

CHAPTER 16
HAZARDOUS MATERIALS SPILL
COST RECOVERY

An Ordinance to recover expenses incurred by the Fire Department Responding to
an Emergency Hazardous Materials Incident
(Adopted 1-12-92)

SECTION 16.00 DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

- A. “Expenses” shall include but not be limited to the actual labor costs to the township and its personnel including Worker’s 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 township as a result of a HazMat unit response to an emergency hazardous materials incident.
- 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.
- C. “Emergency Hazardous Materials 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.
- D. “HazMat Unit” means the vehicles provided by the Township of Rives, individually or pursuant to an agreement with Tomkins Township or 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.
- 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 vendee 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 used to transport same.
- 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 16.01 HAZARDOUS MATERIALS INCIDENT EMERGENCY

In the event of 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 16.02 EXPENSES OF AN EMERGENCY HAZARDOUS MATERIALS
INCIDENT

In the event 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 Township mails its invoice of expenses to said owner or person, the Township 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 16.03 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 16.04 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 16.05 ADOPTION HISTORY

The provisions of this Chapter were first made effective by adoption of an ordinance on January 12, 1992.