

**RADNOR TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020- 20

**AN ORDINANCE OF THE TOWNSHIP OF RADNOR, DELAWARE
COUNTY, PENNSYLVANIA, ENACTING A NEW CHAPTER 176,
MOTOR VEHICLE-BRIDGE CRASH REIMBURSEMENT,
AUTHORIZING THE COLLECTION OF, AND THE REIMBURSEMENT
OF TOWNSHIP AND FIRE DEPARTMENT COSTS OF RESPONSE AND
CLEAN UP AFTER TRANSPORTATION AND AUTHORIZING FINES
AND PENALTIES**

The Board of Commissioners of Radnor Township, upon recommendation of the Radnor Township Police Department, does hereby enact and ordain the following.

WHEREAS, the Board of Commissioners of the Township of Radnor, County of Delaware, Commonwealth of Pennsylvania, is empowered to make and adopt Ordinances deemed necessary for proper management, care and control of the Township and its finances and the maintenance of peace, good government and welfare of the Township and its trade, commerce and manufacture, pursuant to Section 1.02 of the Radnor Township Home Rule Charter; and

WHEREAS, the Township of Radnor incurs substantial cost in connection with transportation, or environmental accidents which occur in or around elevated rail crossings in the Township; and

WHEREAS, the Board of Commissioners has determined that any person or legal entity who is responsible for such motor vehicle crashes should bear all costs associated with such incident; and

WHEREAS, the Board of Commissioners has determined it is in the best interest of the citizens of the Township of Radnor to enact an Ordinance authorizing the recovery of costs incurred by the Township and or Fire companies as a result of transportation or environmental accidents from the person or legal entity responsible for such motor vehicle crashes.

NOW THEREFORE, the Board of Commissioners of the Township of Radnor does hereby enact and ordain the following Ordinance:

ARTICLE I MOTOR VEHICLE-BRIDGE CRASH REIMBURSEMENT

The Radnor Township Code is hereby amended by adding a new Chapter 176, Motor Vehicle-Bridge Crash Reimbursement that shall read as follows:

CHAPTER 176: MOTOR VEHICLE-BRIDGE CRASH REIMBURSEMENT

§176-1 Authority, Findings and Purpose

- A. Authority – Under §§161 and 164(6) of the Home Rule Charter and Optional Plans Law, and §1.02 of the Radnor Township Home Rule Charter, the Township has the authority to make rules and regulation for the governing of police, fire, and other emergency services located and/or operating within the Township.
- B. Findings – The Township recognizes that police, fire and emergency management companies respond to all motor vehicle crashes in the Township, incurring costs in response, cleanup and repair activities. Secondly, the Township contains ten rail crossing bridges and eight pedestrian bridges which span public roads and which have been stuck on multiple occasions causing damage to the roadways and creating hazardous conditions.
- C. Purpose – To grant the Township and any Fire Company operating in Radnor Township the authority to seek reimbursement for the reasonable cost of responding to vehicle strikes of Radnor Bridges as defined in this Chapter.

§176-2 Definitions

- A. Motor Vehicle-Bridge Crash– Any incident that occurs during the transportation of people or material under a Radnor Bridge resulting in a crash which is and/or results in a danger to, a threat to, and/or possible harm to the public health, safety, and welfare, and that necessitates:
 - (1) The intervention of a Fire Company, the Radnor Township Police Department, the Radnor Township Public Works Department, and/or any other Radnor Township employees or consultants; and/or
 - (2) Fire Company and/or Radnor Township personnel/employees/contractors to clean-up debris and/or spills, undertake abatement measures, and/or repair/renovate/replace damaged public infrastructure.
- B. Business – Any person or persons, corporation or partnership, or other entity engaged in the buying, selling, storing, transferring, transporting, and/or manufacturing of materials, substances, merchandise, chemicals, fuels, equipment, items, or other goods, for money and/or other means of compensation for the purpose, stated or otherwise, of realizing a profit and/or other gains.
- C. Public Thoroughfare – State, County, and Township bridges, culverts, highways, and streets; any navigable waterway; or any other roadway or water course owned by a governmental unit.

