

ORDINANCE NO. 9293-114

AN ORDINANCE AMENDING THE URBANA CITY CODE BY  
THE ADDITION OF ARTICLE IV TO CHAPTER 8 AND BY THE  
ADDITION OF SECTION 24-43 TO ARTICLE II, CHAPTER 24  
AND BY THE ADDITION OF ARTICLE XIX TO THE URBANA LOCAL  
TRAFFIC ORDINANCE

(Hazardous Materials and Stormwater Discharge)

WHEREAS, hazardous materials and environmentally damaging substances present in the City can create public safety emergencies endangering the health, safety and welfare of the citizens of Urbana and can cause environmental damage to the air, land or water of the City of Urbana; and

WHEREAS, the City of Urbana, as a home rule unit under the 1970 Illinois Constitution, Article VII, Section 6, has the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Urbana has the authority to define, prevent and abate nuisances pursuant to 65 ILCS 5/11-60-2; and

WHEREAS, the City of Urbana is obligated by the provisions of the Boneyard Creek Agreement to prohibit improper discharges into its stormwater sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Article IV is hereby added to Chapter 8 entitled "Fire Prevention and Protection and Hazardous Materials", of the Urbana City Code of Ordinances, and shall read as follows:

"Chapter 8

FIRE PREVENTION AND PROTECTION AND HAZARDOUS MATERIALS

ARTICLE IV.

HAZARDOUS MATERIALS AND ENVIRONMENTALLY  
DAMAGING SUBSTANCES

DIVISION I. DEFINITIONS.

"Section 8-40 Definitions.

The following terms as used in this Article shall have the meaning respectively ascribed to them in this Article, unless the context otherwise requires.

- (a) City defined. The City of Urbana, Illinois.
- (b) Clean-up defined. Clean-up includes all the activities necessary to contain, collect, analyze, treat, disperse, remove and dispose of hazardous materials and/or environmentally damaging substances, and to restore the site to pre-incident condition.
- (c) Clean-up Contractor defined. A person, company, or corporation that performs clean-up activities at hazardous materials release sites.
- (d) Costs defined. All expenses incurred by the City for any fire fighting, medical treatment, remedial, removal, or clean-up activities involving a hazardous materials or environmentally damaging substances release, threatened release or fire. Costs include but are not limited to contractual services, wages, salaries, damaged or destroyed equipment, spill control supplies, protective clothing, fire fighting or vapor suppressing foam, medical care and medical supplies. Costs include expenses incurred by the City for the supervision and verification of remedial and clean-up activities. Costs shall not include the expense of actual fire suppression services and emergency medical services which are normally or usually provided to the public by the Fire Department, except as those costs directly relate to hazardous materials or environmentally damaging substances, such as remedial activities by the Fire Department Hazardous Material Response Team and fire fighting foam operators at petroleum spills and fires. Costs shall also include all expenses of a similar nature incurred by the City of Champaign, Illinois by virtue of its response to an incident under the Boneyard Creek Environmental Emergency Response Protocol effective January 28, 1993, a copy of which is ordered to be kept on file and available for public inspection by the City Clerk of the City of Urbana, Illinois. The said Boneyard Creek Environmental Emergency Response Protocol is sometimes hereinafter referred to as simply 'The Emergency Response Protocol'.

- (e) Environmentally damaging substances defined. Any substance spilled or released into the environment in sufficient quantity so as to cause actual or potential human health problems if not dealt with by remedial action, or to contaminate air, land or water.
- (f) Fire Department defined. The City of Urbana Fire Department.
- (g) Facility defined. Any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or air craft or any site where hazardous materials or environmentally damaging substances have been deposited, stored, disposed of, placed or otherwise come to be located.
- (h) Hazardous Materials defined. Substances or materials in quantity and forms that may pose an unreasonable risk to health, safety or property when stored, transported or used in commerce. Such materials include but are not limited to: explosives, blasting agents, poisons, flammable and combustible liquids, flammable and non-flammable gases, corrosives, oxidizers, organic peroxides, flammable solids, radioactive materials, etiological agents. Hazardous Materials also include hazardous substances and hazardous wastes.
- (i) Hazardous Substances defined. Any substance designated under the Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)(42 USC Sec. 9601 et seq.), as now or hereafter amended, as posing a threat to the waterways and the environment when released.
- (j) Hazardous Waste defined. Discarded material under Resource Conservation and Recovery Act (RCRA)(42 USC Sec. 6901 et seq.) regulated by the United States Environmental Protection Agency because of public health and safety concerns.

