

ORDINANCE 245

AN ORDINANCE REGULATING THE TRANSPORTATION OF HAZARDOUS MATERIALS WITHIN THE BOROUGH OF ALBURTIS.

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF ALBURTIS AS FOLLOWS:

SECTION I: Title. This Ordinance shall be known as the Transportation of Hazardous Material Ordinance.

SECTION II: Definitions. The following words or phrases when used in this Ordinance shall have the meaning ascribed to them in this section, except when the context clearly indicates differently.

- A. "CFR" shall mean the code of federal regulations. The numbers immediately preceding and immediately following the initials CFR shall refer to the volume, divisions and sections used to identify parts of the code of federal regulations.
- B. "Compressed gas" shall mean any substance regulated as a compressed gas by the United States Department of Transportation by regulations found in 49 CFR 173.300.
- C. "Explosive" shall mean any substance regulated as a class A explosive or as a class B explosive by the United States Department of Transportation, by regulations found in 49 CFR 173.53 and 49 CFR 173.88.
- D. "Flammable liquid" shall mean any substance regulated as a flammable liquid by the United States Department of Transportation, by regulations found in 49 CFR 173.115.
- E. "Flammable solid" shall mean any substance regulated as a flammable solid by the United States Department of Transportation by regulations found in 49 CFR 173.150.
- F. "Hazardous material" shall mean any substance defined in this section as a compressed gas, explosive, flammable liquid, flammable solid, oxidiser, poisonous or radioactive material, and biological waste.
- G. "Oxidiser" shall mean any substance regulated as an oxidiser by the United States Department of Transportation by regulations found in 49 CFR 173.151.
- H. "Poison" shall mean any liquid or gas that is life threatening when mixed with air in small amounts, and shall also include all those substances regulated as poison A by the United States Department of Transportation by regulations found in 49 CFR 173.326.
- I. "Radioactive material" shall mean 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.
- J. "Transport carrier" shall mean any mode of conveyance moving on land upon wheels.

SECTION III. Exemption. The regulations set out in this Ordinance shall not apply to any transport carrier carrying no hazardous material except flammable liquid in a container or containers having a total capacity of not over 110 gallons or 41.635 dekaliters by volume.

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SECTION IV. Routes to be followed. No person, firm or corporation shall transport any hazardous material through the Borough except over routes indicated as permitted routes identified below. 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.

SURFACE TRANSPORT - HIGHWAYS

1. Main Street, legislative route 39021, from Borough Line to Franklin Street.
2. Penn Avenue, legislative route 39020, from Borough Line to Main St.
3. Franklin Street, legislative route 39021, from Main Street to Borough Line.
4. Front Street, legislative route 39020, from Main Street to Borough Line.

SURFACE TRANSPORT - RAILROADS

1. Conrail main line from Borough Line to Borough Line and adjacent sidings.
2. Conrail spur line from Main Street to Borough Line and adjacent sidings.

SECTION V. Equipment. No hazardous material will be carried on any permitted route for delivery in any transport carrier larger than a tractor with one trailer upon streets and roads, nor larger than a railroad tank car upon railroad lines.

SECTION VI. Condition of transport carriers. Any transport carrier used to transport hazardous materials anywhere in the Borough shall comply with all federal and state laws and regulations. All transport carriers shall be maintained in a safe condition.

SECTION VII. Spills. Containment. Cleanup. In the event breakdown of a transport carrier containing hazardous materials within the Borough results in spill or escape of such material unto Borough streets or private property, the person, firm, or corporation transporting such materials as well as the owner and consignee of the material shall be jointly and severally responsible for its physical containment, recovery and removal and 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 VIII. Signs and maps. Signs shall be posted to inform the public of the permitted routes for hazardous materials. The Alburdis 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 IX. Severability. The provisions of this Ordinance are severable, and, should any part be held invalid, such invalidity shall not affect the rest of the ordinance.

SECTION X. Penalty. Any person, firm, or corporation violating any provision of this Ordinance shall be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) for each offense, and a separate offense shall be deemed committed on each day or on which a violation occurs or continues.

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SECTION XI. Repealer. Ordinance 239 of the Borough of Alburtis is hereby repealed. Its subject matter is reincorporated with additions and changes in this Ordinance.

ORDAINED and ENACTED by the Council for the Borough of Alburtis this 13th day of August 1986.

Carlton R. Paine
President of Council

ATTEST:

Joyce Schodler
Borough Secretary

Approved this 13th day of August 1986.

[Signature]
Mayor