

**REPUBLIC TOWNSHIP ORDINANCE TO ESTABLISH CHARGES FOR TOWNSHIP
EMERGENCY SERVICES RESPONDING TO A HAZARDOUS MATERIALS
EMERGENCY INCIDENT
ORDINANCE NO. 2013-29**

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 REPUBLIC, MARQUETTE 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, either actual or threatened.

Section 2: Definitions

HAZARDOUS MATERIALS – For the purposes of this Ordinance, “hazardous materials” include, but are not limited to, a chemical that is a combustible liquid, flammable gas, explosive, flammable, an organic peroxide and oxidizer, pyrophoric, unstable reactive, or water reactive.

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

RESPONSIBLE PARTY – 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 3: Charges Imposed Upon Responsible Party

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

- A. \$75.00 per hour, or fraction thereof, for each pumper required to be utilized in responding to the hazardous materials incident
- B. \$60.00 per hour, or fraction thereof, for each water tender required to be utilized in responding to the hazardous materials incident.
- C. \$50.00 per hour, or fraction thereof, for each additional Township owned fire department vehicle required to be utilized in responding to the hazardous materials incident.

- D. \$45.00 per hour, or fraction thereof, for each additional Township owned vehicle required to be utilized in responding to the hazardous materials incident.
- E. All personnel-related costs incurred by the Township as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to: \$10.00 per firefighter per hour. Such personnel-related charges shall commence immediately after the fire department has responded to the hazardous materials incident, and shall continue until all Township personnel have concluded hazardous materials incident related responsibilities.
- F. Other expenses incurred by the Township as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to: rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and the replacement cost related to disposable protective equipment, extinguishing agents, supplies, and water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.
- G. Costs incurred in accounting for all hazardous material incident related expenditures, including billing and collection costs.

Section 4: 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 Clerk, who shall prepare a bill to the responsible party for payment. The Clerk's bill 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 time price differential of one percent (1%) per month, or fraction thereof.

Section 5: 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 law, rule or regulation.

Section 6: 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 affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section 7: Effective Date

This Ordinance shall take effect immediately upon publication.

1. Officially adopted by the Township Board of Republic Township, Marquette County, Michigan, on this 26th day of November 2002
2. Date of Public hearing: September 26, 2002
3. Publication date of Notice of Ordinance December 13, 2002