

CHAPTER 40: HAZARDOUS MATERIALS

Article

I. HAZARDOUS MATERIALS

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ARTICLE I: HAZARDOUS MATERIALS

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§ 40.101 DEFINITIONS.

For the purpose of the sections below, the following definitions apply unless the context clearly indicates or requires a different meaning.

DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS.

(1) Any material or substance as defined by any Michigan law as such, specifically including “hazardous waste” as defined in M.C.L.A. § 324.1103, and as the laws of the State of Michigan may be amended from time to time.

(2) Any material or substance controlled or regulated as such, pursuant to the rules and regulations of the State of Michigan and any of its departments or agencies.

(3) Any material or substance controlled or regulated as such, pursuant to the authority of the United State Environmental Protection Agency.

(4) Any substance or material including solid, liquid, semisolid, or contained gaseous material which because of its quantity; quality; concentration; or physical, chemical, infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. (Ord. 277, passed 3-20-95; amended by Codification Ordinance)

§ 40.102 STORAGE OF HAZARDOUS MATERIALS.

(A) It shall be the duty of any person or entity having the control of any hazardous or dangerous

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material or substance, or control of the location where the material or substance is kept or stored, to control the release or dissemination and to insure the general well being of all personal property and things that may be damaged by such.

(B) The title holders of any lands from which any hazardous or dangerous material, or substance is released or disseminated, shall be liable, along with any lessee or licensee holding an interest in the case of such lands.

(Ord. 277, passed 3-20-95; amended by Codification Ordinance)

§ 40.103 RELEASE OF HAZARDOUS MATERIALS.

Should any hazardous or dangerous material or substance be released or otherwise disseminated, such person or entity who, by action or inaction, caused such, shall immediately do all acts necessary to fully restore all persons, property and things to their condition before such release or dissemination. (Ord. 277, passed 3-20-95; amended by Codification Ordinance)

§ 40.104 LIABILITY.

Any person or entity who fails to comply with this article shall be liable to and shall pay the city for its costs and expense including the costs incurred by the city to any party but shall not include actual fire suppression services which are normally provided by the city.

(Ord. 277, passed 3-20-95; amended by Codification Ordinance)

§ 40.105 FAILURE TO PAY; TAX LIEN; SUIT FOR COSTS.

If any person or entity fails to reimburse the city as provided hereinabove, and such person or entity is the owner of any property in the city, the city shall have the option of the right and power to add any and all costs occasioned by the violation of this chapter to the tax rolls as to such property, and to levy and collect such costs in the same manner as provided for the collection of taxes against such property. The city shall also have the right to bring an action in the appropriate court to collect such costs if it deems such action necessary. Any remedy provided herein shall be in addition to any remedy allowed under any other law, whether local, state or federal.

(Ord. 277, passed 3-20-95; amended by Codification Ordinance)

§ 40.199 VIOLATIONS; PENALTY.

Any person, partnership, firm or corporation, who violates any provisions of §§ 40.102 through

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40.105 of this Code shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 277, passed 3-20-95; amended by Codification Ordinance)

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