

## **Chapter 7**

### **Emergency Management Services**

#### **Part 1**

#### **Recovery of Costs for Abatement of Hazardous Substances**

- §7-101. Word Usage; Terms Defined
- §7-102. Deposit of Hazardous Substances Declared a Public Nuisance
- §7-103. Notice
- §7-104. Abatement by the Borough
- §7-105. Fees and Penalties



**Part 1****Recovery of Costs for Abatement of Hazardous Substances****§7-101. Word Usage; Terms Defined.**

1. *Word Usage.* The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine.

2. *Terms Defined.* Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings indicated in this Section.

*Abate or abatement*—the removal and disposal of hazardous substances in accordance with applicable Federal, State, or local laws or regulations in such a way as to prevent damage or injury to persons, property, or the environment, or to endanger the public health, safety, and welfare and shall include, but not be limited to, the actions necessary to monitor, assess, and evaluate such danger or damage.

*Deposit*—any spilling, leaking, pumping, pouring, emptying, discharging, injecting, escaping, leeching, dumping, or disposing.

*Hazardous substance*—any solid, liquid, or gas which is combustible, flammable, corrosive, poisonous, toxic, radioactive, oxidizing, unstable (reactive), or explosive substance and includes all the substances listed as hazardous substances by the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Labor and Industry, the United States Environmental Protection Agency and the United States Coast Guard. [Ord. 1005]

*Person*—any individual, firm, corporation, association, partnership, joint venture, or other private or commercial entity.

(Ord. 871, 3/12/1993, §1; as amended by Ord. 1005, 5/23/2011)

**§7-102. Deposit of Hazardous Substances Declared a Public Nuisance.**

Hazardous substances deposited upon public roadways, public lands, or private property within the Borough shall be deemed a public nuisance and shall be abated immediately by the person responsible for the deposit of said hazardous substances or, if upon private property, by the owner of such property.

(Ord. 871, 3/12/1993, §1)

**§7-103. Notice.**

Except in the case of an emergency or imminent danger to the public health, safety, or welfare, the Fire Marshall, or authorized designate, shall serve notice upon the person responsible for the public nuisance, or if such person is unknown, then the owner of the property upon which the nuisance exists. The notice shall sufficiently describe the condition found and shall require the nuisance to be abated within 10 days of the mailing of the notice. If the owner cannot be located, it shall be sufficient to forward notice to the last known address and to post a copy of such notice at the site of the nuisance.

(*Ord. 871, 3/12/1993, §1*)

**§7-104. Abatement by the Borough.**

Should any person responsible for the creation of a nuisance, or an owner, fail, after receiving notice to abate such condition, to the satisfaction of the Fire Marshall, or if the Fire Marshall shall determine that the hazardous substances expose an immediate threat to the public health, safety, and welfare, the Borough shall act to abate the condition and the cost of abatement by the Borough shall be paid by the person who deposited the hazardous substance or by the owner of the property affected. A municipal claim may be filed against the property benefitted and such costs collected as provided by law.

(*Ord. 871, 3/12/1993, §1*)

**§7-105. Fees and Penalties**

All costs incurred by the Borough for hazardous substance clean up shall be paid by the person responsible for causing the deposit of the substance or by the owner of the property affected. In the case where the responsible person is a nonresident, legal action will be taken if payment for costs is not made within 30 days of the request for payment.

(*Ord. 871, 3/12/1993, §1*)