

Original

Hazardous Material Ordinance



HAZARDOUS MATERIAL ORDINANCE

Section I Short Title

This ordinance shall be known and may be cited as the "Rankin County, Mississippi Hazardous Material Ordinance".

Section II General Fundings

The Rankin County Board of Supervisors finds there is a risk in the production, use, storage, disposition, mining and transportation of hazardous materials to its citizens, labor force, environment, traveling public and shipping and transportation industry and promulgates this ordinance as constituting an efficient reduction of the real risk. The Board of Supervisors believes that the burden imposed on the producers, users, storers, miners and transportation carriers, if any, is justified.

Section III Definitions

As used in this ordinance, the following words, terms and phrases shall have the definitions ascribed to them by this section:

CARRIER shall mean and include a common, contract or private carrier of property by any mode of transportation.

HAZARDOUS MATERIAL shall mean a substance or 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, property and the environment when manufactured, mined, used, stored and transported, and which has been so designated.

PERSON shall mean any individual, corporation, partnership or governmental agency of the United States.

PREFERRED ROUTE shall mean the routes designated by the United States Government, the State of Mississippi and Rankin County officials by which hazardous material is to be transported into, through and within Rankin County, Mississippi.

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

Section IV Preferred Routes

(a) The United States Highway system is adopted as preferred routes for motor vehicle transportation of hazardous material into, within and through Rankin County when this material is not destined for delivery within the county.

Exhibit 10-15-"E"

(b) The Mississippi State Highways that traverse Rankin County are adopted as preferred routes for motor vehicle transportation of hazardous material when this material is to be picked up or delivered to locations within the county.

(c) The main trunk lines of railroads are adopted as preferred routes for rail transportation through Rankin County, unless it is necessary to move this material via switching lines in order to place rail cars at pickup or delivery sites within the county.

(d) Municipal officials will designate preferred routes within their respective jurisdictions as deemed necessary.

Section IV Application of Ordinance Provisions

(a) No person shall knowingly manufacture, mine, ship, transport, use or store hazardous material or knowingly cause to manufacture, mine, ship, transport, use or store hazardous material in Rankin County, except in accordance with United States Environmental Protection Agency, Occupational Health and Safety Agency, Department of Transportation, Nuclear Regulatory Agency, or any other federal regulatory agency regulations, State of Mississippi statutes and this ordinance.

(b) The restrictions of this ordinance apply to all hazardous materials that are identified by appropriate United States federal agencies, State of Mississippi statutes and regulations and this ordinance.

(c) The provisions of the United States Department of Transportation, State of Mississippi statutes and regulations apply to transportation of hazardous material into, within and through Rankin County.

(d) The provisions of this ordinance shall not 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 construed as requiring the disclosure of any defense information or restricted data so classified by the United States Government.

Section VI General Standards

(a) ROUTING. Movement routing all vehicles to transport any hazardous material shall be confined to preferred routes, except when:

(1) Emergency conditions make the preferred route unsafe;

(2) The vehicle used to transport the hazardous material is required to enter Rankin County before gaining access to the preferred routes;

(3) Pickup or delivery point of hazardous material is located in an area that requires the vehicle to move over other streets or roads. The shortest and/or safest route will be used;

(4) It is necessary to stop for rest, fuel or vehicle repair.

(b) REPORTS REQUIRED. All facilities that manufacture, use, store or otherwise handle hazardous material shall immediately report incidents or accidents involving hazardous materials in accordance with the provisions of Section 304, of the Emergency Planning and Community Right-To-Know Act of 1986 (Title III, Superfund Amendment and Reauthorization Act) of the United States. The submission of these reports shall not be delayed if some of the required data is not immediately available. The Rankin County Sheriff's Radio Dispatch Center is the designated agency for receipt of release reports intended for the Rankin County Local Emergency Planning Committee. In lieu of the notification required from facilities releases during transportation or storage incident to transportation shall be reported immediately by dialing 911 and providing required information.

(c) TRANSPORT VEHICLE. The operator of a vehicle used to transport hazardous material shall, before operating said vehicle into, within or through Rankin County insure that it meets the requirements established by the United States Department of Transportation to include placarding.

(d) OPERATOR QUALIFICATIONS. No person shall operate a vehicle used to transport hazardous material without first having met driver or operator training and licensing procedures as outlined in federal regulations and State of Mississippi statutes and regulations.

(e) RADIOLOGICAL WASTE MATERIAL PERMIT. Transporters of radioactive waste material subject to permit under existing State of Mississippi statutes shall not transport this material into, within or through Rankin County without obtaining the required permit.

(f) LIABILITY INSURANCE. Manufacturers, users, storers, transporters, miners and disposers of hazardous material shall have sufficient liability insurance to protect Rankin County and the general public at large from possible death, injury or damage to any person or property or the environment due to any unauthorized or accidental release of hazardous material.

(g) INDEMNIFICATION. Manufacturers, users, miners, storers, transporters and disposers of hazardous material shall be required to hold Rankin County harmless for all claims, actions or proceedings in law or equity arising out of death, injury or damage to persons or property arising from hazardous material incidents, accidents within the county, including all costs of defending same; provided, however, that nothing contained herein shall be construed as a waiver of the county's governmental immunity.

(h) RESPONSIBILITY FOR CLEANUP COSTS. Manufacturers, users, miners, storers, transporters of hazardous material shall be responsible for all response and cleanup costs involving unauthorized and/or accidental release of hazardous material, to include professional and licensed individuals and/or firms deemed necessary by Rankin County or State of Mississippi to effect proper cleanup, decontamination and disposal of this material. These cleanup, decontamination and disposal efforts shall meet the requirements of the United States Environmental Protection Agency, Mississippi Department of Environmental Quality and Rankin County.

Section VII Enforcement

The Law Enforcement agencies of Rankin County are expressly authorized to enforce the provisions of this ordinance. Fire Department officials shall provide information to law enforcement officials of any detected violations. The Rankin County Administrator shall submit claims for any reimbursements of costs involved in response and cleanup efforts to the responsible party.

Section VIII Disclaimer

Nothing in this ordinance shall be construed in any way as modifying, altering or repealing any affecting ordinances or regulations regulating weight limit and load size or any street and/or road in Rankin or the necessity of acquisition of required permits.

Section IX Hazardous Material Operations Plan

(a) An Annex to the Rankin County Emergency Management Operations Plan that addresses the provisions of Sections 301-303, Emergency Planning and Community Right-To-Know Act of 1986 (Title III, Superfund Amendment and Reauthorization Act) and the Rankin County Emergency Management Ordinance shall be adopted and maintained.

(b) All local government departments and agencies shall perform those functions assigned by the Hazardous Material Annex to the Emergency Management Operations Plan and maintain a current state of readiness at all times.

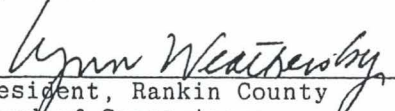
Section X Penalties

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 1,000.00 and imprisoned not more than 30 days days or both. Each day any such violation occurs shall be a separate offense. Nothing herein contained shall prevent Rankin County from taking such lawful actions as is necessary to prevent or remedy any violation.

Section XI Effective Date

This ordinance becomes effective 30 days from the date
of the publishing of this ordinance.

This ordinance approved upon motion made, duly seconded
and upon the unanimous vote of all Supervisors present,
this the 15th day of October, 1990.



President, Rankin County
Board of Supervisors

ATTEST


Clerk of the Board

Publish: October 24, 1990