

- 205. dichlorvos
- 206. dichrotophos
- 207. dieldrin
- 208. dimethoate
- 209. dinocap
- 210. dinoseb
- 211. dioxathion
- 212. disulfoton
- 213. endosulfan
- 214. endrin
- 215. EPN
- 216. ethion
- 217. fensulfothion
- 218. fenthion
- 219. fluchloralin
- 220. heptachlor
- 221. heptachlor epoxide
- 222. Isomers of hexachlorocyclohexane
 - a. a-BHC-Alpha
 - b. b-BHC-Beta
 - c. g-BHC-Delta
- 223. leptophos
- 224. malathion
- 225. metabolites of DOT
- 226. metabolites of endesulfan
 - a. endosulfan sulfate
- 227. metabolites of endrin
 - a. 4,4'-DDE;(p,p'-DDE)
 - b. 4,4'-DDD;(p,p'-TDE)
 - a. endrin aldephyde
- 228. metabolites of heptachlor
 - a. heptachlor apoxide
- 229. methomyl
- 230. methoxyclor

231. methyl mercaptan
232. methyl parathion
233. mevinphos
234. mexacarb
235. mirex
236. monocrotophos
237. naled
238. nicotine
239. nitrofen
240. oxydemeton-methyl
241. paraquat
242. parathion
243. phorate
244. phosazetim
245. phosmet
246. phosphamidon
247. rotenone
248. silvex, propylene glycolbutyl ether ester
249. sodium fluoroacetate
250. strychnine
251. sulfallate
252. sulfotepp
253. TDE
254. TEPP
255. terbufos
256. tetrachlorvinphos
257. thiram
258. toxaphene
259. trichlorfon
260. trichlorophenoxyacetic acid (2,4,5-T)
261. trifluralin
262. ziram

(Ord. of 4-11-06, app. A)

Secs. 53-316—53-349. Reserved.

ARTICLE VI. TELECOMMUNICATIONS

Sec. 53-350. Purpose.

The purposes of this article are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), ("Act") and other applicable law, and to ensure that the village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(Ord. of 11-12-02)

Sec. 53-351. Conflict.

Nothing in this article shall be construed in such a manner as to conflict with the Act or other applicable law.

(Ord. of 11-12-02)

Sec. 53-352. Terms defined.

The terms used in this article shall have the following meanings:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

Permit means a nonexclusive permit issued pursuant to the Act and this article to a telecommunications provider to use the public rights-of-way in the village for its telecommunications facilities.

Village means the Village of Elkton.

Village board means the Village Board of the Village of Elkton or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the village board.

Village clerk means the village clerk or his or her designee.

All other terms used in this article shall have the same meaning as defined or as provided in the Act, including without limitation, the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to section 3 of the Act.

MPSC means the Michigan Public Service Commission in the department of consumer and industry services, and shall have the same meaning as the term "commission" in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication facilities or facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of Part I of Title III of the Communications Act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as "commercial mobile radio service" in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications provider, provider and telecommunications services means those terms as defined in section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunications provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in section 332(d) of Part I of the Communications Act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this article only, a provider also includes all of the following:

- (1) A cable television operator that provides a telecommunications service.
- (2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (3) A person providing broadband internet transport access service.

(Ord. of 11-12-02)

Sec. 53-353. Permit required.

(a) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the village for its telecommunications facilities shall apply for and obtain a permit pursuant to this article.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the applicant, one copy with the village clerk, and one copy with the village attorney. Upon receipt, the village clerk shall make three (3) copies of the application and distribute a copy to: one copy with the applicant, one copy with the village clerk, and one copy with the village attorney. Applications shall be complete and

include all information required by the Act, including without limitation, a route map showing the location of the provider's existing and proposed facilities in accordance with section 6(5) of the Act.

(c) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount of five hundred dollars (\$500.00).

(e) *Additional information.* The village clerk may request an applicant to submit such additional information which the village clerk deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the village clerk. If the village and the applicant cannot agree on the requirement of additional information requested by the village, the village or the applicant shall notify the MPSC as provided in section 6(2) of the Act.

(f) *Previously issued permits.* Pursuant to section 5(1) of the Act, authorization or permits previously issued by the village under section 251 of the Michigan Telecommunications Act 1991, Public Act 179, MCL 484.2251 and authorizations or permits issued by the village to telecommunications providers prior to the 1995 enactment of section 251 of the Michigan Telecommunications Act, but after 1985, shall satisfy the permit requirements of this article.

