

## VILLAGE OF DRYDEN

### HAZARDOUS MATERIALS ORDINANCE

#### ORDINANCE NO. 48

An ordinance to enable the Village of Dryden to require reimbursement from those responsible for the leaking, spilling, releasing, or otherwise allowing hazardous materials to escape containment, and which are then cleaned up and/or disposed of by the Village of Dryden, or its agents.

#### THE VILLAGE OF DRYDEN ORDAINS:

Section 1. HAZARDOUS MATERIALS. Hazardous materials are defined as any substance which, if spilled, leaked, or otherwise released from its container, is dangerous or harmful to the environment or human or animal life, health, or safety or welfare. Hazardous materials shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, Petroleum or Petroleum based products, poisons, biologic agents, flammables, combustibles, hazardous wastes, or corrosives. The Fire Chief, or Fire Fighter in charge of scene, shall have reasonable discretion to determine whether any particular substance constitutes a hazardous material.

Section 2. DUTY TO CONTAIN, REMOVE AND CLEAN UP. It shall be the duty of any person or entity which, directly or indirectly, causes, contributes to, or allows the release, including spilling, leaking, emitting, discharging, escaping, or any other dissemination, of hazardous materials to immediately contain, remove and clean up the area of such release in such a manner, that the area involved is fully restored to its condition before such release occurred. The Village of Dryden has no duty to contain, clean up or dispose of any such release, but in emergency situations, the Fire Chief or Fire Fighter in charge of scene, shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public, including providing for, or arranging for, the containment, removal, or clean up of any hazardous materials.

Section 3. FAILURE TO REMOVE AND CLEAN UP. Any person or entity failing to comply with Section 3 hereof, where Village of Dryden has acted to protect the health, safety and welfare of the general public, shall be liable to, and shall pay, the Village of Dryden for its costs and expenses, including the costs incurred by the Village of Dryden. To any party which it engages for the complete containment and/or clean up of the hazardous material in any area affected by the hazardous material. Costs incurred by the Village of Dryden shall include, but shall not be limited to, the following: actual labor costs of Village of Dryden personnel, including worker's compensation benefits, fringe

benefits, administrative overhead; cost of equipment operation and of materials obtained directly by the Village of Dryden; and cost of any contract labor and materials, including costs of any consultants or expert advisors.

Section 4. ENFORCEMENT. If any person or entity fails to reimburse the Village of Dryden as above provided, the Village of Dryden shall have the right to bring an action in the appropriate Court to collect such costs. If such person or entity is the owner of real property affected, or partially affected, by the release of the hazardous materials, the Village of Dryden shall have the right to add any or all costs of clean up and restoration to the tax roll of 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 undersigned Clerk of the Village of Dryden hereby certifies that this ordinance was adopted by the Dryden Village Council on the 6th day of July, 1992 and was published in the TRI City Times on the 15th day of July, 1992. This ordinance became effective twenty (20) days after the date of adoption by the Village Council.

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Pamela Krauth, Clerk  
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