

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2017-02

AN ORDINANCE OF GORDON BOROUGH REQUIRING REIMBURSEMENT FROM THE OWNER OF ANY VEHICLE, STRUCTURE OR PROPERTY CONTAINING HAZARDOUS MATERIALS FOR EXTRAORDINARY EXPENSES INCURRED BY OR CHARGED TO GORDON BOROUGH FOR THE PROVISION OF EMERGENCY SERVICES TO CONTAIN OR EXTINGUISH ANY FIRE THREATENING SUCH HAZARDOUS MATERIALS OR TO CLEAN ANY SPILL OF SUCH HAZARDOUS MATERIALS; AND CONTAINING PROVISIONS FOR ENFORCEMENT AND ADMINISTRATION.

WHEREAS, the Gordon Borough Council finds that the continuing increase of the costs of providing adequate fire, emergency and other public safety services, particularly in the event of extra-ordinary occurrences, such as the threat of or actual release of hazardous materials, seriously impairs Gordon Borough's ability to provide all necessary services; and

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

WHEREAS, the following provisions are authorized, and it is further declared that all costs and fees to be collected through this Ordinance are for the purpose of reimbursement to defray the actual costs and charges incurred by Gordon Borough during an emergency when hazardous materials are at risk;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Title.

This Ordinance shall be known as and may be cited as the Gordon Borough Hazardous Materials Ordinance.

Section 2. Definitions.

The following words and phrases shall have the following meanings when used in this Ordinance unless the context clearly indicates otherwise. When these words or phrases are used in this Ordinance, the plural shall include the singular, and the singular shall include the plural.

"Extraordinary Expenses" - those expenses, fees and costs that are incurred by the Borough, or incurred by an emergency services organization, including but not limited to a volunteer fire company, associated with the Borough, or incurred by other local, state, or federal departments or

agencies, or the private sector, but which are chargeable to or payable by the Borough, for actual costs or charges for labor, materials, activities or other costs associated with the use of specialized equipment or abatement agents, chemical neutralizers or similar equipment or materials, that are employed or necessary to monitor, extinguish, confine, neutralize, contain, clean or remove any Hazardous Material that is or may be threatened by a fire, or that is or may be released into or onto the air, ground or water. This definition includes all costs incurred for activities associated with the implementation of a protective action, including but not limited to an evacuation.

“Hazardous Material(s)” – Hazardous material as defined in Section 103 of Act 165 of 1990 of the Commonwealth of Pennsylvania.

"Owner" - any natural person, corporation, partnership, company or any other legal entity.

"Borough" – Gordon Borough, Schuylkill County, Commonwealth of Pennsylvania, and its governing body, the Gordon Borough Council.

Section 3. Reimbursement.

The Owner of any vehicle, or the trailer or compartment thereof, engaged in transporting Hazardous Materials, or the Owner of any building or structure in which Hazardous Materials are stored or located, or the Owner of any property on which Hazardous Materials are stored or located, shall reimburse the Borough for any Extraordinary Expenses related to those Hazardous Materials incurred by the Borough.

Section 4. Enforcement.

If no reimbursement is made by the Owner pursuant to Section 3 of this Ordinance within one hundred twenty (120) days after any Extraordinary Expenses are incurred or charged to the Borough and the Borough has given written notice of the Extraordinary Expenses to the Owner liable under Section 3 of this Ordinance, or within such other period of time as may be negotiated between the Borough and the Owner, the Borough shall be authorized to institute a civil action in a court of competent jurisdiction for the collection of any amounts due pursuant to this Ordinance. In any civil action commenced pursuant hereto, the Borough shall be entitled to recover reimbursement of Extraordinary Expenses, court costs, interest at the legal rate of 6%, and attorney's fees.

Section 5. Administration.

Any monies received by the Borough as reimbursement for Extraordinary Expenses shall be placed into the general fund, and all or portions of such monies shall thereafter be paid to any public or private sector entity as reimbursement for Extraordinary Expenses incurred and/or charged, or transferred to other Borough accounts as reimbursement for Extraordinary Expenses incurred.

Section 6. Services.

Emergency services shall not be refused to any Owner who fails or has failed to provide reimbursement of Emergency Expenses pursuant to this Ordinance.

Section 7. Repealer.

All prior ordinances or portions thereof inconsistent with this Ordinance are hereby repealed to give effect to the provisions of this Ordinance.

Section 8. Severability.


If any portion of this Ordinance is found to be illegal or unenforceable by a court of competent jurisdiction, the rest and remainder of this Ordinance shall remain in full force and effect.

Section 9. Effective Date.

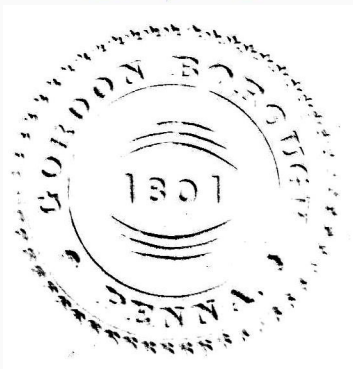
This Ordinance shall be effect immediately upon enactment or on the first day allowed by law thereafter.

ORDAINED this 13 day of June, 2017.

BOROUGH OF GORDON
Schuylkill County, Pennsylvania

BY: 
Council President
Vice

ATTEST: 



APPROVED: 
Mayor