

**FAIRFIELD TOWNSHIP
LENAWEE COUNTY, MICHIGAN**

HAZARDOUS WASTE AND/OR SPILLS EXPENSE RECOVERY ORDINANCE

ORDINANCE NO. Aug -03

An Ordinance to provide for the recovery of costs and expenses incurred or spent by Fairfield Township or its agents in, or during, the response to and clean up of, hazardous waste and hazardous spills and to set forth a procedure for the collection and recovery of such costs.

THE TOWNSHIP OF FAIRFIELD, LENAWEE COUNTY, MICHIGAN, ORDAINS:

Section 1: Intent

Surface waters, groundwater, soils, vegetation and atmosphere inside the Township are susceptible to damage from the handling, storage, use, processing and disposal of hazardous materials and expenses incurred by the taxpayers as a result of the Township or its agent(s) having to respond to protect life, property and the environment when there has been a spill or release of hazardous materials should be recovered from the person or persons responsible for the spill or release.

Section 2: Definitions

The following definitions shall apply for purposes of this Ordinance:

- a. "Hazardous Material Incident" – Shall mean a spill, leakage, release, or the threat of a spill, leakage or release of hazardous materials or substances requiring immediate action to mitigate a threat to the public health, safety, or welfare.
- b. "Hazardous Materials" – Shall mean and include all those materials or substances designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, and/or by the Federal Superfund Amendment & Reauthorization Act (SARA), as amended.
- c. "HazMat Unit" – Shall mean any vehicle or unit provided by Fairfield Township including those such units provided under any agreement with another municipality, person or entity, which is equipped with apparatus designed to provide emergency service in situations involving a spill, leak, release, accident or other similar incident involving hazardous materials.
- d. "Expenses" – Shall mean and include, but not be limited to, the actual labor costs to the Township and its personnel including Workers Compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of any contract labor and materials, disposal costs, and those costs associated with an emergency hazardous material incident, expended or incurred by Fairfield Township, 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.

- e. "Owner" – Shall mean any individual, firm, company, association, society, corporation, partnership, or group, including their officers, employees and agents, who are either listed as the owner of record by the Lenawee County Register of Deeds, have a land contract 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, permission or control of the hazardous material or the vehicle used to transport same.
- f. "Person" - Shall mean any individual, firm, company, association, society, corporation, partnership, or group, including their officers, employees and agents, who has responsibility for, or actual involvement in, the emergency hazardous materials incident.

Section 3: Hazardous Materials Incident Emergency

In the event a spill, leakage, release or other dissemination of any hazardous material has occurred, the Township Supervisor or his/her authorized representative, shall determine whether such occurrence constitutes an emergency hazardous materials incident and if so determined, the Township or its agents may take immediate steps to abate and control the hazardous materials.

Section 4: Expenses of an Emergency Hazardous Materials Incident

In the event of an emergency hazardous material incident, all owners or persons who have responsibility for, or involvement in, the emergency hazardous materials incident shall be jointly and severally liable to Fairfield Township for any expenses incurred in responding to said emergency hazardous materials incident. In the event the owner or person fails to pay the expenses within sixty (60) days after Fairfield Township mails its invoice of expenses to the owner or person, the Township may take such collection efforts necessary to recover the 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 emergency hazardous materials incident occurred and collecting the expenses in the same manner that ad valorem property taxes are collected; provided, however, that the unpaid expenses may be 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 the emergency hazardous materials incident.

Section 5: Payment of Invoice

Payment of an invoice for expenses incurred by Fairfield Township under this Ordinance shall not constitute an admission of guilt or responsibility under any other Ordinance, rule, law or regulation.

Section 6: Prior and Inconsistent Ordinances

All Ordinances or parts of Ordinances in conflict with this Ordinance, to the extent of such conflict, are hereby repealed, but only to the extent necessary to give this Ordinance full force and effect.

Section 7: Severability

Should a Court of competent jurisdiction 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 8: Effective Date

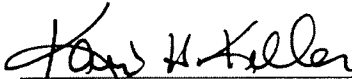
This Ordinance shall take effect and be enforced thirty (30) days from the date of publication.

Section 9: Publication

The Township Clerk shall publish this Ordinance in the manner prescribed by law.

Yeas: (4)
Nays: (1)
Absent: ()

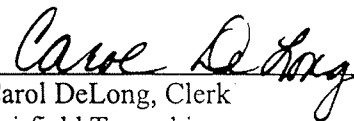
ORDINANCE DECLARED ADOPTED ON August 11, 2003.



Kevin H. Keller, Supervisor
Fairfield Township

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Carol DeLong, the duly elected Clerk of Fairfield Township, certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Fairfield Township Board on August 11, 2003 and published in the Adrian Daily Telegram, a newspaper circulated in Fairfield Township on August 21st, 2003.



Carol DeLong, Clerk
Fairfield Township