

ORDINANCE NO. 292

AN ORDINANCE PROVIDING THE PAYMENT FOR SPECIAL EQUIPMENT AND/OR CLEANUP AND/OR MATERIALS AND LABOR USED TO CONTROL AND/OR EXTINGUISH PETROLEUM-TYPE OR CHEMICAL-TYPE SPILLS, EMISSIONS AND FIRES IN THE BOROUGH OF PICTURE ROCKS.

WHEREAS, The Council of the Borough of Picture Rocks is desirous of recovering such costs as may be reasonably incurred for labor and materials, including special equipment, storage, and disposal, for the control, and/or extinguishment of petroleum-type and chemical-type spills, emissions and fires in the Borough of Picture Rocks, from those persons responsible therefor,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania, and hereby enacted by the authority of same, that:

Section 1.

The owner of petroleum and/or chemicals and/or the common carrier of such substances, including a pipeline carrying same, shall be liable to the Borough of Picture Rocks for all costs incurred for the control, extinguishment, and cleanup of petroleum-type or chemical-type spills, emissions and fires involving chemicals or petroleum in the Borough of Picture Rocks.

The cost for special equipment and/or materials shall include, but are not limited to, the following:

- A. Foam
- B. Dry Chemical Extinguishers
- C. Sand
- D. Any other special equipment and/or materials deemed necessary by the Fire Chief of the Picture Rocks Volunteer Fire Company or the Officer in Charge.

The cost of labor shall be the actual wage rates, including fringe benefits, paid by the Borough to all personnel involved in the control, extinguishment and/or cleanup of petroleum-type or chemical-type spills, emissions and fires involving said chemicals or petroleum.

Section 2.

The owner of any petroleum or chemicals and/or the common carrier of said petroleum or chemicals, including any pipeline as aforesaid, shall also be liable for the cost of any temporary storage of chemicals or petroleum materials and/or the cost of disposing of the same.

Section 3.

Invoices for the amount of the above-described costs shall be forwarded by the Fire Chief to the Borough Secretary, who shall bill the above-described liable party. If payment is not made in full within thirty (30) days from the date of mailing of said bill, the Borough Secretary shall turn the matter over to the Borough Solicitor for collection and litigation, as is necessary.

The Borough Solicitor is hereby authorized to take such action as may be necessary on behalf of the Borough to recover all reasonable costs expended for such equipment, material, labor, storage, and disposal resulting from the petroleum-type or chemical-type spill or fire.

Section 4.

Any party failing to pay the said invoice submitted to them by the Borough of Picture Rocks within thirty (30) days shall, upon conviction in a Summary proceedings before a District Justice, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) or more than Six Hundred Dollars (\$600.00), or the maximum provided by state law, together with costs, and in default thereof undergo imprisonment in Lycoming County Prison for not more than thirty (30) days, or both.

Section 5.

Imposition of the aforesaid fine and/or imprisonment, however, shall not relieve any responsible party from civil liability to the Borough, as provided herein.

Section 6.

This Ordinance shall take effect five (5) days after enactment.

Enacted this 4th day of May, 1992.

Attest:

William M. Dorman
Borough Secretary

Robert W. [Signature]
President of Borough Council

This Ordinance approved this 4th day of May, 1992.

James C. Williams
Mayor