

O F F I C I A L

TOWNSHIP OF OHIO

ORDINANCE NO. 148

AN ORDINANCE OF THE TOWNSHIP OF OHIO, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, TO PROVIDE FOR THE REIMBURSEMENT OF COSTS INCURRED IN ABATING OR MITIGATING AN EMERGENCY CONDITION BY THE TOWNSHIP'S EMERGENCY SERVICES.

BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF OHIO AND IT IS HEREBY SO ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF THE SAME.

SECTION 1: The Township of Ohio through its various Emergency Services is empowered to clean up or abate, or cause to be cleaned up or abated, the effects of any Hazardous Materials or Substances deposited upon, on or into properties or facilities within the municipal boundaries of the Township of Ohio or having a direct or identifiable effect on person or property within the municipal boundaries of the Township of Ohio including, but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and all other costs incurred in the mitigation of the emergency situation; and any person or persons, partnership, corporation or corporations who intentionally, accidentally or negligently caused such deposit shall be liable for all costs incurred by the Township of Ohio as a result of such clean up or abatement activity. The remedy provided by this Ordinance shall be in addition to any other remedies provided by other laws or ordinances of the Commonwealth of Pennsylvania and the Township of Ohio.

SECTION 2. For purposes of this section, "hazardous material" shall be defined as any substances or materials in a quantity or form which, in the determination of the Emergency Management Coordinator or his authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials,

petroleum products or gases, poisons, etiologic (biologic) agents, flammables, corrosives or materials listed in the Hazardous Substances list of the Pennsylvania Department of Labor and Industry.

SECTION 3. For purposes of this ordinance, costs incurred by the Township of Ohio Emergency Services shall include, but not be limited to, the following: Actual labor cost of Township personnel, including Worker's Compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special fire extinguishing agents used and cost of any contracted labor and materials.

SECTION 4. The authority to recover costs under this section shall not include actual fire suppression services which are usually or customarily provided by the Fire Department.

SECTION 5: REPEALER

Any ordinance or resolution or part of any ordinance or resolution conflicting with the provisions of this Ordinance is rescinded insofar as the conflict exists.

SECTION 6: SEVERABILITY

The provisions of this Ordinance are severable and if any of its provisions shall be held invalid, illegal or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intention of the Council that this Ordinance would have been adopted as if such invalid, illegal or unconstitutional provisions had not been included herein.

ORDAINED AND ENACTED this 1st day of August, 1988.

ATTEST:

TOWNSHIP OF OHIO

By John J. Sullivan Jr.
Secretary

By J. David Holman
Chairman