

ORDINANCE NO. 18
EMERGENCY HAZARDOUS MATERIAL SPILLS ORDINANCE
TOWNSHIP OF IOSCO, MICHIGAN

An Ordinance permitting the recovery of costs incurred by the Township of Iosco from person responsible for emergency spills of hazardous materials threatening or affecting persons or property within the Township of Iosco.

THE TOWNSHIP OF IOSCO ORDAINS:

ARTICLE I
GENERAL PROVISIONS

Sec. 1. SHORT TITLE.

This Ordinance shall be known and may be cited as the "Emergency Hazardous Material spills Ordinance."

Sec. 2. DEFINITIONS.

For purposes of this Ordinance the following terms,, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Emergency Response" is the providing, sending or utilizing of police, fire fighting, emergency medical or rescue, or public works service by the Township of Iosco, or by a private person or governmental agency operating at the request or direction of the Township, to an emergency hazardous Material spill or threatened spill.

(2) "Hazardous Material" is any material which is or may become injurious to the public health, safety, or welfare, or to the environment, and shall include, but not be limited to, explosive, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, combustible liquid, irritating material, etiological material, radioactive material, corrosive material, liquefied petroleum gas, or a material obnoxious by reason of odor.

(3) "Person" is any person, firm,. partnership, association, corporation, company or organization of any kind.

(4) "Emergency Hazardous Material Spill" is any sudden and unexpected leak, release or other dissemination of a hazardous material which presents and immediate threat to the public health, safety or welfare, or to the environment, and which requires an immediate response to mitigate the threat.

ARTICLE II
HAZARDOUS MATERIAL CLEANUP

Sec. 3. DUTY TO REMOVE, CLEAN UP AND PAY RESPONSE COSTS.

Any person who accidentally, negligently or intentionally causes or is responsible for an emergency hazardous material spill or threatened spill affecting persons or property within the Township of Iosco shall be responsible for the immediate and complete containment, removal, and proper disposal of the hazardous material and the cleanup and restoration of the affected property to its condition before the emergency spill, if necessary, and for any and all costs of the emergency response to such spill or threatened spill.

Sec. 4. FAILURE TO REMOVE AND CLEAN UP.

Any person who fails to immediately and completely contain, remove, and properly dispose of such hazardous material and to clean up and restore the affected property to its condition before the emergency hazardous material spill shall be liable for and shall pay to the Township any and all costs incurred by the Township for such purposes.

Sec. 5. COST OF RESPONSE, REMOVAL AND CLEAN UP.

The cost of the emergency response and the removal and clean up of the hazardous material spill shall include, but not be limited to, the actual costs incurred by the Township, or a private person or governmental agency operating at the request or direction of the Township, when responding to the emergency hazardous material spill or threatened spill, including the cost of providing police, fire fighting, emergency medical and rescue, and public works services unrelated to the normal provision of such services. These costs shall include actual labor costs of Township personnel, including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment operations, costs of materials obtained directly by the Township, and costs of any contract labor and materials.

Sec. 6. CHARGE AGAINST PERSON RESPONSIBLE.

The costs of the emergency hazardous material spill or threatened spill shall be a charge against the person liable for the costs under this article. The Township shall have the right to initiate proceedings in any court of competent jurisdiction to collect the costs as a matured debt of the Township.

Sec. 7 BILLING.

The Township may, within ten (10) days of receiving itemized costs, or any part thereof, incurred for an emergency hazardous material spill or threatened spill, submit a bill for the cost by first class mail or personal service to the person liable for the costs under this article, at the person's last known post office address, demanding payment of the amount due. the bill shall require full payment within thirty (30) days form the date of service.

Sec. 8 ENFORCEMENT.

If the person fails to pay the bill within thirty (30) days of service and the person is the owner of the affected property, the Township may add such costs to the tax roll as to such property, and may levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against the property. The Township may also bring action in the appropriate court to collect such costs if it deems such action to be necessary.

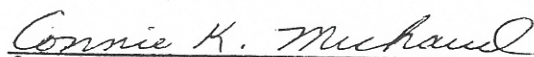
ARTICLE III MISCELLANEOUS PROVISIONS

Sec. 9. VALIDITY AND SEVERABILITY.

It is the legislative intent of the Township Board in adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the Township and other persons affected by this Ordinance, and consequently, should any provision of this Ordinance be held to be unconstitutional, invalid, or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance,. it being the intent of the Township Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

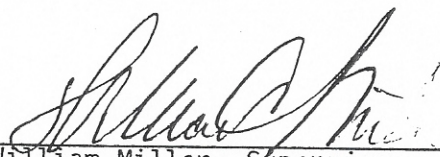
Sec. 10. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days from and after its publication.



Connie K. Michaud, Clerk

2-3-94



William Miller, Supervisor

2-3-94