(g) *Existing providers.* Pursuant to section 5(3) of the Act, within one hundred eighty (180) days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the village as of such date, that has not previously obtained authorization or a permit under section 251 of the Michigan Telecommunications Act, 1991, Public Act 179, MCL 484.2251, shall submit to the village an application for a permit in accordance with the requirements of this article. Pursuant to section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the five hundred dollar (\$500.00) application fee required under subsection (c) above. A provider under this subsection shall be given up to an additional one hundred eighty (180) days to submit the permit application if allowed by the authority, as provided in section 5(4) of the Act.

(Ord. of 11-12-02)

Sec. 53-354. Issuance of permit.

(a) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the village clerk. Pursuant to section 15(3) of the Act, the village clerk shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under subsection 53-353(b) of

this article for access to a public right-of-way within the village. Pursuant to section 6(6) of the Act, the village clerk shall notify the MPSC when the village clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The village clerk shall not unreasonably deny an application for a permit.

(b) *Form of permit.* If an application for permit is approved, the village clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with sections 6(1), 6(2) and 15 of the Act.

(c) *Conditions.* Pursuant to section 15(4) of the Act, the village clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond requirement.* Pursuant to section 15(3) of the Act, and without limitation on subsection (c) above, the village clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. of 11-12-02)

Sec. 53-355. Construction/engineering permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the village without first obtaining a construction or engineering permit as required under this Code, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. of 11-12-02)

Sec. 53-356. Conduit or utility poles.

Pursuant to section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this article does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. of 11-12-02)

Sec. 53-357. Route maps.

Pursuant to section 6(7) of the Act, a telecommunications provider shall, within ninety (90) days after the substantial completion of construction of new telecommunication facilities in the village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the village. The route maps should be in paper or electronic format unless and until the commission determines otherwise, in accordance with section 6(8) of the Act.

(Ord. of 11-12-02)

Sec. 53-358. Repair of damage.

Pursuant to section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. of 11-12-02)

Sec. 53-359. Establishment and payment of maintenance fee.

In addition to the nonrefundable application fee paid to the village set forth in subsection 53-353(d) above, a telecommunications provider with telecommunications facilities in the village's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to section 8 of the Act.

(Ord. of 11-12-02)

Sec. 53-360. Modification of existing fees.

In compliance with the requirements of section 13(1) of the Act, the village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the authority. In compliance with the requirements of section 13(4) of the Act, the village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the village's boundaries, so that those providers pay only those fees required under section 8 of the Act. The village shall provide each telecommunications provider affected by the fee with a copy of this article, in compliance with the requirement of section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the village's policy and intent, and upon application by a provider or discovery by the village, shall be promptly refunded as having been charged in error.

(Ord. of 11-12-02)

Sec. 53-361. Savings clause.

Pursuant to section 13(5) of the Act, if section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under section 53-360 above shall be void from the date the modification was made.

(Ord. of 11-12-02)

Sec. 53-362. Use of funds.

Pursuant to section 10(4) of the Act, all amounts received by the village from the authority shall be used by the village solely for rights-of-way related purposes. In conformance with that

requirement, all funds received by the village from the authority shall be deposited into the major street fund and/or the local street fund maintained by the village under Act No. 51 of the Public Acts of 1951.

(Ord. of 11-12-02)

Sec. 53-363. Annual report.

Pursuant to section 10(5) of the Act, the village clerk shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.

(Ord. of 11-12-02)

Sec. 53-364. Cable television operators.

Pursuant to section 13(6) of the Act, the village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

(Ord. of 11-12-02)

Sec. 53-365. Existing rights.

Pursuant to section 4(2) of the Act, except as expressly provided herein with respect to fees, this article shall not affect any existing rights that a telecommunications provider or the village may have under a permit issued by the village or under a contract between the village and a telecommunications provider related to the use of the public rights-of-way.

(Ord. of 11-12-02)

Sec. 53-366. Compliance.

