

**TOWNSHIP OF CONEMAUGH
SOMERSET COUNTY**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF CONEMAUGH, SOMERSET COUNTY, PENNSYLVANIA, RECOGNIZING AUTHORITY OF VOLUNTEER FIRE COMPANY TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT MATERIAL, ENVIRONMENTAL INCIDENTS AND SAFETY AND RESCUE RESPONSES.

WHEREAS, the provision of emergency fire, rescue and ambulance services promptly, by trained individuals with sufficient equipment is essential to the safety and well-being of the persons and families located in the Township of Conemaugh; and

WHEREAS, the Township of Conemaugh has recognized and designated the following Emergency Service Providers which provide emergency services, including fire related, accident related or rescue, within the geographic limits of the Township of Conemaugh:

Community Volunteer Fire Co.
Jerome Volunteer Fire Company
Ideal Volunteer Fire Company
Conemaugh Township Volunteer Fire Department
Conemaugh Township EMS, Inc.; and

WHEREAS, the aforesaid Emergency Service Providers respond to hazardous material incidents, environmental incidents, and safety and rescue incidents; and

WHEREAS, such responses are either directly, via 911 response, or in coordination with the Emergency Management Agency, or as a result of a call for assistance from the Conemaugh Township Police; and

WHEREAS, said responses on occasion involve the use of hazardous materials abatement equipment as well as hazardous abatement materials; and

WHEREAS, it is the intention of the Township of Conemaugh authorize the Emergency Service Providers listed above to perform emergency services within the Township and to authorize the aforesaid Emergency Service Providers to seek collection and reimbursement for the reasonable costs of responding to such incidents;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Conemaugh, County of Somerset, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

1. The Conemaugh Township Supervisors, by and through their authority and relationship with the aforesaid Emergency Service Providers, hereby recognizes the authority and

authorizes the aforesaid Emergency Service Providers to recover the reasonable costs of fire fighting materials, equipment, personnel hours and hazardous abatement materials involving any hazardous material incident, environmental incident, or safety and rescue incident or operation, including vehicular accidents.

2. Said reasonable costs as outlined above may be recovered directly by the Emergency Service Providers, or through the Township with the consent of the Supervisors, or by Agreement with a collection agency provided such agreement is approved in advance by motion of the supervisors.

3. In addition to the aforementioned reasonable costs, the aforesaid Emergency Service Providers, Township or collection agency, shall be authorized to collect legal interest of 6% per year, as well as a reasonable administrative fee for collecting the same and any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning and Response Act or authorized by any other statute, case law or common law.

4. Fees shall be submitted at least annually by the Emergency Service Providers to the Board of Supervisors for approval. Except for extraordinary situations involving charges that are not regularly incurred by the Emergency Services Provider, only charges approved by motion at a public meeting shall be deemed reasonable and eligible for reimbursement.

5. Emergency service recipients questioning the reasonableness or right to collect any charge may appeal the assessment to the Township Supervisors under provisions of the Pennsylvania Local Public Agency Law, within 30 days of receipt of the assessment. Failure to so appeal within 30 days shall constitute a waiver of the recipient's right to contest the charge. Charges incurred hereunder may be collected directly by the Emergency Service Provider at the District Magistrate's Office by prosecuting an action in the name of the Township.

ORDAINED AND ENACTED by the Township of Conemaugh this _____ day of _____, 2000.

TOWNSHIP OF CONEMAUGH

By: _____

Supervisor

By: _____

Supervisor

ATTEST:

By: _____

Supervisor

Secretary

(Seal)