

CHAPTER XXVII

THE CODE OF GENERAL ORDINANCES OF THE TOWN OF LYONS RELATING TO PROHIBITED DISCHARGE

SECTION 27.00 The Town Board of the Town of Lyons, Walworth County, Wisconsin, do ordain as follows:

SECTION 27.01. That chapter 27.00 of the Code of Ordinances of the Town of Lyons, relating to prohibited discharge be, and hereby is, created to provide as follows:

a. PROHIBITED DISCHARGES. 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.

b. 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 Lyons.

c. 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 Town police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

d. 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, his assistance, 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.

e. FEES. The following fees shall be charged by the Town to any person, firm, or corporation who violates this section as reimbursement for expenses incurred by the Town subject to the prior approval of the Town Board:

Engine	750 GPM or larger	\$200/hour
Engine	250 GPM to 750 GPM	\$100/hour
Aerial Apparatus		\$200/hour
Tanker	1000 gallons or more capacity	\$200/hour
Ambulance/Rescue Squad		\$100/hour
Brush/Grass Vehicle		\$100/hour
Command Vehicle		\$ 50/hour
Boat/Hover Craft		\$ 75/hour
Special Equipment Van		\$100/hour
Utility Vehicle	pick up truck/van	\$ 50/hour
Haz mat Trailer/Vehicle		\$250/hour
Breathing air Compressor		\$200/hour
Portable Generators	8KW or larger	\$100/hour

Labor Rates: Labor rates shall be based on actual labor costs, including fringe benefits, in accordance with labor contracts, labor agreements, or salary scales of the serving jurisdiction. Where there are no established labor rates for the serving jurisdiction the following minimum rates are recommended.

Firefighter	\$10.00/hour
MPO	\$11.00/hour
Lieut.	\$12.10/hour
Capt.	\$13.31/hour
Assistant Chief/Battalion Chief/ Division Chief	\$14.64/hour
Chief	\$16.10/hour

f. ENFORCEMENT. The Coordinator of Emergency Government and his deputies, as well as the Town police officers, shall have authority to issue citations or complaints under this Section.

g. CIVIL LIABILITY. Any person, firm or corporation in violation of this section shall be liable to the Town of Lyons for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.

h. PENALTIES. Any person, firm or corporation in violation of this Section shall forfeit to the Town of Lyons upon conviction thereof not to exceed Two Hundred (200.00) Dollars 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."

SECTION 27.02. That this Ordinance shall be effective upon adoption and publication as provided by law.

Adopted by the Town Board of the Town of Lyons, Walworth County, Wisconsin, this 10th day of September, 1996.

TOWN OF LYONS

By: *Kurt Bayes*
Chairman

ATTEST:

Quincy Yaker
Clerk

Date Adopted: 9-9-96
Date Posted: 9-10-96

