

# **BOROUGH of EDDYSTONE**

Ordinance 557

Ordinance 539

## **HAZARDOUS MATERIALS**

**BOROUGH OF EDDYSTONE**

DELAWARE COUNTY, PENNSYLVANIA  
**ORDINANCE 557**

AN ORDINANCE OF THE BOROUGH OF EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA AMENDING CHAPTER 62 "FIRE PREVENTION" AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA, as follows:

**SECTION 1: ADOPTION OF STANDARDS**

There is hereby adopted by the Council of the Borough of Eddystone for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the "National Fire Code" of the National Fire Protection Association and all yearly supplements thereto, save and except such portions as are hereinafter deleted, modified or amended, of which code, one (1) copy shall be filed in the office of the Secretary of the Borough of Eddystone and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Eddystone.

**SECTION 2: ENFORCEMENT**

The code hereby adopted shall be enforced by the Borough Council of the Borough of Eddystone or any person that said Borough Council shall designate.

**SECTION 3: MODIFICATION OF PROVISIONS**

The Borough Council of the Borough of Eddystone shall have the power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee of a particular premises or by their authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code aforementioned, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Borough Council of the Borough of Eddystone thereon shall be entered upon the records of the Borough of Eddystone and a signed copy shall be furnished the applicant.

**SECTION 4: STORAGE LIMITS ESTABLISHED**

The limits referred to in Section 74A of the code hereby adopted, in which storage of flammable liquids in outside, above-ground storage tanks is prohibited without permit, and the limits referred to in Section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are hereby established by the Borough of Eddystone.

## SECTION 5: DUTIES

It shall be the duty of the person designated by the Borough Council of the Borough of Eddystone to enforce this Ordinance, and to enforce any other such Ordinances covering the following:

- a. The prevention of fires;
- b. The storage and use of explosives and flammables;
- c. The installation and maintenance of automatic fire alarm systems and fire extinguishing equipment;
- d. The maintenance and regulation of fire escapes;
- e. The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphiaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose:
- f. The investigation of the cause, origin and circumstances of fires;
- g. The maintenance of fire cause and loss records;

He, she or they shall have other such powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by ordinance, enactment, regulation, statute or law.

## SECTION 6: RECOMMENDATIONS

It shall be the duty of the Borough Council of the Borough of Eddystone or the person that said Borough Council shall designate to investigate and to recommend to the said Borough Council such additional ordinances, or amendments to existing ordinances, as he, she or they may deem necessary for safeguarding life and property against fire.

## SECTION 7: INVESTIGATIONS

It shall be the duty of the Borough Council of the Borough of Eddystone or the person that said Borough Council shall designate to investigate the cause, origin and circumstances of every fire occurring in the Borough of Eddystone by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin, as reasonably practicable, after the occurrence of such a fire. The person designated by the said Borough Council or the Police Department of the Borough of Eddystone shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and the prosecution of the

case. Every fire shall be reported in writing to the Borough Council within thirty (30) days after the occurrence of the same by the person designated by said Borough Council under this ordinance. Such report shall contain a statement of facts relating to the cause, origin and circumstances of such fire, the extent of damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death or rescue of persons.

#### **SECTION 8: PERIODIC INSPECTIONS**

A. The person designated by Borough Council under this ordinance shall inspect or cause to be inspected on a periodic basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

B. The person designated by Borough Council under this ordinance may, at all reasonable hours and not less than once yearly, enter any public building or any private building used for any business, commercial or industrial purpose and any apartment or converted home with two (2) or more apartments for the purpose of making any inspection or investigation which he, she or they may deem necessary for the prevention of fire and to secure the safety of persons from fire.

#### **SECTION 9: FEE FOR PERIODIC INSPECTION**

There shall be a fee of twenty-five (\$25.00) dollars paid by the owner of the subject premises payable to the Borough of Eddystone for the performance of the inspection service provided in Section 8 above.

