

ORDINANCE NO. 2018-4

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 3
ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 3 entitled "Police Regulations" are necessary; and

WHEREAS, in all other respects Chapter 3 entitled "Police Regulations" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

A new Section 3-27 entitled "Emergency Services Cost Recovery" shall be added as follows:

a. Definitions.

Expendable items shall mean any items used to extinguish any fire, perform rescue, and/or stop or control or contain any leak or spill involving any hazardous material which cannot be reused or cannot be replenished without cost after that particular fire, rescue, leak or spill. These include but are not restricted to fire-fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums and specialized protective equipment to include but not be restricted to acid suits, acid gloves, goggles and protective clothing.

Hazardous materials shall mean any material, solid, liquid or gas, listed as a hazardous substance or material, including but not necessarily limited to such substances and materials listed under the National Fire Protection Association Guide to Hazardous Materials, the Department of Transportation Guide Book and the List of Hazardous Substances and Toxic Pollutants designated by the Federal Environmental Protection Agency and the New Jersey State Department of Environmental Protection.

Vehicle shall mean any motorized equipment, registered or unregistered, including but not limited to a passenger car, motorcycle, truck, tractor-trailer, construction equipment, farm machinery, watercraft, aircraft and trains.

Vessel shall mean any container, drum, box, cylinder, bottle or tank used to hold or contain or carry or store any hazardous material.

b. Reimbursable items.

Costs incurred by the Borough of Elmer for the following items in connection with the suppression, rescue, control or clean up of a fire, leakage or spillage involving any hazardous material shall be reimbursed to the Borough of Elmer by the responsible parties as set forth in Subsection C. below:

1. The cost of replacement of expendable items.
 2. The expenses incurred by the Borough for the wages (regular and/or overtime) paid to its employees/agents as a result of an incident.
 3. Any and all medical costs incurred by responding personnel.
 4. Any and all environmental tests required to ensure a hazard-free environment (soil, water and air).
 5. A fixed hourly rate for the use of apparatus at incidents and for the use of any other municipal or government vehicles.
 6. Services rendered by any recovery company, towing company or other technical assistance called for by the Fire Department/Police to handle such incident.
 7. Vehicle extrication services.
- c. Parties responsible for reimbursement.

Reimbursement to the Borough for any reimbursable items, as set forth above, shall be made by the following parties: The owner, operator, person or entity responsible for any vehicle or vessel containing hazardous material involved in any fire or release on public or private property, whether stationary or in transit, whether accidental, through negligence or criminal act.

- d. Reimbursement and period for payment.

Any responsible party, as set forth in Subsection c. hereof, shall reimburse the Borough of Elmer for the full price of any reimbursable items used to extinguish such a fire, stop or contain such release or control and clean up such release within 45 days after receipt of a bill for such items from the Borough of Elmer. Upon the failure to reimburse the Borough of Elmer for the cost of such items within said forty-five-day period, and in addition to the penalty provided in Subsection e. hereof, the Borough of Elmer may take such action as may be provided by law to recover such cost from the responsible party.

- e. Violations and penalties.

Any person, firm or corporation violating this chapter shall be subject, upon conviction, to one or more of the following: imprisonment in the county jail for any term not exceeding 90 days; or by a fine of no less than \$100 and not more than \$2,000; and/or by a period of community service not exceeding 90 days.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

**BY: _____
Joseph Stemberger, Mayor**

ATTEST:

Sarah D. Walker, Borough Clerk

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____
Davis	_____	_____	_____	_____	_____	_____
Nolan	_____	_____	_____	_____	_____	_____
Richards	_____	_____	_____	_____	_____	_____
Schalick	_____	_____	_____	_____	_____	_____
Zee	_____	_____	_____	_____	_____	_____

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on February 14, 2018. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on March 14, 2018 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Sarah D. Walker
Borough Clerk