

**HAZARDOUS SPILL COST RECOVERY ORDINANCE
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No 53 eff. Nov. 3, 1995**

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 HOWELL, LIVINGSTON COUNTY, MICHIGAN, ORDAINS:

Section 1. PURPOSE.

In order to protect Howell 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.

(Ord. No. 53 eff. Nov. 3,1995)

Section 2. “HAZARDOUS MATERIALS” DEFINED.

For purposes of this Ordinance, @hazardous materials@ include but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive, water reactive, or radio active.

(Ord. No. 53 eff. Nov. 3,1995)

Section 3. “RELEASE” DEFINED.

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

(Ord. No. 53 eff. Nov. 3,1995)

Section 4. “RESPONSIBLE PARTY” DEFINED.

Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity that accidentally, negligently, or intentionally causes or 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 from which hazardous materials are released.

(Ord. No. 53 eff. Nov. 3, 1995)

Section 5. CHARGES IMPOSED UPON RESPONSIBLE PARTY.

Where a fire department and/or police department or any other agencies contracted by the Township respond to a call for assistance in connection with a hazardous materials release, actual costs or expenses billed to or incurred by the Township involving such a call or incident shall be imposed upon responsible parties, including, but not limited to:

- A. Costs or expenses are defined as actual financial expenses incurred by the fire or police departments and/or any other departments or agencies contracting with the Township, or entities for or on behalf of the Township, including all actual out-of-pocket expenses attributable to the response, control, or abatement of any hazardous materials incident, including costs of equipment operations and personnel, costs of materials utilized, meals for all personnel involved in the incident, costs of specialists, medical expenses for exposures, injuries or illnesses resulting from an incident, experts or other contract labor not in the employment of the Township, costs incurred by area fire or police departments requested through mutual aid agreements with the Township or its agents, if any, and any other incidental costs incurred by the Township as a result of said incident, as well as any billings received by the Township for such costs.
- B. Other expenses incurred by the Township or its agents 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 protection equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.
- C. Charges to the Township or its agents imposed by any local, state, or federal government entities related to the hazardous materials incident.
- D. Costs incurred in an accounting for all hazardous material incident related expenditures, including billing and collection costs.

(Ord. No. 53 eff. Nov. 3, 1995)

Section 6. BILLING PROCEDURES.

Following the conclusion of the hazardous materials incident, the Township Supervisor or the Fire Chief or his designee shall submit a detailed listing of all known expenses to the Township Clerk, who shall prepare an invoice to the responsible party for payment. The Clerk's invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known to the Township or Fire Chief or its designee 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.

(Ord. No. 53 eff. Nov. 3,1995)

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 including actual attorney fees incurred by the Township in collecting such charges. 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.

(Ord. No. 53 eff. Nov. 3,1995)

Section 8. SEVERABILITY [AND EFFECTIVE DATE].

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.

This Ordinance shall become effective thirty (30) days after publication in the Livingston County Press. This Ordinance was adopted on the 25th day of September 1995, by the Howell Township Board at a meeting duly scheduled for the conduct of Township business.

(Ord. No. 53 eff. Nov. 3,1995)