#### **SECTION 10: DANGEROUS CONDITIONS**

a. Wherever the person designated by Borough Council under this ordinance shall find in any building or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstruction to or repairs needed for or lack of fire escapes, stairs, passageways, doors or windows, leaving same liable to interfere with the operations of fire fighting crews or egress of occupants in event of a fire, he she or they shall order the same to be removed, remedied or repaired, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

b. Any owner or occupant failing to comply with such order within the time specified on a NOTICE OF VIOLATION, but not more than 30 days after the service of said order, shall be liable for the penalties hereinafter provided.

c. The service of any such order may be made upon the occupant of the premises to whom it is directed either by delivering a copy of same to such occupant personally or by delivering the same to and leaving with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on

the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of a premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.

## SECTION 11: **RECORDS**

The person designated by Borough Council under this ordinance shall keep records of all inspections and fires and of all facts concerning same.

## SECTION 12: **IMMEDIATE FIRE HAZARDS**

If, in the opinion of the person designated by Borough Council under this ordinance, an immediate fire hazard or condition dangerous to human life or property exists, the person designated by Borough Council under this ordinance is empowered to order an immediate evacuation of the premises and to secure the premises until such hazard or condition has been corrected.

## SECTION 13: **POSTING OF NO-PARKING SIGNS**

a. Whenever the person designated by Borough Council under this ordinance shall determine that the parking of motor vehicles, trailers, etc, upon any public or private street, lane, alley, shopping district or other area of public property is liable to interfere with the operations of a fire-fighting or fire-investigative agency or would hamper the egress of occupants of buildings in case of fire or other emergency, he, she or they shall post signs on such street, lane, alley, shopping district or area of private property reading "Fire Zone-No Parking".

b. The person designated by Borough Council under this ordinance is hereby given authority to adopt and enforce temporary parking regulations to cover emergencies or special conditions on any public or private street, lane, alley, shopping district or other areas of private property if he, she or they shall determine that the parking of motor vehicles, trailers, etc., is liable to interfere with the operations of fire-fighting or fire-investigative agencies. He, she or they shall post signs on such street, lane, alley, shopping district or area of private property reading "Fire Zone-No Parking".

c. Prosecutions under this Section may be brought by either the person designated by Borough Council under this ordinance or by the Police Department of the Borough of Eddystone.

## SECTION 14: **APPLICATION**

The provisions of this ordinance shall apply equally to both public and private property and shall apply to all structures and their occupancies.

**SECTION 15: ANNEXES AND APPENDICES**

All annexes and appendices of the "National Fire Code" of the National Fire Protection Association presently in effect or hereinafter enacted are made a part of this ordinance.

**SECTION 16: PERMITS AND LICENSES REQUIRED**

a. Permits shall be required by any person corporation, firm, association, company, or other like entity, whether for profit or not for profit, to have, keep, store, use, manufacture, sell or handle flammable, explosive, combustible, hazardous or other materials dangerous to human life or property.

b. A permit shall constitute permission to establish, maintain, store, handle, use, manufacture, sell, have or keep, flammable, explosive, combustible, hazardous or other materials dangerous to human life or property. The permit shall be specific as to location, conditions and the materials covered. The permit shall not be transferable, and any change in the use or occupancy of the premises, shall require a new permit. The permit may be issued for a set time period with the power to revoke the permit at any time during said time period for a failure to comply with the regulations under this ordinance and/or the directions of the person designated by the Borough Council under this ordinance.

**SECTION 17: INSPECTIONS FOR PERMITS**

Before permits may be issued as required by this ordinance, the person designated by Borough Council under this ordinance shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes.

**SECTION 18: PERMIT FORM**

All permits required under this ordinance shall be on a form obtained from the person designated by Borough Council under this Ordinance and shall be obtained by the permittee upon payment of a fee as hereinafter established by the Borough of Eddystone. A record of all permits issued shall be kept by the person designated by Borough Council under this ordinance and copies of same shall be filed with the Borough Secretary and the Borough Emergency Management Coordinator at the end of March, June, September and December of each year.

