

DANGEROUS OR HAZARDOUS MATERIALS

The Village of Laurium ordains:

Section 1. Purpose.

This Ordinance enables the Village of Laurium to require reimbursement from those responsible for the leaking, spilling, or otherwise allowing certain dangerous or hazardous substances or materials to escape containment, thereby requiring cleanup and disposal by the Village of Laurium or its agents.

Section 2. Dangerous or Hazardous Substances or Materials.

A dangerous or hazardous substances or material is defined as any substance which is spilled, leaked, or otherwise released from its container, which, in the determination of the Fire Chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or constitutes a danger or threat to the public health, safety or welfare. Included, but not by way of limitation, are such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

Section 3. Responsible Party.

Any person(s) or entity(s) who owns and/or operates the property, equipment, vehicle or vessel upon which or which causes or contributes to a dangerous or hazardous condition, including but not limited to spilling, leakage or any release of substance from its container, which constitutes risk of danger or harm as set forth in Section 2, above.

Section 4. Duty to Remove and Clean Up.

It shall be the duty of any responsible party as defined in Section 3 to immediately remove the dangerous or hazardous substance and to clean up the area of spillage, leakage or other release of substance in such manner that the area involved is fully restored to its condition before such happening.

Section 5. Failure to Remove and Clean Up.

Any responsible party which fails to comply with its duty to clean up or remove a hazardous or dangerous substance, as set forth in Section 4, above, shall be liable to and shall pay the Village of Laurium for its costs and expenses, including the costs incurred by the Village of Laurium to any party which it engages, for the complete abatement, clean up and restoration of the affected area. Costs incurred by the Village of Laurium shall include, but shall not necessarily be limited to, the following: actual labor costs of Village of Laurium

personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the Village of Laurium for use in the cleanup; and cost of any contract labor and materials. Costs under this section shall not include actual fire suppression services which are normally provided by the Village of Laurium.

Section 6. Enforcement.

If any responsible party fails to reimburse the Village of Laurium, as above provided, and is the owner of the affected property, the Village of Laurium shall have the right and power to add all costs of cleanup and restoration to the tax roll of the property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property. The Village of Laurium shall also have the right to bring an action in the appropriate court against each responsible party to collect such costs if it deems such action to be necessary or desirable.

Section 7. Effective Date.

This ordinance shall take effect twenty days after adoption.

Certificate of Certification

By my signature I declare this to be the original document as presented for adoption by the Village of Laurium, County of Houghton, State of Michigan. Signed this 19th Day of July, 1994. Ordinance number _____ to be in place on August 8th, 1994, as stipulated in aforementioned Section 7., Effective Date.

Signed *Amber K. Small* Clerk, Village of Laurium.

This 19th of July, 1994.