

**AN ORDINANCE OF MILESBERG BOROUGH PROVIDING FOR THE REIMBURSEMENT OF EMERGENCY SERVICES COSTS**

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF MILESBERG BOROUGH AND IT IS HEREBY ENACTED AND ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section I.     Short Title

This Ordinance shall be known as the Milesburg Borough Emergency Service Reimbursement Ordinance.

Section II.    Definitions

As used in this Ordinance, the following terms shall have the meaning set forth hereunder unless the context clearly demonstrates a different meaning:

*Borough:*       Milesburg Borough

*Hazardous Materials:* Any substance in quantity or form which poses an unreasonable risk of danger to the life, health or safety of persons, or unreasonable risk of harm or damage to property or to the ecological balance of the environment. The term shall include, but is not limited to explosives, radioactive materials, petroleum products, gases, poisons, flammables, corrosives or materials identified as hazardous substances by the Pennsylvania Department of Labor & Industry.

*Fire Department:*     The Citizens' Hook and Ladder No. 1 of Milesburg

*Motor Vehicle:*       A vehicle defined as a motor vehicle by the Pennsylvania Department of Transportation, including but not limited to, automobiles, trains, motorized water craft, or motorized flying aircraft.

Section III.    Enforcement and Billing

The Borough Council or its designee, shall have the power to enforce the provisions of this Ordinance. Billings shall be made in accordance with rates adopted by the Citizens' Hook and Ladder No. 1 Oversight Committee.

Section IV. Reimbursement of Emergency Services Costs

Any person who intentionally, negligently, accidentally, or otherwise causes a motor vehicle accident, hazardous material spill, or any other event necessitating the provision of emergency services by the Borough or Fire Department shall be liable for all costs incurred by the Borough and/or Fire Department in providing emergency services to be paid within 60 days of the event which required the provision of emergency services.

Section V. Establishment of Costs

In accordance with Section III hereof, the costs for use of the Borough and Fire Company emergency service, equipment, materials and personnel shall be set by resolution of the Borough Council from time to time.

Section VI. Mutual Aid Response

Upon request of a neighboring fire department or company, the Borough may require any person who intentionally, negligently, accidentally, or otherwise caused a motor vehicle accident, hazardous material spill, or other event necessitating the provision of emergency services by a neighboring fire department or company, to reimburse said neighboring department or company for their costs incurred according to the Borough's billing rates within 60 days of the event which required the provision of emergency services. Such reimbursement shall be in addition to the reimbursement provided for in Section IV of this Ordinance.

Section VII. Penalty

In addition to the reimbursement as provided for in Sections IV and VI of this Ordinance, any person who violates this Ordinance by failing to reimburse the Borough, Fire Department, and/or a neighboring fire department or company as set forth above as the case may be, shall, upon being found liable hereunder before a District Judge pay a fine of not more than six hundred (\$600.00) dollars, together with all court cost, including reasonable attorney's fees.

Section VIII. Repealer

Ordinance Nos. 282 and 313 are hereby repealed.

Section IX. Severability

Should any sentence, clause, section or part of this Ordinance is for any reason declared or found to be unconstitutional, illegal or otherwise invalid by a tribunal of competent jurisdiction, such unconstitutionality, illegality or invalidity

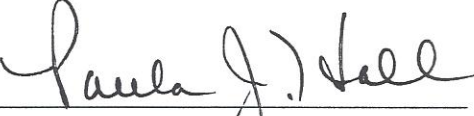
shall not affect or impair the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would be adopted had such unconstitutional, illegal or invalid provisions, sentences, clauses, sections or part hereof not been included herein.

Section X.    Effective Date

This Ordinance shall become effective five (5) days after adoption hereof.

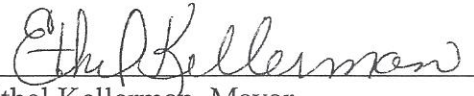
Enacted and ordained as of 14<sup>th</sup> day of March, 2013

ATTEST:

  
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Paula J. Hall, Secretary-Treasurer

**BOROUGH OF MILESBURG:**

  
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Paul J. Bartley, Council President

  
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Ethel Kellerman, Mayor