

ORDINANCE # 91-TS-13
AN ORDINANCE RELATING TO

PROHIBITED DISCHARGES OF HAZARDOUS MATERIALS

The Town Board of the Town of Lafayette, Chippewa County, Wisconsin, does ordain as follows:

PROHIBITED DISCHARGES OF HAZARDOUS MATERIALS

(1) Prohibited Discharges. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, and radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(2) Containment, Cleanup and Restoration. Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Lafayette as action imposed by (3).

(3) Emergency Services Response. Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the

hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

(4) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(5) Public Protection. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Town Board can take appropriate action.

(6) Enforcement. The Coordinator of Emergency Government and staff shall have authority to issue citations or complaints under this Section.

(7) Civil Liability. Any person, firm or corporation in violation of this section shall be liable to the Town of Lafayette for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.

(8) Penalties. Any person, firm or corporation in violation of this section shall forfeit to the Town of Lafayette upon conviction thereof not to exceed Five Hundred dollars (\$500.00) plus the costs of prosecution. Each day of violation shall constitute a separate offense.

This ordinance shall be effective upon adoption and publication as provided by law.

Dated this 15th day of July, 1991

First Reading: July 8, 1991

Second Reading: July 15, 1991

Adopted: July 15, 1991

David Staben
Chairman

Donald Frestking
Supervisor

Michael A. Dwyer
Supervisor

I certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Lafayette on the 15th day of July, 1991; that the same was published as a Class 1 Notice, as defined by Chapter 985, Wis. Stats; on the 23rd day of July, 1991; and that copied thereof were posted in at least three (3) public places within the Town of Lafayette likely to give notice to the public.

Dated this 18th day of July, 1991.

Sandra Harvey
Sandra Harvey, Clerk



8/09