

## ORDINANCE NO. 86-2

### An Ordinance to Require Reimbursement to the Township For Expenses of Cleanup of Certain Spillages and Restoration of Affected Premises

The Charter Township of Alpine ordains:

#### **Section I. Purpose.**

The purpose of this Ordinance is to enable Alpine Charter Township to require reimbursement from those responsible for the leaking, spilling, or otherwise allowing certain dangerous substances to escape containment, thereby requiring cleanup and disposal by the Township.

#### **Section II. Dangerous Substances.**

Any substance which is spilled, leaked, or otherwise released from its container, which is dangerous or harmful to the environment or human or animal life and 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, and welfare. Such substances shall include but not be limited to any substances that have been classified by any state or federal government or any of its agencies, departments, commissions, or bodies to be dangerous or toxic.

#### **Section II. Duty to Remove and Clean Up.**

It shall be the duty of any person or any other entity which has possession, ownership, or control of such substances or which causes or controls leakage, spillage or any other dissemination of dangerous substances to immediately remove such and clean up the area of any spillage of any such dangerous substances in such manner that the area involved is fully restored to its condition before such happening.

#### **Section IV. Failure to Remove and Clean Up.**

All such persons or entities which fail to comply 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, for the complete cleanup and restoration of the affected area.

#### **Section V.**

The Township may in its sole discretion in order to protect the public health, safety, and welfare by itself or in conjunction with engaged third parties assist in the clean up and restoration of the area affected by the spillage of such dangerous substances, and all persons or entities who cause such spillage or who have ownership, possession, or control of such dangerous substances at the time of such spillage shall be liable to and shall pay the Township

the costs and expenses, including the costs incurred by the Township to any party it engages for the cleanup and restoration of the affected area.

**Section VI. 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 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 to be necessary.

**Section VII. Effective Date.**

This Ordinance shall be effective thirty (30) days after publication.