

VILLAGE OF CLIFFORD

FIRE DEPARTMENT COST RECOVERY ORDINANCE

ORDINANCE NO. 47

An ordinance to require reimbursement to the Village or its agents from those responsible for intentionally, accidentally, or as a result of uncontrollable natural forces, for leaking, spilling, releasing, or otherwise allowing hazardous material to escape containment; to require reimbursement for hazardous material clean up and disposal; and to require reimbursement relating to damaged or downed power lines, electric service lines, gas mains and gas service conduits and any necessary securing and prudent monitoring of the site.

THE VILLAGE OF CLIFFORD ORDAINS:

Section 1. DEFINITIONS.

Accident, Including Natural Disaster: An unforeseen or unexpected happening or occurrence which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the village and/or agents of the village to reduce the potential for such damage.

Emergency Response: The providing, sending or utilization of public service, police, fire fighting and rescue services by the village at an incident involving release of a hazardous material, or other type of incident requiring immediate and prudent securing and monitoring by the village or its agents.

Hazardous Materials: Any material or substance that has been identified by the village, state or federal laws or regulations to be dangerous, hazardous, or obnoxious by reason of odor, spillage, leakage, or other release from containment, and shall include but not be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum products or gases, poisons, biologic agents, flammable and corrosives.

Section 2. RESPONSIBILITY.

It shall be the responsibility of any person, corporation, public or private utility, or any other entity controlling or causing leakage, spillage or any other release of hazardous materials, or the security and monitoring of sites of accidents or natural disasters, including downed power lines and electric

service lines and ruptured gas lines to immediately secure, monitor, and clean up the area in such a manner that the area involved is fully restored to the condition existing prior to the occurrence.

Section 3. REIMBURSEMENT.

A. Any person or entity that fails to comply with Section 2 shall be liable to the village and shall reimburse the village for all costs and expenses, including the costs incurred by the village for any agents the village engages for the abatement, cleanup, monitoring and restoration of the area.

B. The village requires reimbursement from those responsible either intentionally, accidentally, or a result of actions by others, or as a result of uncontrollable natural forces for the leaking, spilling or other means of release of hazardous substances or materials from containment, or for the repair of damaged or downed power lines, electric service lines, gas mains and gas service conduits; thereby requiring by the village or its agents, emergency containment, cleaning, and disposal of hazardous substances or materials, or for the securing and prudent monitoring of the site of an accident or natural disaster, including incidents involving public or private utilities.

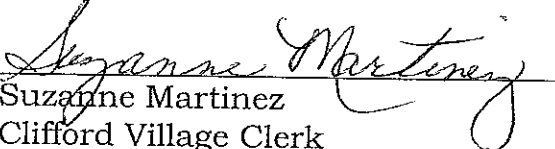
Section 4. BILLING.

The responsible party shall be billed for all direct costs incurred by the village in making an emergency response to an incident, including the cost of providing police, fire fighting and rescue services, and/or other village personnel, or the services of other agencies at the scene of an incident, and shall also include administrative costs directly related to such incident which may accrue after the occurrence of such incident. Such costs shall also include the salaries or wages, workers compensation benefits, and fringe benefits of the personnel responding to the incident and costs of equipment and materials, which are used at the incident. Full payment shall be required within thirty (30) days from the date of billing.

Section 5. NON-COMPLIANCE.

In the event of non-payment, the village shall add any and all costs of cleanup and restoration to the tax roll for such property, and to levy and collect such costs in the same manner as provided for real property taxes against the property. The village shall also have the right to bring an action in the appropriate court to collect such costs.

The undersigned Clerk of the Village of Clifford hereby certifies that this Ordinance was duly adopted by the Clifford Village Council on the 15th day of July, 2003, and was published in County Press on the 30th day of July, 2003. This ordinance shall take effect twenty (20) days after said date of adoption.


Suzanne Martinez
Clifford Village Clerk