

**BOROUGH OF ALLENDALE  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE 15-16**

**AN ORDINANCE TO ESTABLISH CHAPTER 143 OF THE CODE OF THE BOROUGH  
OF ALLENDALE ENTITLED "RECOVERY OF COST OF CLEANUP OF  
HAZARDOUS MATERIALS"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the following Chapter be adopted and established with the Code of the Borough of Allendale:

**RECOVERY OF COST OF CLEANUP OF HAZARDOUS MATERIALS**

§143-1 Purpose.

The purpose of this chapter is to assign to the transporter or owner of materials the responsibility for the cost of cleaning and clearing spills onto the roadways or property located in the Borough of Allendale.

§143-2 Responsible parties.

The following described parties are responsible for all of the costs incurred by the Borough of Allendale for the cleanup of materials dumped, spilled, discharged, released or leaked onto public or private property:

- A. The owner, operator, lessee or other party responsible for any vehicle for any leak, discharge, spill or release of hazardous material, whether stationary or in transit, whether accidental or intentional.
- B. The owner, operator, lessee or other party responsible for any vessel responsible for any leak, discharge, spill or release of hazardous material, whether stationary or in transit, whether accidental or intentional.
- C. The owner, operator, lessee or other party responsible for any property from which any leak, discharge, spill or release of hazardous material emanates, whether public or private, whether accidental or intentional.
- D. Any person or entity responsible for any leak, discharge, spill or release of any hazardous material on public or private property, whether accidental or intentional.

§143-3 Notification and cleanup.

In the event there is a spill of any materials covered under this chapter within the Borough of Allendale, the generator, transporter, owner or the person or persons responsible therefore shall immediately notify the Borough of the spill and shall immediately, unless directed otherwise by the Borough, clean up or arrange for the cleanup of the spill. The cleanup shall be undertaken in accordance with all applicable federal and state regulations and procedures.

#### §143-4 Cleanup costs.

In the event the Borough of Allendale determines that it is within the interest of the citizens of the Borough of Allendale that the Borough of Allendale or its agents or contractors clean up a spill, the persons or entities responsible shall reimburse the Borough of Allendale for all of the costs and expenses incurred for, and related to, said clean up, including but not limited to the following:

- A. Any and all items or materials or equipment utilized to control contamination or to clean up the materials.
- B. Any and all labor costs incurred by the Borough of Allendale for actual labor and/or personnel use in connection with the cleanup or containment of any leak, discharge, spill or release of materials.
- C. Any fees paid to attorneys to enforce this chapter and/or to collect said fees due under this chapter.
- D. Any and all fees paid to engineers, contractors, agents or other individuals retained by or paid by the Borough of Allendale in connection with the cleanup of materials.
- E. Any and all medical costs incurred by personnel assisting in the cleanup of materials.
- F. Any and all fines or penalties that may be imposed upon the Borough, or incurred by the Borough, relating to such spill.

#### §143-5 Time limit for reimbursement.

Any party responsible for costs as described herein shall reimburse the Borough of Allendale the full amount of said costs within 45 days after a receipt of a bill for the costs.

#### §143-6 Violations and penalties.


Any responsible parties as described herein who fail to reimburse the Borough of Allendale for obligations described in this chapter within 45 days shall be subject to a fine of not less than \$100 or more than \$1,000 or imprisonment for a period of not more than 90 days, or both. Upon failure to reimburse the Borough of Allendale for the cost of

said items within the forty-five day period, in addition to any penalties described herein, the Borough of Allendale may take such action as may be provided by law to recover costs from the responsible party, including legal fees and any other costs of collection.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
Homan		✓	✓			
McSwiggan					✓	
Sasso			✓			
Strauch	✓		✓			
Wilczynski			✓			
White						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on May 28, 2015

  
 Mayor Elizabeth White

  
 Deborah L. Fehre, RMC  
 Interim Municipal Clerk