

ORDINANCE NO. 1997-2

AN ORDINANCE TO ESTABLISH CHARGES FOR EXPENSES INCURRED BY THE TOWNSHIP OR BY AN ENTITY WITH WHICH THE TOWNSHIP HAS CONTRACTED FOR EXPENSES INCURRED IN RESPONDING TO A HAZARDOUS MATERIALS INCIDENT, AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES.

THE TOWNSHIP OF AMBOY, HILLSDALE COUNTY, MICHIGAN ORDAINS:

SECTION 1: Purpose

In order to protect the township from incurring extraordinary expenses resulting from the utilization of township resources in responding to an incident involving hazardous materials, the township board authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to calls for assistance in connection with a hazardous materials release.

Section 2: "Hazardous Materials" Defined

For purposes of this ordinance, "hazardous materials" includes, but is not limited to a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, pyrophoric, unstable reactive or water reactive.

Section 3: "Release" Defined

For purposes of this ordinance, "release" includes a spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

Section 4: "Responsible Party" Defined

For purposes of this ordinance, "responsible party" includes an individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.

Section 5: Charges Imposed Upon Responsible Party

Where the township fire department, or any entity with which the township has contracted, responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by the township, or any entity with which the township has contracted in responding to such a call shall be imposed upon responsible parties including, but not limited to:

- A. \$100.00 per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each hour, or fraction thereof, that the pumps are activated, and additional sum of \$25.00 per hour shall be charged.
- B. \$75.00 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- C. \$100.00 per hour, or fraction thereof, for each additional fire department or other vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- D. All personnel related costs incurred by the township as a result of responding to the hazardous materials incident. Such costs shall include, but are not limited to wages,

- salaries and fringe benefits and insurance for full-time and part-time fire fighters; overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on-call fire fighters.
- E. Other expenses incurred by the township in responding to the hazardous materials incident including, but not limited to rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.
 - F. Charges to the township imposed by any local, state or federal government entities related to the hazardous materials incident.
 - G. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

Section 6: Billing Procedures

Following the conclusion of the hazardous materials incident, the township treasurer shall prepare, in invoice form, a detailed listing of all known expenses incurred in connection with the hazardous materials incident. The township treasurer shall transmit said invoice to the responsible party/parties and shall demand full payment of same within thirty (30) days. Any additional expenses that become known to the township treasurer following the transmittal of the first invoice shall be billed in the same manner as the initial invoice. For any amounts due that remain unpaid after thirty (30) days, the township shall impose a late charge of one (1%) percent per month, or fraction thereof.

Section 7: Other Remedies

The township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this ordinance. The recovery of charges imposed under this ordinance does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.

Section 8: Severability

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 9: Ordinance in Conflict

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

Section 10: Publication

This ordinance shall be published once in full in a newspaper of general circulation within Amboy Township, Hillsdale County, Michigan, within thirty (30) days after its adoption, and shall be recorded in the Book of Ordinances of Amboy Township. Such recording shall be authenticated by the Amboy Township Clerk. An attested copy of this ordinance shall be filed with the Clerk of Hillsdale County, Michigan.

Section 11: Effective Date

This Ordinance shall become effective the day following the date upon which it is published in the manner set forth in Section 10 above.

PASSED AND ADOPTED by the Township of Amboy, Hillsdale County, Michigan on the 12th day of March, 1997.

Claire E. Leininger
Township Supervisor

YEAS: Joe St. John, Gregory Clevenger
Bernadine Schaedler, Claire Leininger

NAYS: None

ABSENT: Roger Pitts

Bernadine Schaedler
Township Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 1997-2 duly adopted by the Township Board of the Township of Amboy, County of Hillsdale, State of Michigan, at a regular meeting held on March 12, 1997, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen hours prior to the time set of the meeting.

I further certify that the following Board Members were present at said meeting Claire Leininger, Bernadine Schaedler, Joe St. John, Gregory Clevenger and that the following Board Members were absent at said meeting Roger Pitts.

I further certify that Board Member Claire Leininger moved adoption of said ordinance and that Board Member Joe St. John supported said motion.

I further certify that the following Board Members voted for adoption of said ordinance Gregory Clevenger, Joe St. John, Claire Leininger, Bernadine Schaedler and that the following Board Members voted against adoption of said ordinance None.

I further certify that said ordinance has been recorded in the Ordinance Book of the Township of Amboy and such recording has been authenticated by the signatures of the Township supervisor and Township Clerk.

Bernadine Schaedler
Township Clerk

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Amboy Township, Hillsdale County, Michigan

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DULY ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF AMBOY, COUNTY OF HILLSDALE, STATE OF MICHIGAN, AT A REGULAR BOARD MEETING HELD ON March 12, 1997.

Further Certify that the following Board Members were present at said meeting Claire Leininger, Bernadine Schaedler, Joe St. John, and Gregory Clevenger, and that the following Board Member was absent at said meeting Roger Pitts.

Further certify that Board Member Claire Leininger moved adoption of said ordinance and that Board Member Joe St. John supported said motion.

Further Certify that the following Board Members voted for adoption of said ordinance Gregory Clevenger, Joe St. John, Claire Leininger, Bernadine Schaedler and that the following Board Member voted against adoption of said ordinance None.

Further certify that said ordinance has been recorded in the Ordinance Book of the Township of Amboy and such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk. An attested copy of this ordinance shall be filed with the Clerk of Hillsdale County, Michigan.

This ordinance shall be published once in a newspaper of general circulation within Amboy Township, Hillsdale County, Michigan, within thirty (30) days after its adoption and shall be recorded in the Book of Ordinances of Amboy Township.

PASSED AND ADOPTED by the Township of Amboy, Hillsdale County, Michigan on the 12th day of March, 1997.

EFFECTIVE DATE – This ordinance shall become effective the day following the date upon which it is published in the manner set forth in Section 10.

EFFECTIVE DATE: March 26, 1997

Claire Leininger
Amboy Township Supervisor

Bernadine Schaedler
Amboy Township Clerk