

ORDINANCE 22

Hazardous Waste

An ordinance to provide for cost recovery of monies spent during hazardous cleanup or hazardous waste spills.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Definitions

The following definitions shall apply for this ordinance:

- a. "Hazardous Material Incident": A spill, leakage, release, or threat of same of any hazardous materials requiring immediate action to mitigate a threat to public health, safety or welfare.
- b. "Expenses": Include but not limited to the actual labor costs to the Township and its personnel, including Workers Compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of any contract labor and materials, and those costs associated within emergency hazardous material incident, in order to ensure the safety of the Township and its populace. Expenses shall also include the cost incurred by the Township as a result of any unit response to an emergency Hazardous Materials incident.
- c. "Hazardous Materials": Includes all those materials designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, or by the Federal Superfund Amendment and Reauthorization Act (SARA), as amended.
- d. "Haz Mat Unit": Any vehicle or unit provided by the Charter Township of Madison equipped with apparatus designed to provide emergency service in situations involving a spill, leak, accident or other similar occurrence involving hazardous materials.
- e. "Owner": Any individual, firm, company, association, corporation, partnership, or group, including their officers and employees, who are either listed as the owner of record by the Lenawee county Register of Deeds, have a land contract interest in, or are listed as the taxpayer of record for the real property where the emergency hazardous material incident occurred, or have title, use, permission or control of the hazardous material or the vehicle used to transport same.
- f. "Person": Any individual, firm, company, association, society, corporation, partnership, or group, including their officers and employees, who has responsibility for or actual involvement in the emergency hazardous materials incident.

Section 2. Hazardous Materials Incident Emergency

In the event a spill, leakage, release, or other dissemination of any hazardous material has occurred, the Township Fire Chief, or his authorized representative, shall determine whether such occurrence constitutes an emergency hazardous materials incident, and if so determined, the Township may take immediate steps to abate and control the hazardous materials.

Section 3. Expenses of an Emergency Hazardous Materials Incident

In the event of an emergency hazardous material incident, all owners or persons who have responsibility for or involvement in the emergency hazardous materials incident shall be jointly and severally liable to the Charter Township of Madison for any expenses incurred in responding to said emergency hazardous materials incident. In the event said owner or person fails to pay said expenses within sixty (60) days after the Charter Township of Madison mails its invoice of expenses to said owner or person, the Township may take such collection efforts to recover said expenses that it deems appropriate, including, but not limited to, causing such expenses to be levied and assessed, as a special assessment upon the real property where the hazardous materials emergency occurred, however, such unpaid expenses may not be levied as a special assessment against any real property unless the owner, or person in charge of or responsible for said real property, has a connection or involvement with the hazardous material that resulted in an emergency hazardous material incident.

Section 4. Payment of Invoice

Payment of an invoice for expenses incurred by the Township of Madison under this Article shall not constitute an admission of guilt or responsibility under any other ordinance, rule or regulation.

Section 5. Severability

Should the Courts declare any provision or section of this ordinance unconstitutional or invalid, then such decision shall effect only the section or provision so passed upon, and shall not effect any other section or part of this Article.

Section 6. Effective Date

This ordinance shall take effect and be enforced thirty (30) days from the date of final adoption. This ordinance shall be published in the manner provided by law.

Section 7. Publication of Ordinance

The Township Clerk shall publish this ordinance in the manner prescribed by law.

YEAS: (7) Dusseau, Holtz, Eaton, Smith, Richardson, Myers and Roback
NAYS: (0) None

ABSENT: (0) None

Ordinance declared adopted on March 9, 1993.

Theodore C. Dusseau
Township Supervisor for the
Charter Township of Madison

CERTIFICATION OF ADOPTION AND PUBLICATION

I, James O. Holtz, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on March 9, 1993 and published in the Adrian Daily Telegram, a newspaper circulated in the Charter Township of Madison on March 16, 1993.

James O. Holtz
Township Clerk for the
Charter Township of Madison