

35.0400

**HAZARDOUS MATERIALS & SUBSTANCES ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 203 eff. June 15, 1994**

An Ordinance for the recovery of expenses of emergency responses involving hazardous materials or substances.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

35.0401

Sec. 1 PURPOSE

A greater operational and financial burden is placed upon the Township by persons who own, possess, transport, or are otherwise in charge of hazardous materials or hazardous substances. Incidents which involve hazardous materials or hazardous substances pose a greater threat to public safety, property, and the environment. The purpose of this section is to recover the costs incurred by the Township for services provided in response to incidents involving hazardous materials or hazardous substances.

35.0402

Sec. 2 DEFINITIONS

As used in this Ordinance the following terms are defined as follows:

1. Emergency Response: means the providing of services by the Township of Grand Haven, or a private individual or corporation operating at the request or direction of the Township, in response to an incident, occurring on public or private property, which involves hazardous materials or hazardous substances and which may pose threat to the public health, safety, or welfare, or to the environment and which requires immediate action to mitigate the threat.
2. Expense of an Emergency Response: means the actual or reasonably calculated costs incurred by the Township of Grand Haven, or a private individual or corporation operating at the request or direction of the Township, when making an emergency response.
3. Hazardous Material: means any hazardous material as defined in the Fire Prevention Code, Act 207 of the Public Acts of Michigan of 1941, as amended.
4. Hazardous Substance: means a hazardous substance as defined in the Environmental Response Act, Act 307 of the Public Acts of Michigan of 1982, as amended.

5. Person Responsible: means the owner(s), operator(s), or person(s) in charge of, or in possession of the property or vehicle to which an Emergency Response is directed, and also any person(s) whose actions or inactions caused or contributed to causing the incident which necessitated the emergency response.
6. Vehicle: means any motor vehicle, including but not by way of limitation, cars, trucks, semi-tractors, motorcycles, trailers, trains, aircraft, or watercraft.

35.0403 Sec. 3 CHARGES

The expense of an emergency response shall be charged against the person responsible. If there is more than one person responsible, liability shall be joint and several. Liability shall not depend upon fault or negligence. The charges shall constitute a debt of the person(s) responsible and shall be collectible by the Township of Grand Haven in the same manner as an obligation under contract.

35.0404 Sec. 4 BILLING

The Township Manager, or his/her designee, shall submit a bill for the expense of an emergency response by first class mail or personal service to the person responsible. The bill shall require full payment within thirty (30) calendar days from the date of billing.

35.0405 Sec. 5 FAILURE TO PAY

Any failure by a person responsible to pay a bill issued under this article within thirty (30) calendar days of the date of billing shall be considered a default. In case of a default, the Township of Grand Haven may commence a civil suit or take any other action permitted at law or in equity to recover the expenses of an emergency response. If legal action is taken to collect an amount owed under this Ordinance, the Township of Grand Haven shall be entitled to recover the costs of such legal action from the person responsible, including reasonable and actual attorney's fees.

35.0406 Sec. 6 SEVERABILITY

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause hereof be declared by a court of competent jurisdiction to be unconstitutional, invalid, or be rejected by referendum or similar process, such holding shall not effect the validity of this Ordinance as a whole or any part hereof, other than that part so declared to be unconstitutional, invalid, or rejected.

35.0407 Sec. 7 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.