

**TOWNSHIP OF MONTAGUE
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2023-10

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP
OF MONTAGUE AT CHAPTER 40A ENTITLED “HAZARDOUS MATERIALS”**

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. Chapter 40A of the Township Municipal Code, “Hazardous Materials,” is hereby amended to read as follows:

Hazardous Material Cleanup and Recovery Costs

Purpose

Purposes. From time to time the Montague Township Volunteer Fire Department (hereinafter “Fire Department”) is called out to respond to automotive incidents within the municipal boundaries of Montague 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, materials, and other types of response expenses that are not otherwise recoverable by the Fire Department and therefore become a burden upon the taxpayers of the Township of Montague. If Montague Township did not provide such fire services, persons who are affected by incidents and accidents occurring within Montague 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 the Township of Montague have determined to impose a reasonable cost and expense upon the owners of vehicles involved in automobile incidents and incidents in and along and upon the roadways within the municipal boundaries of the Township of Montague 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 Montague 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 (40A-3 “Fees”), which schedule of fees shall be published on the website maintained by the Township of Montague 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 becomes 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.

§40A-1 Authorization for cleanup; supervision or verification; responsibility of costs.

A. The Montague Township Volunteer Fire Department, Inc., 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 the fault of proximate cause; and
- (4) The person or persons 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 within the township, the township may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The person described in subsection A (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.

§40A-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 incidents and accidents together with the responsible 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.

§ 40A-3 Fees.

The Township of Montague 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 Montague and available upon request from the Municipal Clerk.

Labor Items		
Product Name	Price (per hour)	
Chief	\$50 (Incident Command)	
Deputy Chief	\$45	
Fire Police	\$25	
Firefighter	\$30	
Equipment Items		
Apparatus	Unit ID	Cost (per hour)
35 Engine	35 Engine	\$400
35 Engine 2	35 Engine-2	\$300
35 Rescue	35 Rescue	\$500
35 Tanker	35 Tanker	\$300
35 Tanker 2	35 Tanker-2	\$500
35 Brush	35 Brush	\$200
Chief Command Vehicle	35 Command	\$300
Mutual Aid Department	Mutual Aid	\$125
Hydraulic pump	Jaws Pump	\$100
Hydraulic RAM	Jaws Ram	\$125
Hydraulic spreader	Jaws Spreader	\$125
Mutual aid engine	Engine	\$400
Mutual aid rescue	Rescue	\$750
Portable generator with light	Portable Generator	\$50
Reciprocating saw	Sawzall	\$25
Traffic control support vehicle	Fire Police	\$75
Truck-mounted generator	Generator	\$150
UTV and trailer	38 UTV	\$200

Consumable Items			
Product Name	SKU	Unit	Amount
10-by-10 tarp		Each	\$25
Absorbent spill pads		Each	\$7
AED pads	AED	Pair	\$125
Backpack blower	blower	Each	\$50
Case, bottled water	H2O	Each	\$8
Caution tape (per foot)	Tape	Other	\$2
Decon spray	Decon	Other	\$50
Extrication gloves	PPE	Pair	\$50
Fire extinguisher		Each	\$50
Flares		Each	\$3
Foam wet water		Gallon	\$25
Garbage bag	Garbage/Debris	Each	\$2
Glas-Master blade	Glass	Each	\$25
K-12 cutting blade	Cut	Each	\$75
Kenwood NX-1200 two-way radio	Radio	Each	\$350
Miscellaneous EMS supplies	Misc	Other	\$20
Motorola Minitor VI pager	Pager	Each	\$500
Nitrile/latex gloves	Gloves	Pair	\$1
PPE boots	Boots	Pair	\$350
PPE extrication gloves	Extrication Gloves	Pair	\$55
PPE fire gloves	Structural Gloves	Pair	\$72
PPE helmet	Helmet	Each	\$375
PPE jacket	Turnout Coat	Each	\$875
PPE pants	Bunker Pants	Each	\$1,125
PPU portable	PPU	Each	\$100
Preparedness fee	Prep	Each	\$300
Rescue-certified rope	Rescue Rope	Each	\$530
Road brooms		Each	\$15
Sawzall blades	Sawzall	Each	\$15
Speedy Dry (25 pounds)		Bag	\$13.50
Traffic cone	Cone	Each	\$22
Utility rope	Rope	Each	\$20
Wood cribbing	Cribbing	Each	\$15
Note: All fees listed above are subject to a 2% per annum increase that is compounded annually for the years following the adoption of this article.			

§ 40A-4 Third-party billing agent.

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

§ 40A-5 Collection of costs.

Said costs and fees as outlined (§ 40A-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. All Ordinances of the Township of Montague, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. Repealer. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

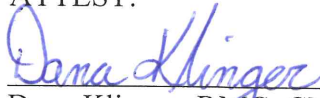
SECTION 4. This Ordinance may be renumbered for purposes of codification.

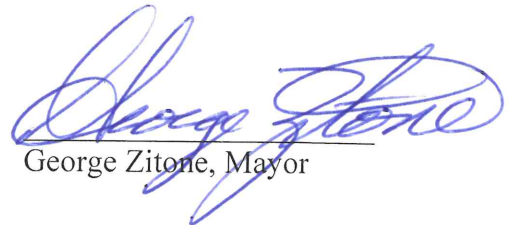
SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: June 13, 2023

Adopted: June 27, 2023

ATTEST:


Dana Klinger, RMC, CMR


George Zitone, Mayor

RECORD OF COMMITTEE VOTES – ORDINANCE 2023-10				
COMMITTEE MEMBER	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
RICHARD INNELLA	X			
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			