- (k) Incident defined. A fire, a release or threatened release of hazardous materials or environmentally damaging substances.
- (l) Person defined. Any individual, business, firm, partnership, corporation, association, trust, estate, joint venture or other legal entity, or their legal representative or agent.
- (m) Placarded Vehicle defined. A vehicle, that when transporting hazardous materials, is required by the United States Department of Transportation to be marked with placards to warn emergency responders of the hazardous cargo, pursuant to the Hazardous Materials Transportation Act, 49 USC Sec. 1801 et seq.
- (n) Release defined. Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, disposing, exploding or burning of hazardous materials or environmentally damaging substances into or on any land, air, water, well, stream, sewer, or pipe such that hazardous materials or any constituent or environmentally damaging substances thereof, that may enter the environment.
- (o) Remedial Action defined. Any action consistent with a permanent remedy of a release or threatened release of hazardous materials or environmentally damaging substances into the environment. The term includes, but is not limited to actions at the location of a release such as diking, damming, trenching, covering, diverting, foaming, neutralizing, isolating, burning, closing, plugging, moving, repairing, transferring, recycling, etc.. The actions required may also include the evacuation, sheltering and feeding of people, provision of alternative water supplies and other activities to protect the public's health and welfare and the environment.
- (p) Responsible Party or Parties defined. The Responsible party includes the following:
- (1) The owner and operator of a facility or vessel from which there is a fire or release or threatened release of

hazardous materials or environmentally damaging substances:

- (2) Any person who at the time of disposal, transport, storage, or treatment of hazardous materials or environmentally damaging substances owned or operated the facility or vehicle used for such disposal, transport, treatment or storage from which there was a fire, release or threatened release of hazardous materials or environmentally damaging substances;
- (3) Any person who by contract, agreement or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials or environmentally damaging substances owned, controlled or possessed by such person at a facility owned and operated by another party or entity from which there is fire, release or threatened release of such hazardous materials or environmentally damaging substances.
- (4) Any person who accepts or accepted any hazardous materials or environmentally damaging substances for transport to disposal, storage or treatment sites from which there is a fire, release or threatened release of hazardous materials or environmentally damaging substances;
- (5) In the case of an abandoned facility or vehicle any person owning or operating the abandoned facility or any person who owned or operated or otherwise controlled activities at the abandoned facility immediately prior to abandonment;
- (6) In the case of a land trust owning or operating a facility or vehicle the person owning the beneficial interest in the land trust.

DIVISION II. RELEASE OF HAZARDOUS MATERIALS OR ENVIRONMENTALLY DAMAGING SUBSTANCES.

Section 8-41. Unlawful releases prohibited.

No person shall cause, threaten, or allow the release of hazardous materials or environmentally damaging substances, unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or Federal agency having primary authority over the release and such release is in such a place and manner as will not create a substantial present or potential hazard to human health, property, or the environment. Any prohibited release is hereby declared to be unlawful and a public nuisance and shall subject a person violating the provisions of this Ordinance to the penalties set forth in Section 1-10 of the Urbana City Code. This shall be an absolute liability offense.

Section 8-42. Response authority.

The Fire Department shall have the authority to respond to and control all activities at any fire, release or threatened release involving hazardous materials or environmentally damaging substances and perform such remedial or fire fighting activities as are deemed necessary to control any incident within the City, or in areas that threaten the City or the water supply of the City. The Fire Department of the City of Champaign, Illinois, when rendering assistance to the Urbana Fire Department under the Emergency Response Protocol, shall be deemed to have the same authority as the Urbana Fire Department to the extent such authority is so delegated to them by the appropriate authority of the Urbana Fire Department.

Section 8-43. Emergency purchases.

Emergency purchases during an incident and clean-up from a fire, release or threatened release may be made by the Fire Chief or his or her designee.

Section 8-44. Clean-up required.

- (a) A Responsible party or parties shall clean up the facility and site at which there has been a fire, release or threatened release of hazardous materials or environmentally damaging substances. The removal shall be in accordance with State and Federal laws, rules and regulations. The site shall be restored

to pre-incident condition and meet Illinois Environmental Protection Agency (IEPA) standards. The site shall, after clean-up, have a general good appearance and shall also be free of noticeable odors or liquid runoff. Any remedial action shall prevent or minimize the release of hazardous materials or environmentally damaging substances to prevent a substantial present or potential hazard to human health, property or the environment.

- (b) The Fire Chief or his or her designee shall supervise and verify the adequacy of all remedial and clean-up actions.
- (c) The Fire Chief or his or her designee shall have the authority to order the responsible party or parties of a fire, release or threatened release of hazardous materials to hire a clean-up contractor to clean up the site if the responsible party or parties are not equipped or prepared to properly handle hazardous materials or environmentally damaging substances. No person shall disobey the order of the Fire Chief or his or her designee.

Section 8-45. Liability for costs.

Each responsible party or parties shall be liable to the City of Urbana for all costs incurred by the City resulting from a fire, release or threatened release involving hazardous materials or environmentally damaging substances, except that the City shall not recover more than the actual costs incurred. This Section shall not limit prosecution under Section 8.41. Each responsible party or parties shall also be liable to the City of Champaign, Illinois, for all costs incurred by the City of Champaign, Illinois, resulting from their assistance rendered under the Emergency Response Protocol.

Section 8-46. Payment for incurred costs.

Each responsible party shall, within thirty (30) days of receipt of written notification of the costs incurred, remit payment to the appropriate City Finance Department as indicated on the billing statement.

(Section 8-47 - 8-62 Reserved.)

DIVISION III. REQUIREMENTS FOR PERSONS HANDLING  
HAZARDOUS MATERIALS.

Section 8-63. Hazardous materials defined.

For the purposes of this Division III, the term "hazardous materials" means substances or materials which have been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated, including hazardous substances listed in 49 C.F.R. Sec. 172.101, pursuant to the Hazardous Materials Transportation Act, 49 USC Sec. 1801 et seq.

Section 8-64. Notification of hazardous materials required.

Any person using, producing, researching and/or storing hazardous materials shall notify the Fire Department. The notification shall include an accurate site safety plan, a list of all hazardous materials including quantities, container types and sizes and a material safety data sheet on each hazardous material at the facility. A notebook containing all the above information shall also be kept at the facility, to be used by facility personnel and responding Fire Department personnel. The notebook shall be placed in a prominent location, so that it can be easily located during an emergency response or inspection.

Section 8.65. Warning placards on hazardous material facilities.

Any person using, researching, producing or storing hazardous materials shall place warning placards inside and on the outside of the structure in a prominent location. The content of the placard shall be determined by the Fire Department utilizing the Materials Placarding System to determine the warning numbers on the placard. The placard for the outside of the facility shall be thirty (30) inches square, constructed of a weather resistant material, mounted square on point in a location approved by the Fire Department. Smaller placards may be required by the Fire Department inside the facility to mark special hazards. Placards shall not be removed or moved without the permission of the Fire Department. Permission shall be requested from the Fire Department to remove placards from any facility that no longer contains hazardous materials.



Section 8-66. Safe hazardous materials storage required.

Hazardous materials shall be stored in such a way that products which, when mixed, react violently or evolve toxic fumes, vapors or gases, or that, in combination, become hazardous by reason of toxicity, oxidizing power, flammability or other properties are not in close proximity. These materials must be stored separately, segregated by distance, partitions, or other methods approved by the Fire Department.

Section 8-67. Spill control supplies required.

Any facility, including gasoline stations, that uses, dispense, produces, researches or stores hazardous materials, specifically including for these purposes gasoline or other petroleum products, shall be prepared to and equipped with supplies to clean up spills and leaks. The facility shall have adequate sorbent material to perform remedial activities. The facility shall have United States Department of Transportation (DOT) approved containers available to store the spilled product and the sorbent waste, until the container and waste is picked up by a clean-up contractor. The Fire Chief is authorized to issue regulations concerning the nature and quantity of sorbent material required to be on hand and the size of waste containers.

Section 8-68. Loading and unloading placarded cargo tank vehicles.

Placarded cargo tank vehicles shall be loaded or unloaded under the supervision of a person knowledgeable of the loading and unloading procedures, including emergency procedures and the hazards of the specific product being loaded or unloaded. The person must be within twenty-five (25) feet and have a clear view of the cargo tank. This person shall monitor for leaks, spills and fires during the loading or unloading process. The engine on the vehicle shall be shut off unless the engine is needed to run a pump necessary for the process of loading or unloading.

Section 8-69. Brake interlock system on placarded cargo tank vehicles.

Placarded cargo tank vehicles shall be equipped with a brake interlock system that prevents the vehicle from being moved during the process of loading or unloading.

Section 8-70. Grounding and bonding.

Placarded vehicles transporting flammable liquids shall be properly grounded and bonded before loading and unloading.

Section 8-71. No smoking during the loading or unloading of certain hazardous materials.

Smoking shall be prohibited around any loading or unloading process involving any type of explosives, fireworks, flammable liquids, combustible liquids, flammable gases, oxidizer or organize peroxides.

Section 8-72. Responsibility upon discovering a leak.

