

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 130

AN ORDINANCE TO REQUIRE THOSE RESPONSIBLE FOR THE DISCHARGE OF DANGEROUS OR HAZARDOUS SUBSTANCES TO CLEAN UP AND RESTORE THE AFFECTED AREA AND TO REQUIRE REIMBURSEMENT BY THOSE RESPONSIBLE OF ALL COSTS INCURRED BY THE CHARTER TOWNSHIP OF SUPERIOR IN RESPONDING TO A DANGEROUS OR HAZARDOUS MATERIAL EMERGENCY SERVICES INCIDENT.

Section 130-01. Purpose

The purpose of this Ordinance is to ensure that those persons responsible for an emergency situation resulting from the leaking, spilling or otherwise allowing certain hazardous substances which may pollute or impair the environment or health to escape containment, are responsible for immediate clean-up and restoration of the affected area. In the event the responsible person cannot immediately complete such clean-up and restoration, thereby requiring clean-up and disposal by the Charter Township of superior, the responsible person shall be financially responsible for any and all costs of such clean-up, disposal, containment or abatement.

Section 130-02. Definitions

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

A. Dangerous or Hazardous Substances or Materials: A dangerous or hazardous substance or material is defined as any material or substance that has been identified by the Charter Township of Superior, State or Federal laws or regulations to be dangerous or hazardous, and shall include but not be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives, or obnoxious by reason of odor, which is spilled, leaked or otherwise released from their container.

B. Emergency Response: The providing, sending and/or utilizing public service, police, fire fighting and rescue services by the Charter Township of Superior to an incident which involves the release of a dangerous or hazardous substance or material.

C. Expense of an Emergency Response: The direct and reasonable costs incurred by the Charter Township of Superior making an appropriate emergency response to an incident, including the costs of providing police, fire fighting and rescue services, and/or other Charter Township of Superior personnel at the scene of an incident, and all administrative costs, directly related to such incident, which may accrue after the occurrence of such incident including but not limited to disposal costs, restoration costs and inspection costs. These costs further include the salaries or wages of the personnel responding to the incident and the costs of equipment and materials which are used at the incident and costs of any contractors which the Charter Township of Superior may utilize for the emergency response or for purpose of the clean up, disposal or restoration of the affected area. These costs shall also include incidental labor costs of the Charter Township of Superior personnel, including worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment operation, and costs of materials obtained directly by the Charter Township of superior.

D. Person: An individual, sole proprietorship, association, corporation, or other legal entity.

Section 130-03. Duty to Remove and Clean Up

It shall be the duty of any person who causes or controls leakages, 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 before such occurrence.

Section 130-04. Failure to Remove and Clean Up

Any such person who fails to immediately comply with section 3 hereof shall pay the Charter Township of Superior for all of the Township's "Expenses of an Emergency Response" as defined in section 2 above. The determination of when an emergency response by the Township is required shall rest solely with the Township and its appropriate officers.

Section 130-05. Enforcement

The Charter Township of Superior shall have the right to bring an action in the appropriate court to collect such expenses if it deems such action to be necessary.

Section 130-06. Publication of Ordinance and Notice

This ordinance shall be published in full in The Ann Arbor News, a newspaper of general circulation in the Charter Township of Superior, qualified under State law to publish such legal notices, within thirty (30) days after its adoption, and the same shall be recorded in the Ordinance Book of the Township Clerk.

Section 130-07. Repeal and Effective Date

All ordinances and resolutions which are inconsistent herewith are hereby repealed. This ordinance shall take effect upon publication.

Colleen O'Neal, Clerk

June 25, 1995