

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF \_\_\_\_\_ BY ADDING A CHAPTER ENTITLED "EMERGENCY MANAGEMENT SERVICES"; PROVIDING FOR THE REIMBURSEMENT FOR EXTRAORDINARY EXPENSES AND 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 THE CHAPTER.

WHEREAS, the Township Supervisors find that the continual 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, the Township adopted an Emergency Operations Plan by resolution of the Board of Supervisors on \_\_\_\_\_; 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 the 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 extraordinary technological emergency.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of \_\_\_\_\_, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

#### SECTION 1. AMENDMENT.

The Code of the Township of \_\_\_\_\_ is hereby amended by adding a Chapter \_\_\_\_\_, entitled "Emergency Management Services" which shall read as follows:

#### § \_\_\_\_\_ Definitions

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section except where the context clearly indicates a different

meaning:

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of \_\_\_\_\_, Schuylkill County, Pennsylvania.

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) to protect the public health, safety and welfare.

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.

TOWNSHIP - The Township of \_\_\_\_\_, Schuylkill County, Pennsylvania.

§ \_\_\_\_\_ Administration

The Board of Supervisors shall collect all fees as follows:

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.

Within thirty (30) days of the 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.

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.

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.

#### §\_\_\_\_\_ Collection.

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.

#### §\_\_\_\_\_ Emergency services.

Nothing in this chapter 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 2. 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 3. VALIDITY.

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 legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective upon enactment.

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

BOARD OF SUPERVISORS OF \_\_\_\_\_

\_\_\_\_\_  
Chair - BOS

ATTEST:

\_\_\_\_\_  
Secretary