

**TOWNSHIP OF ONEKAMA  
MANISTEE COUNTY, MICHIGAN**

ORDINANCE NO. 2002 - 03

An Ordinance to require persons liable under Ordinance 2002 - 02 for the release of hazardous material into the environment to provide immediate notice to the Township or its designee about the release of hazardous material or the violation of local, state or federal environmental laws.

The Township of ONEKAMA ordains:

Section 1. DEFINITIONS.

As used in this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*Designee* shall mean the Onekama Township Fire and Rescue Unit or such other public or private agency authorized in writing by the Township to respond to hazardous materials incidents within the Township and those Townships served by the Onekama Township Fire and Rescue Unit under contract or mutual aid agreements.

*Emergency Action* shall incorporate the definition of *Emergency Action* in Ordinance No. 2002 - 02.

*Hazardous Material* shall incorporate the definition of *Hazardous Material* in Ordinance No. 2002 - 02.

*Ordinance No. 2002 - 02* shall mean Onekama Township Ordinance No. 2002 - 02 described as an ordinance to establish charges for Emergency Services responses to incidents involving Hazardous Materials under Public Act. 102 of 1990, MCL 41.806(a).

*Person* shall include any individual, corporation, association, partnership, consortium, firm, trustee, government entity, or legal representative, or one who is an owner, tenant, occupant or party in control of real or personal property onto which or from which hazardous materials release.

*Release* shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing into or upon the environment, which causes danger or harm to the public health or to the environment, including, but not limited to, the release of any material classified as hazardous material by any federal legislation or regulation, by any state legislation or regulation, or by Onekama Township Ordinance No. 2002 - 02.

Section 2. NOTICE.

Any person who would be liable for the costs of an Emergency Action under Ordinance No. 2002 - 02 and who has knowledge of a Release of a Hazardous Material, or who has knowledge of a violation of any local, state or federal environmental laws with respect to Hazardous Materials, shall notify Onekama Township or its Designee immediately, and no later than twenty-four (24) hours, upon learning about the Release or the violation, respectively. Nothing in this Ordinance shall be construed to exempt or release any person from any other notification or reporting requirement under state or federal law.

Section 3. PENALTY.

Violation of this Ordinance shall constitute a misdemeanor pursuant to MCL 41.183(5) punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment not exceeding ninety (90) days or both.

Section 4. SEVERABILITY.

Should any provision or part of this 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 5. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after date of publication or thirty (30) days after the effective date of Ordinance No. 2002 - 02, whichever occurs later. All Ordinances or parts of Ordinances in conflict are hereby repealed.

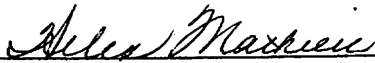
THOSE VOTING IN FAVOR: Miller, Hock, Meister, Mathieu, Oliver  
THOSE VOTING AGAINST: None  
THOSE ABSENT OR ABSTAINING: None

ORDINANCE DECLARED PASSED

  
\_\_\_\_\_  
Helen Mathieu, Clerk

CERTIFICATE

I, Clerk of the Township of Onekama, Manistee County, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adapted by the Onekama Township Board of Trustees at a regular meeting held on September 12, 2002.

  
\_\_\_\_\_  
Clerk