

**ORANGE TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1994-1

**AN ORDINANCE OF ORANGE TOWNSHIP PROVIDING FOR THE
REIMBURSEMENT FOR EXTRAORDINARY EXPENSES AND
SERVICES, AND THE ADMINISTRATION OF THE COLLECTION OF
FEES AND REIMBURSEMENTS FOR THOSE SERVICES AND
EXPENSES.**

The Board of Supervisors of Orange Township, Columbia County, Pennsylvania, hereby
Ordains as follows:

WHEREAS, the Board of Supervisors 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 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 conserve public funds for the provision of usual and customary services, 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 charges to be levied hereunder shall be solely for the purpose of generating revenue to help defray the actual costs and charges of both police and private sector services during an extraordinary technological emergency.

NOW THEREFORE, be it Ordained and Enacted by the Board of Supervisors of Orange Township as follows:

SECTION 1-DEFINITIONS

- 1.1 "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 equipment or materials 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 are not limited to, the abatement and disposition of hazardous materials spills, releases, or the threat of spills or releases, 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 Township, through its Secretary, 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 as 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 the Township Ordinance or by further formal action by the Board of Supervisors. The Board's approval of this section shall constitute authorization for the Secretary 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 Board of 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 costs of rendering extraordinary services, the Board of 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 for a full remittance to 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 Board of 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 shall 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 Township may enforce the provisions of this Ordinance 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 not normally made.

SECTION 5-REPEALER

All Ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Duly enacted and ordained at a regular meeting of the Board of
Supervisors of Orange Township, Pennsylvania, held on this 6th
day of October, 1994.

ORANGE TOWNSHIP

ATTEST:

Suzanne Moore
Suzanne Moore, Secretary

John L. Buck
John L. Buck, Supervisor

Herbert Dressler
Herbert Dressler, Supervisor

E. Max Robbins
E. Max Robbins, Supervisor