

Chapter 302

HAZARDOUS MATERIALS

[HISTORY: Adopted by the Village Board of the Village of Plover as indicated in article histories. Amendments where noted where applicable.]

GENERAL REFERENCES

Emergency government — See Ch. 43.
Fire Department — See Ch. 60.
Fire prevention — See Ch. 286.
Nuisances — See Ch. 388.

ARTICLE I

Accidental Spills of Hazardous Substances

[Adopted by Ord. No. 13-91 (§§ 9.16 and 9.20 of the 1985 Code)]

§ 302-1. Notification required.

- A. Department of Natural Resources notification required. Any person who possesses or controls a hazardous substance, as defined in § 292.01(5), Wis. Stats., which has been discharged or spilled or who causes the discharge or spilling of such hazardous substance shall immediately notify the Department of Natural Resources of any such spill or discharge as required in § 292.11, Wis. Stats.
- B. Village notification. In addition to the notification required in Subsection A above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Village Fire Chief of such spill or discharge.

§ 302-2. Prohibited discharges.

No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, or public or private property, or into the ground, surface waters, subsurface waters or aquifers, within the Village, 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, any radioactive material at or above nuclear regulatory restrictive 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.

§ 302-3. Containment, cleanup and restoration.

Any person in violation of § 302-2 above shall, upon direction of any emergency government officer, begin immediate action to contain, cleanup and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary personnel 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 Village as action imposed by § 302-4 below.

§ 302-4. Emergency services response.

Emergency services include, but are not limited to, fire service, emergency medical service and law enforcement. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for the reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but are not limited to, the 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, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

§ 302-5. 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 and to Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

§ 302-6. Public protection. ¹

Should any prohibited discharge occur that threatens the life, safety and health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the Emergency Government Director, his assistant or the senior police or fire official 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 Village Board can take appropriate action.

§ 302-7. Enforcement. ²

The Emergency Government Director and his deputies, as well as the Village police officers, shall have the authority to issue citations or complaints under this article.

§ 302-8. Civil liability.

Any person in violation of this article shall be liable to the Village for expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation.

§ 302-9. Violations and penalties.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Any person responsible for a spill or discharge who does not provide the notification required under § 302-1 above shall be subject to a forfeiture of not less than \$10 nor more than \$200.
- B. Any person who shall violate any other provision of this article shall be subject to a penalty as provided in § 1-4 of this Code.³

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**