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ARTICLE 7. DANGEROUS OR HAZARDOUS SUBSTANCES CLEANUP ¹⁹¹

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Sec. 5.7-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous or hazardous substance or material means 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 as set forth in the regulations of the Office of Hazardous Material Transportation, Research and Special Programs Administration, U.S. Department of Transportation, 1990, to constitute a danger or threat to the public health, safety or welfare and shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.

(Ord. No. 7003, § I, 5-20-1991)

Sec. 5.7-2. Prohibition.

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.

(Ord. No. 7003, § II, 5-20-1991)

Sec. 5.7-3. Penalty.

- (a) Any such person or entity which fails to comply with section 5.7-2 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, for the abatement, cleanup and restoration of the affected area. Costs incurred by the township shall include, but shall not necessarily be limited to actual labor costs of the township personnel, including worker's compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of materials obtained directly by the township and cost of any contract labor and/or materials.
- (b)

Costs under this section shall not include actual fire suppression services which are normally provided by the township.

(Ord. No. 7003, § III, 5-20-1991)

Sec. 5.7-4. Collection.

If any person or entity fails to reimburse the township as provided in section 5.7-3 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 costs 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 necessary.

(Ord. No. 7003, § IV, 5-20-1991)

FOOTNOTE(S):

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State Law reference— Pollution control remediation, MCL 324.20101 et seq. [\(Back\)](#)