

## CHAPTER 51 HAZARDOUS MATERIAL CHARGES

- 51.1 PURPOSE.** In order to protect the village from incurrin g extraordinary expenses resulting from the utilization of village resources to respond to an incident involving hazardous materials, the village council authorizes the imposition of charges to recover reasonable and actual cost incurred by the village in responding to calls for assistance in connection with a hazardous materials release.
- 51.2 DEFINITIONS.** In the interpretation of this Chapter the following definitions shall apply:
- A. **Hazardous Materials.** For purposes of this Chapter, "hazardous materia ls" include, but are not limited to a chemical that is an explosive, pyrophoric, a flammable gas, a non - flammable compressed gas, a poisonous gas, a flammable or combustible liquid, a flammable solid, spontaneously combustible materials, dangerous when wet materials, an oxidizer, an organic peroxide, poisonous materials, an infectious substance, a radioactive material, a corrosive material and other regulated materials.
  - B. **Release.** A "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.
  - C. **Responsible party.** A "responsible party" shall be any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governm ent 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 release.
- 51.3 PUBLIC WORKS CHARGES IMPOSED UPON RESPONSIBLE PARTY.** Where the Vermontville Public Works Department responds to a call for assistance in connection with hazardous materials, actual cost incurred by the village for such call shall be imposed upon responsible parties, including, but not limited to:
- A. The current per hour rate, or fraction thereof, for each piece of equipment required, in the opinion of the officer in command or Department of Public Works Superintendent, to be utilized in responding to the hazard ous materials incident as rates set forth in the current Schedule C, "Equipment Rental Rates," Report 375 of the Michigan Department of Transportation Act 51.
  - B. All personnel related costs incurred by the village as a result of the Department of Public Works responding to the hazardous materials incident. Such cost may include, but are not limited to wages, salaries, and fringe benefits and insurance for all village employees. Such personnel related charges shall commence at the time the fire department dispatches the Village's Department of Public Works to the hazardous materials incident and continue until all village employees have concluded hazardous materials incident related responsibilities.
  - C. Other expenses incurred by the Village in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor,

consultants, legal and engineering fees, and the replacement costs related to the disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for people responding to the hazardous materials incident.

- D. Charges to the Village imposed by any local, state or federal government entities related to the hazardous materials incident.
- E. Cost incurred in accounting for all hazardous materials incident related expenditures, including billing and collection cost.

**51.4 FIRE DEPARTMENT CHARGES IMPOSED UPON RESPONSIBLE PARTY.** Where the township fire department responds to a call for assistance in connection with hazardous materials, actual cost incurred by the village for such call shall be imposed upon responsible parties, including, but not limited to:

- A. The current per hour rate, or fraction thereof, for each pumper required, for each water tanker required, for each additional township owned fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- B. All personnel related costs incurred by the village as a result of the township fire department responding to the hazardous materials incident. Such cost may include, but are not limited to wages, salaries, and fringe benefits and insurance for all village employees, fire fighters and emergency medical personnel and per run fees paid to on-call personnel. Such personnel-related charges shall commence at the time the fire department is dispatched to the hazardous materials incident and continue until all township firefighters and village employees have concluded hazardous materials incident related responsibilities.
- C. Other expenses incurred by the village in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to the disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for people responding to the hazardous materials incident.
- D. Charges to the village imposed by any local, state or federal government entities related to the hazardous materials incident.
- E. Cost incurred in accounting for all hazardous materials incident related expenditures, including billing and collection cost.

**51.5 BILLING PROCEDURES.** Following the conclusion of the hazardous materials incident, the Department of Public Works and/or the Fire Chief shall submit a detailed listing of all known expenses to the village clerk, who shall prepare an invoice to the responsible party for payment. The clerk's invoice shall demand full payment within thirty days of receipt of the bill. Any additional expenses that become known to the Department of Public Works and/or 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 days, the Village shall impose a late charge of one percent (1%) per month or fraction thereof.

- 51.6 OTHER REMEDIES.** The Village may pursue any other remedy or may institute any appropriate action of proceeding in a court of competent jurisdiction to collect charges imposed under this Chapter. The recovery of charges imposed under this Chapter does not limit the liability of responsible parties under local ordinance, or state or federal law, rule or regulation.