

**BOROUGH OF PITCAIRN**

**ORDINANCE NO. 1000**

**AN ORDINANCE OF THE BOROUGH OF PITCAIRN,  
ALLEGHENY COUNTY, PENNSYLVANIA,  
COMMONWEALTH OF PENNSYLVANIA,  
AUTHORIZING THE BOROUGH, ITS EMPLOYEES,  
AGENTS OR OTHER PERSONS TO ABATE AND CAUSE  
TO BE CORRECTED EMERGENCY AND HAZARDOUS  
SITUATIONS RESULTING FROM THE ACCIDENTAL OR  
DELIBERATE SPILL, DEPOSIT, OR DUMPING OF  
HAZARDOUS MATERIALS OR SUBSTANCES UPON OR  
INTO PROPERTIES, FACILITIES, ROADS OR OTHER  
PROPERTIES WITHIN THE BOROUGH; REQUIRING  
THE REIMBURSEMENT OF COSTS INCURRED IN SUCH  
ABATEMENT; PROVIDING FOR REMEDIES.**

**WHEREAS**, the Borough of Pitcairn has determined that spilling, depositing or dumping, deliberately or accidentally, of hazardous or dangerous materials or deposits onto or upon properties or facilities within the Borough boundaries of the Borough of Pitcairn, which have a direct or identifiable effect on persons or properties within the borough boundaries, or create situations which pose or present a safety or health hazard must be corrected; and

**WHEREAS**, Borough Council is desirous of abating such conditions and situations through the employment of its employees or other contractors or persons; and

**WHEREAS**, pursuant to the Borough Code, Council for the Borough of Pitcairn is desirous of protecting the safety and welfare of the residents of the community in such situations.

**NOW, THEREFORE, IT IS ORDAINED AND ENACTED** by Council for the Borough of Pitcairn, by the authority of the same as follows:

**SECTION 1.** Every person or entity is hereby prohibited from spilling, depositing or dumping any hazardous materials or substances or any substances which pose or present a safety or health hazard upon or into properties within the borough boundaries of the Borough of Pitcairn.

**SECTION 2. Definitions.**

- A. Hazardous materials or substances are defined for the purpose of this Ordinance as any material or substance which may have a direct or identifiable effect on persons or property or any such substances or materials in a quantity or form which in the determination of the Borough or its authorized representative, poses an unreasonable or imminent risk to the life, health or safety of persons or

property, or to the ecological balance of the environment. This shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables, corrosives or materials listed in the Hazardous Substance list of the Pennsylvania Department of Labor and Industry, the Solid Waste Management Act, 35 P.S. §6018.103 and the Worker and Community Right-to-Know Act, 35 P.S. §7503.

- B. Person or entity shall mean and include any individual, firm, corporation, government, association or partnership or any other legal entity.

**SECTION 3.** The Borough of Pitcairn hereby authorizes and directs its various emergency services, Volunteer Fire Departments, Borough employees or any other persons employed or retained by the Borough for such purposes to clean, abate or cause to be cleaned or abated, the effects of any hazardous materials or substances deposited upon or into properties or facilities within the borough boundaries of the Borough of Pitcairn. This shall include but not be limited to, abatement, emergency service, fire control, traffic control, evacuation, relocation, substance monitoring and establishment of medical care facilities. Any person or persons who intentionally, accidentally or negligently caused such spill, deposit or dumping shall be liable for all costs and expenses incurred by the Borough of Pitcairn, or its instrumentalities in clean up or abatement activities. The remedies provided by this Ordinance shall be in addition to all other remedies provided by other laws or ordinances of the Commonwealth of Pennsylvania, United States, Allegheny County or the Borough of Pitcairn.

**SECTION 4.** For purposes of this Ordinance, costs incurred by the Borough shall include, but are not limited to, actual labor cost of Borough police and other personnel, including workman's compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special fire extinguishing agents used and cost of any contracted labor and materials; further, it shall include any costs incurred by volunteer fire companies, emergency medical companies, and any other agency or contractor engaged in the abating or cleaning up of the effects of any such hazardous materials of substances deposited upon or into properties, facilities, roads or streets in the Borough of Pitcairn.

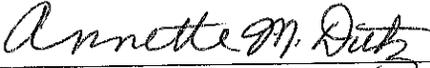
**SECTION 5. SEVERABILITY** – Council for the Borough of Pitcairn intends to enact this ordinance as a constitutional legislation of the Borough of Pitcairn. If any word, clause, section, sentence, paragraph or other part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid by any Court of competent jurisdiction in the Commonwealth of Pennsylvania or the Judicial System of the United States of America, such unconstitutionality, legality or invalidity shall not affect, nor impair any of the remaining provisions, words, sentences, clauses, paragraph, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the Borough of Pitcairn that this ordinance would have been adopted had such unconstitutional, illegal, or invalid word, clause, section, sentence, paragraph or part thereof, not been included herein.

**SECTION 6. REPEALER**-Any Ordinance or portions of Ordinances in which are inconsistent herewith are hereby repealed.

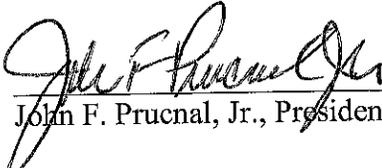
**SECTION 7. EFFECTIVE DATE** - This ordinance shall become effective immediately following enactment.

**ORDAINED AND ENACTED** at a regular meeting of the Council of the Borough of Pitcairn, County of Allegheny, Commonwealth of Pennsylvania, a full quorum being present, this Thursday, the 30 day of March, 2014.

ATTEST:

  
Annette M. Dietz, Borough Manager

BOROUGH OF PITCAIRN:

  
John F. Prucnal, Jr., President,

EXAMINED AND APPROVED by me this 30 day of March, 2014.

  
Betsy Stevick, Mayor

APPROVED AS TO FORM:

  
Craig H. Alexander, Esquire  
Solicitor