

BROOKS TOWNSHIP
ORDINANCE # 96-09

BROOKS TOWNSHIP ORDINANCE TO ESTABLISH CHARGES FOR TOWNSHIP
EMERGENCY SERVICES RESPONDING TO A HAZARDOUS MATERIALS
EMERGENCY INCIDENT

An ordinance to establish charges for township emergency services responding to an incident involving hazardous materials under Public Act 102 of 1990 (compiled law 41.806a) and to provide methods for the collection of such charges.

THE TOWNSHIP OF BROOKS, NEWAYGO COUNTY, MICHIGAN, ORDAINS:

Section 1: PURPOSE

In order to protect the township from incurring extraordinary expenses resulting from the utilization of township resources to respond 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" include but are not limited to, a chemical or substance that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.

Section 3: "RELEASE" DEFINED

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

Section 4: "RESPONSIBLE PARTY" DEFINED

Any 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 responds to a call for assistance in connection with a hazardous materials release, all actual costs incurred by the township responding to such a call shall be imposed upon responsible parties, including but not limited to:

- A. \$350.00 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, an additional sum of \$50.00 per hour shall be charged.
- B. \$350.00 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. \$350.00 per hour, or fraction thereof, for each additional township Fire Board fire department 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 Fire Board as a result of responding to the hazardous materials incident. Such costs may 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.

Such personnel-related charges shall commence after the first hour that the fire department has responded to the hazardous materials incident, and shall continue until all township personnel have concluded hazardous materials incident-related responsibilities.

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 fire chief shall submit a detailed listing of all known expenses to the township treasurer, who shall prepare and invoice to the responsible party for payment. the treasurer's invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known to the township fire chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty (30) days, the township shall impose a late charge of one percent (1%) 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 effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 9: EFFECTIVE DATE

This ordinance shall take effect immediately. All ordinances or parts of ordinances in conflict are hereby repealed.

The Brooks Township Board , Newaygo County, Michigan, hereby approves this ordinance and it shall take effect 30 days after the publication date of 9-24-96

Lora L. Jones - Clerk

David Hummel - Supervisor

Date Passed 9-16-96

Date Published 9-24-96

Attested by the Township of Brooks