



**SOUTH FAYETTE TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 03 OF 2026

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE,
ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING
EMERGENCY SERVICE COST REIMBURSEMENT OF HAZARDOUS
MATERIALS IN THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY
COUNTY, PENNSYLVANIA.**

WHEREAS, the Township of SOUTH FAYETTE is called upon to clean up, dispose of, or abate, or cause to be cleaned up, disposed and abated, the effects of any hazardous materials or substances spilled or deposited upon property within the Township of SOUTH FAYETTE; and

WHEREAS, the cost for the intentional, negligent or accidental spill of hazardous materials and its cleanup should not be borne by the residents of the Township of SOUTH FAYETTE.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of SOUTH FAYETTE, and it is hereby ordained and enacted as follows:

Section 1. This Ordinance shall be known and may be cited as the “Emergency Service Cost Reimbursement Ordinance.”

Section 2. Definitions. For the purposes of this Part, the following terms shall be defined in accordance with this Section:

Fire Company – The designated fire protection agency for the Township and/or any other volunteer fire department authorized to provide service in the Township.

Hazardous Materials – Any substances or materials in a quantity or form which poses an unreasonable and imminent risk to the life, health or safety of persons or

property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammable, corrosives or materials listed in the hazardous substances list of the Pennsylvania Department of Labor and Industry. This definition shall also conform to the corresponding definition contained in the Hazardous Material Emergency Planning and Response Act, 35 P.S. §6022.103, as amended.

Section 3. Authorization of Township.

The Township, through its emergency services, is authorized to clean up, dispose or abate, or cause to be cleaned up, disposed, or abated the effects of any hazardous materials or substance spilled or deposited upon or into properties or facilities with the municipal boundaries of the Township or have a direct identifiable effect on persons or property within the municipal boundaries of the Township including, but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and other costs incurred in the mitigation of the emergency situation.

Section 4. Emergency Service Costs Subject to Reimbursement.

Any person who intentionally, negligently, accidentally or otherwise causes a hazardous material or substance spill, deposit, or any other act or omission necessitating the providing of emergency services by the Township or by the Fire Company within the boundaries of the Township shall be liable for all reasonable costs incurred by the Township and/or the Fire Company as a result of such spill, deposit, or other act or omission. The remedy provided by this Part shall be in addition to any other remedies provided by law.

Section 5. Emergency Service Costs Defined.

For the purpose of this Part, reasonable costs incurred by the Township and/or the Fire Company for emergency services shall include, but not be limited to, the following: actual labor costs of Township and Fire Company personnel including, but not limited to, workers'

compensation benefits, insurance, fringe benefits, wages and administrative overhead; cost of equipment operation; cost of repair or replacement of damaged equipment; cost of special fire extinguishing agents; costs of materials and/or supplies; and any costs of any contracted labor and materials.

Section 6. Procedure for Reimbursement.

For purposes of this Part, the charges for use of the Township's or the Fire Company's emergency services equipment, materials and personnel shall be billed by the entity incurring the costs. Payment of said charges shall be remitted within thirty (30) days of receipt of the entity's bill or invoice. If such charges are not paid within thirty (30) days, the billing entity may initiate an appropriate action in any tribunal of competent jurisdiction for the collection of any amounts due hereunder, plus attorney's fees, interest and costs.

Section 7. That any Ordinance, or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

Section 8. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity, or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of SOUTH FAYETTE that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED into law this 14 day of January, 2026.

ATTEST:



John M Barrett
Township Secretary

TOWNSHIP OF SOUTH FAYETTE



Chuck Lazzini, President
Board of Commissioners