

**Henrietta Township
Hazardous Waste Ordinance
Ordinance #27**

Adopted February 10, 1993
Effective March 31, 1993
Amended February 28, 2002

AN ORDINANCE TO REGULATE THE CLEANUP OF HAZARDOUS WASTE MATERIALS TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE TOWNSHIP OF HENRIETTA

At a regular meeting of the Township of Henrietta Board held on the 10th day of February 1993, at 8:00 p.m. the following Ordinance was heard and passed:

THE TOWNSHIP OF HENRIETTA ORDAINS:

SECTION 1. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

- A. "Hazardous Materials" shall mean material, waste, or a combination of waste and material including solid, liquid, semi-solid or contained gaseous material which because of its quantity, quality, concentration or other physical, chemical, biological, or general characteristics poses a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed. "Hazardous Materials" shall include but not be limited to all those materials designed as hazardous by the State of Michigan in Public Act 91 of 1990 or by the Federal Government Environmental Protection Agency.
- B. "Hazardous Materials Emergency" means a release, or serious threat of release of hazardous materials requiring immediate action to mitigate a threat to public health, safety or welfare.

SECTION 2. DUTY TO REMOVE

It shall be the duty of any person, firm or corporation which causes a spill, leakage or other dissemination of hazardous material to immediately contain, control and remove such hazardous material and undertake and complete a total cleanup of the area in such a manner as to insure that all leakage, spillage or other dissemination of hazardous material is fully removed and the area is fully restored to its condition prior to the placement, leakage, spillage or other dissemination of such hazardous materials. The cleanup of hazardous materials shall conform to and meet all the requirements of the State of Michigan pursuant

to Public Act 91 of 1990 and the Federal Government with respect to hazardous waste material.

SECTION 3. FAILURE TO REMOVE

Any person who fails to comply with Section 2 shall be liable to the Township where the spill has occurred, or its agents, contractors and employees, for actual costs incurred in the containment, control, removal and cleanup of any and all hazardous materials and the restoration of the property of its former condition.

SECTION 4. ENFORCEMENT

In the event any person, firm, corporation fails to remove hazardous materials after being notified by the Township to do so, the Township shall have the right to enter on the property and remove and conduct a cleanup of all such hazardous materials either by government employees or by contractors and agents of said Township. Prior to engaging in such cleanup, the Township shall make diligent efforts to notify the owner of its duty to abate said material. Such effort shall include first class mailing to the owner's last known personal or business address. The Township may take action in the event that the owner fails to take the appropriate steps to cleanup the hazardous material or respond to the mailing notice within thirty (30) days of the date when the notice is sent to the owner. The Township may also take action in the event that the owner fails to provide an adequate plan to cleanup the hazardous material, or fails to adequately clean up the hazardous material. All costs of said containment, control, removal and cleanup shall be the responsibility of the person owning or in possession of said hazardous materials. In the event that said costs are not paid, the Township may take whatever collection steps may be deemed appropriate, including adding the unpaid cost to the real property tax bill of the owner and collecting the same in the same manner that all AD VALOREM property taxes are collected.

SECTION 5. COST RECOVERY

The authority to recover costs under this Ordinance shall not include services which are normally or usually provided by the township.

SECTION 6. COST INCURRED

The provisions of this Ordinance shall apply to all costs incurred by the township but not recovered through state, federal, or any other Hazardous Materials Compensation Acts.

SECTION 7. PAYMENT OF INVOICE

Payment of an invoice under this Ordinance shall not constitute an admission of responsibility under any other ordinance, law, rule or regulation.

SECTION 8. LIFE THREATENING EMERGENCY

In the event circumstances of hazardous materials spill, leakage or other dissemination is deemed by the township to constitute an immediate danger to health, safety and welfare of the residents, the notices provisions of Section 4 shall be deemed unnecessary, and the township may take immediate steps to control, remove or cleanup the hazardous materials.

SECTION 9. PENALTIES

Pursuant to the adoption of Ordinance #37, effective February 28, 2002 any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with, any of the provisions of this Ordinance or amendments hereof, commits a municipal civil infraction punishable as follows:

1st offense – minimum of \$100.00 maximum of \$500.00 fine

2nd offense (within two years of first offense) minimum of \$200.00 maximum of \$500.00 fine

3rd offense (within two years of 2nd offense) minimum of \$300.00 maximum of \$500.00 fine

Each day that a violation occurs shall constitute a separate offense.

The court may order other relief relative to the infraction(s). This may include, but is not limited to, reimbursement of actual costs incurred by the Township to attain compliance of this ordinance.

SECTION 10. REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

SECTION 11. INVALIDITY PROVISION

Should the courts declare any provision or section of this Ordinance unconstitutional or invalid, then such decision shall affect only the section or provision so passed upon, and shall not affect any other section or part of this Ordinance.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after the earliest date allowed by law. This Ordinance shall be published in the manner provided by law.

Members Present: Shaughnessy, Dodge, Keene, Byerly, and Faist.
Members Absent: None

Ayes: 5
Nays: 0

Effective 30 days from publication.
Published March 1, 1993

James Shaughnessy, Supervisor
Sally J. Keene, Clerk