

The Township of Rollin, County of Lenawee, Michigan, hereby ordains:

WHEREAS the Township of Rollin is, together with the Townships of Woodstock, Somerset, Wheatland and the Village of Addison, a party signatory to an Agreement to For and Operate a Joint Fire Department dated January 11, 1978, and

WHEREAS the above mentioned agreement was entered into pursuant to the authority contained in Act 35 of the Public Acts of 1951, as amended, and

WHEREAS Rollin Township desires to adopt an ordinance dealing with hazardous material incidents occurring within the geographic boundaries of the Township,

NOW THEREFORE pursuant to the authority contained in Act 246 of the Michigan Public Acts of 1945, as amended, the Township of Rollin hereby enacts the following ordinance:

SECTION 1. HAZARDOUS MATERIALS INCIDENT

SECTION 1.1 DEFINITIONS

The following terms or words when used in this ordinance shall have the following meanings:

- A. HAZARDOUS MATERIAL INCIDENT Means a spill, leakage release or threat of same of any hazardous materials requiring immediate action to mitigate a threat to public health safety or welfare.
- B. EXPENSES. Shall include, but not be limited to the actual labor costs incurred by the Addison Fire Board and/ or the Township of Rollin and/or their personnel including, but not limited to workers disability compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of materials, cost of any contract labor and materials an of materials associated with an emergency hazardous material incident, in order to ensure the safety of all of the area and population of the Township of Rollin which are under the authority and jurisdiction of the Addison Fire Department Board. Expenses shall also include any and all cost as a result of any unit response to an emergeny Hazardous Material Incident.
- C. HAZARDOUS MATERIAL. Shall include all those materials designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, or by the Federal Superfund Amendment and Reauthorization Act ("SARA"), as amended.
- D. HAZMAT UNIT. Means any vehicle or unit provided by the Addison Fire Department Board equipped with apparatus designed to provide emergency service in

situations involving a spill, leak, accident or other similar occurrence involving hazardous materials.

- E. OWNER. Means any individual, firm, company, association, corporation, partnership, group or entity, including officers, agents and employees of the same, who are either listed as the owner of record by the County of Lenawee Register of Deeds, have a land contract vendor's or vendee's interest in, or are listed by the Township of Rollin as the tax payer of record with the respect to the real property on which the emergency hazardous material incident occurred, or who has title to or use or control of the hazardous material or the vehicle used to transport same.
- F. PERSON. Means any individual, firm, company, association, society, corporation, partnership, group, or entity including officers, employees, and agents of a person who has responsibility for or actual involvement in the emergency hazardous materials incident.

## SECTION 1.2 HAZARDOUS MATERIAL INCIDENT EMERGENCY

In the event a spill, leakage, release or other dissemination of any hazardous material has occurred in Rollin Township, The Chief of the Addison Fire Department Board, or the Chief's authorized representative, shall determine whether such occurrence constitutes an emergency hazardous material incident and, if so determined, the Addison Fire Department Board may take immediate steps to abate, control, remove and dispose of the hazardous materials.

## SECTION 1.3 EXPENSES OF AN EMERGENCY HAZARDOUS MATERIAL INCIDENT

In the event of an emergency hazardous material incident, all owners or persons who have responsibility for or involvement in the emergency hazardous material incident shall be jointly and severally liable to the Township of Rollin for any expenses incurred by the Township of Rollin or the Addison Fire Department Board in responding to said emergency hazardous material incident. In the event said owner or person fails to pay said expenses within sixty (60) days after the Addison Fire Department Board mails its invoice for such expenses to said owner or person by first class mail, postage prepaid, addressed to said owner or person at their last known address, either the Board of the Township may take such collection efforts to recover said expenses as are deemed appropriate including, but not limited to, in the case of the Township, causing such expenses to be levied and assessed, as a special assessment upon real property on which the hazardous material emergency occurred, however, such unpaid expenses may not be levied unless the owner of said real property is also a person who has responsibility for the hazardous material or actual involvement in a hazardous material incident.

**SECTION 1.4****PAYMENT OF INVOICE**

Payment of an invoice for expenses incurred by the Addison Fire Department Board under this Article shall not constitute and admission of guilt or responsibility under any other ordinance or under any statute, rule or regulation.

**SECTION 1.5****DECLARATION OF NUISANCE**

It is hereby determined that any hazardous material incident as defined herein constitutes a public nuisance which is inimical to the peace, health, safety and welfare of the citizens of the Township of Rollin.

**SECTION 1.6****SEVERABILITY**

If any provision or section of this ordinance shall have been declared invalid or unconstitutional by a court of competent jurisdiction, then such decision shall affect only the section or provision so declared and shall not invalidate or render unenforceable any other section or provision of this ordinance.

**SECTION 1.7**

This ordinance shall become effect thirty (30) days after the date of publication.