

**AN ORDINANCE OF THE TWP. OF GREENWICH
AMENDING CHAPTER 409 ENTITLED
HAZARDOUS SUBSTANCES**

ORDINANCE NO. 5 - 2014

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
GREENWICH AS FOLLOWS:**

Section 1. Purpose

The Township of Greenwich has established requirements for reimbursement for cleanup and removal of hazardous substance. This amendment is to §409 to address the assignment of liability for the cleanup and disposal costs including wages, medical treatment and fees for the Office of Emergency Management and Fire Department Services. This amendment is made to promote the public health, welfare and safety of the residents of Greenwich.

Section 2. Repeal

Chapter 409, Sections 2, 3 and 4 are hereby repealed and replaced with the amended language below. In all other respects Chapter 409 shall remain in full force and effect.

Section 3. Amendment

Chapter 409 is amended to read as follows:

§409 - 2 Assignment of Liability.

Any person who has discharged or caused to be discharged, either intentionally or unintentionally, directly or indirectly a hazardous substance, or who is in any way responsible for any hazardous substance which has been or shall be discharged within the Township, shall be strictly liable, jointly and severally, without regard to fault, and shall be responsible for all clean-up and disposal costs including the following:

- A. All wages (regular and overtime) paid;
- B. Fees for the Office of Emergency Management for the coordination of clean-up and disposal costs:

Personnel	\$40 per hour
Vehicle usage	\$35 per hour
- C. Fees for the following Fire Department Services:

Apparatus	\$150 per hour
Fire Fighter	\$50 per hour
Materials and equipment	Replacement cost
- D. All costs of medical and hospital treatment for injuries incurred by the agents, servants and employees of the Township.

This section shall not apply to discharge of hazardous substances pursuant to and in compliance with the conditions of a Federal or State permit.

§409 - 3 Parties Responsible.

Reimbursement to the Township for items expended and costs incurred shall be made by the owner or operator of the vehicle responsible for or involved in the hazardous material fire, leak or spill of hazardous material: the owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit and whether accidental or through negligence: the owner or person responsible for any property from which any leak or spill or hazardous material emanates, whether accidental or through negligence and the person responsible for the hazardous material, fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence and further, this

responsibility shall also apply to all persons who have intentionally, unintentionally, directly or indirectly discharged or caused to be discharged hazardous material substance within the Township of Greenwich.

§409-4 Reimbursement for Services of Recovery Company, Towing Company or Technical Assistance.

Any person causing or the owner of any vehicle causing or involved in, a hazardous material fire, leak or spill or release involving a hazardous material fire, leak or spill or release involving a hazardous material must provide reimbursement for services rendered by, or damage caused to any recovery company, towing company, Office of Emergency Management, Fire Department, Rescue Department, or any other technical assistance called for by the Township to handle such incident. In the event of a vehicle having been responsible for an incident, such vehicle shall be impounded until such time it is deemed safe to proceed by the responsible official in conjunction and cooperation with the Township of Greenwich.

§409 - 5 Hearing upon reasonableness of assessment.

Upon assessment of cleanup and removal costs, the person assessed may, within 10 days of receipt of such assessment, make a written request for a hearing before the Township Council exclusively upon the reasonableness of the amount assessed. Upon service of the request for hearing upon the Township Clerk, the time within which to satisfy assessment shall be tolled.

§409 - 6 Costs.

Full reimbursement shall be made to the Township of Greenwich by the person or

persons responsible not later than forty-five (45) days after receipt of an itemized invoice from the Township of Greenwich. The person responsible for the discharge shall be liable for all reasonable attorney's fees and costs incurred in the collection of cleanup and removal costs. In the event of an appeal to Council, the requesting party shall be obligated to pay all professional fees if Counsel does not reduce the assessment.

Section 4. Effective

This Ordinance shall take effect twenty (20) days after adoption and publication as required by law.

Introduced at a regular meeting of the Mayor and Council of the Township of Greenwich held on the 21st day of April, 2014 and passed upon a second reading of the Mayor and Council held on the 20th of May, 2014.

ATTEST:

TOWNSHIP OF GREENWICH

LORI L. BIERMANN,
Municipal Clerk

GEORGE W. SHIVERY, JR.,
Mayor