

ORDINANCE NO. 4550

AN ORDINANCE to amend and reordain Article J (SERVICE CHARGE FOR CITY AMBULANCE SERVICE), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 3-2-134 (HAZARDOUS MATERIALS INCIDENT RESPONSE FEES), and by making a conforming amendment to the catchline of the said Article J.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article J, Chapter 2, Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is, amended and reordained adding thereto a new Section 3-2-134, and by amending the catchline, to read as follows:

Article J Service Charges for City Ambulance and Hazardous Materials Incident Response Services

Section 3-2-134 Hazardous materials incident response charges.

(a) The following words and phrases, when used in this section, shall have the meanings set out below:

- (1) Hazardous materials: Any substance that, because of its quantity, concentration or physical or chemical characteristics, possesses a significant present or potential hazard, according to federal, state and/or local standards or regulations, to human health and safety, or to the environment, if released from its intended container or abandoned.
- (2) Hazardous materials incident or incident: Any incident that involves the release from its intended container or abandonment of any hazardous material, which incident has the potential to harm persons, property or the environment.
- (3) Level I Hazardous Materials Incident Response: An incident response requiring recovery, containment or mitigation as a result of a release or abandonment of hazardous materials, utilizing resources from the City of Alexandria.
- (4) Level II Hazardous Materials Incident Response: An incident response requiring recovery, containment or mitigation as a result of a release or abandonment of hazardous materials, utilizing resources from the City of Alexandria and one or more mutual aid jurisdictions.
- (5) Responsible Party: All persons, jointly and severally, involved in the ownership, possession or transportation of any hazardous material that is released or abandoned in a hazardous materials incident, and all persons, jointly and severally, who otherwise cause a hazardous materials incident in the City.

(b) For each Level I and Level II Hazardous Materials Incident Response, there is hereby imposed on the responsible party a service charge equivalent to the City's costs of response, as determined pursuant to the then current emergency response cost recovery schedule published by the Virginia Department of Emergency Management. The funds received shall be paid into the general fund of the city to aid in defraying the cost of providing hazardous materials incident response services by the fire department and other agencies of the City.

(c) No charge shall be imposed on a natural person in the following instance:

(1) Such person is involved in the hazardous materials incident solely for his or her private, noncommercial purposes related to his or her own residential real property or private personal property (other than a motor vehicle licensed for operation on public streets and highways), was not involved in the incident as the employee, agent or servant of any business, and receives or is to receive no compensation for any services involving the hazardous materials incident, and

(2) The hazardous materials involved in the incident are in a form, quantity, concentration and container ordinarily and lawfully available for sale as consumer products to members of the general public.

(d) Nothing in this section shall be deemed to relieve a responsible party of liability for actual and/or additional response costs, damages, penalties, fines, forfeitures, prosecution, injunction or other remedies pursuant to law, nor to affect the city's cost recovery through the Virginia Department of Emergency Management for Level III Hazardous Materials Incident Responses.

Section 2. That this ordinance shall be effective July 1, 2008.

WILLIAM D. EUILLE  
Mayor

Final Passage: June 14, 2008