

VILLAGE OF FARWELL  
ORDINANCE TO ESTABLISH CHARGES FOR MUNICIPAL EMERGENCY  
SERVICES RESPONDING TO A HAZARDOUS MATERIALS EMERGENCY  
INCIDENT

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF FARWELL  
BY ADDING A NEW CHAPTER IN THE VILLAGE CODE WHICH SHALL  
BE DESIGNATED AS ORDINANCE NO. 99 OF 2003, HAZARDOUS  
WASTE.

Short Title: VILLAGE OF FARWELL – Hazardous Waste Ordinance

*An ordinance to establish charges for municipal emergency services  
responding to an incident involving hazardous materials under Public Act  
102 of 1990 (compiled law 41.806a) and to provide methods for the  
collection of such charges.*

THE VILLAGE OF FARWELL ORDAINS:

Section 1: Purpose

In order to protect the municipality from incurring extraordinary  
expenses resulting from the utilization of municipal resources to respond  
to an incident involving hazardous materials, the Village Council  
authorizes the imposition of charges to recover reasonable and actual  
costs incurred by the municipality in responding to calls for assistance in  
connection with a hazardous materials release.

Section 2: “Hazardous Materials” Defined

For purposes of this ordinance, “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.

Section 3: “Release” Defined

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging,  
injecting, leaching, dumping or disposing into the environment.

Section 4: “Responsible Party” Defined

Any individual, firm, corporation, association, partnership, commercial  
entity, consortium, joint venture, government entity or any other legal  
entity that is responsible for the 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 release.

#### Section 5: Charges Imposed Upon Responsible Party

Where the fire department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by the municipality responding to such a call shall be imposed upon the responsible parties, including, but not limited to:

- A. The actual reasonable cost of providing each pumper 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 shall be charged.
- B. The actual reasonable cost of providing each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- C. The actual reasonable cost of providing each additional 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 by the municipality as a result of responding to the 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 fire fighters: overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on-call fire fighters. Such personnel-related charges shall commence after the first hour that the fire department has responded to the hazardous materials incident, and shall continue until all municipal personnel have concluded hazardous materials incident-related responsibilities.
- E. Other expenses incurred by the municipality 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 material incident.
- F. Charges to the municipality imposed by any local, state or federal government entities related to the hazardous materials incident.
- G. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

Section 6: Charges imposed pursuant to Section 5(A)(B)(C) shall be set by the Village Council based upon the actual reasonable cost of providing said services and response by resolution from time to time. Charges

imposed pursuant to Section 5(D)(E)(F)(G) shall be the actual costs incurred.

#### Section 7: Billing Procedures

Following the conclusion of the hazardous materials incident, the fire chief shall submit a detailed listing of all known expenses to the municipal treasurer, who shall prepare an invoice to the responsible party for payment. The treasurer's 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 municipality shall impose a late charge of one percent (1%) per month, or fraction thereof.

#### Section 8: Other Remedies

The municipality 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 9: Severability

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

#### Section 10: Effective Date

This ordinance shall take effect ten (10) days after the publication thereof. All ordinances or parts of ordinances in conflict are hereby repealed.

Adopted this 6<sup>th</sup> day of January, 2003 by the Farwell Village Council.

Attested:

Sharon Crabtree

Clerk

Approved:

Steven Grim

Village President