

ORDINANCE NUMBER 40
"DANGEROUS OR HAZARDOUS MATERIALS"

PURPOSE

This Ordinance enables Ironwood Township to require reimbursement from those responsible for leaking, spilling, or otherwise allowing certain dangerous or hazardous substances or materials to escape containment, which requires cleanup and disposal by Ironwood Township or its agents.

DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS

A dangerous or hazardous substance or material is defined as any substance which, when it is spilled, leaked, or otherwise released from its container, is in the determination of the Fire Chief or his authorized representative, dangerous or harmful to the environment, human or animal life, health, safety or welfare. This includes, but is not limited to, chemicals, gases, explosives, radioactive materials, petroleum, petroleum products, petroleum gases, poisons, ethiologic (biologic) agents, flammables and corrosives.

RESPONSIBLE PARTY

Any person(s) or entity(s) who owns and/or operates the property, equipment, vehicle, or vessel upon which a dangerous or hazardous condition exists or which causes or contributes to a dangerous or hazardous condition, including but not limited to spilling, leakage, or any release of substance from its container, which constitutes risk of danger or harm as set forth in Section II, above.

DUTY TO REMOVE AND CLEAN UP

It shall be the duty of any responsible party as defined in Section III to immediately remove the dangerous or hazardous substance and to clean up the area of spillage, leakage, or other release of substance in such manner that the area involved is fully restored to its condition before such happening.

FAILURE TO REMOVE AND CLEAN UP

Any responsible party which fails to comply with its duty to clean up or remove a hazardous or dangerous substance, as set forth in Section IV above, shall be liable to and shall pay Ironwood Township for its costs and expenses, including the cost incurred by Ironwood Township to any party which it engages, for the complete abatement, clean up and restoration of the affected area. Cost incurred by Ironwood Township shall include, but shall not necessarily be limited to, the following: actual labor costs of Ironwood Township personnel, including worker's compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials obtained directly by Ironwood Township for use in the cleanup; and cost of any contract labor and materials. Costs under this section may include actual fire suppression services, unless included in those normally or usually provided by Ironwood Township. Cost shall also include those necessary for treatment or disposal, if necessary.

ENFORCEMENT

If any responsible party fails to reimburse Ironwood Township, as above provided, and is the owner of the affected property, equipment, vehicle, or vessel, Ironwood Township shall have the right and the power to add all costs of clean up and restoration to the tax roll of the property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property. Ironwood Township shall also have the right to bring an action in the appropriate court against each responsible party to collect such costs if it deems such action to be necessary or desirable.

EFFECTIVE DATE

This Ordinance shall take effect one day after its publication in a newspaper of general circulation in the Charter Township of Ironwood.

CHARTER TOWNSHIP OF IRONWOOD

BY: Mark J. Randall
MARK J. RANDALL, Supervisor

BY: Arlene Palojarvi
ARLENE PALOJARVI, Clerk

That this Ordinance was duly adopted by the Township Board on the 27th day of June, 1994 at a regular meeting thereof. This Ordinance shall be known as Ordinance Number 40 of the Charter Township of Ironwood.

CERTIFICATION

I hereby certify that the foregoing is a copy of Ordinance No. 40 adopted by the Township Board at a meeting held on the 27th day of June, 1994, a summary of which will be published in the Ironwood Daily Globe on the 29th day of June, 1994. This Ordinance adopted by those present and voting as follows:

YEAS: Mary Segalin, Marilyn Partyka, Jay Kangas, Eugene Nieminen, Arlene Palojarvi, Albert Synkelma.

NAYS: None

ABSENT: Mark Randall

IN WITNESS WHEREOF, I have hereunto affixed my signature this 28th day of June, 1994.

Arlene Palojarvi
Arlene Palojarvi, Clerk
CHARTER TOWNSHIP OF IRONWOOD