

Chapter 70
HAZARDOUS MATERIALS

ARTICLE I
Cleanup Expenses

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§ 70-2. Administration and collection of fees.

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[HISTORY: Adopted by the Board of Supervisors of Bear Creek Township: Art. I, 12-4-1990 as Ord. No. 1-90. Amendments noted where applicable.]

ARTICLE I
Cleanup Expenses
[Adopted 12-4-1990 as Ord. No. 1-90]

§ 70-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

EXTRAORDINARY EXPENSES — 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 a 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.

EXTRAORDINARY SERVICE — 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 the definition of extraordinary expenses.

§ 70-2. Administration and collection of fees.

The Supervisors of the township shall collect all fees as follows:

- A. Fees and costs (including overhead costs) shall encompass all personnel, equipment, materials and maintenance expenses in such a form as to ensure 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 Article or by further formal action by the Township Supervisors. The Township Supervisors' approval of this section shall constitute authorization for the 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.

- B. 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.
- C. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the township within the thirty-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.
- D. All moneys 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 and agencies who had submitted related costs, fees, charges and expenses for providing an extraordinary service as outlined herein.

§ 70-3. Enforcement.

The township 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 attorneys fees or for any other relief that may be appropriate.

§ 70-4. Emergency services.

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.