

Chapter 145

HAZARDOUS MATERIALS

ARTICLE I
Reimbursement for Services and
Expenses

§ 145-1. Short title.

§ 145-2. Definitions.

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§ 145-5. Emergency services.

[HISTORY: Adopted by the Board of Supervisors of the Township of Fairview as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire insurance proceeds — See Ch. 148, Art. I.

ARTICLE I
Reimbursement for Services and Expenses
[Adopted 11-5-1990 by Ord. No. 4-1990]

§ 145-1. Short title.

This article will be known and may be cited as the "Reimbursement for Expenses for Hazardous Materials Accidents."

§ 145-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXTRAORDINARY EXPENSE — Those expenses and those related costs and fees that are incurred by the Township, local, state or federal department or agency, emergency services organization and from the private sector for actual costs or charges for labor, materials and any other costs associated with the use of specialized extinguishing or abatement agent, chemical neutralizer or similar equipment that is employed to monitor, extinguish, confine, neutralize, contain, clean or remove any hazardous material that is or may be involved in a fire or a release into the air, ground or water, or the potential threat of any release or fire, and any and all activities associated with the implementation of a protective action (i.e., evacuation) to protect the public health, safety and welfare.

EXTRAORDINARY SERVICE — A service performed by any Township departments or employees or any public or private sector organization, agency or company directly associated with mitigating the hazard or potential hazard or involved in providing services to implement a protective action. "Extraordinary services" may include, but is not limited to, the abatement and disposition of hazardous materials spills, releases, or the threat of spills or releases of hazardous materials; utility line breaks or leakages; and other imminent or perceived or

potential threats to the health, safety and welfare of the public that may be detailed or contemplated in the definition of "extraordinary expense" above.

§ 145-3. Administration.

The Supervisors of Fairview Township shall collect all fees as follows:

- A. Fees and costs (including overhead costs) shall encompass all personnel, equipment, materials, cost of obtaining reimbursement, including legal fees, and maintenance expenses in such a form as to insure for full reimbursement for charges from both the public and private sectors actually rendered. A particular cost or fee schedule need not be set forth in this section or elsewhere in the Township article or by further formal action by the Township Supervisors. The Fairview Township Supervisors' approval of this section shall constitute authorization for the Board of Supervisors to collect such fees and costs (including overhead costs) pursuant to the receipt of related expenditures or costs that are submitted to the Township by affected public and private bureaus, agencies, departments or companies.
- B. Within 30 days of the date of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected public agencies, departments or private companies shall submit their extraordinary-service-related costs, fees, charges and expenses to the Township Supervisors for review. At such time as all costs, fees, charges and expenses related to the extraordinary service have been collected and reviewed, but in any case not later than 60 days from the date of determining the combined cost of rendering extraordinary services, the Township Supervisors shall submit a bill for all costs, fees, charges and expenses to the owner, agent or manager of the vehicle or fixed facility which caused the need for extraordinary services with a demand that a full remittance be made within 30 days of receipt.
- C. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Township within the thirty-day period, the Township Supervisors shall hereby authorize the Township Solicitor to enter into negotiations with the owner or his agent for an extended payback period of time not to exceed six months.
- D. All monies received, less the cost of collection, under the provisions of this article shall be placed into the general fund and reimbursement on a pro rata basis to the extent of the net funds received will be made to all public and private sector departments and agencies which had submitted related costs, fees, charges and expenses for providing an extraordinary service as outlined herein; it being understood that, at no time, will the Township or any Supervisor be held liable for reimbursement of any unfunded balance due.

§ 145-4. Litigation.

The Township may enforce the provisions of this article by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorneys' fees or for any other relief that may be appropriate.

§ 145-5. Emergency services.

Nothing in this article shall authorize any Township bureau, department or personnel or staff members to refuse or delay an emergency service to any person, firm, organization or corporation that has not reimbursed the Township for extraordinary services. Furthermore, nothing in this section shall be construed to demand reimbursement to the Township for those municipal services that are normally provided to Township residents and others as a matter of the Township's general operating procedure, and for which the levying of taxes or the demand for reimbursement is normally made.

