

ORDINANCE NO. 90-3

**AN ORDINANCE OF HILLTOWN TOWNSHIP,
BUCKS COUNTY, AUTHORIZING THE COLLECTION
AND REIMBURSEMENT OF THE COSTS OF
INDUSTRIAL ACCIDENTS.**

WHEREAS, the Board of Supervisors of Hilltown Township, Bucks County, Commonwealth of Pennsylvania, is empowered to adopt ordinances deemed necessary for the proper management, care and control of Hilltown Township ("TOWNSHIP") and its finances and the maintenance of peace, good government and welfare of the Township and its trade, commerce and manufacture, pursuant to the Second Class Township Code, Act of May 1, 1933, P.L. 103, Article VII, Section 707, as amended (53 P.S. 65762);

WHEREAS, the TOWNSHIP incurs substantial costs in connection with industrial accidents which occur in the TOWNSHIP; and

WHEREAS, the Board of Supervisors has determined that any person who is responsible for such an industrial accident should bear all the costs associated with such accident; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the TOWNSHIP to enact an ordinance authorizing the recovery of costs incurred by the TOWNSHIP as a result of industrial accidents from the person or legal entity responsible for such accidents.

NOW, THEREFORE, the Board of Supervisors of Hilltown Township enacts and ordains the following:

SECTION ONE. DEFINITIONS

- A. **INDUSTRIAL ACCIDENT** - An industrial accident is any incident that occurs from the storage, transportation, use and/or manufacturing of any substance potentially dangerous to the public health and welfare at large that necessitates:
- (1) The intervention of the Hilltown Township Police Department or any of the emergency agencies, including fire, ambulance, or rescue squads which

may serve Hilltown Township including but not limited to the fire companies, or any rescue squad operating or providing service in Hilltown Township or the Hilltown Township Emergency Management Organization;

(2) The need for clean-up and/or abatement measures to be performed by Township employees, or other matters resulting in expense to the TOWNSHIP.

- B. BUSINESS - Any person or persons, corporation, partnership, or other entity engaged in the buying, selling, storing, transferring, transporting and/or manufacturing of properties, merchandise, chemicals or other fuels, goods, and who do so for any form of compensation.
- C. PUBLIC THOROUGHFARE - Bridges, State Highways, Township Streets, any Navigable Waterways or other roadways or water courses owned by a TOWNSHIP governmental unit, or other privately owned street, parking lot, or access way to which the public has access.

SECTION TWO. COST OF INDUSTRIAL ACCIDENTS

- A. The Business on whose premises an Industrial Accident occurs shall bear all costs that occur as a direct or consequential result of such Industrial Accident. In the event an Industrial Accident occurs during transportation on a public thoroughfare, or in delivery to an entity other than a Business as defined in Section One, (B) hereinabove, the entity or which who owns or had custody and/or control of the vehicle and/or substance involved in the Industrial Accident shall bear all costs that occur as a direct or consequential result of such accident. Nothing contained herein shall prevent such business or entity from recovering any incurred or subsequent costs from a third party whose negligence may have caused such Industrial Accident.
- B. In the event that any person undertakes, either voluntarily or upon order of the Emergency Management Coordinator or other Township Official to clean-up or abate the effects of an Industrial Accident, the Emergency Management Coordinator may take such action as is necessary to supervise or verify the adequacy of the clean-up or abatement. The Business or Entity described in Section Two, (A) hereinabove shall be liable to the TOWNSHIP for all costs incurred as a result of such supervision or verification.

- C. For the purpose of this Section costs of an Industrial Accident shall include, but is not limited to, the following: Expenses incurred by Police, Fire, and/or Emergency Medical Services; actual labor costs of Hilltown Township personnel, including benefits and administrative overhead; costs of consultants or others preparing reports concerning the Industrial Accident; costs of equipment operations; costs of materials obtained directly by the TOWNSHIP; cost of any contractual labor and materials for clean-up and/or abatement; costs of the Township Solicitor and/or Township Engineer connected with the Industrial Accident.
- D. The costs of such Industrial Accident as set forth in Section Two, (C) hereinabove shall be determined by the Township Board of Supervisors.
- E. Such costs when determined shall be paid to the TOWNSHIP within thirty (30) days from the date on which the TOWNSHIP issues an invoice for such charges.

SECTION THREE. SEVERABILITY

The provisions of this ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not effect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION FOUR. EFFECTIVE DATE

This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED AND ORDAINED, this *14th* day of *May*, 1990.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

[Signature]

[Signature]

[Signature]
