PART FIFTEEN – FIRE PREVENTION CODE

1503 – RECOVERY ORDINANCE – Responsibility for Control, Extinguishment or Cleanup of Petroleum or Chemical Spills
15405 LOCAL FIRE REGULATIONS - Negligent Setting of Fires

ARTICLE 1503
RECOVERY ORDINANCE

1503.01
RESPONSIBILITY FOR CONTROL, EXTINGUISHMENT OR CLEANUP OF PETROLEUM OR CHEMICAL SPILLS

The owner of petroleum, chemicals or the common carrier of any type whatsoever including pipelines carrying said petroleum or chemicals, shall be responsible for the control, extinguishment, or cleanup of petroleum or chemical spills, releases or fire involving said petroleum or chemicals in the City of Allentown. In the event of the failure of the owner or common carrier, including pipelines, to control, extinguish or cleanup any spill, fire or release, the City may perform the necessary work and bill such person to compensate the City for both direct and indirect cost and expense, including but not limited to special equipment and materials used and labor costs.

1503.02 SPECIAL EQUIPMENT OR MATERIAL USED

The special equipment or material used by the City for which any owner or common carrier will be responsible may include but is not limited to the following:

a. Foam
b. Dry Chemicals
c. Sand
d. Any other equipment or materials deemed necessary by the Fire Chief or the officer in charge.
e. Contaminated personal effects or equipment.

The owner or common carrier may elect to replace such special equipment or materials in lieu of payment therefore.

1503.03 COST OF LABOR

The cost of labor shall include the actual wage rates including fringe benefits paid by the City to all personnel involved in the extinguishing of any extraordinary fire or in cleaning up any extraordinary spill or release involving chemicals or petroleum.

1503.04 LIABILITY FOR THE COST OF MATERIALS

The owner or common carrier of any petroleum or chemicals, including pipeline as aforesaid, shall also be liable for the cost of any temporary storage of chemicals or petroleum materials or the cost of disposing of same.

1503.05 INDIRECT COSTS

Indirect costs of the City shall be calculated and billed as a percentage of the direct labor cost, excluding fringe benefits, expended to address any incident. The percentage to be applied shall be furnished by the Bureau of Finance and shall equal the identified indirect costs for each Bureau for the latest year for which the City has received an indirect full cost allocation plan prepared by an independent consultant, or such an indirect cost allocation plan prepared by City personnel, divided by the total permanent salaries paid to respective Bureau personnel during the same year as the indirect cost allocation plan. The indirect costs per incident will equal the actual labor charges of each employee working on an incident multiplied times the indirect cost percentage of the Bureau to which each employee is assigned.

1503.99 PENALTY

Any person who fails, neglects or refuse to comply with any of the terms of provisions of this Article, or fails to make payment for billed costs within thirty (30) days shall be fined not more than Three Hundred ($300.00) Dollars or imprisoned not more than ninety (90) days, or both. Imposition of the aforesaid fine imprisonment, however, shall not relieve any responsible person or corporation hereunder from civil liability to the City as provided herein.

ARTICLE 1505
LOCAL FIRE REGULATIONS

1505.01 Negligent Setting of Fires
1505.99 Penalty

CROSS REFERENCES
Smoking and fire hazards at circuses and shows see BUS. & TAX. 303.06
Incinerators – see BLDG. Art. 1721
Cooking equipment – see PROP. Rehab. 1745.60 et seq. 1745.95
Safety from fire – see PROP. REHAB. 1745.20 et seq., 1745.93, 1745.70 et seq.

1505 NEGLIGENT SETTING OF FIRES

No person shall, in any hotel, rooming house, lodging house, convalescent home, hospital, child care facility or similar place of abode, by any means whatsoever, through carelessness or negligence, set fire to or cause the burning of any bedding, furniture, rug, curtain, drape or other house or household furnishings or fittings or any other party of such hotel, rooming house, lodging house, apartment house, tenement house, convalescent home, hospital child care facility or similar palace of abode, in such manner as to endanger the safety of any person or properly. (10476 9-15-64)

1505.99 PENALTY

Any person who fails, neglects or refuses to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby, shall be fined not more than Three Hundred ($300.00) Dollars or imprisoned not more than ninety (90) days or both. (11995 §1 2-21-73)