

TOWNSHIP OF MARATHON
Hazardous Materials Ordinance No. 91-1

An ordinance to enable the Township to require reimbursements from those responsible for leaking, spilling, releasing, or otherwise allowing certain hazardous material to escape containment, and which are then cleaned up and/or disposed of by the township or its agents.

THE TOWNSHIP OF MARATHON ORDAINS:

Section 1. HAZARDOUS MATERIALS DEFINED. Hazardous materials are defined as any substance which, if spilled, leaked or otherwise released from its container, is dangerous or harmful to the environment or human or animal life, health, or safety, or otherwise constitutes a danger or threat to the Public Health, Safety or Welfare. Hazardous materials shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum based products, poisons, biologic agents, flammable, combustibles, hazardous wastes, or corrosives. An official designated by the Township board shall have reasonable discretion to determine whether any particular substance constitutes a hazardous material.

Section 2. DUTY TO CONTAIN, REMOVE AND CLEAN UP HAZARDOUS MATERIALS. It shall be the duty of any person or entity which directly or indirectly causes, contributes to, allows the release, including spilling, leaking, emitting, discharging, escaping, or any other dissemination, of hazardous materials to immediately contain, remove and clean up the area of such releases in such manner that the area involved is fully restored to its condition before such release occurred. The Township shall have no duty to contain, clean up or dispose of any such release but in emergency situations the Township shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public including providing for or arranging for the containment, removal or clean up of any hazardous materials.

Section 3. FAILURE TO REMOVE AND CLEAN UP HAZARDOUS MATERIALS. Any person or entity failing to comply with Section 2 above, where the Township has to act to protect the health, safety and welfare of the general public, shall be liable to and shall pay the Township for its costs and expenses, including the costs incurred by the Township to any party which it engages, for the complete containment and/or clean up of the hazardous material in any area affected by the hazardous material. Costs incurred by the Township shall include, but shall not be limited to, the following: actual labor costs of Township personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation and of materials obtained directly by the Township; and cost of any contract labor and materials, including costs of any consultants or expert adviser.

Section 4. COLLECTION OF REMOVAL AND CLEAN UP COSTS. If any person or entity fails to reimburse the Township as above provided, the Township shall have the right to bring an action in the appropriate Court to collect such cost. If such person or entity is the owner of real property affected or partially affected by the release of the hazardous materials, the township shall have the right to assess any and all costs of clean up and restoration to the tax roll of such

property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property.

The undersigned supervisor and Clerk of the Township of Marathon hereby certify that this ordinance was duly adopted by the Marathon Township Board at a meeting held on the 21st day of January 1992, and was published in the County Press on the 29th day of January, 1992. The Ordinance was made effective as of said date of publication.

Howard Folsom, Supervisor
Laura Ring, Clerk