**SECTION 19: PAYMENT OF FEES**

A permit shall not be issued until the designated fees have been paid to the Borough of Eddystone in accordance with the following fee schedule:

<b>TYPE OF PERMIT</b>	<b>PERMIT FEE</b>
Storage in excess of 2500 cubic feet of	\$50.00 annually

combustibles

Installation or extension of fire alarm, detection or suppression system	\$25.00 per \$1,000 of cost or fraction thereof for the first \$50,000 plus \$12.00 per \$1,000 of cost or fraction thereof for the additional cost above \$50,000
Fire suppression for cooking operations	\$25.00 per \$1,000 of cost or fraction thereof for the first \$50,000 plus \$12.00 per \$1,000 of cost or fraction thereof for the additional cost above \$50,000
Airports, heliports heliostops	\$500 annually
Application of flammable finishes	\$50.00 annually
Lumberyard and wood working operation	\$50.00 annually
Industrial processing ovens and furnaces operation	\$50.00 annually
Place of assembly 50 to 300 persons total occupant load	\$50.00 annually
301 to 1000 persons total occupant load	\$75.00 annually
over 1000 persons total occupant load	\$150.00 annually
Motor vehicle service stations and garage operation	\$25.00 annually
Tents and air supported structures in excess of 120 square feet	\$25.00 annually

Welding and cutting operations, and calcium carbide acetylene generators operations	\$25.00 annually
Cellulose nitrate (pyroxylin) plastic storage and handling in excess of 20 pounds	\$50.00 annually
Combustible fibers, storage and handling of fibers in excess of 100 cubic feet	\$50.00 annually
Compressed gases: storage and handling in excess of 2000 cubic feet of flammable compressed gas or 6000 cubic feet of non-flammable compressed gas	\$50.00 annually aggregate if stored in like manner and fashion
Cryogenic liquids: production storage or sales in quantities greater than 500 gallons or storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers	\$50.00 annually aggregate if stored in like manner and fashion
Explosives, ammunitions and blasting agents	\$100 each activity
Fireworks: display, sale or discharge	\$50.00 per day per event
Flammable and combustible liquids:	
To install, remove, repair or alter a stationary tank for the storage of flammable or combustible liquids, or to modify or replace any line or dispensing device connected thereto	\$25.00 per tank per job

For the storage, handling and use of Class 1 liquids in excess of 5 gallons in a dwelling or other place of human habitation or in excess of 10 gallons in any other building or other occupancy or in excess of 60 gallons outside of any building	\$25.00 annually per tank and \$25.00 annually for portable or movable containers or drums aggregate
For the storage, handling and use of Class II Combustible Liquids or Class III Combustible Liquids in excess of 60 gallons outside of a building, except for fuel oil used in connection with oil-burning equipment in a single-family residential building	\$25.00 annually per tank and \$25.00 annually for portable or movable containers or drums aggregate
For the manufacture, processing, blending or refining of flammable or combustible liquids	\$100.00 annually
For the storage of flammable or combustible liquids in excess of 60 gallons in portable or movable containers or drums aggregate stationary tanks, above or below ground and 60 gallons aggregate for portable or movable containers or drums	\$25.00 annually per stationary tank and \$25.00 annually for
For the placing of any flammable or combustible liquids in a stationary tank, temporarily or permanently out of service and to place said tank back into service	\$25.00 per tank
Hazardous materials and chemicals, storage and handling	\$50.00 per year, per activity
Hazardous materials which contain	\$100.00 per activity/

any type of radioactive substance of any nature which will be moved, stored, handled, and/or transported	per shipment/per day
For the storage of Liquified petroleum gases in stationary tanks	\$25.00 per year
Liquified petroleum gases, to install, remove, repair or alter a stationary tank, or to modify or replace any line or dispensing device connected thereto	\$25.00 per \$1,000 of cost or fraction thereof for the first \$50,000 plus \$12.00 per \$1,000 of cost or fraction thereof for the additional costs above \$50,000
Magnesium, working with in excess of 10 pounds per working day	\$50.00 annually
Matches, manufacture or storage of matches in excess of 25 cases	\$25.00 annually
Organic coatings manufacture	\$50.00 annually

**SECTION 20: STANDARDS**

The recognized standards and practices for the prevention of fire, for all inspections and for the issuance of permits hereunder shall be held to mean the standard practices and requirements set forth by the National Fire Code as promulgated by the National Fire Protection Association.

**SECTION 21: DUTY OF OWNER OR OCCUPANT**

The owner, occupant or person in charge of or managing any building or premises covered by this ordinance, shall forthwith, after notice by the person designated by Borough Council under this ordinance so to do, correct any condition in such building or premises, so that the premises, building, processes or materials shall be in such condition as to comply with the recognized standards and practices set forth hereunder for the prevention of fire or other catastrophe.

