

Riley Township
St. Clair County, Michigan
Ordinance #30 Reimbursement for the Cleanup of Hazardous Materials

An ordinance to require reimbursement for the cleanup of certain dangerous or hazardous materials.

The Township of Riley Ordains:

Section 1: Purpose

The purpose of this ordinance is to enable the Township of Riley to require reimbursement of costs of abatement, containment, cleanup, disposal and restoration from property owners or those responsible for the leaking, spilling or otherwise allowing certain dangerous or hazardous substances or materials to escape containment.

Section 2: Dangerous, Hazardous Substances or Materials

Dangerous, hazardous substances or materials is defined as any substance which is spilled, leaked or otherwise released from its container, which in the determination of the fire chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or is a threat to public health, safety or welfare; this shall include, but not limited to such substance as chemical and gases, explosive, radioactive materials, petroleum or petroleum products or gases, poisons, etiological (biologic) agents, flammables or corrosives.

Section 3: Duty to Remove and Clean-up

It shall be the duty of any property owner or any person or any other entity which causes or controls leakage, spillage, or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and clean-up the area of such spillage in such a manner that the area involved is fully restored to its condition prior to such happening.

Section 4: Failure to Remove and Clean-up

Any property owner of the area involved or any such person or entity which fails to comply with Section 3, hereof, shall be liable to and shall pay the Township of Riley for its costs and expenses, including the cost incurred by the Township of Riley to any party which it engages, for the complete abatement, containment, clean-up, disposal and restoration of the affected area. Cost incurred by Township of Riley shall include: actual labor costs of Township of Riley personnel (including worker compensation benefits, fringe benefits, administration overhead, cost of equipment operation), cost of material obtained directly by the Township of Riley; and the cost of any contract labor and materials. Costs under this section shall not include actual fire suppression services which are normally or usually provided by the Township of Riley.

Section 5: Enforcement

If any person or entity fails to reimburse the Township of Riley as provided and such person or entity is the owner of the affected property, the Township of Riley shall have the right and power to add any and all costs of clean-up and restoration to the tax roll as to such property and to levy and collect such costs in the same manner as provided for the levy and collection of the real property taxes against said property. The Township of Riley shall also have the right to confiscate any vehicle and its contents where said costs cannot be added to the tax roll. The Township of Riley shall

also have the right to bring an action in the appropriate court to collect such costs if it deems such action to be necessary.

Section 6: Equipment Operation Costs

A schedule of equipment operation costs shall be adopted by a vote of the Riley Township Board and be on file in the township's clerk's office as public record.

Section 7: Severability

The provisions of this ordinance are, hereby, declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion, hereof, other than the part declared void or inoperable.

Section 8: Repeal

All ordinances in conflict, herewith, are, hereby, repealed.

Section 9: Effective Date

This ordinance shall become effective upon publication after adoption.

Section 10: Inspection of Ordinance

A copy of this ordinance may be inspected or purchased at the Township Office of the Clerk.