

RUSH TOWNSHIP
Schuylkill County, Pennsylvania

ORDINANCE

NO. 118

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.

THE SUPERVISORS OF RUSH TOWNSHIP HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the Township Supervisors find that the continuing increase in the costs of 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; and

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 a threat of or actual release of hazardous materials either in a transportation or fixed facility incident; and

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 costs and charges of both public and private sector services during an extraordinary technological emergency.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF THE TOWNSHIP OF RUSH AS FOLLOWS:

REIMBURSEMENT FOR EXPENSES

SECTION 1 DEFINITIONS

- 1.1 An "extraordinary expenses" shall be 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 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.

- 1.2 An "extraordinary service" is 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 Section 1.1 above.

SECTION 2 ADMINISTRATION

- 2.1 The Treasurer of the Township shall collect all fees as follows:

2.1.1. Fees and costs (including overhead costs) shall encompass all personnel equipment, materials and maintenance expenses in such a form as to insure for full reimbursement, as far as practicable, 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 ordinance or by further formal action by the Township Supervisors. The Township Supervisor approval of this section shall constitute authorization for the Treasurer or the fire companies if so designated by the Township Supervisors, 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.

2.1.2. 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 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 sixty (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 thirty (30) days of receipt.

2.1.3. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Township within the thirty (30) 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 (6) months.

2.1.4. 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 expenses for providing an extraordinary service as outlined herein. However, the Supervisors may designate by motion the respective Township fire companies to administer the billing and collection and disbursement of all fees and expenses including maintenance of a separate account. Any fire company so designated shall report on a quarterly basis to the Supervisors on all activities, bills, expenses, collections and proceedings.

2.1.5. The Township Supervisors may designate a motion that the administration of this Ordinance including the review of claimed expenses, the submission of bills, the collection of fees and costs, and the authority to commence litigation under this Ordinance in the name of the Township shall be conducted by the respective fire companies in the Township, specifically the Hometown Fire Company and the Quakake Fire Company. Any fire company so designated shall establish a procedure conforming to the requirements of this Ordinance and maintain a separate account into which the monies collected under this Ordinance are deposited and disbursed. A detailed account of all action taken by the fire companies pursuant to this Ordinance shall be submitted in time for the Supervisors' meetings in the month of April, July, October and January, covering the previous quarter. If such designation is made the monies collected under this Ordinance shall not be deposited in the General Fund but shall be retained and disburse by the fire companies from its special account. Despite such designation, the Township Supervisors may in their motion establish additional rules, regulations or limits of authority of the fire companies to administer this ordinance. Such designation or appointment to administer the ordinance may be withdrawn at any time upon motion adopted by the Supervisors.

SECTION 3 LITIGATION

3.1 The Township or the designated fire companies 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 attorney's fees or for any other relief that may be appropriate.

SECTION 4 EMERGENCY SERVICES

4.1 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 5. All ordinances and parts of ordinances inconsistent herewith be, and the same are hereby repealed.

SECTION 6. This Ordinance shall be effective as soon after adoption as permitted by law.

Duly enacted and ordained into law at a regular meeting of the Township Supervisors of Rush, Pennsylvania, held on this 9th day of November, 1995.

RUSH TOWNSHIP BOARD OF SUPERVISORS

By: Ronald T. Werner
Ronald T. Werner, Chairman
Ray Boyer
Ray Boyer, Vice-Chairman
Remo Motroni
Remo Motroni, Supervisor

ATTEST:

Carol Opet
Carol Opet, Secretary

(SEAL)