



## ORDINANCE NO. 5997

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8, BY THE CREATION OF CHAPTER 8.29 HAZARDOUS MATERIALS.

WHEREAS, the City of Albany is adding AMC Chapter 8.29, Hazardous Materials, to allow individuals simplified access to the community livability codes; and

WHEREAS, community livability codes were found throughout multiple titles of the Albany Municipal Code; and

WHEREAS, reorganizing the code will allow for greater transparency.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Chapter 7.86, Hazardous Materials, is hereby repealed.

Section 2. Amending AMC Title 8, Community Livability. AMC Title 8 is hereby amended to add AMC Chapter 8.29 titled Hazardous Materials.

### Chapter 8.29 HAZARDOUS MATERIALS

Sections:

- [8.29.010](#) Definitions.
- [8.29.020](#) Contamination of premises with hazardous material declared a nuisance.
- [8.29.030](#) Nuisance unlawful.
- [8.29.040](#) Right to enter.
- [8.29.060](#) Declaration of public hazard.

#### **8.29.010 Definitions.**

(1) “Clean-up” means any and all efforts undertaken for the remediation, containment, or mitigation of the contamination of premises.

(2) “Contaminate” means to discharge, spill, or cause to be present upon premises hazardous material in such a state, or under such circumstances, that a reasonable risk exists that said hazardous material will come into direct physical contact with the natural environment or may spread to adjoining real property.

(3) “Hazardous material” means any substance designated or listed under subsections (3)(a) through (e) of this section, exposure to which results or may result in adverse effects on the health or safety of human beings:

(a) Any substance defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);

(b) Any biological agent or other disease causing agent as defined in 101(33) of CERCLA;

(c) Any substance listed by the U.S. Department of Transportation and regulated as Hazardous Materials under 49 CFR [172.101](#) and appendices;

(d) Biohazard waste such as hypodermic needles, human waste, dead animals, etc.;

(e) Hazardous waste;

(f) Any material declared to be a hazardous substance by the City Council by separate resolution or ordinance.

(4) “Premises” means any real property located within the City of Albany as well as any improvements located thereon which have been contaminated by hazardous material.

(5) “Premises owner” means any person, corporation, or legal entity which owns any interest in the premises in question. “Premises owner” also includes any person in charge of the premises.

(6) “Responsible party” means any person, corporation, or legal entity which in any manner whatsoever causes premises to be contaminated with hazardous material.

(7) "Stand-down expense" means all expenses incurred by the city in the demobilization of equipment and personnel from a clean-up effort.

**8.29.020 Contamination of premises with hazardous material declared a nuisance.**

The contamination of any premises in the City of Albany due to the presence thereon of hazardous materials is hereby declared to be a nuisance.

**8.29.030 Nuisance unlawful.**

(1) No person, partnership, corporation, or other entity shall cause any premises in the City of Albany, whether publicly or privately owned, to become contaminated with hazardous material.

(2) No person, corporation, or other entity shall permit any premises owned or under its control to remain contaminated by the presence of hazardous materials.

(3) Violation of any of the provisions of this section shall be a misdemeanor punishable pursuant to the general penalty provided at AMC [1.04.010](#)(1)(b)(ii).

**8.29.040 Right to enter.**

In the event it becomes necessary or desirable for the City to clean up any hazardous contamination, pursuant to this chapter, any and all employees of the City engaged in said remediation effort shall have unrestricted access to the contaminated premises at all times. Should the City contract with a third party for all or any part of the clean-up, all agents and employees of said contractor shall have unrestricted access to the premises.

**8.29.050 Declaration of public hazard.**

In the event that the City Manager or his/her designee determines, in the exercise of reasonable discretion, that the contamination of hazardous materials on premises within the City of Albany constitutes an immediate hazard to public safety or danger to adjoining premises, the City may dispense with a notice provision required in Chapter 8.37 AMC and proceed forthwith to clean-up of the hazardous material at the expense of the owner of the premises and the responsible party.

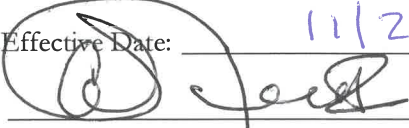
**8.01.060 Abatement**

In addition to penalties provided per AMC 1.04.010, the city may abate listed violations as allowed through Chapter 8.37 AMC.


Passed by the Council: 10/26/2022

Approved by the Mayor: 10/26/2022

Effective Date: 11/25/2022

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

