

Chapter 16

EMERGENCY SERVICES REIMBURSEMENT

[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon 12-13-1990 by Ord. No. 2-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Fire insurance proceeds — See Ch. 123.

§ 16-1. Definitions.

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

EXTRAORDINARY EXPENSE — 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, release into the air, ground or water or the potential threat of any release of 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 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 are 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 expense" above.

§ 16-2. Administration.

The Mayor of the Borough 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 is not set forth in this section or elsewhere in this chapter or by further formal action by the Borough Council. The Borough Council's approval of this section shall constitute authorization for the Mayor 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.

- B. Within 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 their 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 60 days from the date of determining the combined cost of rendering extraordinary services, the Mayor 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 30 days of receipt.
- C. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Borough within the thirty-day 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 months.
- D. All monies received under the provisions of this chapter shall be placed into the general fund and reimbursement 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.

§ 16-3. Litigation.

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

§ 16-4. Emergency services.

Nothing in this chapter 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 chapter 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's general operating procedure, and for which the levying of taxes or the demand for reimbursement is normally made.