

FREEMAN TOWNSHIP ORDINANCE NO. 32

TOWNSHIP OF FREEMAN
ORDINANCE TO ESTABLISH CHARGES FOR MUNICIPAL EMERGENCY
SERVICES RESPONDING TO A HAZARDOUS MATERIALS EMERGENCY
INCIDENT

Short title: Township of Freeman Hazardous Waste Ordinance.

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 FREEMAN 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 of Trustees 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 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 the 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 fire department responds to a call for assistance in connection with a hazardous materials release shall be determined by the Lincoln Township Fire Department.

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Section 6: Other Remedies

Either Freeman or Lincoln 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 7: 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 8: Effective Date

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This ordinance becomes effective thirty (30) days after newspaper publication.

Newspaper publication date: 5-1-14

Effective Date: 6-1-14

Adopted by the Freeman Township Board: 4-10-14

Al Housler, Freeman Township Supervisor, Clare County, Michigan

Al Housler Date July 15, 2014

Patricia Humphrey, Freeman Township Clerk, Clare County, Michigan

Patricia D. Humphrey Date 7-15-2014