The village hereby declares that its policy and intent in adopting this article is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The village shall comply in all respects with the requirements of the Act, including, but not limited to, the following:

- (1) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 215.246, as provided in subsection 53-353(c) of this article;
- (2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with subsection 53-353(f) of this article;
- (3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the five hundred dollar (\$500.00) application fee, in accordance with subsection 53-353(g) of this article;

- (4) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the village, in accordance with subsection 53-354(a) of this article;
 - (5) Notifying the MPSC when the village has granted or denied a permit, in accordance with subsection 53-354(a) of this article;
 - (6) Not unreasonably denying an application for a permit, in accordance with subsection 53-354(a) of this article;
 - (7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in subsection 53-354(b) of this article;
 - (8) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with subsection 53-354(c) of this article;
 - (9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with subsection 53-354(d) of this article;
 - (10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with section 53-355 of this article;
 - (11) Providing each telecommunications provider affected by the village's right-of-way fees with a copy of this article, in accordance with section 53-360 of this article;
 - (12) Submitting an annual report to the authority, in accordance with section 53-363 of this article; and
 - (13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with section 53-364 of this article.
- (Ord. of 11-12-02)

Sec. 53-367. Reservation of police powers.

Pursuant to section 15(2) of the Act, this article shall not limit the village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the village's authority to ensure and protect the health, safety, and welfare of the public.

(Ord. of 11-12-02)

Sec. 53-368. Severability.

The various parts, sentences, paragraphs, sections and clauses of this article are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this article are

adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this article.

(Ord. of 11-12-02)

Sec. 53-369. Authorized village officials.

The village clerk, or his or her designee, is hereby designated as the authorized village official to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations under this article as provided by the village Code.

(Ord. of 11-12-02)

Sec. 53-370. Municipal civil infraction.

(a) A person who violates any provision of this article or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the village for charges assessed for the expense of enforcing this article, plus costs and other sanctions for each infraction. Repeat offenses under this article shall be subject to increased fines as provided below.

(b) Increased civil fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this article. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision; i) committed by a person within any eighteen-month period; and ii) for which the person admits responsibility or is determined to be responsible.

The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00) plus reimbursement to the village of charges assessed for the expense of enforcing this article, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00) plus reimbursement to the village for charges assessed for the expense of enforcing this article, plus costs and other sanctions for each infraction.

(c) Nothing in this section shall be construed to limit the remedies available to the village in the event of a violation by a person of this article or a permit.

(Ord. of 11-12-02)

Sec. 53-371. Repealer.

All ordinances and portions of ordinances inconsistent with this article are hereby repealed.

(Ord. of 11-12-02)

Sec. 53-372. Effective date.

This article shall take effect on November 1, 2002.
(Ord. of 11-12-02)

VILLAGE OF ELKTON
GROUNDWATER PROTECTION ORDINANCE
100

1. PURPOSE

The Village of Elkton has determined that:

- a. the source of the Village's drinking water is from groundwater located in the bedrock of the Marshall Formation, a sandstone aquifer. This aquifer has been determined to be a confined aquifer.
- b. the aquifer from which the Village receives its water is the sole source of the Village's water and there exists no other practical alternative for a municipal drinking water supply.
- c. spills and discharges of petroleum products, sewage, and other hazardous substances threaten the quality of the groundwater supply and other water related resources, posing potential public health and safety hazards and threatening economic losses.

Therefore, the Village of Elkton has enacted an ordinance to:

- d. preserve and protect present and future sources of drinking water supply for public health and safety.
- e. conserve the natural resources of the Village.
- f. protect the financial investment of the Village in its drinking water supply system and to meet State of Michigan requirements for wellhead protection.
- g. assure that State regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.

2. DEFINITIONS

- a. **CONFINED AQUIFER:** Aquifers that are wedged between layers of relatively impermeable materials and are consequently under pressure.
- b. **FACILITY:** Any building, structure, or installation from which there may be a discharge of pollutants.
- c. **HAZARDOUS SUBSTANCE:** Any physical, chemical, biological, or radiological substance or matter that is or may become injurious to the public health, safety, or welfare, or to the environment.
- d. **PRIMARY CONTAINMENT:** The first vessel, tank, pit, pipe, or other container used to store hazardous substances.
- e. **SECONDARY CONTAINMENT:** The second vessel, tank, pit, pipe, confined area, or other container used to prevent hazardous materials from leaking, leaching, or otherwise escaping from their primary container.

- f. ABANDONED WELL: A well that is no longer in use or is insufficient for use due to quantity or quality problems, and that has not been properly sealed.

3. SCOPE

All businesses and facilities, new and existing, which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), shall be subject to site plan review requirements under the provisions of this ordinance.

4. GENERAL PROVISIONS

1) Groundwater Protection Standards

- a) The project and related improvements shall be designed to prevent spills and other non-permitted discharges of hazardous substances into the environment.
- b) General purpose floor drains shall be connected to a public sewer system (with approval of the wastewater treatment operator), an on-site holding tank, or a system authorized through a State surface or groundwater discharge permit.
- c) Secondary containment is required for all hazardous substance storage and use areas, including loading and unloading areas. In determining conformance with these standards the Village shall refer to the publication, *Small Business Guide to Secondary Containment*, and other related publications available at the Elkton Village Hall.
- d) State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.

