

Chapter 8.16

PROHIBITED DISCHARGES

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8.16.010 Discharges restricted.

No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, spilled upon any public street, alley, or public property, or onto the ground, surface waters, subsurface waters, or aquifers, or on any private property 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, any 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. (Ord. dated 9/14/87, § 1 (part): prior code § 9.22(1))

8.16.020 Containment, cleanup and restoration.

Any person, firm, or corporation in violation of the above section shall, upon direction of any town officer/approved authority, begin immediate actions to contain, clean up 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 town officer/approved authority 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. (Editorially amended during 2001 codification; Ord. dated 9/14/87, § 1 (part): prior code § 9.22(2))

8.16.030 Site access.

Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to the town officer/approved authority and to town police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities. (Editorially amended during 2001 codification; Ord. dated 9/14/87, § 1 (part): prior code § 9.22(3))

8.16.040 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 town officer/approved authority, or the senior town police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the town board can take appropriate action. (Editorially amended during 2001 codification; Ord. dated 9/14/87, § 1 (part): prior code § 9.22(4))

8.16.050 Enforcement.

The town officer/approved authority, as well as the town police officers, shall have authority to issue citations or complaints under this chapter. (Editorially amended during 2001 codification; Ord. dated 9/14/87, § 1 (part): prior code § 9.22(5))

8.16.060 Civil liability.

Any person, firm or corporation in violation of this chapter shall be liable to the town for any expenses incurred by the town or loss or damage sustained by the town by reason of such violations. Further, such persons, firms or corporations shall be additionally responsible for certain set fees for any services, materials or labor provided, as established by resolution of the town board. (Ord. dated 10/10/02: editorially amended during 2001 codification; Ord. dated 9/14/87, § 1 (part): prior code § 9.22(6))

8.16.070 Violations--Penalties.

Any person, firm or corporation in violation of this chapter shall forfeit to the town upon conviction thereof not to exceed two hundred dollars (\$200.00) plus the costs of prosecution and in default of payment thereof, imprisonment in the county jail for ten (10) days. Each day of violation shall constitute a separate offense. (Ord. dated 9/14/87, § 1 (part): prior code § 9.22(7))