

ORDINANCE NO. 125 OF 1989  
Borough of Sugarcreek  
Venango County, Pennsylvania

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK, VENANGO COUNTY, PENNSYLVANIA, PROHIBITING THE OFF-SITE RELEASE OF HAZARDOUS AND/OR FLAMMABLE MATERIALS BY BUSINESSES; ESTABLISHING NOTIFICATION REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR THE ON-SITE POSSESSION OF CONTAINMENT MATERIALS; AND ESTABLISHING PENALTIES.

BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Sugarcreek, Venango County, Pennsylvania and it is hereby ordained and enacted by the authority of the same as follows:

Section 1: Title

Section 101: The title of this ordinance shall be the “Borough of Sugarcreek Hazardous/Flammable Release Ordinance.”

Section 2: Definitions:

Section 102: As used in the ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

Hazardous or Flammable Materials: Solids, liquids or gases that are hazardous or flammable, as defined by the 1987 Edition of the Building Officials and Code Administrators International, Inc. (BOCA) National Fire Prevention Code, and the Superfund Amendment and Re-authorization Act. Title III of 1986 (SARA-Title III).

Business: any person, partnership, limited partnership, unincorporated association, institution, trust, corporation, governmental agency, or in other body engaged in business or situated in the Borough of Sugarcreek, employing one or more employees engaged in any occupation.

Site: Property limits of a business facility.

Section 3: Release or Discharge of Hazardous or Flammable Substances is Prohibited.

Section 103: The release or discharge of flammable or hazardous substances off-site of a business, whether accidental or intentional, is prohibited.

Section 4: Notification Requirements

Section 104: The operator of any facility shall immediately notify the Sugarcreek Borough Police Department of any off-site release or discharge of hazardous or flammable material.

Section 5: Failure to Notify the Borough of a Release or Discharge

Section 105: It is illegal for any person or business to withhold, misrepresent, or falsify information concerning the release or discharge of hazardous or flammable materials.

Section 6: Containment and Absorption Materials Required.

Section 106: All facilities shall have equipment and materials to absorb and contain the discharge or release of flammable or hazardous substances in a solid or liquid form. Absorption and containment materials, once used, shall be promptly disposed of in a manner which meets the applicable federal and state requirements, and shall be immediately replaced.

Section 6A: Emergency Response Cost Recovery

Section 106A: Emergency responders (fire, police, emergency medical, hazardous materials teams, etc.) can recover all costs of responding to a hazardous material spill or release. Costs to include materials used, foam, hazmat suits, contaminated equipment or fire equipment, other contaminate items, manpower hours, equipment hours and a maximum 10% administrative costs. The business responsible for the release must pay all emergency response costs as billed by the emergency services.

Section 7: Enforcement

Section 107: This ordinance shall be enforced by the Borough of Sugarcreek or other designated official of the Borough of Sugarcreek.

Section 8: Penalties

Section 108: Violations of any and all parts of this ordinance shall result in a fine of not less than fifty (\$50) dollars or more than three hundred (\$300) dollars.

Section 9: Repealer

Section 109: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 10: Effective Date

Section 110: This ordinance shall become effective 60 days after enactment

ORDAINED AND ENACTED, this 6<sup>th</sup> day of December, 1989.