

**SANDYSTON TOWNSHIP**

**2021-11**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY CHAPTER 85 ENTITLED "HAZARDOUS WASTES" ARTICLE I ENTITLED "HAZARDOUS MATERIAL CLEAN UP AND RECOVER OF COSTS"**

**BE IT ORDAINED**, by the Township Committee of the Township of Sandyston, County of Sussex and State of New Jersey, that the Code of the Township of Sandyston be and is hereby amended.

**SECTION 1.** The following Chapter entitled "Hazardous Material Clean Up and Recovery of Costs" is hereby amended to read as follows:

"Hazardous Material Clean Up and Recovery of Costs"

**Purpose.**

Purposes. From time to time the Sandyston Township Volunteer Fire Department (hereinafter "Fire Department") is called out to respond to automotive incidents within the municipal boundaries of Sandyston Township, including, but not limited to, responding to emergencies along township\*--, County and State roads. Such response requires the providing of fire and rescue services by members of the Fire Department, including providing supplies, material and other types of response expenses that are not otherwise recoverable by the Fire Department and therefore become a burden upon the taxpayers of Sandyston Township. If Sandyston Township did not provide such fire services, persons who are affected by incidents and accidents occurring within Sandyston Township would have to engage private companies to provide these services at the cost and expense of the owner of such vehicles involved in such incidents and accidents. Accordingly, the Mayor and Township Committee of Sandyston Township have determined to impose a reasonable cost upon the owners of vehicles involved in automobile incidents and accidents in and along and upon the roadways within the municipal boundaries of the Township of Sandyston in order to enable the Township to continue to provide such vital and necessary services to the public. The owner of any vehicle involved in an incident or accident within the Township of Sandyston requiring and/or necessitating a response by the Fire Department shall be required to pay a fee for such response services pursuant to a schedule of fees as shown in this ordinance (85-3 "Fees), which schedule of fees shall be published on the website maintained by the Township of Sandyston and available upon request from the Municipal Clerk. In addition to the fees to be charged, there shall also be charged the actual cost of supplies, equipment, labor, treatments used in response to emergencies such as treatments for fuel spills, labor of volunteers and the like. In the event that in the course of providing fire services any of the equipment utilized by the Fire Department or First Aid Squad is damaged, the cost of the repair and/or replacement of such equipment shall also be the obligation of the owner of the vehicle involved in the incident responded to by the Fire Department and/or First Aid Squad.

**85-1. Authorization for cleanup; supervision or verification; responsibility for costs.**

- A. The Fire Department is authorized, but not required, to mitigate the effects of any hazardous material unlawfully released, discharged or deposited upon or into any property or facilities within the township. The following described persons shall be jointly and severally liable to the township for payment of all costs incurred by the township as a result of such mitigation activity.

1. The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit;
  2. The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge or deposit, without regard to fault or proximate cause;
  3. The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge or deposit, without regard to fault of proximate cause; and
  4. The person or person who owned or controlled the land on which the hazardous material was deposited or from which the hazardous material was released or discharged.
- B. In the event that any person undertakes, either voluntarily or upon order of a township official, to clean up or abate the effects of any hazardous substance or waste unlawfully released, discharged or deposited upon or into any property or facilities with the township, the township may take such action as is necessary to supervise or verify the adequacy of the clean up or abatement. The person described in subsection (1) of this section shall be liable to the township for all costs incurred as a result of such supervision or verification.
- C. For purposes of this section, "hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.
- D. For purposes of this section, costs incurred by the township shall include, but shall not necessarily be limited to the following: actual labor costs of township personnel, including benefits and administrative overhead; costs of equipment operation; cost of any contract labor and material.
- E. The remedies provided in this section shall be in addition to any other remedies provided by the law.
- F. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

## **85-2. Procedure.**

- A. The Fire Department shall submit all documentation of the rendering of emergency services to the owner of the vehicle(s)/insurance company involved in an automobile incident/accident with the following information:
- a. The date, time and place that the response by the Fire Department was made;
  - b. A list of the expendable equipment, supplies, labor, treatments, etc., used by the Fire Department in responding to such automotive incident and accident together with the reasonable cost to replace such equipment, supplies, labor, treatments, etc; and
  - c. The cost to repair and/or replacement of equipment that was damaged or destroyed in responding to such automotive incident and accident.

