

TOWN OF GRAND CHUTE
ORDINANCE, SERIES OF O-14-2023

AN ORDINANCE OF THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, AMENDING EXISTING CHAPTER 310 OF THE CODE OF HAZARDOUS SUBSTANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY AMENDING SECTION 310-5 PERTAINING TO REIMBURSEMENT.

WHEREAS, Chapter 310 of the Town of Grand Chute Municipal Code regulates Hazardous Substances; and,

WHEREAS, The Town of Grand Chute has determined the need to amend said Municipal Code to remove outdated language that is not in line with current practice related to reimbursement collection.

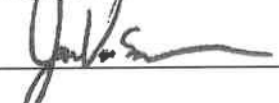
NOW THEREFORE BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 310 of the Code of General Ordinances is hereby amended by changing Section 310-5 as shown on the attached Exhibit "A".

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 21 day of NOVEMBER, 2023.

Number Voted For 5
Number Voted Against 0

Town of Grand Chute



Jason Van Eperen
Town Chair



Kayla Raatz
Town Clerk

§ 310-5. Reimbursement.

A. Agencies involved in the containment, cleanup and restoration of substance releases shall be allowed to recoup reasonable and necessary expenses for those activities, including but not limited to personnel hours, equipment hours, supplies, equipment losses, administrative costs, legal fees and court costs, per § 310-3. Agencies seeking reimbursement under this section shall develop charge-back criteria for substance release response operations ~~and submit that criteria to the Outagamie County Local Emergency Planning Committee (LEPC) for claims review determinations.~~ Agencies seeking reimbursement under this section shall submit claims stating their expenses to the responsible entity with a copy to the Outagamie County LEPC within 30 days of the incident date. Claims for reimbursement received after 30 days of the incident date may not be reviewed or approved by the Outagamie County LEPC, except in cases of protracted site restorations or extenuating circumstances, as determined by the Outagamie County LEPC.

B. ~~The Outagamie County LEPC shall review claims submitted in accordance with this section and determine those expenses that were reasonable and necessary under § 310-3. The agencies seeking reimbursement shall provide those entities that are strictly liable with written notice of final determinations under this section.~~ If an individual or entity receiving notice objects to the amount of claimed expenses, that individual or entity may petition the **Agency seeking reimbursement** ~~Outagamie County LEPC~~ in writing within 10 days of receiving such notice that the **Agency** ~~Outagamie County LEPC~~ review its determinations. Such request must state specific objections to claimed expenses and offer concise rationale for those objections. The **Agency** ~~Outagamie County LEPC~~ may modify its determination and shall notify the entity of the results of its review. The **Agency** ~~Outagamie County LEPC~~ shall be allowed to recoup expenses for processing claims under this section. The entity that is strictly liable under § 310-3 shall make direct reimbursement to each agency that submitted a claim in accordance with this section.