

ARTICLE 125

REIMBURSEMENT FOR EXTRAORDINARY EXPENSES

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125.01 DEFINITIONS.

(a) An "extraordinary expense" shall be that expense, and those related costs and fees that are incurred by the City for any extraordinary service, including, but not limited to, the City's actual cost of labor and materials associated with the use of any specialized extinguishing or abatement agent, chemical neutralizer or similar equipment or material that is employed to extinguish, confine, neutralize, contain, or clean any hazardous material that is or may be involved in a fire, accidental spill, or the threat of any accidental spill or fire.

(b) An "extraordinary service" is a service performed by the Bethlehem Fire Department, the Bethlehem Police Department, the Public Works Department, the Building Inspection Bureau, the Parks and Public Property Department, or any other City department or bureau that is in addition to or above the normal services provided by such departments or bureaus. "Extraordinary services" may include, but are not limited to, the abatement and disposition of hazardous materials, spills or the threat of spills of toxic chemicals, utility line breaks or leakages, other imminent or perceived or possible threats to the health, safety or welfare of the City residents that may be detailed or contemplated in Section 125.01 (a) above; and those incidents where a property owner has been previously warned about violations of any City Ordinance that, in the judgment of the City, are a particular threat to the health, safety or welfare of the City residents, and for which the owner (or owners, agent, or person in charge of the property) has neglected to comply or has refused compliance therewith.

125.02 ADMINISTRATION.

(a) The City Business Administrator shall collect all fees as follows:

(1) Fees and costs, (including overhead costs, shall encompass all manpower, equipment, materials and maintenance expenses in such a form as to insure for the City's full reimbursement for charges for these services actually rendered. A particular cost or fee schedule need not be set forth in this Article or elsewhere in the City Ordinances or by further formal action by the City Council. The City Council's approval of this Article shall constitute authorization for the Business Administrator (or his designee) to collect all such fees and costs (including overhead costs) pursuant to his receipt of related expenditures or costs that are submitted to him by the affected City bureaus or departments.

(2) Within thirty (30) days of the date of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected bureau or department shall submit its extraordinary service related costs, fees, charges, and expenses to the Business Administrator for his review. At such time as all costs, fees, charges and expenses related to extraordinary service have been collected and reviewed by the Business Administrator, but in any case not later than sixty (60) days from the date of determining the cost of rendering of the extraordinary services, the Business Administrator shall send a bill for such costs, fees, charges and expenses, to the property owner, agent or manager with a demand that a full remittance be made within thirty (30) days of receipt of any bills. In the unusual circumstances that the Business Administrator is not able to determine all the costs associated with the incident within a reasonable time, a partial billing may be made. Interest at the rate of 8% per annum will be charged on all unpaid balances past due over 30 days. At the discretion of the Department Head, materials used by the City may be replaced, in kind, by the person(s) responsible for the incident, in lieu of cash payment.

(3) It is also contemplated that local, state, or federal agencies may bill, fine, or penalize the City for matters (including but not limited to, cleanup costs, fees, or expenses) relating to an extraordinary or dangerous occurrence. The Business Administrator shall, if possible, include any and all such costs or fees in the consolidated bill sent to the property owner. The City shall not, however, waive any right to collect such local, state, or

federal costs if they are not charged to the property owner or his agent within the consolidated billing (60) days period. In this regard, the Business Administrator shall expect reimbursement of all local, state, or federal costs within thirty (30) days of the owners (or his agents) receipt of the bill for these particular costs, fees, and charges and expenses.

(4) In cases of hardship, or where circumstances are such that a full remittance cannot be made to the City within the thirty (30) day period, the City Council shall hereby authorize the City Solicitor to enter into negotiations with the property owner or his agent for an extended payback period of time not to exceed six (6) months.

(5) All monies received under the provisions of this Article shall be placed in the General Fund, Water Fund or Sewer Fund for those actual costs and expenses necessary to furnish fire, police and other emergency or public safety services or protection provided by the City as outlined herein.

125.03 LITIGATION.

The City may enforce the provision of this Article by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorneys fees or for any other relief that may be appropriate.

125.04 EMERGENCY SERVICES NOT TO BE REFUSED FOR NON- PAYMENT.

Nothing in this Article shall authorize any City bureau or department or any City staff member or bureau or department personnel to refuse or delay any emergency service to any person, firm, organization or corporation, that has not reimbursed the City for a municipal service, or that owes the City any money whatsoever. Furthermore, nothing in this Article shall be construed to demand reimbursement, to the City, for those municipal services that are normally provided to City residents and others as a matter of the City's general operating procedure, and for which the levying of taxes, or the demand for reimbursement is normally made. (Ord. 3148. Passed 11/17/87.)

125.05 EXPLOSIVE DEVICE REMOVAL FEE.

The City of Bethlehem Bomb Squad may be made available to other municipalities with the permission of the Commissioner or his representative. Municipalities who are in need of the service shall be required to sign an agreement authorizing the City's Bomb Squad to remove the potentially explosive device. The agreement shall set forth a minimum fee of \$350.00 for the Bomb Squad's services. In the event that the value of the Bomb Squad's services exceed \$350.00, the municipality shall be obligated to compensate the City for services rendered in accordance with a rate schedule prepared by the Fire Commissioner. The schedule may be adjusted from time to time as the Commissioner sees fit. A copy of the schedule shall be provided to the requesting municipality upon request. (Ord. 3932. Passed 1/5/99.)