

Big Creek Township Ordinance to Establish Charges for Township Emergency Services

Responding to a Dangerous Goods/Hazardous Material Emergency Incident

ORDINANCE #19

An ordinance to establish charges for township emergency services responding to an incident involving Dangerous Goods/Hazardous Material, Downed Power Lines and other non Hazmat Public Utility Hazard Responses under: Public Act 102 of 1990 (compiled law 41.806a) and to provide methods for the collection of those charges.

THE TOWNSHIP OF BIG CREEK, OSCODA 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 cost incurred by the Township in responding to calls for assistance in connection with a hazardous materials incident.

Section 2: "Dangerous Goods/Hazardous Materials" Defined

For purposes of this Ordinance, "Dangerous Goods/Hazardous Materials" include, but are not limited to, a chemical that is a combustible/poisonous liquid, a flammable/poisonous gas, an explosive, a flammable/poisonous material, an organic peroxide, an oxidizer, a pyrophoric, unstable reactive or water reactive substance, down power line, etc.

Section 3: "Release" Defined

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

Section 4: "Responsible Party" Defined

Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity, property owner, tenant, occupant or party in control of property or any other legal entity that is responsible for a release of a Dangerous Goods/Hazardous Material into the environment.

Section 5: Charges Imposed Upon Responsible Party

Where the Township emergency service provider (Fire Department, EMS, Law Enforcement) responds to a call for assistance in connection with a hazardous materials release, actual cost incurred by the Township's service provider shall be imposed upon responsible parties, including but not limited to:

A: An hourly rate to be set annually by the Township Board for emergency apparatus, or fraction thereof, from the time the emergency apparatuses are enroute to the incident to the time all emergency apparatuses are back to the Fire Department or housing facilities and are declared "Back In Service" ready for next incident.

B: An hourly rate to be set annually by the Township Board for personnel, or fraction thereof, will start from the time the emergency personnel are responding to the incident and shall continue until all Township emergency personnel have concluded the incident. Any and all personnel-related cost incurred by the Township as a result of responding to the incident may include but not limited to : wages, overtime wages, all salaries, any fringe benefits and insurances that are currently used by Township emergency personnel.

C: Any and all other expenses incurred by the Township in responding to the Dangerous Goods/Hazardous Material incident including but not limited to: The rental of, purpose of, or disposing of machinery, equipment, and all contaminated materials related to the incident. Also to include labor, consultant fees, legal fees, medical and hospitalization cost, and replacement cost related to cleaning or disposing of contaminated personal protection equipment, extinguishing agents, supplies, water purchases from municipal water systems and meals and refreshments for personnel while responding to the incident.

D: Any and all charges to the Township imposed by local, state or federal governmental entities related to the incident.

Section 6: Billing Procedures

Following the conclusion of the incident, the incident commander 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 (30) thirty days of receipt of the bill. Any additional expenses that become known to the Township following the transmittal of the original bill to the Responsible Party shall be the responsibility of Responsible Party and will billed accordingly. For any amounts due that remain unpaid after (30) days from receipt of the Township bill, 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 and 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 ordinances or state, 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 affect the validity or enforceability of the balance of this ordinance which will remain in full force and effect.

Section 9: Effective Date

This ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict are repealed.

Adopted _Sept. 16, 2021 _by authority of the Township Board.

Big Creek Township Clerk

Rhonda Mundt