

TOWN OF MILTON
HAZARDOUS MATERIALS SPILL ORDINANCE

Section 1. If, during the course of responding to an accident or emergency by Milton police, fire fighters, or other emergency personnel, such persons or property of the Town of Milton come into contact with hazardous materials as defined herein, including any residue, vapor or other form thereof, or come within such proximity to those materials as to create a substantial risk of contamination or harm therefrom, the persons in possession of such materials, as those terms are defined herein, shall be jointly and severally liable to the Town of Milton for any damage, age, loss or expense occasioned thereby.

Section 2. Definitions: For the purpose of this Ordinance, the following words shall have the following meanings:

a. Hazardous Materials - Those substances, materials, or agents in such quantity, state and form as may constitute a potential risk to the health and safety of the people and environment of the Town and which may constitute a threat to the property of the people, including without limitation the following: explosives, radioactive materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. Also any other materials listed as hazardous by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations as amended or those materials the disposal of which is regulated under 9 V.S.A. 2821 et seq., 10 V.S.A. 6601 et seq., and 10 V.S.A. 7001 et seq.

b. Person - shall mean any individual, corporation, or other entity as distinguished from the individual members thereof.

c. Possession - shall mean to possess, own, hold or have within his or its control any material defined as hazardous.

In the case of any corporation or other legal entity, in addition to the entity itself, its officers, directors or other natural persons having legal responsibility for the control of said entity shall be deemed to be in possession. It is the intention of this Ordinance to include within the concept Person in possession: not only the legal owner but also any and all other persons who may at any time come within the chain of control without regard to the issue of legal title. Person in possession shall include not only the owner but any agent, consignee, employee, contractor, or representative within a chain of control.

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