

ORDINANCE NO. 2235

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX I, BY ADDING SECTION 42: RECOVERABLE COST OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

SECTION I.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS THAT THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, APPENDIX I: FEE SCHEDULE, BE AMENDED TO INCLUDE THE FOLLOWING:

SECTION 42: CITY DEPARTMENT(S) RECOVERABLE COSTS

- (a.) Definition: Hazardous materials. For the purpose of this article “hazardous materials” shall be defined as any substances or materials in a quantity or form which, in the determination of the fire chief and or his authorized representative, poses a risk to persons, property, or the environment, and shall include, but not be limited to such substances as explosives, radioactive materials, petroleum products, poisons, compressed or liquefied gases, etiologic (biologic) agents, oxidizers, corrosives, carcinogens, cryogens, and organic peroxides. For the purpose of this article “hazardous materials incidents” shall be defined as the release, or potential release, of a hazardous material from its container into the environment.
- (b.) For the purpose of this article, costs incurred by the fire department, police department, health department, public works department, and other departments of the City of Terrell shall include, but not be limited to, expenses attributable to the abatement or cleanup of any hazardous materials incident, including costs of personnel, cost of equipment operations, costs of materials and supplies, costs of specialists, experts or other contract labor not in the full-time employment of the City, disposal costs, overhead costs, overtime costs, and any other incidental costs incurred by the city. Basic costs associated with fire department services shall be four hundred eighty dollars (\$480.00) per hour for each fire engine or truck company and two hundred forty dollars (\$240.00) per hour for each medical unit or utility/support vehicle. The responsible party (ies) shall be billed for the recovery of the costs described above as follows:
- (1.) For the first hour of an incident, measured from the time the first fire department vehicle arrives at the incident scene, only the costs of materials, supplies, disposal, and specialists / experts not in the full-time employment of the city shall be billable.
- (2.) Beginning one hour after the first fire department vehicle arrives at the incident scene, all costs described in this section shall be billable.

SECTION II

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION IV

This ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED this the 3rd day of August, 2004.

PASSED AND ADOPTED this the 17th day of August, 2004.

Frances R. Anderson, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney