

# CHAPTER 8.1A

## HAZARDOUS INCIDENT RESPONSE TEAM (HIRT)\*

### Section 8.1A-1. Title.

This Ordinance shall be known as the City of Laurel, Mississippi's Hazardous Material Ordinance, wherein the Hattiesburg Fire Department's Hazardous Incident Response Team (HIRT) is designated as the emergency responder for hazardous materials emergencies which occur within the City limits of Laurel, Mississippi

*Source: Ordinance No. 1286-1996, §1, 10-22-96*

### Section 8.1A-2. General.

The City of Laurel, Mississippi, 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 real risk. The City of Laurel, Mississippi, believes that the burden imposed on the producer, user, stores, shippers and transportation carrier, if any, is justified.

*Source: Ordinance No. 1286-1996, §2, 10-22-96*

### Section 8.1A-3. Definitions.

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

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

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

**"Public Safety Official"** shall mean members of the Hazardous Incident Response Team, Mayor, Fire Chief, or Senior Fire Official of the City of Laurel, Mississippi.

**"Permit"** shall mean the written authorization for the transportation of radioactive waste issued by the Mississippi Emergency Management Agency pursuant to Section 45-14-51 *et seq* of the Mississippi Code 1972, as amended known as the Mississippi Radioactive Waste

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\*Editor's Note – Ordinance No. 1286-1996, §§ 1—11, adopted October 22, 1996, did not specifically amend the Code, but was included herein at Chapter 8.1A, §§ 8.1A-1—8.1A-11, at the discretion of the editor.

Transportation Act.

**“Preferred Route”** shall mean the routes designated by the City of Laurel, Mississippi, by which hazardous materials is to be transported into, through and within the City limits of the Laurel, Mississippi.

**“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 designated.

**“City”** shall mean all areas within the jurisdictional boundaries of Laurel, Mississippi.

*Source: Ordinance No. 1286-1996, §3, 10-22-96*

#### **Section 8.1A-4. Preferred Routes.**

Routes for transportation of hazardous materials into and through the corporate limits of Laurel, Mississippi, are specified in Ordinance 2378, Sections 22-29 and 22-32 of the Code of Ordinances, dated July 16, 1991, wherein the 1991 Standard Fire Protection Code is adopted.

*Source: Ordinance No. 1286-1996, §4, 10-22-96*

#### **Section 8.1A-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 City of Laurel, Mississippi, except in accordance with the United States Department of Transportation or Nuclear Regulatory Commission, State of Mississippi statutes, the Standard Fire Prevention Code and this Ordinance.
- B. The provisions of the United States Department of Transportation regulations, State of Mississippi statutes and regulations, and the City of Laurel, Mississippi, Ordinances apply to transportation of hazardous material into, within or through the City limits of Laurel, Mississippi.
- C. The provisions of this Ordinance shall now apply to hazardous material shipped by or for the United States Government for military or national security purposes, or which are related to national defense, nothing herein shall be constructed as requiring the disclosure of any defense information or restricted data so classified by the United States Government.

*Source: Ordinance No. 1286-1996, §5, 10-22-96*

#### **Section 8.1A-6. Standards.**

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

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- 1) Emergency conditions make preferred routes unsafe.
- 2) The vehicle used to transport the hazardous material is required to enter the City limits of Laurel, Mississippi, 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.

### 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 Fire Department having jurisdiction by the fastest possible means of communication and within the shortest time possible after the occurrence 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.

### C. Transport Vehicles

The operator of a vehicle used to transport hazardous material shall, before operating a vehicle into, within or through the City limits of Laurel, Mississippi, 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 materials
- 5) All emergency features installed and operative, as required by the 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 Waster Material Transportation Permit

No person shall transport radioactive waste material into, within, or through the City limits of Laurel, Mississippi, without a permit issued by the Mississippi Emergency Management Agency, if this material is covered under the Mississippi Radioactive Materials Transportation

Act, Section 45-14-51 *et seq* of the Mississippi Code of 1972, as amended.

- F. Manufacturers, users, storers, transporters and disposers of hazardous material shall have sufficient liability insurance to protect the City of Laurel, Mississippi and the general public at large from possible death, injury or damage due to the 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 Laurel, Mississippi, harmless for all claims, actions or proceedings in law or equity arising from hazardous material incidents/accidents within the City limits of Laurel, Mississippi, including all costs of defending same, providing however, that nothing contained herein shall be construed as a waiver of the City's 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 Hazardous Incident Response Team and other City of Laurel Fire Department personnel deemed necessary by the 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 the City of Laurel, Mississippi.

*Source: Ordinance No. 1286-1996, §6, 10-22-96*

#### **Section 8.1A-7. Enforcement.**

The fire department having jurisdiction is expressly to enforce the provisions of this Ordinance.

*Source: Ordinance No. 1286-1996, §7, 10-22-96*

#### **Section 8.1A-8. Planning for Hazardous Material Response.**

The fire department having jurisdiction shall perform those functions assigned to them in the Basic Emergency Plan and maintain a current state of readiness at all times.

*Source: Ordinance No. 1286-1996, §8, 10-22-96*

#### **Section 8.1A-9. Penalties and Violation.**

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 \$500.00 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 fire department having jurisdiction from taking such lawful actions as is necessary to prevent or remedy any violation.

*Source: Ordinance No. 1286-1996, §9, 10-22-96*

**Section 8.1A-10. Severability.**

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance will remain in effect.

*Source: Ordinance No. 1286-1996, §10, 10-22-96*

**Section 8.1A-11. Effective Date.**

The Ordinance shall become effective thirty (30) days after its passage.

*Source: Ordinance No. 1286-1996, §11, 10-22-96*

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