

ORDINANCE NO. 176 - 2001

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, PROVIDING FOR THE CLEAN-UP AND ABATEMENT OF SPILLS OR DEPOSITS OF HAZARDOUS MATERIALS WITHIN THE TOWNSHIP, AND/OR WHILE ASSISTING OTHER MUNICIPALITIES; DEFINING TERMS USED IN THE ORDINANCE; PROVIDING FOR INDEMNIFICATION OF THE TOWNSHIP OF ALL COSTS INCURRED IN THE CLEAN-UP OF HAZARDOUS MATERIALS; PROVIDING THAT THE REMEDY IS CUMULATIVE AND NOT A DEROGATION OF ANY OTHER LAW OF THE COMMONWEALTH OF PENNSYLVANIA OR THE UNITED STATES OF AMERICA; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE, AND THE REPEAL OF ALL ORDINANCES, OR PARTS OF ORDINANCES, INCONSISTENT THEREWITH.

BE IT ORDAINED AND ENACTED by the Township of Pymatuning and it is hereby ordained and enacted by the authority of the same as follows:

ARTICLE I. DEFINITIONS:

PERSON: Any one or more persons, businesses, clubs, firms, fraternal orders and/or societies, groups, associations, partnerships, corporations, organizations, sole proprietorships and/or any other type of legal entity.

HAZARDOUS SUBSTANCE: Hazardous substances is defined to be any substance and/or material in a quantity or form which, in the determination of the Township poses an unreasonable and imminent risk to the life, health, and/or safety of any person and/or property, and/or to the ecological balance of the environment including, but not limited to, substances which are explosive, flammable, radioactive, corrosive, and/or such that may for any other reason be listed as a hazardous substance by the Pennsylvania Department of Labor and Industry and/or the United States Department of Health and Human Services.

TOWNSHIP: The Township shall be the Township of Pymatuning, Mercer County, Pennsylvania, including any fire and/or police personnel serving the citizens of Pymatuning.

- ARTICLE II. ABATEMENT: The Pymatuning Township fire department, or its designee, is herewith authorized and directed to clean up and/or abate, or cause to be cleaned up and/or abated any spill and/or deposit, or the effects of any spill or deposit of any hazardous materials or substances existent upon, or threatening any properties and/or facilities within the municipal boundaries of the Township of Pymatuning, and to assist other municipalities if requested. Furthermore, the fire department is authorized to purchase such materials, rent equipment and/or retain the services of any entity for assistance in abating any such spills. Property shall include all public and private roads, streets, alleys, sidewalks and other lands and/or facilities that may be designated for the use of persons other than the owner of licenses thereof.
- ARTICLE III. INDEMNIFICATION: Any person or persons who cause, facilitate, and/or participate in the deposit and/or spillage of any hazardous material upon any property or facility within the Township of Pymatuning shall each be jointly and severally liable thereof, regardless of fault, negligence, or degree of participation. Costs incurred by the Township of Pymatuning in the clean up or abatement as hereinbefore provided, shall be at a rate or rates as shall be approved by the Township Board of Supervisors from time to time, by resolution, as well as any other actual costs incurred by the Township and/or the fire department. These costs shall be determined in such a manner as to reimburse the Township for all of its actual costs of labor, including fringe benefit costs and administrative costs, as well as the actual costs of materials, equipment and/or supplies actually expended or used in the clean up or abatement.
- ARTICLE IV. CUMULATIVE REMEDY: The remedy provided by this Ordinance shall be deemed in addition to any other remedies available to the Township or any citizen thereof; provided for by any other laws of the Commonwealth of Pennsylvania, the United States of America, and/or the Township of Pymatuning, as may be applicable.
- ARTICLE V. SEVERABILITY: The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of this Ordinance.
- ARTICLE VI. REPEALER: All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.
- ARTICLE VII. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the date of its enactment.

APPROVED, ADOPTED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Pymatuning on Oct. 11, 2001.

TOWNSHIP OF PYMATUNING
BOARD OF SUPERVISORS

By Joseph A. Selnekovic
Joseph A. Selnekovic, Chairman

By James F. Rowe
James F. Rowe

By James M. Kaller
James M. Kaller

ATTEST:

Joyce E. Leventry
Joyce Leventry, Secretary