

121.000 DANGEROUS SUBSTANCES

Ord. No. 1/1986

Adopted: September 8, 1986

An Ordinance to prohibit the dissemination of dangerous substances and to require reimbursement to the township for expenses of cleanup of dangerous substances and restoration of affected premises.

THE TOWNSHIP OF VERGENNES ORDAINS:

121.001 Purpose.

Sec. 1. The purpose of this Ordinance is to prohibit the dissemination, and to provide for the cleanup of dangerous substances on long term and in emergency situations, and to collect the cost of such cleanup from the responsible parties.

121.002 Dangerous substances defined.

Sec. 2. Any substance, any quantity or form not safely packaged in a sealed container, which is dangerous or harmful to the environment or harmful to human or animal life, or which poses an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum or petroleum products, or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

121.003 Duty to remove and cleanup.

Sec. 3. It shall be the duty of any person or other entity which causes or allows, or controls, the dissemination of dangerous substances to immediately remove such substances and cleanup the area of such spillage in such a manner that the area involved is fully restored to its conditions as before the dissemination of such dangerous substances.

121.004 Failure to remove and cleanup.

Sec. 4. Any such person or entity which fails to comply with Section 3 [121.003], or, in an emergency as provided below in Section 5 [121.005], shall be liable to and shall pay the Township for its cost and expenses, including any cost incurred by the Township to any party which it engages, or contract with, for the complete cleanup and restoration of the affected area.

121.005 Emergency treatment.

Sec. 5. In the event of an incident or suspected or actual spill, leak, or other similar occurrence involving hazardous materials, and the Fire Chief of the Township, or other such Township officials, or an official of the Kent County Sheriff's Department, determines that it is necessary to provide for an emergency cleanup, or protection of any specific area, the Township shall have the right to provide emergency cleanup and/or protection without notice to the parties responsible for the incident or the dissemination of such hazardous material.

121.006 Cost of services.

Sec. 6. If any person or entity fails to reimburse the Township for the cost of cleanup as provided herein, and such person or entity is the owner of the affected property, the Township shall have the right and power to add any and all such costs of cleanup and restoration to the tax roll as to such property and to levy and collect such costs in the same manner as provided for the levy and collection of real estate taxes against said property; or at the option of the Township, the Township may bring an action in the appropriate court to collect such costs for cleanup against the responsible parties as it deems necessary and advisable.

121.007 Contracts for cleanup.

Sec. 7. The Township is authorized to enter into agreements and/or contracts with other governmental and private parties, including the County of Kent and the State of Michigan, to help provide for the protection of property and persons or for the cleanup of hazardous wastes, as it deems necessary and advisable from time to time.

121.008 Determination of costs.

Sec. 8. The cost of cleanup shall include, but not necessarily be limited to, actual labor cost of the Township personnel, administration overhead cost, cost of equipment operation, cost of materials obtained by the Township, and the cost and expense of any contract labor and materials.

121.009 Normal fire protection.

Sec. 9. The authority to recover cost under this Ordinance shall not include actual fire protection or suppression services which are normally and usually provided by the Township Fire Department.

121.010 Effective date.

Sec. 10. This Ordinance shall be effective upon publication.