

ORDINANCE NO. 1 OF 2017

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL, COUNTY OF SCHUYLKILL, PENNSYLVANIA PROVIDING FOR THE REIMBURSEMENT OF EXTRAORDINARY EXPENSES AND FIRE, RESCUE, AND POLICE SERVICES AND THE ADMINISTRATION OF THE COLLECTION OF FEES AS REIMBURSEMENT FOR THOSE SERVICES AND EXPENSES; DEFINING EXTRAORDINARY EXPENSES AND EXTRAORDINARY SERVICES; AND OTHER RELEVANT TERMS; AND PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Schuylkill Township, Schuylkill County, Pennsylvania, as follows:

WHEREAS, the Township Supervisors find that the continual increase in costs providing adequate fire, police, public works, and other public safety services, particularly in the event of extraordinary occurrences such as the threat of, or actual release of hazardous materials, seriously impairs the Township's ability to provide all necessary services;

WHEREAS, in order to better protect the public health, safety and welfare, and to protect and preserve the public fiscal and all public funds and tax dollars, the Township hereby adopts a policy of reimbursement of expenses incurred while providing services during the threat or actual release of hazardous materials either in a transportation or fixed facility incident;

WHEREAS, the following provisions are authorized and it is further declared that all costs and fees related thereto are to be levied solely for the purpose of generating revenue to help defray the actual cost and charges of both public and private sector services

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Schuylkill, County of Schuylkill, Pennsylvania, and it is hereby ordained and enacted by authority of same as follows:

SECTION I: DEFINITIONS

The following words and phrases when used in this ordinance shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning:

- 1.1 Board of Supervisors: The Board of Supervisors of the Township of Schuylkill, County of Schuylkill, Pennsylvania.
- 1.2 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 or material 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 released 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) in order to protect the public health, safety and welfare.
- 1.3 Extraordinary Service: Those services 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, including, without limitation, 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 as an extraordinary expense.

- 1.4 Township: The Township of Schuylkill County, County of Schuylkill, Pennsylvania

SECTION II: ADMINISTRATION

The Secretary of the Township as designated by the Board of Supervisors, or the Board of Supervisors shall collect all fees as follows:

- 2.1 Fees and costs (including overhead costs) shall encompass all extraordinary expenses and all personnel, equipment, materials and maintenance expenses in such 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 this chapter or by further formal action by the Board of Supervisors. The Board of Supervisors approval of this section shall constitute authorization for the Board to collect all 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.
- 2.2 Within thirty (30) days of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected public agencies, departments or private companies shall submit its extraordinary service related costs, fees, charges and extraordinary expenses to the Township for review. At such time as all costs, fees, charges and extraordinary expenses related to the extraordinary service have been collected and reviewed, but in any case not later than sixty (60) days from the date of determining the combined costs of rendering extraordinary services, the Board of Supervisors shall submit a bill for all costs, fees, charges and extraordinary expenses, to the owner, agent or management of the vehicle or fixed facility which caused the need for extraordinary services, with the demand that a full remittance be made within thirty (30) days of receipt.
- 2.3 In cases of hardship, where circumstances are such that a full remittance cannot be made to the Township within the thirty (30) day period, the Board of Supervisors shall hereby authorize the Township solicitor to enter into negotiation with the owner or his agent for an extended payback period of time not to exceed six (6) months.
- 2.4 All monies received under the provisions of this Article shall be placed into the General Fund and reimbursement be made to all public and private sector

departments, agencies who had submitted related costs, fees, charges and extraordinary expenses for providing an extraordinary service as outlined herein.

SECTION III: COLLECTION/LITIGATION

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

SECTION IV: 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.

SECTION V: REPEALER

All Ordinances or Resolutions, or parts of Ordinances and Resolutions, insofar as they are inconsistent herewith, shall be and the same are hereby repealed.

SECTION VI: SEVERABILITY

If any section or part of a section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or sections of this Ordinance. It is hereby declared to be the intent of the Township of Schuylkill that this Ordinance would have been

adopted had such unconstitutional, illegal, or invalid sentence clause, section, or part thereof not been included herein.

SECTION VII: EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment by affirmative vote of a majority of the Board of Supervisors at a duly convened meeting.

DULY ENACTED AND ORDAINED this 3rd day of July, 2017 by the Board of Supervisors of Schuylkill Township, Schuylkill County, Pennsylvania in lawful session duly assembled.

SCHUYLKILL TOWNSHIP SUPERVISORS

Presented by 

Presented by 

Seconded by 

Ordinance Passes _____