

ORDINANCE NUMBER 01-2001 Emergency Incident Reimbursement

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1. PURPOSE.

- (A) IN ORDER TO PROTECT THE MORLEY AREA FIRE DEPARTMENT FROM INCURRING EXTRAORDINARY EXPENSES RESULTING FROM THE UTILIZATION OF VILLAGE RESOURCES TO RESPOND TO AN EMERGENCY INCIDENT, THE VILLAGE OF MORLEY AUTHORIZES THE IMPOSITION OF CHARGES TO RECOVER REASONABLE AND ACTUAL COSTS INCURRED BY THE VILLAGE IN RESPONDING TO CALLS FOR ASSISTANCE IN CORRECTION WITH AN EMERGENCY INCIDENT.

SECTION 2. DEFINITIONS. "EMERGENCY INCIDENT"

- (B) FOR THE PURPOSE OF THIS ORDINANCE. "EMERGENCY INCIDENTS " INCLUDE, BUT ARE NOT LIMITED TO HAZARDOUS MATERIAL INCIDENTS IN RELEASES, DOWN ELECTRIC LINES, BROKEN GAS MAINS, ASSISTING ANY UTILITY COMPANY PUBLIC OR PRIVATE, AND ANY OTHER INCIDENT THAT THE FIRE DEPARTMENT MAY RESPOND TO WHICH IS IN THE BEST INTEREST OF THE PUBLIC HEALTH AND SAFETY OF THE CITIZENS OF THE VILLAGE OF MORLEY.

SECTION 3 " HAZARDOUS MATERIALS DEFINED

- (A) FOR THE PURPOSES OF THIS ORDINANCE, "HAZARDOUS MATERIALS" INCLUDE, BUT ARE NOT LIMITED TO A CHEMICAL THAT IS A COMBUSTIBLE LIQUID, A FLAMMABLE GAS, EXPLOSIVE, FLAMMABLE, AN ORGANIC PEROXIDE, AN OXIDIZER, PYROPHORIC, TOXIN, POISONOUS MATERIAL, ELECTRICAL HAZARD, UNSTABLE REACTIVE OR WATER REACTIVE.

SECTION 4 " RELEASE " DEFINED

- (A) ANY SPILLING, LEAKING, PUMPING, POURING, EMITTING, EMPTYING, DISCHARGING, INJECTING, LEACHING, DUMPING, DISPOSING INTO THE ENVIRONMENT.

SECTION 5 " RESPONSIBLE PARTY " DEFINED,

- (A) ANY INDIVIDUAL, FIRM, CORPORATION, ASSOCIATION, PARTNERSHIP, COMMERCIAL ENTITY, CONSORTIUM, JOINT VENTURE, GOVERNMENT ENTITY, OR ANY OTHER LEGAL ENTITY THAT IS RESPONSIBLE FOR THE EMERGENCY INCIDENT OR FOR THE RELEASE OF A HAZARDOUS MATERIAL, EITHER ACTUAL OR THREATENED , OR IS AN OWNER, TENANT, OCCUPANT, OR PARTY IN CONTROL OF PROPERTY ONTO WHICH AN EMERGENCY INCIDENT OCCURS OR FROM WHICH HAZARDOUS MATERIALS RELEASE.

SECTION 6 CHARGES IMPOSED UPON RESPONSIBLE PARTY

- (A) WHERE THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT RESPOND TO A CALL FOR ASSISTANCE IN CORRECTION WITH AN EMERGENCY INCIDENT, ACTUAL COSTS INCURRED BY THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT RESPONDING TO SUCH A CALL SHALL BE IMPOSED UPON THE RESPONSIBLE PARTIES, INCLUDING, BUT NOT LIMITED TO:
- I. \$75.00 PER HOUR, FOR EACH DEPARTMENTAL VEHICLE REQUIRED RESPONDING TO AND/OR STAND BY AT THE EMERGENCY INCIDENT.
 2. ALL PERSONNEL- RELATED COSTS INCURRED BY THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT AS A RESULT OF RESPONDING TO THE EMERGENCY INCIDENT AT THE SUM OF \$20.00 PER HOUR FOR EACH INDIVIDUAL.

3. OTHER EXPENSES INCURRED BY THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT IN RESPONDING TO THE EMERGENCY INCIDENT, INCLUDING BUT NOT LIMITED TO, RENTAL OR PURCHASE OF MACHINERY, EQUIPMENT, LABOR, CONSULTANTS, LEGAL AND ENGINEERING FEES, AND THE REPLACEMENT COSTS RELATED TO DISPOSABLE PERSONAL PROTECTIVE EQUIPMENT, EXTINGUISHING AGENTS, SUPPLIES, WATER PURCHASED FROM MUNICIPAL WATER SYSTEMS AND MEALS AND REFRESHMENTS FOR PERSONNEL WHILE ON THE SCENE OF AN EMERGENCY INCIDENT.
4. CHARGES TO THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT IMPOSED BY LOCAL, STATE, OR FEDERAL GOVERNMENT ENTITIES RELATED TO THE EMERGENCY INCIDENT.
5. COSTS INCURRED IN ACCOUNTING FOR ALL EMERGENCY INCIDENT-RELATED EXPENDITURES, INCLUDING BILLING, COLLECTION COSTS, AND / OR LITIGATION FEES.

SECTION 7 THE FIRE DEPARTMENT SHALL SUBMIT A DETAILED LISTING OF ALL KNOWN EXPENSES TO THE RESPONSIBLE PARTY FOR PAYMENT WITHIN 30 DAYS OF BILL RECEIPT. ANY ADDITIONAL EXPENSES THAT BECOME KNOWN TO THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT OR THE FIRE CHIEF FOLLOWING THE TRANSMITTAL OF THE BILL TO THE RESPONSIBLE PARTY SHALL BE BILLED IN THE SAME MANNER ON A SUBSEQUENT BILL TO THE RESPONSIBLE PARTY. FOR ANY AMOUNTS DUE THAT REMAIN UNPAID AFTER THIRTY (30) DAYS, THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT SHALL IMPOSE A LATE CHARGE OF ONE PERCENT (1%) PER MONTH, OR FRACTION THEREOF.

SECTION 8 OTHER REMEDIES

- (A) THE VILLAGE OF MORLEY AREA FIRE DEPARTMENT MAY PURSUE ANY OTHER REMEDY, OR MAY INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDING, IN A COURT OF COMPETENT JURISDICTION TO COLLECT CHARGES IMPOSED UNDER THIS ORDINANCE, THE RECOVERY OF CHARGES IMPOSED UNDER THIS ORDINANCE DOES NOT LIMIT LIABILITY OF RESPONSIBLE PARTIES UNDER LOCAL ORDINANCES OR STATE OR FEDERAL LAW, RULE, OR REGULATION.

SECTION 9 SEVERABILITY

- (A) SHOULD ANY PROVISION OR PART OF THE WITHIN ORDINANCE BE DECLARED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID OR UNENFORCEABLE, THE SAME SHALL NOT EFFECT THE VALIDITY OR ENFORCEABILITY OF THE BALANCE OF THE ORDINANCE WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS AFTER PUBLICATION. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

I hereby certify to the adoption of this ordinance at the November 12, 2001 council meeting and cause the same to be published as required by law. Yeas: 6 Nays: 0 Ordinance declared adopted

Published Nov 27, 2001 Effective Date Dec 27, 2001

Margaret Carpenter
Margaret Carpenter, Village Clerk

Johnnie W. Lewis Jr.
Johnnie Lewis Jr., President