

**Otsego County Ordinance  
To establish charges for County Emergency Services  
Responding to a Hazardous Materials Emergency Incident**

*An ordinance to establish for county emergency services responding to an incident involving hazardous materials under Public Act 102 of 1990 (compiled law 41.806a) and to provide methods for the collection of such charges.*

**Otsego County, Michigan ordains:**

**Section 1: Purpose:**

**In order to protect Otsego County and its governmental subdivisions from incurring extraordinary expenses from the utilization of county resources to respond to an incident involving hazardous materials, the Otsego County Board of Commissioners authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to calls for assistance in connection with a hazardous materials release.**

**Section 2: “Governmental Subdivisions” Defined:**

**For purposes of this ordinance, “Governmental Subdivisions” include, but are not limited to, the City of Gaylord and its responding agencies; the village of Vanderbilt and its responding agencies, the townships of Bagley, Charleton, Chester, Corwith, Dover, Elmira, Hayes, Livingston, and Otsego Lake and its responding agencies, Otsego Memorial Hospital, and Otsego County Emergency Medical Services.**

**Section 3: “Hazardous Materials” Defined:**

**For purposes of this ordinance, “hazardous materials” include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.**

**Section 4: “Release” Defined:**

**Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment.**

**Section 5: “Responsible Party” Defined:**

**Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is**

**an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.**

**Section 6: Charges Imposed Upon Responsible Party:**

**Where the Fire Departments of Otsego County and its political subdivisions responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by the responding agencies to such a call shall be imposed upon responsible parties, including but not limited to:**

- A. Equipment Costs will be based upon the current costs for equipment usage.**
- B. All personnel-related costs incurred by Otsego County and its political subdivisions as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time employees; overtime pay and related fringe benefit costs for hourly employees, and fees paid to on-call employees. Such personnel-related charges shall commence after the first hour that responding parties has responded to the hazardous materials incident, and shall continue until all personnel have concluded hazardous materials incident-related responsibilities.**
- C. Other expenses incurred by Otsego County and its political subdivisions in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalizations costs and the replacement costs related to disposable personnel protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.**
- D. Charges to Otsego County and its political subdivisions imposed by an local, state or federal government entities related to the hazardous materials incident.**
- E. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.**

**Section 7: Billing Procedures:**

**Following the conclusion of the hazardous materials incident, the Department Agency Heads of the responding agencies shall submit a detailed listing of all known expenses to the County Treasurer, who shall prepare an invoice to the responsible party for payment. The treasurer's invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known to the**

**Department Agency Heads of the responding agencies following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amount due that remain unpaid after thirty (30) days, Otsego County shall impose a late charge of one percent (1%) per month, or fraction thereof.**

**Section 8: Other Remedies:**

**Otsego County and its political subdivisions may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this ordinance. The recovery of charges imposed under this ordinance does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.**

**Section 9: Severability:**

**Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.**

**Section 10: Effective Date:**

**This ordinance shall take effect immediately. All ordinances or parts of ordinances in conflict are hereby repealed.**