

GOODLAND TOWNSHIP

FIRE DEPARTMENT COST RECOVERY ORDINANCE No. 603

An ordinance to require reimbursement to the Township or its agents from those responsible for intentionally, accidentally, or as a result of uncontrollable natural forces, for leaking, spilling, releasing or otherwise allowing hazardous material to escape containment; to require reimbursement relating to damaged or downed power lines, electrical service lines, gas mains and gas service conduits and any necessary securing and prudent monitoring of the site.

THE TOWNSHIP OF GOODLAND ORDAINS:

Section 1. DEFINITIONS

Accident, including Natural Disaster: An unforeseen or unexpected happening or occurrence which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the township and/or agents of the township to reduce the potential for such damage.

Emergency Response: The providing, sending or utilization of public service, police, fire fighting and rescue services by the township at an incident involving release of a hazardous material, or other type of incident requiring immediate and prudent securing and monitoring by the township or its agents.

Hazardous Materials: Any material or substance that has been identified by the township, state or federal laws or regulations to be dangerous, hazardous, or obnoxious by reason of odor, spillage, leakage, or other release from containment, and shall include but not limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum products or gases, poisons, biologic agents, flammable and corrosives.

Section 2. RESPONSIBILITY

It shall be the responsibility of any person, corporation, public or private utility, or any other entity controlling or causing leakage, spillage, or any other release of hazardous materials, or the security and monitoring of sites of accidents or natural disasters, including downed power lines and electric service lines and ruptured gas lines to immediately secure, monitor, and clean up the area in such a manner that the area involved is fully restored to the condition existing prior to the occurrence.

Section 3. REIMBURSEMENT

- A. Any person or entity that fails to comply with Section 2 shall be liable to the township and shall reimburse the township for all costs and expenses, including the

costs incurred by the township for any agents the township engages for the abatement, clean-up, monitoring and restoration of the area.

- B. The township requires reimbursement from those responsible either intentionally, accidentally, or as a result of actions by others, or as a result of uncontrollable natural forces for the leaking, spilling or other means of release of hazardous substances or materials from containment, or for the repair of damaged or downed power lines, electric service lines, gas mains and gas service conduits; thereby requiring by the township or its agents, emergency containment, cleaning, and disposal of hazardous substances or materials, or for the securing and prudent monitoring of the side of an accidental or natural disaster, including incidents involving public or private utilities.

Section 4. BILLING

The responsible party shall be billed for all direct costs incurred by the township in making an emergency response to an incident, including the cost of providing police, fire fighting and rescue services, and/or other township personnel, or the services of other agencies at the scene of an incident, and shall also include administrative costs directly related to such incident which may accrue after the occurrence of such incident. Such costs shall also include the salaries or wages, workers compensation benefits, and fringe benefits of the personnel responding to the incident and costs of equipment and materials, which are used at the incident. Full payment shall be required within thirty (30) days from the date of billing.

Section 5. NON-COMPLIANCE

In the event of non-payment, the township shall add any and all costs of clean up and restoration to the tax roll for such property, and to levy and collect such costs in the same manner as provided for real property taxes against the property. The township shall also have the right to bring an action in the appropriate court to collect such costs.

The undersigned Clerk of the Township of Goodland hereby certifies that this ordinance was duly adopted by the Goodland Township Board on the 8th day of July, 2003, and was published in the Tri-City Times on the 16th day of July, 2003. This ordinance shall take effect thirty (30) days after said date of publication.

Anna Maria Calianno
Goodland Township Clerk