**SECTION 22: VIOLATION**

The failure or neglect of any person, designated by this ordinance to be responsible hereunder to comply with any order or directive issued by the person designated by Borough Council under this ordinance, within the time period specified

and pursuant to the provisions of this ordinance, shall be deemed to be a violation of this ordinance.

**SECTION 23: PENALTIES**

Any person, firm, corporation, association, company or like entity, whether for profit or not for profit who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand (\$1,000.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of any provision of this ordinance continues shall constitute a separate offense.

**SECTION 24: REPEALER**

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

ORDAINED AND ENACTED this 9th day of August 1993

Robert Howat  
President of Council

ATTEST:

Mary F. Howat  
Borough Secretary

Approved this 9th day of August 1993

Robert Barry  
Mayor

**NATIONAL FIRE CODE**  
**NFPA**

Section 3-           **GENERAL FIRE SAFETY REGULATIONS**

**3-1.1.1 SPREAD OF FIRE.**

No person shall knowingly permit any fire to spread so as to endanger life or property or use or operate any device that may be a source of ignition unless proper removal of flammable or combustible material surrounding the operation is accomplished or other such reasonable precautions are taken to ensure against the starting and spreading of unwanted fires.

**3-1.1.2 NOTIFYING THE FIRE DEPARTMENT.**

Whenever an unwanted fire occurs in any building or on any premises of any kind, the owner, manager, occupant, or any person in control of such building or premises, upon discovery of an unwanted fire, or evidence of there having been an unwanted fire, even though it has apparently been extinguished, shall immediately cause notice of the existence of such fire, circumstances of same, and the location thereof to be given to the Fire Department. This requirement shall not be construed to forbid the owner, manager, or other person in control of the aforementioned building or premises from using all diligence necessary to extinguish such fire prior to the arrival of the Fire Department.

No person shall make, issue, post, or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the Fire Department.

**3-1.1.3 REPORTING HAZARDOUS CONDITION.**

Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment, or other material of any kind in any building, marine vessel, appliance, apparatus tank, or open stack or pile; or any person, upon discovering or being apprised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department.

**3-1.1.4 MAINTAINING A FIRE HAZARD.**

No person shall knowingly maintain a fire hazard.

### **3-1.1.5 CARELESSNESS WITH FIRE.**

No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any material, in such manner as to endanger the safety of any person or property.

### **3-1.1.7 NOTIFICATION OF FIRE DEPARTMENT OF INOPERATIVE FIRE SAFETY EQUIPMENT.**

Persons owning, controlling, or otherwise having charge of any fixed fire extinguishing system, fire warning system, or standpipe system shall notify the Fire Department at any time such system or systems are inoperative or taken out of service. The Fire Department shall also be notified when service is restored.

### **3-1.1.10 REQUIRED ACCESS FOR FIRE APPARATUS.**

All premises that the Fire Department may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that one side of all buildings on the premises is accessible to fire apparatus.

Fire lanes shall be provided for all buildings that are set back more than 150 ft (45.75 m) from a public road or exceed 30 ft (9.14 m) in height and are set back over 50 ft (15.25 m) from a public road. Fire lanes shall be at least 20 ft (6.1m) in width with the road edge closest to the building at least 10 ft (3.05m) from the building. Any dead-end road more than 600 ft (183 m) long shall be provided with a turn-around at the closed end at least 60 ft (18-3 m) in diameter.

The designation, use and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Marshal.

It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct, any fire lane.

### **3-1.1.11 SMOKING.**

Where conditions exist that make smoking a fire hazard on any premises, "No Smoking" signs shall be posted as directed by the Fire Marshal. "No Smoking" signs shall be of a color, size, lettering, and location approved by the Fire Marshal. No person shall remove such "No Smoking" signs or light or ignite or otherwise set fire to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, or hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard.

Nothing in the foregoing provision shall be construed as prohibiting smoking in areas, offices, or other rooms that have been designated by the Fire Marshal as safe smoking

areas and have been approved for such purpose.

Any person, firm, corporation, association, company or like entity, whether for profit or not for profit who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand (\$1,000.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of any provision of this ordinance continues shall constitute a separate offense.