2) Above-ground Storage and Use Areas for Hazardous Substances

- a) Primary containment of hazardous substances must be product tight.
- b) Secondary containment shall be sufficient to store the entire contents of the primary container for the maximum anticipated period of time necessary for the recovery of any released substance. Secondary containment for outdoor storage areas must also allow for the expected accumulation of precipitation. Products held in containers of ten (10) gallons or less and packaged for retail use shall be exempt from this item.

3) Underground Storage Tanks

- a) Existing and new underground storage tanks shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the State Police Fire Marshal Division.

- b) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention, and overflow protection requirements shall be met. Records of monitoring must be retained and available for review by Village officials.
 - c) Underground storage tanks taken out of service permanently shall be emptied and permanently closed in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Natural Resources.
- 4) Well Abandonment
- a) Out of service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health Well Construction Unit.
 - b) In determining conformance with this standard the Village shall review the map, *Evidence of Abandoned Wells within the Elkton Wellhead Protection Area*, (which can be viewed at the Elkton Village Hall) to determine the likely existence of abandoned wells on the site.
- 5) Sites with Contaminated Soils and/or Groundwater
- a) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
 - b) Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Natural Resources is available indicating that cleanup will proceed in a timely manner.
- 6) Construction Standards
- a) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor uses proper procedures for use, storage, and handling of hazardous materials including secondary containment for any storage container.
 - b) Upon completion of construction all hazardous substances and containment systems no longer used, or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or reused in a proper manner.
- 7) Maintenance
- In areas where hazardous substances are handled or stored, structural integrity of the building must be maintained to avoid inadvertent discharges to soil and groundwater.

5. REVIEW REQUIREMENTS

- a. Specify the location of all areas where hazardous substances will be used, stored, disposed, or otherwise handled.
- b. Specify the location of all above-ground and underground storage tanks and label their use.
- c. Show all secondary containment measures taken to prevent the release of hazardous substances.
- d. Specify the location of any abandoned well or suspected abandoned well.
- e. Specify the location of floor drains, exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- f. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.
- g. Complete and submit the following (copies are available at Elkton Village Hall):
 - *Hazardous Substances Reporting Form for Site Plan Review*
 - *Environmental Permits Checklist for the Village of Elkton and Oliver Township*
- h. Refer to Section 1302 - Reviewable Site Plans, Article XIII - Site Plan, of the Elkton Code, for additional requirements.

6. CONDITIONS FOR APPROVAL OR DENIAL

- a. Approval - If the site plan meets all the zoning ordinance requirements and related development requirements and standards, the Ordinance Committee shall record such approval and the Chairman shall sign three (3) copies of the site plan filing one in the official site plan file, forwarding one to the Building Inspector, and returning one to the applicant.
- b. Disapproval - If the site plan does not meet zoning ordinance and related development requirements and standards, the Ordinance Committee shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.

7. EXEMPTIONS AND WAIVERS

The transportation of any hazardous substance shall be exempt from the provisions of this Ordinance provide the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to, or from a State licensed hazardous waste treatment, storage, or disposal facility.

8. PENALTIES AND COSTS

a. Falsifying Information

Any persons who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or who falsifies, tampers with, or knowingly renders inaccurate any method required under this Ordinance, shall upon conviction, be fined not more than five hundred (\$500.00) dollars.

b. Violations

Any person or persons who, if found to have violated an Order of the Village, or who willfully or negligently fails to comply with any provisions of this Ordinance and the orders, rules, regulations, and permits issued thereunder, shall be fined upon conviction not more than five hundred (\$500.00) dollars.

Any person or persons violating any of the provisions of this Ordinance, shall be liable to the Village for any expense, loss, or damage caused by such violation.

9. SEVERABILITY

If any provision, paragraph, work, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

AMENDED ✓ 11.9.94 Reg. Mtg.
ADOPTED: 10.9.94 Reg Mtg.

DATED: _____

Barbara Thompson, Pres.

DATE: 11.9.94

Janet Santos, CMC
Janet Santos, CMC Clerk

PUBLISHED: 11.18.94 approx. date - Newsweekly

EFFECTIVE DATE: 11.29.94

Chapters 54–56

RESERVED

Chapters 54—56

RESERVED

