

Ordinance No. 903

AN ORDINANCE OF THE CITY OF HARTINGTON, NEBRASKA, ADOPTING §§7-322-324 PROHIBITING THE UNDERGROUND STORAGE OF LIQUEFIED PETROLEUM GASES WITHIN RESIDENTIAL AREAS EXCEPT FOR SUCH STORAGE EXISTING PRIOR TO THIS ORDINANCE THAT DOES NOT CONSTITUTE A FIRE HAZARD; ESTABLISHING A MAXIMUM CAPACITY FOR UNDERGROUND STORAGE CONTAINERS; ESTABLISHING A MINIMUM DISTANCE FROM SUCH CONTAINERS TO BUILDINGS, GROUPS OF BUILDINGS, AND OTHER SUCH CONTAINERS; REGULATION OF PERMISSIBLE UNDERGROUND STORAGE CONTAINERS; ESTABLISHING A PENALTY FOR VIOLATION; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES THAT CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

WHEREAS, the storage of liquefied petroleum gases poses serious risks to the health and public safety.

WHEREAS, unregulated storage of these materials is likely to cause physical injury and/or property damage.

WHEREAS, it is the intent of this Ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city, by regulating the underground storage of liquefied petroleum gas within residential areas.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARTINGTON, NEBRASKA:

The following sections of the City of Hartington Code of Ordinances is hereby adopted as follows:

**§7-322: UNDERGROUND STORAGE OF LIQUEFIED PETROLEUM GASES PROHIBITED IN RESIDENTIAL AREAS UNLESS SPECIFICALLY PERMITTED; EXCEPTION FOR PREEXISTING USE.**

Storage of liquefied petroleum gases in underground storage tanks is generally prohibited within the residential areas as established by the City zoning ordinances, except as specifically provided under this Code and NFPA 58; provided, however, that underground storage tanks legally existing prior to the effective date of this section shall be allowed to exist until such time as any storage tank is moved, removed, or significantly altered, provided such existing tanks or tank installations do not constitute a fire hazard. The Fire Chief shall periodically inspect the existing installation for safety and if the Fire Chief determines the installation or operation is no longer conducted or maintained in a

safe manner, the same shall be removed from service. Any such existing use that is discontinued for a period of sixty (60) days shall not be revived without a permit.

**§7-323: PERMITTED UNDERGROUND STORAGE IN RESIDENTIAL AREAS; CONDITIONS.**

- A. Capacity. Underground L.P.G. tanks within residential districts as set forth in the City's zoning ordinances shall be permitted if tank contains 125 gallon or less water capacity.
- B. Minimum Distances. Underground L.P.G. tanks permitted under this section shall be placed at a minimum distance of not less than twenty-five (25) feet from any building or the line of adjoining property that can be built upon. Underground L.P.G. tanks permitted under this section must be placed at a minimum distance of not less than twenty-five (25) feet from any other L.P.G. tank.
- C. Storage Permit. Any person desiring to store liquefied petroleum gas or any other poisonous and flammable gases shall first obtain a permit to do so from the City Council. Before any permit for storage of poisonous and flammable gases shall be issued, the applicant therefore shall pay a fee of \$100.00. The Building Permit fee is not required to be paid in addition to the Storage Permit fee.
- D. Approval by Fire Chief. All plans and drawings showing tank installation for the storage of liquefied petroleum gas for which a permit is required by this ordinance shall be approved by the Fire Chief in accordance with this Code and all applicable Laws of Nebraska.

**§7-324: PENALTY.**

Persons who shall violate a provision of this code, which shall hereby be recognized as §7-321-7-323 inclusive, or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Chief or of a permit issued under the provisions of this code shall be guilty of an offense punishable by a fine of not more than \$200.00.

Repeal of Other Ordinances.

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED AND APPROVED this 24<sup>th</sup> day of June, 2024.



THE CITY OF HARTINGTON, NEBRASKA

By:

A handwritten signature in cursive script that reads "Mark Becker".

Mark Becker, Mayor

ATTEST:

A handwritten signature in cursive script that reads "Brittni Benscoter".

Brittni Benscoter, City Clerk