

Faulkner County
Quorum Court
(501) 450-4900
Conway, Arkansas 72034

FILED

2008 JUN 18 A 10:59

MELINDA REYNOLDS
COUNTY CLERK
ST DC

ORDINANCE 08-14

**Be it enacted by the Quorum Court of the County of Faulkner, State of Arkansas,
An Ordinance to be entitled:**

**An Ordinance establishing requirements to report hazardous materials to the Office
of Emergency Services**

WHEREAS, Hazardous Materials as defined by Arkansas Code Annotated 12-79-103 are: Those substances, except natural gas, manufactured, refined, or found in their natural state which, when released into the environment, by any means, have an immediate or potential threat to human, animal, or plant life and meet other criteria established under federal regulations, guidelines, or laws defining hazardous and toxic substances in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce, and which is designated as "hazardous material" in regulations prescribed by the United States Secretary of Transportation under Title 49 of the Code of Federal Regulations.

WHEREAS, increasing commercial and industrial development has occurred throughout several locations in the unincorporated parts of Faulkner County

WHEREAS, commercial and industrial development has led to the creation, storage, and handling of various hazardous materials, and

WHEREAS, hazardous materials if spilled, or otherwise released into the environment, regardless of intent, may cause one or more emergency situations, including but not limited to, fire, explosion, ground contamination, air contamination, or water contamination, and any one or more of these hazardous materials, by their very nature, will result in public health concerns, including but not limited to, death, serious physical injuries, or property damage, and

WHEREAS, Faulkner County as defined in Arkansas code 12-75-103 is an Emergency Management Jurisdiction, and

WHEREAS, Faulkner County Emergency Responders are charged with responding to Hazardous Material accidents or incidents, therefore, it is incumbent upon any person or entity responsible for the creation, handling, or storage of hazardous materials, or upon any person or entity with knowledge of the hazardous material's presence to register that material's information with the Faulkner County Office of Emergency Management so as to insure the Faulkner County Emergency Responders know the certain chemical compositions with which they will encounter during incidents which require contact so as to contain or control these various hazardous materials.

NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF FAULKNER COUNTY, ARKANSAS:

Section 1: No person or entity shall create, refine, store, hold, sell, receive, process, ship, or utilize a material, classified as a Hazardous Material, pursuant to Code of Federal Regulation, Title 49, Chapter I, Part 172 or the 2000 International Fire Code, Chapter 27, Hazardous Materials, Section 2701 *et seq*, as may be amended from time to time (any inconsistencies between the two preceding provisions shall be resolved in favor of the most current publication of the International Fire Codes), without first registering the following information with the Faulkner County Office of Emergency Management: (a) all persons or entities, and contact information, in actual and constructive possession of the one or more hazardous materials, (b) common and technical, if applicable, name of material, (c) hazard classification, (d) amount of material used, stored, or otherwise possessed demonstrated by the measurement commonly used in the industry, (e) area of use and storage, and (f) the entities' Emergency Action Plan, if applicable. The preceding requirements are to be provided on an ongoing basis as they become available. Should these requirements not apply to an entity at this time but are later available, the entity is at that time subject to this requirement and failure to act with due diligence in providing that information shall further subject the entity to the punishment set forth below.

Section 2: The Director of the Faulkner County Office of Emergency Management or his/her designee reserves the right to enter and inspect for an entity's compliance with this ordinance and all related federal, state, and local rules and regulations related to hazardous materials. The Director or designee shall provide the entity 24 hours notice prior to the inspection. The inspection shall occur during regular business hours. The Director or designee shall make written

findings indicating compliance issues, a time within which those issues must be remedied, and the manner with which they must be resolved.

Section 3: Any business, manufacturer, refiner, retailer, wholesaler, transporter in the private sector, or governmental entity at the local, state, or federal level shall report to the Faulkner County Office of Emergency Management by the procedures promulgated by the Faulkner County Office of Emergency Management, as soon as possible, any known incident involving the release of hazardous and toxic materials into the environment which requires, or may require, emergency response or recovery actions by public safety forces of local or state governmental entities, including volunteer emergency services such as, but not limited to, firefighters, law enforcement, emergency medical services, and other first responders. This duty is cumulative and shall not relieve the business, manufacturer, refiner, retailer, wholesaler, transporter in the private sector, or governmental entity at the local, state, or federal level of liability from notifying all necessary emergency responders.

Section 3: Any person who pleads guilty or nolo contendere to or is found guilty of violating any provisions of this ordinance shall be guilty of a misdemeanor and be fined not more than two hundred-fifty dollars (\$250) per day of violation. In addition to the fine, there will be an entry of judgment for the appropriate amount of restitution associated with any known incident involving the release of hazardous and toxic materials into the environment which requires, or may require, emergency response or recovery actions.

Section 4: Any fines imposed and/or collected as a result of a violation of this Ordinance shall be applied to the Office of Emergency Management's budget.

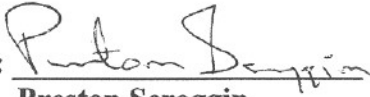
Dated: June 17, 2008

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Attest:


Jeff Johnston
Quorum Court Secretariat
Faulkner County, AR

Approved:


Preston Scroggin
Faulkner County Judge
Faulkner County, AR