**BOROUGH OF EDDYSTONE**  
**DELAWARE COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 539**

AN ORDINANCE OF THE BOROUGH OF EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA AMENDING CHAPTER 74, "TRANSPORTATION AND STORAGE OF HAZARDOUS MATERIALS", IN CONJUNCTION AND/OR IN ACCORDANCE WITH THE RULES AND REGULATIONS AS ALREADY SET FORTH BY THE FIRE PROTECTION ORDINANCE PRESENTLY IN EFFECT IN THE BOROUGH OF EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED AND ENACTED and it is hereby ordained by the Borough Council of the Borough of Eddystone, Delaware County, Pennsylvania, as follows:

SECTION 1: 74-1

This chapter shall be known as the "**Transportation and Storage of Hazardous Material Ordinance**".

SECTION 2: 74-2 **DEFINITIONS**

The following words and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except when the context clearly indicates differently:

CFR- The Code of Federal Regulations. The numbers "CFR" shall refer to the volume, divisions and sections used to identify parts of the Code of Federal Regulations.

COMPRESSED GAS- Any substance regulated as a compressed gas by the United States Department of Transportation by regulations found in 49 CFR 173.300.

FLAMMABLE LIQUID - Any substance regulated as a flammable liquid by the United States Department of Transportation by regulations found in 49 CFR 173.115.

FLAMMABLE SOLID - Any substance regulated as a flammable solid by the United States Department of Transportation by regulations found in 49 CFR 173.150.

HAZARDOUS MATERIALS - Any substance defined in this Section as compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, radioactive material or any material, liquid, solid, gas or other matter included by the United States Department of Transportation within the provisions of TITLE 49 of the Code of Federal Regulations now in effect or hereinafter amended or enacted and 35 P.S. 7301 et seq., now in effect or hereinafter amended or enacted.

It is to be expressly understood by virtue of this Ordinance that all such substances currently listed or subsequently added to the provisions of the United States Code of Federal Regulations TITLE 49 and the Worker and Community Right of know Act, 35 P.S. 7301 et seq., are expressly made and to be considered hazardous materials under this Ordinance without further amendment.

POISON - Any liquid or gas that is life-threatening when mixed with air in small amounts, and shall also include all of those substances regulated as a Class A poison by the United States Department of Transportation by regulations found in 49 C FR 173.326.

RADIOACTIVE MATERIALS - Any substance required by the United States Department of Transportation to have Type A packaging or Type B packaging under regulations found in 49 CFR 173.426.

STORAGE FACILITY - Any building, structure, enclosure or area that is or has been established to serve the purpose for the consignment, placement and/or safekeeping of any item, good and/or article.

### SECTION 3: 74-3 **EXCEPTIONS**

The regulations set out in this Chapter shall not apply to any vehicle carrying no hazardous material except flammable liquid in a container or containers having a total capacity of not over one hundred ten (110) gallons or forty-one and six hundred thirty-five thousandths (41.635) dekaliters by volume.

### SECTION 4: 74-4 **ROUTES TO BE FOLLOWED**

No person, firm or corporation shall transport any hazardous material through the Borough except over routes indicated as permitted routes on the hazardous material routing map attached to and made a part of this Chapter. Deliveries to destinations in the Borough shall be made by following permitted routes to the point where the least amount of travel off a permitted route will be needed to reach the destination, and by going to the destination and returning to the permitted route or routes by the method requiring the shortest travel distance off permitted routes.

### SECTION 5: 74-5 **VEHICLES**

No hazardous material will be carried off any permitted route for delivery in any vehicle larger than a tractor with one (1) trailer.

### SECTION 6: 74-6 **CONDITION OF VEHICLES, STORAGE CONTAINERS AND STORAGE FACILITIES**

A) All vehicles used to transport hazardous materials anywhere in the Borough shall comply with all Federal and State statutes, laws and administrative rules and regulations governing the transportation of hazardous materials now in effect or subsequently amended or maintained in a condition that complies with all Federal and State statutes, laws and administrative rules and regulations governing the operation and automotive condition of such vehicles now in effect or subsequently amended or

enacted.

B) All storage containers used to contain hazardous materials anywhere in the Borough shall comply with all Federal and State statutes, laws and administrative rules and regulations governing the physical make-up and construction of such storage containers now in effect or subsequently enacted or amended.

