

ORLEANS TOWNSHIP

ORDINANCE # 24

HAZARDOUS MATERIALS REMOVAL ORDINANCE

Adopted: 1-10, 1995

Effective: 1-10, 1995

AN ORDINANCE TO PROVIDE FOR THE REMOVAL AND CLEAN UP OF HAZARDOUS WASTE MATERIAL RELEASES AND THE COST RECOVERY FOR PUBLIC REMOVAL AND CLEAN UP OF HAZARDOUS WASTE MATERIAL RELEASES

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the Orleans Township "Hazardous Materials Removal Ordinance."

Section 2. Purpose. The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents of Orleans Township by providing for the immediate removal and clean up of hazardous material releases; for a duty to remove and clean up hazardous waste material releases by parties; for Township action to remove and clean up hazardous material releases when the responsible party fails to properly act; for recovery of costs incurred by the Township in acting to remove and clean up releases; and by pursuing other remedies consistent with Act 101 of Public Acts of 1978, other state laws, county and township ordinances.

Section 3. Definitions. The following words and terms are defined for purposes of their use in this ordinance. Any word or term not defined in this ordinance shall be considered to be defined in accordance with its common or standard definition:

A) *Hazardous materials* means any materials which pose a substantial present or potential hazard to human life, health and safety, or the environment, including but not limited to hazardous substances as defined in Act 307 of Michigan Public Acts 1982 (being MCL 299.603), as amended, and any other substances that have been classified by the local, state or federal government or any of their departments or agencies to be hazardous or toxic.

B) *Release* means any unpermitted spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

C) *Responsible Party* means 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, as defined in Act 307 of Michigan Public Act 1982 (being MCL

299.603), as amended, tenant, occupant or party in control of property onto which or from which hazardous materials have been released.

Section 4. Duty to Remove. It shall be the duty of any responsible party to remove immediately hazardous materials released and undertake and complete a total cleanup of the area of the release in such a manner as to ensure that the hazardous materials are fully removed and the area is fully restored to its condition prior to the release of such hazardous materials, or to conditions or standards established by Michigan Department of Natural Resources pursuant to Act 307 of the Michigan Public Acts of 1982, as amended, or other applicable law or environmental law or regulation.

Section 5. Failure to Remove.

A) Any responsible party who fails to comply completely with Section 4 shall be liable to the Township, its agents, contractors and employees for any costs incurred in the removal and cleanup of any and all hazardous materials and the restoration of the affected property.

B) In the event that any responsible party fails to remove immediately such hazardous material, the Township shall have the right to enter on to the property involved with the release and remove and conduct a cleanup of all such hazardous materials, either by Township employees or by contractors and agents of the Township.

C) Where specialized equipment or services are used for any aspect of the removal, cleanup, control or monitoring of any release or other incident involving hazardous materials, the responsible party shall be liable to the Township for costs incurred in using the specialized equipment or services.

Section 6. Liability for Cost Recovery.

A) All costs incurred by the Township under Section 5 shall be the responsibility of the responsible party.

B) In the event that said costs are not paid, the Township may take whatever collection steps may be deemed appropriate, including the placement of all such charges on the tax roll for said property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against such property.

C) The Township may pursue any other remedy, or may institute any appropriate action or proceedings in a court of competent jurisdiction to collect costs for which liability is imposed under this Ordinance.

D) The recovery of charges composed under this Ordinance does not limit or modify liability of parties under local ordinance, state or federal law, rule or regulation.

Section 7. Severability.

The various parts, sections and clauses of this ordinance are hereby declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 8. Effective Date.

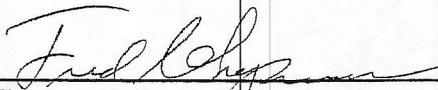
This ordinance become effective immediately upon its adoption and publication.

Moved by Joyce Doty, seconded by Gertrude Heppe,

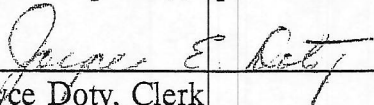
that the foregoing ordinance be adopted.

YEAS: 4
NAYS: none
ABSENT: Jerry Gallagher

Ordinance declared adopted.



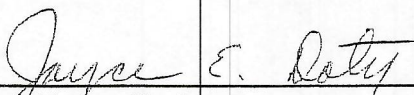
Fred Chapman, Supervisor



Joyce Doty, Clerk

CERTIFICATION

I certify that the foregoing ordinance was adopted by the Orleans Township Board in a regular section held on 1-10-, 1995 and that it was published in the Sentinel Std. on Jan. 14, 1995



Joyce Doty, Clerk

Orleans-Haz.Ord

Subscribed and sworn to before
me this 17th day of January, 1995

Kimberly A. Fletcher
Notary Public

State of Michigan, County of Ionia
My Commission expires: 2/26/98

NOTICE OF ORDINANCE ADOPTION
TOWNSHIP OF ORLEANS
IONIA COUNTY, MICHIGAN
HAZARDOUS MATERIALS REMOVAL ORDINANCE
ORDINANCE NO. 24

AN ORDINANCE TO PROVIDE FOR THE REMOVAL AND CLEAN UP OF HAZARDOUS WASTE MATERIAL RELEASES AND THE COST RECOVERY FOR PUBLIC REMOVAL AND CLEAN UP OF HAZARDOUS WASTE MATERIAL RELEASES.

PUBLIC NOTICE is hereby given that Ordinance No. 24 was adopted by the Orleans Township Board on January 10, 1995. A summary/synopsis of the Ordinance follows:

Section 1. Title. This Ordinance shall be known as Hazardous Materials Removal Ordinance.

Section 2. Purpose. To provide for a duty to remove and clean up hazardous material waste and a method of cost recovery for hazardous material waste clean up.

Section 3. Definitions. To create definitions for terms hazardous materials, release, and responsible party.

Section 4. Duty to Remove. There is a duty by the responsible party to remove hazardous material releases.

Section 5. Failure to Remove. Where the responsible party fails to remove hazardous material release, a Township may take such action as necessary to clean up the release.

Section 6. Liability for Cost Recovery. The responsible party shall be responsible for all costs related to removal and clean up of hazardous material releases; Township may pursue remedies as provided by law including special assessments levied on property.

Section 7. Severability. The various parts, subsections and clauses of the ordinance are severable.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption and publication.

The publication of this summary/synopsis of the Ordinance is intended to meet the requirements for publication as provided by law. No further publication of the Ordinance is required or contemplated. This Synopsis is not exhaustive of all provisions and requirements of the ordinance. A true and complete copy of the Ordinance can be inspected or obtained at the office of the Township Clerk, 4296 Palmer Road, Beiding, Michigan 48809 or by appointment at the Township Office in Orleans, Michigan.

Joyce Doty, Orleans Township Clerk

1-14-95