

VILLAGE OF OTTER LAKE

HAZARDOUS MATERIALS ORDINANCE

ORDINANCE #25

AN ORDINANCE TO ENABLE THE VILLAGE TO REQUIRE REIMBURSEMENT 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 VILLAGE OR ITS AGENTS.

THE VILLAGE OF OTTER LAKE ORDAINS:

Section 1. HAZRDOUS 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 constitute 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, flammables, combustibles, hazardous wastes, or corrosives. An official designated by the Village 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, allow 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 Village shall have no duty to contain, clean up or dispose of any such release but in emergency situations the Village shall have the authority to take whatever action is reasonable and 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 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 worker's compensation benefits, fringe benefits, administrative overhead cost of equipment operation and of materials obtained directly by the Village; and cost of any contract labor and material; 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 cost. If such person or entity is the owner of 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 real property taxes against said property.

The undersigned President and Clerk of the Village of Otter Lake hereby, certify that this Ordinance was duly adopted by the Village of Otter Lake Council at a meeting held on the 7th day of October, 1991 and

was published in the County Press on the 16th day of October 1991. The Ordinance was made effective as of said date of publication.

Warren Briggs

Warren Briggs, President

Joan Skias

Joan Skias, Clerk