

VILLAGE OF ALMONT
HAZARDOUS MATERIALS ORDINANCE
ORDINANCE NO. 154

An ordinance to enable the Village to require reimbursement from those responsible for the leaking, spilling, releasing, or otherwise allowing certain hazardous material to escape containment, and which are then cleaned-up and/or disposed of by the Village or it's agents.

THE VILLAGE OF ALMONT ORDAINS:

SECTION 1. Hazardous Materials Defined.

Hazardous materials are defined as any substances 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 produces, poisons, biological agents, flammables, combustibles, hazardous wastes, or corrosives. An official designated by the Village Council shall have reasonable discretion to determine whether any particular substance constitutes a hazardous material.

SECTION 2. Duty to Contain, Remove and Clean-up Hazardous Material.

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 material to immediately contain, remove and clean-up the area of such release in such a matter that the area involved is fully restored to its condition before such release occurred. The Village shall have no duty to contain, clean up or dispose of any such release. In emergency situations, the Village 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.

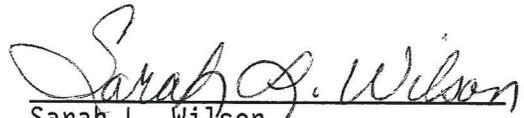
Any person or entity failing to comply with Section 2 above, where the Village has acted to protect the health, safety and welfare of the general public, shall be liable to and shall pay the Village for its costs and expenses, including the costs incurred by the Village to any party which it engages, for

the complete containment and/or clean-up of the hazardous material in any area affected by the hazardous material. Costs incurred by the Village shall include, but shall not be limited to the following: actual labor costs of the Village personnel, including workman's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation and of materials obtained directly by the Village; and costs of any contract labor and materials, including costs of any consultants or expert advisors.

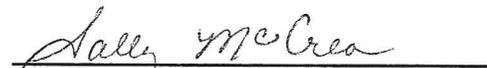
SECTION 4. Collection of Removal and Clean-up Costs.

If any person or entity fails to reimburse the Village as above provided, the Village shall have the right to bring an action in the appropriate court to collect such costs. If such person or entity is the owner of the real property affected or partially affected by the release of the hazardous materials, the Village shall have the right to add 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 the real property taxes against said property.

The undersigned President and Clerk of the Village of Almont hereby certify that this ordinance was duly adopted by the Village Council at a meeting held on the 16th day of July, 1991 and was published in the County Press on the 24th day of July, 1991. This ordinance was made effective as of said date of publication.



Sarah L. Wilson
Village President



Sally McCreia
Clerk/Treasurer