

AN ORDINANCE AMENDING CHAPTER 10 OF THE GREENSBORO CODE OF
ORDINANCES WITH RESPECT TO FIRE PREVENTION AND PROTECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 10-1 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 10-1. Limitations.

Nothing contained in this chapter shall be construed as applying to the ~~transportation of any article or thing shipped in conformity with the regulations prescribed by the interstate commerce commission or the state utilities commission nor as applied to the~~ military or naval forces of the United States. In the event of a conflict or inconsistency between any provisions of this chapter and the state building code, the latter shall prevail and supersede any such provision in this chapter.

Section 2. That Section 10-31 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 10-31.- Responsibility; fees and charges.

The property owner and/or the person exercising control over the hazardous materials that create the hazardous material emergency shall be held financially liable for the response, control, containment, equipment and materials costs incurred by the city fire department during the emergency. **In incidents involving natural gas/propane leaks, cut-lines, and other types of release, the property owner and/or the person performing the work which caused the release shall be held financially liable for the response, control, containment, equipment and materials costs incurred by the city fire department during the emergency.** The property owner and/or person exercising control over such hazardous material may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. The City of Greensboro shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

- (1) Informing fire department personnel of all matters pertaining to the incident.
- (2) Supplying emergency response plan information for the site.
- (3) Supplying emergency response equipment, personnel and materials.

The city will not charge for abatement, control and containment of hazardous material responses, or fire incidents involving hazardous materials which accrue one hundred **seventy-five** dollars (~~\$150.00~~**175.00**) or less in charges.

The city will charge for abatement, control and containment of hazardous material responses or fire incidents involving hazardous materials which accrue more than one hundred ~~seventy-five~~ fifty dollars (~~\$150.00~~ \$175.00) in charges. In all cases the first one hundred ~~seventy-five~~ fifty dollars (~~\$150.00~~ \$175.00) of expenses shall not be charged to the person in default.

Charges for hazardous materials emergency response on behalf of the city by the fire department shall be based upon the following schedule:

- (1) Engine, quint and rescue apparatus shall be one hundred ~~seventy-five~~ fifty dollars (\$ ~~150.00~~ 175.00) per hour for each apparatus. Charges will be assessed in half hour increments after the first hour.
- (2) Hazardous materials team response (full) shall be three hundred ~~fifty~~ 350.00 dollars (~~\$300.00~~ 350.00) for the initial hour. Charges will be assessed in half hour increments after the first hour.
- (3) Hazardous materials team response (modified) shall be one hundred ~~seventy-five~~ fifty dollars (~~\$150.00~~ 175.00) for the initial hour. Charges will be assessed in half hour increments after the first hour.
- (4) Battalion chief response shall be twenty-five dollars (\$25.00) per hour. Charges will be assessed in half hour increments after the first hour.
- (5) Reusable entry suits shall be three hundred seventy-five dollars (\$375.00) for each suit.
- (6) Monitors shall be fifty dollars (\$50.00) for each monitor.
- (7) Any other actual costs of abatement, control and containment of hazardous materials other than set out above.

Failure to pay the charges as assessed shall give the city the right to levy a lien upon the land or the premises where the hazardous material emergency arose and the levy shall be collected in the same manner as unpaid taxes pursuant to the authority of N.C.G.S. 160A-193.

Section 3. That Section 10-32 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 10-32. Fire incidents involving hazardous materials.

In fire incidents that involve hazardous materials or an exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations; **however, additional fees will be incurred as a result of the use/application of foam required for vapor suppression or hazard mitigation.** Fees shall be assessed for those activities and resources (reference section 10-31) associated with the abatement, control and containment of the hazardous materials involvement or exposure which accrues more than one hundred ~~seventy-five~~ fifty dollars (\$175.00) in charges.

Section 4. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective July 1, 2017.