

ORDINANCE #97

AN ORDINANCE TO RECOVER EXPENSES, INCURRED BY THE FIRE DEPARTEMENT RESPONDING TO AN EMERGENCY HAZARDOUS MATERIAL INCIDENT

AT A REGULAR MEETING OF THE VILLAGE OF SPRINGPORT BOARD HELD ON THE 14TH DAY OF JULY, 1992 AT 7:00 PM, THE FOLLOWING ORDINANCE WAS HEARD AND PASSED:

Section 1. **DEFINITIONS** For purposes of this Ordinance, the following definitions shall apply:

Section A: “Expenses” shall include but not be 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 and materials, costs of disposal, costs of any contract labor and materials, and those costs associated with an emergency hazardous materials incident, in order to ensure the safety of the township and its populace. Expenses shall also include the charges or costs incurred by the Village as a result of a HazMat unit response to an emergency hazardous materials incident.

Section B: “Hazardous Materials” shall include 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.

Section C: “Emergency Hazardous Material Incident” means a spill, leakage, release , or other dissemination or threat of same of any hazardous materials requiring immediate action to mitigate a threat to public health, safety or welfare.

Section D: “HazMat Unit” means the vehicle provided by the Village of Springport, individually or pursuant to an agreement with the City of Jackson, equipped with apparatus designed to provide emergency service in situations involving a spill, leak, accident or other similar occurrence involving hazardous materials.

Section E: “Owner” means any individual, firm, company, association, society, corporation, partnership, or group, including their officers and employees, who are either listed as the owner of record by the Jackson County Register of Deeds, have a land contract vendes 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, possession or control of the hazardous material or the vehicle need to transport same.

Section F. “Person” means 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/her 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 even of an emergency hazardous materials 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 Township 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 Village mails its invoice of expenses to said owner or person, the Village may take such collection efforts to recover said expenses that it deems appropriate, including, but not limited to, adding the unpaid expenses to the real property tax bill of the owner of the real property where the hazardous materials emergency occurred, and collecting the same in the same manner that ad valorem property taxes are collected; provided, however, such unpaid expenses may not be added to the tax bill of 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 materials incident.

Section 4. **PAYMENT OF INVOICE**

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

Section 5. **REPEAL OF CONFLICTING ORDINANCES**

All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, only to the extent necessary to give this Ordinance full force and effect.

Section 6. **INVALIDITY PROVISION**

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

Section 7. **EFFECTIVE DATE**

This Ordinance shall take effect and be enforced from any date after the earliest date allowed by law. This Ordinance shall be published in the manner provided by law.

MEMBERS PRESENT: Gage, Schmidt, Southwick, Taylor, Zacharias, and
McCormick

MEMBERS ABSENT Webb

AYES: 6

Adopted: 7/14/93

NAYS: 0

Effective: Imd.