### 85-3. Fees.

The Township of Sandyston hereby authorizes the Fire Department to seek reimbursement for the cost of emergency response services as provided below. This fee schedule shall be published on the website maintained by the Township of Sandyston and available upon request from the Municipal Clerk.

#### Labor Items

| <u>Product Name</u>       | <u>Price (per hour)</u>    |
|---------------------------|----------------------------|
| Chief                     | \$50.00 (Incident Command) |
| Captain                   | \$40.00                    |
| Fire Police               | \$25.00                    |
| Fire Police Captain       | \$38.00                    |
| Firefighter               | \$30.00                    |
| Firefighter/EMT           | \$42.50                    |
| First/Sec Assistant Chief | \$45.00                    |
| Lieutenant                | \$45.00                    |

#### Equipment Items

| <u>Apparatus</u>                | <u>Unit ID</u>     | <u>Cost (per hour)</u> |
|---------------------------------|--------------------|------------------------|
| 38 Engine 1                     | 38 Engine          | \$400.00               |
| 38 Engine 2                     | 38 Engine-2        | \$400.00               |
| 38 Engine 4                     | 38 Engine-4        | \$400.00               |
| 38 Rescue Engine 3              | 38 Engine-3        | \$500.00               |
| 38 Tanker                       | 38 TNK             | \$300.00               |
| 38 Utility                      | 38 Utility         | \$200.00               |
| Brush 1                         | 38 Brush           | \$200.00               |
| Command Vehicle                 | 38-Car 1           | \$150.00               |
| Hydraulic Cutter                | Jaws Cutter        | \$125.00               |
| Hydraulic Pump                  | Jaws Pump          | \$100.00               |
| Hydraulic RAM                   | Jaws Ram           | \$125.00               |
| Hydraulic Spreader              | Jaws Spreader      | \$125.00               |
| Mutual Aid Engine               | Engine             | \$400.00               |
| Mutual Aid Rescue               | Rescue             | \$750.00               |
| Portable Generator w/light      | Portable Generator | \$50.00                |
| Reciprocating Saw               | Sawzall            | \$25.00                |
| Traffic control support vehicle | Fire Police        | \$75.00                |
| Truck Mounted Generator         | Generator          | \$150.00               |
| UTV & Trailer                   | 38 UTV             | \$200.00               |

#### Consumable Items

| <u>Product Name</u>  | <u>SKU</u> | <u>Unit</u> | <u>Amount</u> |
|----------------------|------------|-------------|---------------|
| 10 x 10 Tarp         |            | Each        | \$25.00       |
| Absorbent Spill Pads |            | Each        | \$7.00        |
| AED Pads             | AED        | Pair        | \$125.00      |

