

**Chapter 62**  
**GASOLINE STATIONS**

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**[HISTORY: Adopted by the Borough Council of the Borough of Delmont as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Zoning — See Ch. 130.

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**ARTICLE I**  
**Self-Service Stations**

**[Adopted by Ord. No. 46, as amended through 2000.**  
**Subsequent amendments noted where applicable.]**

**§ 62-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CUSTOMER** — Any person, firm or corporation who or which shall receive inflammable products whether by retail sale or any other method from any retail filling station or self-service station.

**SELF-SERVICE STATION** — Any place in the Borough of Delmont where pumps or other dispensing devices are available for the dispensing of gasoline or other inflammable liquids which depends upon dispensing of such materials by the public.

**§ 62-2. Owner liability.**

It shall be unlawful for any owner, lessee, operator or employee of any retail filling station or self-service station located in the Borough of Delmont, Westmoreland County, Pennsylvania, to permit any purchaser, customer or other person to use or manipulate any pump, hose, pipe or other device for pumping or dispensing gasoline or other inflammable liquid for any purpose, unless such dispensing of gasoline or other inflammable liquid shall be conducted under the supervision of a person trained in the dispensing of such gasoline or inflammable liquids,

hereinafter referred to as an "attendant," under such conditions that the person supervising shall be within 15 feet of the point of dispensing of such gasoline or inflammable liquids at all times during the dispensing of such gasoline or inflammable liquid.

**§ 62-3. Customer liability.**

It shall be unlawful for any purchaser or customer of a self-service station in the Borough of Delmont, Westmoreland County, Pennsylvania, to use or manipulate any pump, hose, pipe or other device for the pumping or dispensing of gasoline or other inflammable liquid for any purpose unless such dispensing of gasoline or other inflammable liquid shall be conducted under the supervision of a person trained in the dispensing of such gasoline or inflammable liquids and under such conditions that the person supervising shall be within 15 feet of the point of dispensing of such gasoline or inflammable liquids at all times during the dispensing of such gasoline or inflammable liquids.

**§ 62-4. Posting requirements.**

Every self-service station located in the Borough of Delmont, Westmoreland County, Pennsylvania, shall, at all times, have posted at conspicuous locations on the premises at least three signs of minimum size of 12 inches by 15 inches with lettering no less than a uniform size of 1/2 inch, having affixed thereon the following statement:

"It is unlawful under Ordinance No. 46 of the Borough of Delmont for customers to handle pumps or hoses for dispensing inflammable liquids unless an attendant is within fifteen feet of point of dispensing."

**§ 62-5. Violations and penalties. [Amended 6-12-2001 by Ord. No. 2001-3]**

Any person, firm, partnership or corporation who or which shall violate the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$600, together with costs of prosecution, or in default of payment thereof, by imprisonment for not more than thirty (30) days.

**ARTICLE II**

**Non-Used Fuel Dispensing Systems.**

**[Adopted by Ord. No. 87-8, as amended through 2000.**

**Subsequent amendments noted where applicable.]**

**§ 62-6. Purpose.**

To regulate the non-use, vacant or inoperative fuel or hazardous substances dispensing equipment or businesses as these constitute a danger to public health, safety, comfort and welfare for such reasons as unsightliness, fire, explosion hazards, infestation and the effect on surrounding property; and that such abuses and nuisances of property entitle the Borough of Delmont to exercise its police powers to protect the health, safety, comfort and welfare of the community.

**§ 62-7. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ABANDONED FUEL OR HAZARDOUS SUBSTANCES DISPENSING EQUIPMENT** — Any equipment, whether electrical, mechanical or gravitational that dispenses combustible fuel or hazardous substances.

**BUILDING EQUIPMENT** — Any aboveground improvement or structure, furnished or unfurnished, which is designed, built or adapted for the use and connection with the dispensing of combustible fuel, regardless of its shape, size, height or location; and any above or below ground storage tanks, pipes, pumps or equipment which have previously contained any flammable or hazardous substances; and all paving placed in connection with any service station or dispensing location.

**CONDITION OF NON-USE OR VACANCY:**

- A. Equipment or premises where the owner, lessee or premise user has failed to operate such premises or equipment for at least three consecutive months; or
- B. A voluntary discontinuance of a business engaged in the dispensing of fuel or other hazardous materials.

**§ 62-8. Application.**

Any fuel dispensing or hazardous material dispensing equipment and/or the immediate portions of the property or buildings used for the purpose of dispensing said materials in a condition of non-use or abandonment shall be a violation of this article.

**§ 62-9. Exceptions.**

- A. Reoccupation of said premises or reuse of said equipment by the owner, tenant, lessee or other parties entitled to possession after having obtained the necessary state, county and borough permits required by law with continual use for a period of not less than six months; or
- B. Demolition and removal of all buildings on and in premises, the removal of all hazardous or flammable materials from any storage or holding tanks or related containers, the filling of in-ground tanks with sand or other approved materials or the removal of said tanks as approved by law.

**§ 62-10. Enforcement.**

- A. Upon discovery of conditions constituting a public nuisance and hazard as defined in § 62-7, the Zoning Officer, Borough Solicitor or the Borough Fire Chief shall give both written notice to the property owner(s) and shall also post the property with said notice. Notification by mail shall be made by sending certified and regular mail to the persons, firms, corporate officers or other entities of record that may have a claim or interest in said equipment or premises.

- B. Should the property owner, tenant, lessee or other person having an interest in the equipment or premises abate the condition of non-use or abandonment within a sixty-day period, the abatement procedure shall immediately cease, providing reuse and reoccupation is for the purpose of a continual use for a period of not less than six months from the date of reuse.
- C. After 60 days from the date of notice, the borough, acting through its authorized agents or officers, may commence an action against all persons having an interest in said premises or equipment seeking the appropriate remedies permitted by law. These remedies shall include but not be limited to an order permitting the removal of said equipment or buildings, the removal of flammable or hazardous materials from any storage containers or holding tanks, the filling in of said containers or storage tanks with either sand or concrete, the levying of penalties, costs incurred by the borough in abating the violation and/or fines as set forth hereinafter in addition to any other remedies stated herein or provided by law.