C) All storage facilities used to house hazardous materials anywhere in the Borough shall comply with all Federal and State statutes, laws and administrative rules and regulations governing the construction, of such facilities, the location of such facilities, the identification of such facilities, the placement of hazardous materials within such facilities, route of egress and ingress to, from and within such facilities, fire and safety protection in such facilities, alarms for such facilities and the method and manner of movement and storage of hazardous material within such facilities now in effect or subsequently enacted or amended.

D) In addition to the foregoing, all vehicles, storage containers and storage facilities shall strictly comply with the "National Fire Code" in effect in the Borough of Eddystone as of the date of the passage of this Ordinance or any subsequent enactments, amendments or supplements to National Fire Code.

#### **SECTION 7: 74-7 CONTAINMENT AND REMOVAL OF SPILLS**

A) In the event of a breakdown of a vehicle carrying hazardous materials within the Borough accompanied by a spill or escape of such material onto Borough Streets or private property, the person, firm or corporation transporting such material as well as the owner and/or consignee of the material shall be jointly and severally responsible for its physical containment, recovery and removal and further shall be liable for any costs incurred by the Borough or other responsible persons or agencies acting with the same purpose of containment, recovery and removal from the environment.

B) In the event of a spill or escape of hazardous material from a storage container while it is housed in a storage facility or while it is being moved to, from or within a storage facility, causing such material to spill or escape onto Borough streets or private property, the person, firm or corporation providing the storage container, the person, firm or corporation providing the storage facility as well as the owner and/or consignee of the material shall be jointly and severally responsible for its physical containment, recovery and removal and further liable for any costs incurred by the Borough or other responsible persons or agencies acting with the same purpose of containment, recovery and removal from the environment.

#### **SECTION 8: 74-8 REPORTING PROCEDURE**

A) In the event of a breakdown of a vehicle carrying hazardous materials within the Borough, accompanied by a spill or escape of such material onto Borough Streets, public or private property, any waterway, sanitary sewer line, stormwater sewer line, or

into the atmosphere or air, the person, firm or corporation transporting such hazardous material shall immediately notify the Borough of Eddystone Fire Department, Borough of Eddystone Police Department and the Office of the Borough Secretary stating the location of the spill, identity of the hazardous material and all other relevant information known at that time by the person, firm or corporation transporting said hazardous material.

B) In the event of a spill or escape of hazardous material from a storage container while it is housed in a storage facility or while it is being moved to, from or within a storage facility, causing such material to spill or escape onto Borough Streets, public or private property, any waterway, sanitary sewer line, stormwater sewer line or into the atmosphere or air, the person, firm or corporation storing or housing such hazardous material shall immediately notify the Borough of Eddystone Fire Department, Borough of Eddystone Police Department and the Office of the Borough Secretary stating the location of the spill, identity of the hazardous material and all other relevant information known at that time by the person, firm or corporation storing or housing said hazardous material.

#### **SECTION 9: 74-9 DUMPING ILLEGAL**

Any dumping or spilling of any hazardous material as defined in this ordinance, in or on Borough Streets, public or private property, any waterway, sanitary sewer, stormwater sewer line or into the atmosphere or air for the purpose of unlawful disposal of same is an expressed violation of this Ordinance. Failure to promptly report a spill of hazardous material in or on Borough Streets, public or private property, any waterway, sanitary sewer, stormwater sewer line, or into the atmosphere or air or an attempt to disguise or otherwise cover-up said dumping or spilling, shall be considered conclusive evidence of an intentional violation of this Section.

#### **SECTION 10: 74-10 SIGNS AND MAPS**

Signs shall be posted to inform the public of the permitted routes for hazardous materials. The Eddystone Police Department shall keep on hand, copies of maps showing permitted routes for hazardous materials, and these maps shall be distributed free upon request.

#### **SECTION 11: 74-11 VIOLATIONS AND PENALTIES**

Any person, firm, corporation, association, company or like entity, whether for profit or not for profit who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand (\$1,000.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of any provision of this ordinance continues shall constitute a separate offense.

SECTION 12: **REPEALER**

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

ORDAINED AND ENACTED this 9th day of April, 1990

BOROUGH OF EDDYSTONE

Thomas A Orio  
President of Council

ATTEST:

Mary F. Howat  
Secretary

APPROVED this 9th day of April 1990.

William Armstrong  
Mayor