

Ordinance No. 2000-001

AN ORDINANCE TO ESTABLISH CHARGES FOR EMERGENCY HAZARDOUS RESPONSE TEAM SERVICES RESPONDING TO INCIDENTS INVOLVING HAZARDOUS SUBSTANCES UNDER PUBLIC ACT 102 OF 1990 (MCL 41.806a) AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES.

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN ORDAINS:

SECTION 1. Short title.

This ordinance shall be known and may be cited as "The Lodi Township Emergency Response Cost Recovery Ordinance."

SECTION 2. Purpose.

In order to protect the Township of Lodi from incurring extraordinary expenses resulting from the utilization of Saline Area Fire Department resources to respond to an incident involving hazardous materials in Lodi Township, the Lodi Township Board authorizes the imposition of charges to recover the reasonable and actual costs incurred by the Saline Area Fire Department in responding to or cleaning up hazardous materials release in Lodi Township.

SECTION 3. Definitions.

- A. "Hazardous Materials" include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.
- B. "Release" includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment or the discarding of barrels, containers, and other closed receptacles containing a hazardous material.
- C. "Responsible Party" includes any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released into the environment or ignited in an unauthorized burning.

SECTION 4. Charges imposed upon responsible party.

Where the Saline Area Fire Department responds in connection with a hazardous

materials release in Lodi Township, actual costs incurred by the Saline Area Fire Department and Lodi Township shall be imposed upon the responsible parties, including, but not limited to:

- A. \$250.00 per hour, or fraction thereof, for each engine required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each hour, or fraction thereof, that the pumps are activated, an additional sum of \$50.00 per hour shall be charged.
- B. \$300.00 per hour, or fraction thereof, for each water tanker required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- C. \$100.00 per hour, or fraction thereof, for each additional Saline Area Fire Department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- D. All personnel related costs incurred as a result of the Saline Area Fire Department responding to a hazardous materials incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full time and part time firefighters; overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on call firefighters. Such personnel related charges shall commence as soon as the fire department has responded to the hazardous materials incident and shall continue until all Saline Area Fire Department personnel have concluded hazardous materials incident related responsibilities.
- E. Other expenses incurred by the Saline Area Fire Department and/or Lodi Township in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.
- F. Charges to the Saline Area Fire Department or Lodi Township related to the hazardous materials incident and imposed by any local, state, or federal government entities
- G. Costs incurred in accounting for all hazardous material incident expenditures, including billing and collection costs.

SECTION 5. Billing procedures.

Following the conclusion of the hazardous materials incident, the Fire Chief, or his designee, shall prepare, and deliver an invoice to the responsible party for payment of the charges imposed by this ordinance. The invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known to the Fire Chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty (30) days, the Saline Area Fire Department shall impose a late charge of one percent (1%) per month, or fraction thereof. The Township of Lodi shall not separately bill the responsible party for the above costs, but will rely on the Saline Area Fire Department to bill for the emergency response services. In accordance with established procedures, the Saline Area Fire Department shall bill Lodi Township only for personnel costs incurred and notify the township not to individually bill the responsible party for those services.

SECTION 6. Other Remedies.

The Saline Area Fire Department and/or Lodi Township may pursue any other remedy, or may institute any 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 ordinance or state or federal law, rule, or regulation.

SECTION 7. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. Accounts receivable disbursement.

Upon receipt of payment of invoices by responsible party, the Saline Area Fire Department shall do the following:

- A. Issue a check to Lodi Township for the personnel costs for the emergency response run which had been billed to and paid for by Lodi Township.
- B. The remaining monies collected for the emergency response run (excluding those personnel costs referenced in subsection A immediately above) shall be a receivable placed in a restricted receipts line item by the Saline Area Fire Department. The Saline Area Fire Department shall not use these monies to reduce its normal operating expenses collected from the respective townships and/or city for the fiscal year budget. The Saline Area Fire Department shall use this restricted receivable line item for non-budgeted items as authorized by its Executive Board.

CLERK'S CERTIFICATION

I, Elaine E. Masters, being duly elected Clerk for Lodi Township, Washtenaw County, Michigan, state that on January 4, 2000, at a regular meeting of the Lodi Township Board of Trustees, member Solowczuk moved and member Masters supported a motion to adopt "The Lodi Township Emergency Response Cost Recovery Ordinance."

The following members voted:

Ayes: Solowczuk, Miller, Godek, Masters, Crowner, Rentschler, Foley

Nays: None

Absent or abstain: None

The ordinance was declared adopted and published in the Saline Reporter on January 12, 2000 and became effective on the day following its date of publication.



Elaine E. Masters, Clerk

SECTION 9. Publication and effective date.

This ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect on the day following its publication.

Adopted: January 4, 2000

Published: January 12, 2000

Effective: January 13, 2000



Jan Godek, Supervisor



Elaine Masters, Clerk