

BOROUGH OF CRESSKILL

ORDINANCE NO. 13-10-1453

AMEND CHAPTER 144 – HAZARDOUS MATERIALS

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, as follows:

SECTION I Under Definition add:

**CRESSKILL FIRE DEPARTMENT** – Borough of Cresskill Division of Fire is the authority having jurisdiction to determine the level of hazard, mitigating, controlling or containing any incident in which a hazardous material is involved in a fire, leak, release or spill or where the potential thereof exists or for the prevention of the same including but not limited to public safety.

**EXPENDABLE ITEMS** – Any items used to extinguish any fire 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, 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 restricted to acid suits, acid gloves, goggles and protective clothing.

**VEHICLE** – Any motorized equipment registered or unregistered, including but not limited to passenger cars, motorcycles, trucks, tractor trailers, construction equipment, farm machinery, watercraft, aircraft and trains.

**VESSEL** – Any container, drum, box, cylinder, bottle or tank used to hold or contain or carry or store any hazardous material.

SECTION II 144-3 Purpose.

- B. The expenses incurred by the Borough for the wages (regular and/or overtime) paid to its employees/agents, as a result of a hazardous material incident.
- C. Any and all medical costs incurred by responding personnel.
- D. Any and all environmental tests required to ensure a hazard-free environment (soil-water-air).
- E. A fixed hourly rate for the use of apparatus at incidents computed at the rate of \$150 for use of a Fire Engine, \$185 for a Ladder Truck, \$100 for a command vehicle and \$50 for use of any other vehicles.
- F. Services rendered by any recovery company, towing company or other technical called for by the Fire Department to handle such incidents.

144-4 Discharge prohibited; liability.

B. Any person who may be subject to liability for a discharge or becomes aware of a discharge which occurred prior to or after the effective date of this chapter shall immediately notify **the Cresskill Fire Department to determine the level of hazard. Failure to report shall result in a fine not to exceed \$1,000.00.**

144-5 Reimbursement to Borough.

Reimbursement to the Borough of Cresskill **Division of Fire** for .....

144-7 Reimbursement schedule.

The person or entity responsible for any fire, leak or spill of hazardous materials shall reimburse the Borough of Cresskill **Division of Fire** the full price of expendable items and costs DELETE [in accordance with Schedule A attached hereto] used to extinguish such fire or to stop or contain such leak.....

### SECTION III

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

### SECTION IV

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

### SECTION V

This Ordinance shall take effect immediately upon final passage and publication according to law.