- D. Fire Company – Any fire company, emergency management squad, or rescue squad operating within Radnor Township.
- E. Radnor Bridge– All rail crossing bridges and pedestrian bridges containing underpasses for vehicular traffic including:
- (1) Landover Rd.
 - (2) Aldwyn Ln.
 - (3) Conestoga Rd. (900 block)
 - (4) Roberts Rd.
 - (5) S. Ithan Ave.
 - (6) N. Ithan Ave.
 - (7) King of Prussia Rd.
 - (8) Chamounix Rd.
 - (9) N. Aberdeen Ave.
 - (10) N. Wayne Ave.
 - (11) Old Sugartown Rd.
 - (12) S. Devon Ave.
 - (13) W. Wayne Ave.
 - (14) Maplewood Ave.
 - (15) Brooke Rd.
 - (16) Church Rd.
 - (17) Conestoga Rd. (@ Brookside Ave.)
 - (18) E. Lancaster Ave. (St. Thomas Way Bridge)

§176-3 Cost of Motor Vehicle-Bridge Crash

- A. A Business or person which strikes a Radnor Bridge while travelling through Radnor Township shall bear all costs that arise as a direct or consequential result of such crash. A person, entity or other Business, which owns or had custody and/or control of the vehicle and/or material involved in the Motor Vehicle-Bridge Crash, shall bear all costs that occur as a direct or consequential result of such crash. Nothing contained herein shall prevent such Business, person or entity from recovering any incurred or subsequent costs from a third party whose negligence may have caused such crash.
- B. In the event that any Business, person, or other entity undertakes, either voluntarily or upon order of the Radnor Township Police or other Township Official, to clean up or abate the effect of a Motor Vehicle-Bridge Crash, Radnor Township may take such action as is necessary to supervise or verify the adequacy of the clean up or abatement. The Business person or entity shall be liable to the Township for all costs incurred as a result of such supervision or verification.
- C. For the purpose of this Chapter, reimbursement costs of a Motor Vehicle-Bridge Crash shall include, but are not limited to, the following:

- (1) Expenses incurred by any police, fire, and/or emergency medical services, including, but not limited to the Township Police Department and the Fire Company, in connection with the Bridge Crash.
 - (2) Actual labor costs of Radnor Township personnel, including benefits and administrative overhead incurred in response to the Bridge Crash.
 - (3) Costs of consultants or others preparing reports concerning the Bridge Crash.
 - (4) Costs of equipment operations and rental used in response to the Bridge Crash.
 - (5) Costs of materials obtained directly by the Township and used in response to the Bridge Crash.
 - (6) Damages to any Township owned infrastructure, including but not limited to roads, signs, poles, buildings, structures, parking meters, and the like.
- D. The calculation of the actual costs of a Bridge Crash as set forth in this Section shall be determined by the Township Manager or his/her designee.
- E. The reimbursement of all costs of a Bridge Crash as set forth in this Section shall be paid directly to the Township within thirty (30) days from the date on which the Township issues an invoice for such costs. Failure to make payment within thirty (30) days shall constitute a violation of this Chapter.

176-4 Fines and Penalties

- A. In addition to the reimbursement costs described in this Chapter, each person, Business or entity responsible for damage to a Radnor Bridge shall be fined \$1,500.00. Each subsequent offense shall be a fine of \$2,500.00.
- B. All fines shall be paid within 30 days of issuance by the Township. Failure to pay such fines or reimbursement shall be a violation of this Chapter enforceable in District Justice Court, which may include costs of prosecution and attorney's fees.

ARTICLE II REPEALER.

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE III SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ARTICLE IV EFFECTIVE DATE.

This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and **ORDAINED** this 23rd day of November, 2020.

RADNOR TOWNSHIP

By: 
Name: Jack Larkin
Title: President

ATTEST:


William White, Township Secretary