

ORDINANCE NO. 2001-05

August 6, 2001

AN ORDINANCE OF SUMMIT TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, AUTHORIZING THE RECOVERY OF COSTS INCURRED BY PAID OR VOLUNTEER EMERGENCY SERVICE ORGANIZATIONS WHEN RESPONDING TO AUTOMOBILE ACCIDENT SCENES AND TO OTHER HAZARDOUS INCIDENTS WHICH TAKE PLACE ON THE STREETS OR ROADWAYS LOCATED WITHIN SUMMIT TOWNSHIP, ERIE COUNTY, PENNSYLVANIA.

WHEREAS, paid or volunteer emergency service organizations respond to automobile accident scenes and to scenes of any other hazardous incident which take place on the streets or roadways located within Summit Township, Erie County, Pennsylvania.

WHEREAS, the paid or volunteer emergency service organizations provide valuable services to the individuals involved in the accident or incident as they aid those involved, ensure that the accident scene is safe so that no further hazards and injuries occur, stabilize any motor vehicles involved, direct traffic, and clear the street or roadway.

WHEREAS, these services are vitally necessary to protect everyone at the scene of automobile accidents and other hazardous incidents which occur on the streets and roadways of Summit Township.

WHEREAS, the paid or volunteer emergency service organizations incur expenses when responding to these accidents and incidents and, therefore:

BE IT ORDAINED by Summit Township, Erie County, Pennsylvania,

Section I. Any person who is involved in an automobile accident, or any other hazardous incident, on the streets or roadways located in Summit Township, Erie County, Pennsylvania, shall be liable for the response costs incurred by a paid or volunteer emergency service organization. The paid or volunteer emergency service organization that undertakes a response action may recover those

response costs in law or an action in equity brought before a court of competent jurisdiction.

- Section II. Should more than one paid or volunteer emergency service organization incur response costs for responding to the same accident, the emergency service organizations may file a joint action in law or equity and may designate one entity to represent the others in the law suit.
- Section III. In an action to recover response costs, a paid or volunteer emergency service organization may include operational, administrative personnel, and legal costs incurred from its initial response action up to the time that it recovers its costs.
- Section IV. When used in this ordinance, the term "response cost" includes, but are not limited to:
- a. Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the response to the accident or incident.
 - b. Rental or leasing of equipment use specifically for the response; for example, protective equipment or clothing and scientific and technical equipment.
 - c. Replacement costs for equipment that is contaminated beyond reuse or repair during the response.
 - d. Compensation of paid employees or members of the paid or volunteer emergency service organization, to include regular and overtime pay for permanent full-time and other than full-time employees or members.
 - e. Special technical services specifically required for the response; for example, costs associated with the time and efforts of technical experts or specialists.
 - f. Other special services specifically required for the response; for example, utility costs.
 - g. Costs associated with the services, supplies and equipment used to conduct an evacuation during the response.
 - h. Any other costs associated with the stabilization of vehicles and the ensuring that the accident scene is safe.

Section V. This ordinance shall become effective immediately upon passage.

ENACTED AND ORDAINED INTO AN ORDINANCE this 6th day of August,
2001.

ATTEST

Sharon L. Ryan

SUMMIT TOWNSHIP

M. K. Coon
Marlin K. Coon, Supervisor

Paul L. Dahlkemper
Paul L. Dahlkemper, Supervisor

SEAL

Shirley A. King
Shirley A. King, Supervisor

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