

196.000 - HAZARDOUS WASTE CLEANUP Ord. No. 92-003 Adopted: September 21, 1992

An Ordinance to set forth a definition of "dangerous or hazardous substance or material" and to provide that the cleaning up of leakage, spillage or other dissemination of dangerous or hazardous substances or materials shall be the duty of any person or any other entity which causes or controls such leakage, spillage or other dissemination of such substance or materials, to provide that if the responsible party fails to adequately clean up such leakage, spillage, or other dissemination and charge the responsible party with the costs incurred therein.

THE TOWNSHIP OF ATLAS ORDAINS:

Footnotes:

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Cross reference— *Emergency response expenses, pt. 196.*

196.001 - Definition.

Sec. I. Dangerous or hazardous substances or materials: A dangerous or hazardous substance or material is defined as any substance which is spilled, leaked or otherwise released from its container, which, in the determination of the Fire Chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or is determined by the Fire Chief or his authorized representative to constitute a danger or threat to the public health, safety or welfare; and shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

196.002 - Prohibition.

Sec. II. It shall be the duty of any person or any other entity which causes or controls leakage, spillage or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and clean up the area of such spillage in such manner that the area involved is fully restored to its condition before such happening.

196.003 - Penalty.

Sec. III. Any such person or entity which fails to comply with Section II [Section 196.002] hereof shall be liable to and shall pay the Township for its costs and expenses, including the costs incurred by the abatement, cleanup and restoration of the affected area. Costs incurred by the Township shall include, but

shall not necessarily be limited to, the following: Actual labor costs of the Township personnel, including worker's compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of materials obtained directly by the Township and cost of any contract labor and materials.

Costs under this section shall not include actual fire suppression services which are normally provided by the Township.

196.004 - Collection.

Sec. IV. If any person or entity fails to reimburse the Township as above provided and such person or entity is the owner of the affected property, the Township shall have the right and power to add any and all costs of cleanup and restoration to the tax roll as to 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 Township shall also have the right to bring an action in the appropriate court to collect such costs if it deems such action necessary.

196.005 - Repealing clause.

Sec. V. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

196.006 - Additional penalty.

Sec. VI. Any person, firm, association, corporation or other legal entity who violates this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding 90 days or both such fine and imprisonment in the discretion of the Court.

196.007 - Effective date.

Sec. VII. This Ordinance shall become effective upon the date of its publication following its final passage.

196.008 - Short title.

Sec. VIII. This Ordinance shall be known and may be cited as the "Atlas Township Hazardous Waste Cleanup Ordinance".