

WEST CALN TOWNSHIP

ORDINANCE NO. 7 , 2004

**ORDINANCE RECOGNIZING AUTHORITY OF VOLUNTEER FIRE COMPANIES
TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT MATERIAL,
ENVIRONMENTAL INCIDENTS, STORM EMERGENCY AND SAFETY AND RESCUE
RESPONSES**

WHEREAS, West Caln Township has recognized and designated, the Wagontown Volunteer Fire Company and the Martins Corner Volunteer Fire Company as designated fire companies for West Caln Township;

WHEREAS, the aforesaid Volunteer Fire Companies (referred to hereinafter jointly and severally as "Volunteer Fire Companies") respond to fires, hazardous material incidents, storm emergencies, environmental incidents, and safety and rescue incidents;

WHEREAS, such responses are made either directly, via 911 response, or in coordination with the Emergency Management Agency;

WHEREAS, such responses on occasion involve the use of hazardous substance abatement equipment and materials and other items of equipment and materials;

WHEREAS, it is the intention of the Township to recognize the authority of the Volunteer Fire Companies to seek collection and reimbursement for the reasonable costs of responding to such incidents, either directly or in coordination with the Office of Emergency Management.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of West Caln Township, Chester County, Pennsylvania as follows:

1. The West Caln Township Board of Supervisors by and through their authority and relationship with the aforesaid Volunteer Fire Companies hereby recognizes the authority and authorizes the Volunteer Fire Companies to recover the reasonable costs of fire fighting materials, equipment, personnel hours and hazardous substances abatement materials involving any fire, hazardous material incident, environmental incident, storm emergency or safety and rescue incident or operation, including motor vehicle accidents to the extent permitted by law.

2. The reasonable, costs as outlined above may be recovered directly by the Volunteer Fire Companies, through the Township with the consent of the Board of


Supervisors which may be evidenced by a Resolution of the Board or by agreement with the Chester County Emergency Management Agency as an authorized agent for collection of such reasonable costs. The utilization of the Chester County Emergency Management Agency shall be for those situations deemed by the Chester County Emergency Management Agency as appropriate, for collection through such Agency, principally those incidents involving use of hazardous abatement materials and/or incidents directly involving the Chester County Emergency Management Agency.

3. In addition to the aforementioned reasonable costs, the Volunteer Fire Companies, Township, or Chester County Emergency Management Agency shall be authorized to collect reasonable interest, as well as a reasonable administrative fee for collection of the foregoing and any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning and Response Act or authorized by any other statute, case law or common law.

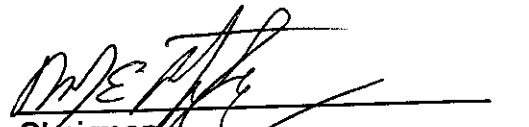

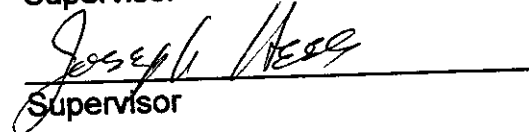
4. This Ordinance shall become effective from and after the date which is five (5) days after its passage.

Enacted and Ordained as an Ordinance by the Board of Supervisors of West Caln Township, Chester County, Pennsylvania at a regular meeting this 8TH day of MARCH 2004.

ATTEST:


Secretary

BOARD OF SUPERVISORS
WEST CALN TOWNSHIP


Chairman

Supervisor

Supervisor