

ORD #46 - Approved COPY

ORDINANCE NUMBER 46

AN ORDINANCE OF THE O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI, ESTABLISHING REIMBURSEMENT REQUIREMENTS TO THE DISTRICT FOR ITS COST OF EMERGENCY SERVICES WHEN SECURING AN EMERGENCY SITUATION OR CLEANING UP HAZARDOUS SUBSTANCES.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

WHEREAS, by authority set forth in RSMo 260.500-260.550, (the "Spill Bill") most recently amended in 2008 under Senate Bill 931, persons as defined under the Spill Bill having control over hazardous substance are liable for the reasonable and necessary costs incurred by political subdivisions, including fire protection districts, while securing an emergency situation or cleaning up any hazardous substance, and

WHEREAS, such liability of a person under the law includes the cost of materials and supplies actually used to secure the emergency situation, and may also include the cost for contractual services which are not routinely provided by the fire protection district, except such liability does not include the costs of normal services which otherwise would have been provided, nor budget and administrative costs or costs for duplicative services unless required, and

WHEREAS, the District has learned that despite the enactment of the Spill Bill, some insurance carriers insuring persons having control over hazardous substances for such liability will not include in their coverage against what is labeled "fire department service charges" unless there is already in place a local ordinance enacted by the public entity seeking reimbursement similar to the authority set forth in the Spill Bill, and

WHEREAS, the Board of Directors desires to enact legislation requiring reimbursement to the District from the person or persons having the control over hazardous substances for securing emergency situations and cleaning up hazardous substances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. When the District provides emergency services for a person as defined under the Spill Bill having control over a hazardous substance, such person shall be liable to the District for the reasonable and necessary costs incurred by the District in securing an emergency situation or cleaning up any hazardous substances. Such person or firm shall be liable to the District for the cost of materials and supplies actually used to secure the emergency

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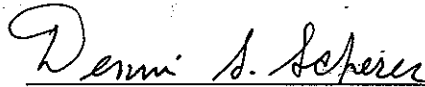
situation, and shall also include the cost for contractual services not routinely provided by the District.

Section 2. The District shall follow those procedures for reimbursement as are authorized and/or permitted under RsMO 260.500-260-550, as amended, and as such laws are interpreted by the Missouri Department of Natural Resources ("DNR"), regulations, technical bulletins and documents as published from time to time by the DNR. Such procedures shall include, but not be limited to, a preparation of a statement of costs to present to the person responsible.

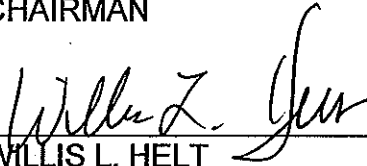
Section 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Directors of the O'Fallon Fire Protection District.

READ THREE TIMES AND PASSED BY THE BOARD OF DIRECTORS OF THE O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI, THIS 28th DAY OF October, 2009.

This Ordinance Number 46, having been duly considered and voted upon by the Board of Directors of the O'Fallon Fire Protection District of St. Charles County, Missouri, was duly enacted as an Ordinance of said District on this 28th day of October, 2009.



DENNIS S. SCHERER
CHAIRMAN




WILLIS L. HELT
VICE-CHAIRMAN



DAVE HINMAN
TREASURER

ATTEST:



Karen J. Lucido, Secretary
Board of Directors