

CHAPTER 20  
HAZARDOUS MATERIALS

Article 1 Definitions.

Sec. 20-101. Definitions in Indiana Code § 13-11-2, 327 IAC 2-6.5-4 and 410 IAC 1-3 apply in this Chapter.

[Gen. Ord. 4-2008, Passed 12/16/08, Effective Date 1/1/09]

Article 2. General Obligations.

Sec. 20-201.

- a) A person or responsible party may not store, contain, handle, use, or dispose of a hazardous material in a manner to pose a significant risk to public health, public safety, or the environment.
- b) A person or responsible party operating in compliance with applicable government regulations covering the storage, containment, handling, use, or disposal of a specific hazardous material will be considered to be posing no significant risk.
- c) A person or responsible party not covered by existing regulations must select strategies to comply with this chapter by following appropriate practices established by nationally recognized professional standards; or industry standards

[Gen. Ord. 4-2008, Passed 12/16/08, Effective Date 1/1/09]

Sec. 20-202.

- a) A person or responsible party may not release or abandon barrels, containers, or other receptacles containing any hazardous material.
- b) An owner of a property must properly store, contain, handle, use, or dispose of released or abandoned barrels, containers, or receptacles containing hazardous material, objectionable substance, or infectious waste on their property, no matter whether generated by the property owner, an occupant, or another responsible party.
- c) A person or responsible party closing a residential heating oil tank shall comply with Indiana Code § 22-12-9.

[Gen. Ord. 7-2023, Passed 5/16/23, Effective Date 7/1/23]

Sec. 20-203. A person or responsible party who spills hazardous materials or objectionable substances shall contain, remove, and report the spill in accordance with government regulations.

[Gen. Ord. 4-2008, Passed 12/16/08, Effective Date 1/1/09]

Sec. 20-204.

- a) A person or responsible party may not release into any surface waters or groundwaters, hazardous materials or objectionable substances unless a permit for the release has been obtained.

- b) An owner of a property where the release of a hazardous material, objectionable substances, or infectious waste has occurred shall contain, remove, and report the release in accordance with government regulations if another party responsible for the release cannot be determined. If a known party responsible for the spill refuses to comply to remediate the release, this refusal does not nullify the responsibility of the property owner to remediate the release.

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Sec. 20-205. A person or responsible party may not store, contain, handle, use, or dispose of hazardous household products or waste in a manner posing a significant risk to public health, public safety or the environment.

[Gen. Ord. 4-2008, Passed 12/16/08, Effective Date 1/1/09]

Sec. 20-206. An owner or responsible party for cleaning a property contaminated with a controlled substance or chemicals used in the illegal manufacture of a controlled substance shall comply with 410 IAC 38.

[Gen. Ord. 7-2023, Passed 5/16/23, Effective Date 7/1/23]

#### Article 3. Recovery of Costs.

Sec. 20-301. The Corporation may collect expenses incurred responding to a hazardous materials emergency from responsible parties in accordance with Indiana Code § 13-25-6-2.

[Gen. Ord. 4-2008, Passed 12/16/08, Effective Date 1/1/09]

#### Article 4. Asbestos.

Sec 20-401 An owner shall maintain in good repair asbestos-containing material on the premises. Asbestos-containing material shall be maintained non-friable and free from defects such as holes, cracks, tears, or looseness that may allow the release of fibers into the environment.

Sec 20-402 Friable asbestos-containing material shall be abated by a licensed asbestos professional in accordance with federal, state, or local regulations. Local requirements exempt an owner of a residential building that consists of four (4) or fewer dwelling units.

Sec 20-403 Renovation, demolition, or other activity that will disturb asbestos-containing materials shall be preceded by asbestos abatement performed by a certified asbestos professional in accordance with federal, state, or local regulations.

20-404 Abatement, removal, and disposal of asbestos-containing material shall comply with appropriate federal, state, and local regulations.

20-405 An owner or employer shall identify known and suspect asbestos containing material on property. Private residences with four (4) or fewer units are exempt from this provision.

20-406 An owner or employer shall communicate known and suspect asbestos containing material locations with employees, housekeeping staff, and occupants. Private residences with four (4) or fewer units are exempt from this provision.

20-407 A person performing asbestos related work shall be trained in accordance with all federal, state, and local regulations.

- a) An owner or employer shall train employees on asbestos hazards based upon the asbestos class of work they will be required to perform.
- b) An owner or employer shall have a person designated as the asbestos program manager or competent person in accordance with federal, state, or local regulations.

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