

Ordinance #49
Hazardous Materials Ordinance:
City of Grant Ordinance to Establish Penalties for
Hazardous Materials Emergency Incidents

An Ordinance to establish penalties for incidents involving hazardous materials release in the City of Grant under Public Act 102 of 1990 (MCL 41.806a) and to provide for the collection of penalties related to such incidents.

The City of Grant hereby ordains:

Section 1: Purpose

In order to protect the City of Grant from extraordinary expenses resulting from the utilization of City resources to respond to incidents involving hazardous materials, the City Commission hereby authorizes the imposition of charges to recover reasonable and actual costs incurred by the City of Grant in connection with a hazardous materials release, and to apply appropriate fines to parties deemed to be responsible for any hazardous materials release.

Section 2: Definitions

a. Hazardous Materials

For the purposes of this ordinance, “Hazardous Materials” will include, but not be exclusively limited to, organic peroxides, pyrophoric chemicals, unstable reactive or water reactive chemicals, and any chemicals that are combustible in the liquid form, flammable in the liquid or gas form, or explosive.

b. Release

For the purposes of this ordinance, “Release” shall be defined as any actual or threatened spilling, leaking, dumping, pouring, emitting, emptying, discharging, injecting, leaching, or disposing into the environment.

c. Responsible Party

For the purposes of this ordinance, “Responsible Party” shall be defined as any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity that is exclusively or partly responsible for a release of hazardous materials, either actual or threatened, or is the owner, tenant, occupant, or party in control of property onto which or from which hazardous materials are released.

d. City Response Entity

For the purposes of this ordinance, “City Response Entity” shall be defined as any emergency services agency that responds to a hazardous materials release in the City of Grant for the purposes of public evacuation, hazardous materials containment, hazardous materials abatement, or other service related to a release of hazardous materials.

Section 3: Penalties Imposed upon Responsible Party

Where the City of Grant or any other City Response Entity responds to an incident of hazardous materials release, actual costs incurred by the City of Grant or any City Response Entity responding to such an incident shall be imposed upon the responsible party, including, but not limited to:

- a. All expenses incurred by the City-contracted Fire Department in responding a hazardous materials release, including, but not limited to charges for services, equipment usage costs, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, the replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, water purchased from municipal water systems, and meals and refreshments for personnel while responding to the hazardous materials release.
- b. Charges to the City and/or City-contracted Fire Department imposed by any City response entity, or local, state, or federal government entities related to the hazardous materials release.
- c. Costs incurred in accounting for all expenditures related to a hazardous material release, including billing and collection costs.

Additionally, a fine of not more than \$500 may be imposed by the City of Grant upon any responsible party.

Section 4: Billing Procedures

Following the conclusion of the hazardous materials release incident, all City Response Entities shall submit detailed listings of all known expenses to the City Treasurer, who shall prepare an invoice for the responsible party for payment. The Treasurer's invoice shall demand full payment within thirty (30) days of receipt. Any additional expenses that become known to the City following the transmittal of the invoice to the responsible party shall be invoiced in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty (30) days, the City shall impose a late charge of one percent (1%) per month or fraction thereof.

Section 5: Other Remedies

The City may pursue any other remedy or may institute any appropriate action or proceeding in court of competent jurisdiction to collect charges imposed under this ordinance. The recovery of charges imposed under this ordinance does not limit the liability of responsible parties under local ordinance or state or federal law, rule, or regulation.

Section 6: Severability

Should any provision or part of this 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 September 1, 2006. All ordinances or parts of ordinances in conflict are hereby repealed.