

ORDINANCE NO. 3

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 Backus, Roscommon 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.

Section 2: "Hazardous materials" defined

For purposes of this ordinance, "hazardous materials" includes hazardous substances as defined in the Michigan Environmental Response Act, 1982 Public Act 307, to wit:

"Hazardous substance" means 1 or more of the following:

A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

"Hazardous substance" as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat.2767.

"Hazardous waste" as defined in the hazardous waste management act, Act. No. 64 of the Public Acts of 1979, being section 299.501 to 299.551 of the Michigan Compiled Laws.

"Petroleum" as defined in the leaking underground storage tank act, Act. No. 478 of the Public Acts of 1988, being sections 299.831 to 299.850 of the Michigan Compiled Laws.

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 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 5: Charges imposed upon responsible party

Where a 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. \$1,000.00 per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each hour, or fraction thereof, that the pumps are activated, an additional sum of \$750.00 per hour shall be charged.

B. \$1,000.00 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.

C. \$1,000.00 per hour, or fraction thereof, for each additional township-owned or contracted fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.

D. 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, wages, salaries and fringe benefits and insurance for full-time and part-time fire fighters; overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on-call fire fighters. Such personnel-related charges shall commence after the first hour that the fire department has responded to the hazardous materials incident, and shall continue until all township personnel have concluded hazardous materials incident-related responsibilities.

E. Other expenses incurred by the township in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.

F. Charges to the township imposed by any local, state or federal government entities related to the hazardous materials incident.

G. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

Section 6: 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 treasurer, who shall prepare an invoice to the responsible party for payment. The treasurer's invoice 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 late charge of one percent (1%) per month, or fraction thereof.

Section 7: 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 or federal law, rule or regulation.


Section 8: 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 9: Effective date

A. This Ordinance shall become effective immediately.

B. This Ordinance was adopted by the Township Board of the Township of Backus, Roscommon County, Michigan, at a regular meeting thereof held on 1-3-95.



Mary M. Ripke
Backus Township Supervisor

Ripke Voting Yes
Rase Voting Yes
Nagy Voting Yes
Londry Voting Yes
Walters Voting Absent

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