|                               |                    |        |            |
|-------------------------------|--------------------|--------|------------|
| Backpack blower               | blower             | Each   | \$50.00    |
| Case Bottled Water            | H2O                | Each   | \$8.00     |
| Caution Tape/per foot         | Tape               | Other  | \$2.00     |
| Decon Spray                   | Decon              | Other  | \$50.00    |
| Extrication Gloves            | PPE                | Pair   | \$50.00    |
| Fire Extinguisher             |                    | Each   | \$50.00    |
| Flares                        |                    | Each   | \$3.00     |
| Foam Wet Water                |                    | Gallon | \$25.00    |
| Garbage bag                   | Garbage/Debris     | Each   | \$2.00     |
| Glass Master Blade            | Glass              | Each   | \$25.00    |
| K-12 Cutting Blade            | Cut                | Each   | \$75.00    |
| Kenwood NX-1200 Two-way Radio | Radio              | Each   | \$350.00   |
| Misc. EMS Supplies            | Misc.              | Other  | \$20.00    |
| Motorola Minitor VI Pager     | Pager              | Each   | \$500.00   |
| Nitrile/Latex gloves          | Gloves             | Pair   | \$1.00     |
| PPE Boots                     | Boots              | Pair   | \$350.00   |
| PPE Extrication Gloves        | Extrication Gloves | Pair   | \$55.00    |
| PPE Fire Gloves               | Structural Gloves  | Pair   | \$72.00    |
| PPE Helmet                    | Helmet             | Each   | \$375.00   |
| PPE Jacket                    | Turnout Coat       | Each   | \$875.00   |
| PPE Pants                     | Bunker Pants       | Each   | \$1,125.00 |
| PPU Portable                  | PPU                | Each   | \$100.00   |
| Preparedness Fee              | Prep               | Each   | \$300.00   |
| Rescue Certified Rope         | Rescue Rope        | Each   | \$530.00   |
| Road Brooms                   |                    | Each   | \$15.00    |
| Sawzall blades                | Sawzall            | Each   | \$15.00    |
| Speedy Dry (25 lbs.)          |                    | Bag    | \$13.50    |
| Traffic cone                  | Cone               | Each   | \$22.00    |
| Utility Rope                  | Rope               | Each   | \$20.00    |
| Wood Cribbing                 | Cribbing           | Each   | \$15.00    |

**Note:** All fees listed above are subject to 2% per annum increase that is compounded annually for the years following the adoption of this ordinance.

#### **85-4. Third-Party Billing Agent.**

The Fire Department is hereby authorized to bill and collect costs due it under this Chapter through a third-party billing agent under a contract with the Fire Department by billing to the responsible party.

#### **85-5. Collection of Costs.**

Said costs and fees as outlined (85-3 "Fees) shall be recovered directly by the Fire Department, or through a third-party billing agent engaged in the business of emergency response billing under a contract with the Fire Department by billing to the responsible party.

### **SECTION 2.**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or

invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 3.**

**Repealer.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**SECTION 4.**

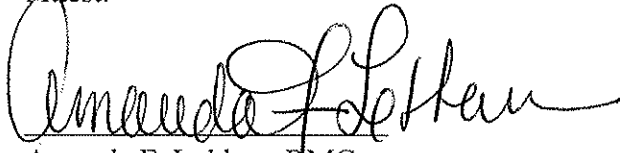
**Effective Date.** This Ordinance shall take effect upon final passage and publication as provided by law.

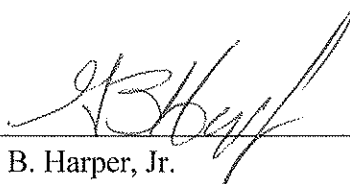
**Roll Call Vote:** Ayes: Green, Hull, Harper (3); Nays (0); Absent (0); Abstain (0)

Introduced: November 16, 2021

Adopted: December 21, 2021

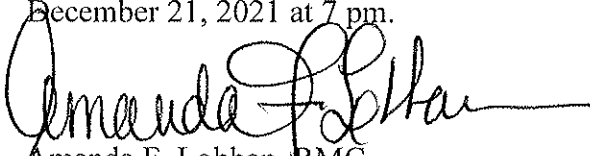
Attest:

  
Amanda F. Lobban, RMC  
Municipal Clerk

  
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George B. Harper, Jr.  
Mayor

**NOTICE OF ADOPTION**

**NOTICE** is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a meeting of the Sandyston Township Committee held on November 16, 2021 at 7:00 pm. The same had benefit of second reading and public hearing at which time all interested persons present were given the opportunity to be heard during a regular meeting held Tuesday, December 21, 2021 at 7 pm.

  
Amanda F. Lobban, RMC  
Municipal Clerk\*