

ORDINANCE NO. 205

AN ORDINANCE OF THE BOROUGH OF MILESBERG SETTING FORTH REQUIREMENTS FOR THE ANCHORING OF FUEL STORAGE TANKS WITHIN THE FLOOD PLAIN DISTRICT OF THE BOROUGH OF MILESBERG APPLICABLE TO EXISTING AND NEWLY CONSTRUCTED FUEL STORAGE FACILITIES SETTING FORTH PENALTIES FOR VIOLATIONS THEREOF.

Preamble

In recognition of the clear and substantial danger to life and property caused by the flotation of fuel storage tanks, whether for commercial or domestic supply, it is deemed by the Borough Council of the Borough of Milesburg in the best interest of the citizens of the Borough to require the anchoring of all fuel storage facilities in such a way to prevent flotation during periods of high water.

SECTION I. Definitions.

Fuel Storage Facility - A fuel storage facility shall be any tank or container of more than ten (10) gallons designed or utilized for the storage of flammable materials including, but not limited to gasoline, fuel oil, liquid propane, acetylene, kerosene or similar flammable materials.

Owner - Owner for purposes of the within ordinance shall be defined as the fee simple owner of the property on which a fuel storage facility is located, a tenant, undertenant, lessee, assignee, debtor in possession or fuel storage tank owner. For purposes of the within ordinance fuel sale companies which own or lease tanks shall be regarded as owners.

SECTION II.

All existing fuel storage facilities must be modified in such a manner as to prevent flotation of storage tanks in the event of flood or high water.

SECTION III.

All newly constructed fuel storage facilities must be constructed in a manner so as to prevent flotation during flood or high water.

SECTION IV.

Failure to strap, anchor or properly secure fuel storage facilities so as to prevent flotation during floods or high water shall constitute a violation of the within ordinance and shall upon conviction thereof be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars, nor more than Three Hundred (\$300.00) Dollars plus costs of prosecution, or in default of payment of such fine and costs to undergo imprisonment for not more than one (1) day for each offense. Each day that the violation of this ordinance is continued shall constitute a separate offense and separate proceedings may be instituted and separate penalties imposed for each such day's offense.

SECTION V.

In addition to the penalties as hereinabove set forth by this ordinance, the Borough Council, Mayor or any officer or employee of the Borough designated thereby for the purpose is hereby authorized to give notice by personal service or by United States mail to the owner or occupant or either of them of a violation of the terms of this ordinance, directing and requiring such occupant or owner or both of them to renew the fuel storage facility or to bring it in conformance with the requirements of the within ordinance. If any such owner or occupant shall neglect to comply with such notice within the period of time stated therein, Borough authorities may remove the fuel storage facility. The cost for such removal may be collected by the Borough from such owner or occupants in any manner provided by law. This right is herein vested in the Borough

and shall be in addition to penalties prescribed by the foregoing provisions of this ordinance for the failure of owner or occupant as aforesaid to comply with the terms of this ordinance.

SECTION VI.

The within ordinance shall constitute a requirement in addition to the requirements of the Borough Flood Plain Ordinance as contained in Chapter 12.21, et seq, of the Milesburg Borough Code.

SECTION VII.

In the event that any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

SECTION VIII.

The within ordinance shall be effective 5 day of June, 1985.

ENACTED AND ORDAINED this 6 day of May, 1985.

BOROUGH OF MILESBURG

ATTEST:

Diane J. Harris
Secretary

BY: Robert B. Pack
President

Ralph K. Deuk
Mayor