An ordinance to require reimbursement for cleanup of certain dangerous or hazardous materials.

The Township of Norwich ordains:

Section 1: Purpose
The purpose of this ordinance is to enable the township of Norwich to require reimbursement from those responsible for the leaking, spilling, or otherwise allowing certain dangerous or hazardous substances or materials to escape containment, thereby requiring cleanup and disposal by the township or its agents.

Section 2: 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 township to constitute a danger or threat to the public health, safety, or welfare, and shall include, but not be limited to, such substances as chemical sand gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

Section 3: Duty to remove and clean up
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.

Section 4: Failure to remove and clean up
Any such person or entity which fails to comply with section 3 hereof 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 (which includes any fire suppression unit from any political subdivision within the township) for the area. Cost incurred by the township shall include, but shall not necessarily be limited to, the following: Actual labor costs of township personnel, including worker’s compensation benefits, fringe benefits, administrative overhead, costs of equipment operation, costs of materials obtained directly by the township, and cost of any contract labor and materials.

Section 5: Enforcement
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 cost 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 to be necessary.
Section 6: Effective Date
This ordinance shall take effect the tenth day after publication therof.
Date: ____________________
SPILLER PAYS ORDINANCE

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