The driver of a placarded vehicle with a cargo leak shall not move the vehicle any more than safety requires. The vehicle should be moved off the road and away from where people may gather. The driver shall park the vehicle, secure the area, remain with the vehicle and notify 9-1-1. This notification is in addition to any notification required by State and Federal laws.

Section 80-73. Prohibited work on placarded vehicles.

No work involving the danger of sparks, fire, friction, concussion or chemical reaction shall be performed on any placarded vehicle. The Fire Department shall be notified of any placarded vehicle in need of emergency repairs involving any of the prohibited work.

Section 80-74. Prohibited movement of placarded vehicles.

No placarded vehicle that has been damaged shall be towed, unloaded, or have the load transferred on a public street without the notification of the Fire Department.

Section 2. That the Code of Ordinances of the City of Urbana, Illinois, is hereby amended by the addition of the following Section:

Section 24-43. Discharge into storm sewer prohibited.

No person shall discharge or cause to be discharged any substance into any storm sewer or stormwater ditch other than storm surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted process waters.

Section 3. That the Urbana Local Traffic Ordinance is hereby amended by the addition of the following Article:

ARTICLE XIX

Section 19-1. Streets upon which placarded vehicles are prohibited. (Your Section 33-34)

- (a) A "placarded vehicle" is defined as a vehicle, that when transporting hazardous materials, is required by the United States Department of Transportation to be marked with placards to warn emergency responders of the presence of hazardous cargo, pursuant to the Hazardous Materials Transportation Act, 49 USC Sec. 1801 et seq.
- (b) No person shall drive, cause to be driven or otherwise bring any tank truck, tank trailer, semi-trailer or other vehicle which transports a placarded cargo or a cargo which should be placarded with the exception of heating fuel oil on any street within the City that is residential in nature, except to deliver heating fuel or gasoline. The above prohibition shall not apply to a vehicle actually making delivery to a business located on such street. Placarded vehicles are permitted on residential streets designated as State of Illinois or Federal highways.

Section 19-2. Prohibited parking and standing - placarded vehicles.

- (a) A placarded vehicle is defined as a vehicle, that when transporting hazardous materials, is required by the United States Department of Transportation to be marked with placards to warn emergency responders of the presence of hazardous cargo, pursuant to the Hazardous Materials Transportation Safety Act, 49 USC Sec. 1801 et seq.
- (b) No placarded vehicle shall be brought into or kept inside a garage or any other type of enclosed structure in the City.
- (c) Placarded vehicles shall not be parked or left unattended on any street, highway, avenue or alley, provided that this restriction shall not prevent a driver from the necessary absence from the vehicle in connection with

the delivery of the load, except that during actual transfer of the material, some responsible person shall be present at the vehicle; nor shall this restriction prevent stops for meals during the day or night if the street is well lighted at the point of parking. Placarded vehicles shall not be parked out of doors at any one point for longer than one hour. Exceptions to the above prohibition are as follows:

(1) As the result of mechanical problems which prohibits safe movement;

(2) In obedience to a police officer, fire fighter or traffic signal;

(3) At a truck repair facility;

(4) At a warehouse facility.

This Ordinance will not limit the use of other applicable City building and fire Codes as adopted by the City of Urbana.

Section 4. That this Ordinance shall be effective ten (10) days after passage and publication as required by law.

Section 5. That the City Clerk is hereby directed to publish this Ordinance in pamphlet form so that its effective date is July 1, 1993.

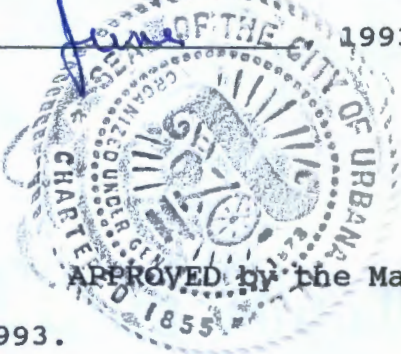
Section 6. If any section, paragraph or provision of this Ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 7. That the provisions of this Ordinance shall take precedence and be interpreted as superseding any other ordinance or statute in conflict with the provisions of this Ordinance.

Section 8. That the City Clerk is hereby directed to send copies of this Ordinance to Steve Carter, Champaign City Manager, 102 North Neil Street, Champaign, IL 61820 and Frederick Stavins, Champaign City Attorney, 102 North Neil Street, Champaign, IL 61820.

PASSED by the Urbana City Council this 7<sup>th</sup> day of

June 1993.



Phyllis D. Clark

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16<sup>th</sup> day of June,  
1993.

Tod Satterthwaite

Tod Satterthwaite, Mayor