaks or spills of those materials and provide remedies for Hancock County to clean up spills if the responsible party fails to do so, and to recover the costs for the County.

PURPOSE OF AMENDMENT: To replace outdated wording of "County Disaster Services Office" by amending to "County Emergency Management Office".

BE IT ENACTED by the Board of Supervisors of Hancock County, Iowa to change Section 5 of Hancock County Ordinance No.8 to read as follows:

**Section 5. Notifications.** The first County Officer or employee who arrives at the scene of an incident involving hazardous substances, shall notify the County Emergency Management Office, or the Hancock County Sheriff's Department, which shall notify the State Department of Natural Resources.

The Hancock County Board of Supervisors unanimously approved the foregoing language change this same day of June 12, 1995. Record of such action appears in the Board of Supervisors minute book no. 21.

Passed this 12th day of June, 1995.

PUBLISHED: May 31, 1995

FIRST CONSIDERATION: June 5, 1995

2ND PUBLICATION: June 7, 1995

PASSED & APPROVED: June 12, 1995

ADOPTED AMENDMENT PUBLISHED: June 21, 1995

Signed by:

R. D. Reibsamen, Chairman

Hancock County Board of Supervisors

John Torkelson, Member

Hancock County Board of Supervisors

Dianne Dethmers Paca, Member

Hancock County Board of Supervisors

Attested by:

Dorothy DeVary, Auditor

Hancock County, Iowa