

**TOWNSHIP OF PITTSTON
LUZERNE COUNTY**

ORDINANCE NO. 10-01 of 2011

**AN ORDINANCE OF THE TOWNSHIP OF PITTSTON,
LUZERNE COUNTY, PENNSYLVANIA, RECOGNIZING
THE AUTHORITY OF THE PITTSTON TOWNSHIP
VOLUNTEER HOSE COMPANY TO SEEK
REIMBURSEMENT FOR HAZARDOUS ABATEMENT
MATERIAL, ENVIRONMENTAL INCIDENTS, AND
SAFETY AND RESCUE RESPONSES.**

WHEREAS, the Board of Supervisors of the Township of Pittston recognizes that 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 Pittston; and

WHEREAS, the Board of Supervisors of the Township of Pittston recognizes and designates the Pittston Township Volunteer Hose Company as an Emergency Services Provider that provides emergency services, including fire-related, accident-related and rescue within the geographic limits of the Township of Pittston; and

WHEREAS, the aforesaid Emergency Service Provider responds to hazardous material incidents, environmental incidents, and safety and rescue incidents; and

WHEREAS, such responses result directly from 911 calls in coordination with Luzerne County's Emergency Management Agency or as a result of a call for assistance from the Pittston Township Police Department; 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 Board of Supervisors of the Township of Pittston to authorize the Emergency Service Provider listed above to perform emergency services within the Township and to authorize the aforesaid Emergency Service Provider to seek collection and reimbursement of the reasonable costs of responding to such incidents from the recipients of such services.

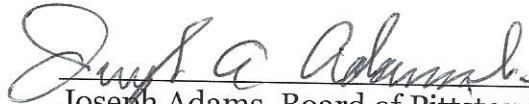
NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Pittston, County of Luzerne, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

1. The Pittston Township Board of Supervisors, by and through their authority and relationship with the aforesaid Emergency Service Provider, hereby recognizes the above-referenced Emergency Service Provider's authority and authorizes the aforesaid Emergency Service Provider to recover the reasonable costs of fire-fighting materials, equipment, personnel hours and hazardous abatement materials involving any hazardous material incident, environmental incident, and/or safety and rescue incident and/or operation, including, but not limited to, vehicular accidents, chemical spills, vehicle fires, structural fires and ambulance responses, from the recipients of such services.
2. Said reasonable costs as outlined above may be recovered directly by the Emergency Service Provider or its authorized agent. In this regard, the Emergency Service Provider and/or its authorized agent is authorized to seek and obtain applicable insurance information from service recipients for billing purposes.
3. In addition to the aforementioned reasonable costs, the aforesaid Emergency Service Provider and/or its designated collection agent shall be authorized to collect interest at the rate 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 (35 P.S. 6022.210) and/or as authorized by any other statute, case law or common law from the recipients of the services (as described above) it provides.
4. Emergency service recipients questioning the reasonableness or right to collect any charge and/or fee may file a written appeal contesting the assessment to the Pittston Township Board of Supervisors pursuant to the 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 all charges and fees. Charges and fees assessed hereunder may be collected directly by the Emergency Service Provider or its agent by filing an appropriate action with either the District Judge's Office with appropriate jurisdiction or the Court of Common Pleas of Luzerne County.
5. The provisions of this Ordinance shall be severable, and if any provisions hereof shall be deemed unconstitutional, illegal or otherwise invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance. The Pittston Township Board of Supervisors hereby declares that it is its legislative intent that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provision(s) not been included in this Ordinance.

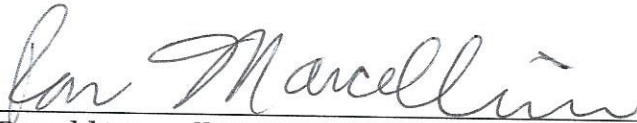
6. This Ordinance is effective immediately as of the date of adoption and passage by the Pittston Township Board of Supervisors.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Pittston this 3rd day of October, 2011.

PITTSTON TOWNSHIP BOARD OF SUPERVISORS



Joseph Adams, Board of Pittston Township
Supervisor

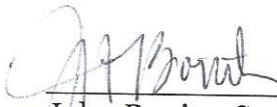


Ronald Marcellini, Board of Pittston Township
Supervisor



Stephen Rinaldi, Board of Pittston Township
Supervisor

ATTEST:



John Bonita, Secretary

I hereby certify that Notice of the Board of Supervisors' intent to adopt this Ordinance was advertised in the CITIZENS VOICE on SEPTEMBER 23, 2011, a newspaper of general circulation in the Township, and this Ordinance was duly enacted and adopted at the special meeting of the PITTSTON TOWNSHIP Board of Supervisors on OCTOBER 3, 2011.