

ORDINANCE NO. 99-7

AN ORDINANCE PROVIDING FOR THE REIMBURSEMENT FOR EXTRAORDINARY EXPENSES AND SERVICES, AND THE ADMINISTRATION OF THE COLLECTION OF FEES AS REIMBURSEMENT FOR THOSE SERVICES AND EXPENSES

EXTRAORDINARY EXPENSES

BE IT ORDAINED AND ENACTED by the Council of the Borough of Coaldale, it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: DEFINITIONS

As used in this chapter, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

EXTRAORDINARY EXPENSES - Those expenses, and those related costs and fees, that are incurred by the borough, 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 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 release into the air, ground or water or the potential threat of any release into the air, ground or water or the potential threat of any 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 protection action (i.e., evacuation) to protect the public health, safety and welfare.

EXTRAORDINARY SERVICE - A service performed by any borough departments or employees, or any public private sector organization, agency or company directly associated with mitigating the hazard or potential hazard or involved in providing service to implement a protection 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 expenses" above. The cost of labor shall include the actual wage rates, including fringe benefits, paid by the Borough of Coaldale to its employees, the Borough Local Emergency Management Coordinator and Deputy

Coordinator and actual wage rates, including benefits paid, to volunteer fire fighters and ambulance personnel by their private employer.

SECTION 2: ADMINISTRATION

The Council of the borough shall impose and collect from the person, partnership, corporation or other entity the following costs, expenses and fees incurred.

- A. Fees and costs (including overhead costs) shall encompass all personnel, equipment, fuel, materials and maintenance expenses in such a form as to insure for full reimbursement for charges from both the public and private sectors actually rendered.

- B. Within thirty (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 its extraordinary service related costs, fees, charges and expenses to the borough for review. At such time as all costs, fees, charges and expenses related to the extraordinary services have been collected and reviewed, but in any case not later than sixty (60) days from the date of determining the combined cost of rendering extraordinary services, the Borough Council 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 thirty (30) days of receipt.

- C. All monies received under the provisions of this chapter 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 expenses for providing an extraordinary service as outlined herein.

SECTION 3: EMERGENCY CONDITIONS

In the event of a spill, leak or fire involving petroleum, chemicals and/or hazardous materials, if the shipper, carrier or owner of said products does not have a contract with a professional hazardous materials clean up crew (DER-EPA approved), and/or if such conditions warrant, the Borough of Coaldale Local Emergency Management Coordinator and/or the designated deputy, or the Borough of Coaldale Fire Chief or assistants, shall have the authority to contact a private firm for cleanup, control, extinguishment and not limited to the disposal of said hazardous products or substance.

SECTION 4: LITIGATION

The borough 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 attorneys' fees or for any other relief that may be appropriate.

SECTION 5: EMERGENCY SERVICES

Nothing in this chapter shall authorize any borough 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 borough for extraordinary services. Furthermore, nothing in this section shall be construed to demand reimbursement to the borough for those municipal services that are normally provided to the borough residents and others as a matter of the borough's general operating procedure and for which the levying of taxes or the demand for reimbursement is normally made.

ENACTED AND ORDAINED this 12th day of October, 1999.

BOROUGH OF COALDALE

BY: Clarence Keich
Clarence Keich, President

ATTEST:

Renee M. Holmes
Renee Holmes, Secretary

John Radocha
John Radocha, Mayor