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ARTICLE 1502  
Hazardous Materials Clean-Up and Abatement

1502.01      Clean-up and Abatement of  
                  Hazardous Materials

1502.02      Civil Liability

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1502.01 Clean-up and Abatement of Hazardous Materials

a.      The Director of Public Safety (or designee) is authorized to clean-up or abate, or cause to be cleaned up or abated the effects of any hazardous materials or substances deposited upon or into properties or facilities within the municipal boundaries of the City of Franklin or having a direct or identifiable effect on persons or property within the municipal boundaries of the City of Franklin including but not limited to traffic control, evacuation, relocation, substance monitoring, decontamination, establishment of medical care facilities and all other costs incurred in the mitigation of the emergency situation; and any person or persons, partnership, corporation, or corporations who intentionally or accidentally or negligently caused such deposit shall be liable for all costs incurred by the City of Franklin at the rates attached herein as Exhibit A as a result of such clean-up or abatement activity. The remedy provided by this Ordinance shall be in addition to any other remedies provided by other laws or ordinances of the United States government, Commonwealth of Pennsylvania, and the City of Franklin.

b.      For the purposes of this section, "hazardous materials" shall be defined as any substances or materials in a quantity or form which, in the determination of the Emergency Management Coordinator or his/her authorized representative, pose an unreasonable and imminent risk to the life, health, or safety of persons or property or to the ecological balance of the environment, and, shall include, but not be limited to, such substances as explosives, flammable liquids, solids and gases, radioactive materials, poisons, etiologic (biologic) agents, corrosives, petroleum products, oxidizers, organic peroxides, other regulated materials, and hazardous waste or materials listed in the hazardous substances list of the Pennsylvania Department of Labor and Industry, and the United States Department of Health and Human Services "Registry of Toxic Effects of Chemical Substances" manual.

c.      For purposes of this Ordinance, costs incurred by the City of Franklin shall include, but not be limited to, the following: actual labor cost of City of Franklin personnel, including workers' compensation benefits, fringe benefits, administrative overhead, cost of equipment, operation, cost of special fire extinguishing agents used, the cost of special protective clothing, materials and supplies, and cost of any contracted labor and materials. (Ord. 6 of 1990, Sect. 1, Passed 9-4-90)

#### 1502.02 CIVIL LIABILITY

In the event of a hazardous materials incident, as described in 49 CFR Sections 171.15 and 171.16, requiring the response of the Department of Public Safety and/or others to control said incident, the transporter (carrier, trucking company, etc.) shall be liable to the City for payment of all costs and expenses of the City and its Department of Public Safety incurred in and about the use of employees, apparatus and materials in the control and/or neutralization of said incident. The amount of such costs and expenses shall be determined by the Director of Public Safety (or designee) and shall be collected by him in a civil action, if necessary, wherein the City shall be plaintiff and the transporter shall be defendant. (Ord. 6 of 1990, Sect. 1, Passed 9-4-90)

## EXHIBIT A

### CITY OF FRANKLIN

#### HAZARDOUS MATERIALS BILLING PROCEDURE

##### Category 1 Equipment Usage Fee

Engine Company	\$100.00 per hour
Special Operations Unit	75.00 per hour
Aerial Truck	100.00 per hour
Patrol Car	50.00 per hour
Medical Unit	100.00 per hour

##### Category 2 Salaries of Hazardous Materials Team Members and Support Personnel

Individually determined as per the hourly rate times 1.5.  
Holiday rates determined as per the hourly rate times 2.5.

##### Category 3 Equipment Usage Fees (Non-Disposable per Incident)

Encapsulated Suits	\$100.00 each
Meters	25.00 each
Chlorine Leak Kits - A Kit	25.00 each
- B Kit	50.00 each
- C Kit	75.00 each
Leak Sealing Kits (All other than Chlorine)	25.00 each
Cellular Phone	50.00 each
Decontamination Line	
1 to 3 Station	50.00
4 to 6 Station	100.00
7 to 9 Station	150.00
10 to 12 Station	200.00

##### Category 4 Equipment and Supplies (Disposable and Replaceable)

\*Fees in this category will be determined as per the current list price of the item as listed in the Lab Safety Catalog or as per appropriate vendors.

Items in this category include the following but are not limited to such:

- Cyalume Light Stick
- Garbage Bags
- Level B PVC Suits
- Extinguishing Agents (All Types)
- Emulsifiers
- Lime

Category 4 (continued)

- Tyvek Suits
- Saranex Suits
- Tyvek Saranex Suits
- Tyvek Saranex Hoods
- Tyvek Saranex Boot Covers
- PVC Overboot
- Gloves (All Types)
- V Guard Caps
- Fogpruf
- Tape (All Types and Sizes)
- Disposable Blanket
- PH Paper
- Batteries (All Sizes)
- Plug and Dike (All Types & Sizes)
- Soda Ash
- Industrial absorbent
- Sand (Bagged)
- Air Bottles (Filled)
- Ice (All Sizes)
- Decon Solutions (All Types)
- Level A Encapsulated Suit
- Brooms (All Types)
- Squeegees (All Types)
- Scrub Brushes (All Types)
- Dust Pans (All Types)
- Spray Bottles
- Hand Sprayers
- Transfer Pumps (All Types)
- Hand Lights
- Sqencher
- Drum Valves
- Drum Vents
- Visqueen
- Salvage Covers (All Sizes)
- Banner Guard
- Traffic Cones
- Drums Steel (All Types and Sizes)
- Drums Polyethelyne (All Types)
- Absorbent Pads (All Types and Sizes)
- Absorbent Pillows (All Types and
- Absorbent Booms (All Types and Sizes)
- Medical Supplies

Category 5 Service Fee 19% of the Total of Categories 1 through 4

\* Fee includes the following:

- Administrative Overhead
- Insurance
- Benefits
- Fuel
- Workers' Compensation
- Liability

(Ord. 6 of 1990, Passed 9-4-90)