

BOROUGH OF _____
ORDINANCE No _____

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 COUNCIL OF THE BOROUGH HEREBY ORDAINS AS FOLLOWS:

WHEREAS, the Borough Council finds that the continuing increase in the costs of providing adequate fire, police, public works, 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 the 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 fiscal and all public funds and tax dollars, the 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 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 public and private sector services during an extraordinary technological emergency.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF _____ 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 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 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 Borough 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 as 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 Secretary of the Borough 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 for charges from both the public and private sectors actually rendered.

A particular cost or fees schedule need not be set forth in this section or elsewhere in the _____ Borough ordinance or by further formal action by the Borough Council. The Borough Council approval of this section shall constitute authorization for the Council to collect all such fees and costs (including overhead costs) pursuant to the receipt of related expenditures or costs that are submitted to the Borough 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 Borough Council 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 costs 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.

2.1.3 In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Borough within the thirty (30) days period, the Borough Council shall hereby authorize the Borough 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.

SECTION 3 LITIGATION

3.1 The Borough 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 Borough 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 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 Borough residents and others as a matter of the Borough general operating procedure, and for which the levying of taxes, or the demand for reimbursement is normally made.

SECTION 5.

All ordinances and parts or ordinances inconsistent herewith be, and the name are hereby repealed.

Duly enacted and ordained into law at a regular meeting of the Borough Council of _____, Pennsylvania, held on this ___ day of _____, 2017

Council President

ATTEST:

Secretary