

ORDINANCE 518-21

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WALCOTT, IOWA, BY AMENDING CHAPTER 155, PERTAINING TO ABOVE GROUND STORAGE TANKS

BE IT ENACTED by the City Council of the City of Walcott, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 155 of the Code of Ordinances of the City of Walcott, Iowa, is hereby repealed and the following adopted in lieu thereof:

155.01 ABOVE GROUND TANKS CONTAINING OF CLASS I LIQUIDS (INCLUDING GASOLINE) FOR RETAIL OR PRIVATE USE PROHIBITED. No person shall permit the above ground storage of Class I liquids in containers exceeding 10 gallons on any premises owned or operated by such person.

155.02 ABOVE GROUND TANKS CONTAINING CLASS II OR CLASS III LIQUIDS (INCLUDING DIESEL FUEL) FOR RETAIL OR PRIVATE USE.

1. Maximum Capacity Fuel Tank Allowed.
 - A. The maximum capacity of an individual fuel tank shall be less than 1,100 gallons.
 - B. The maximum capacity of aggregated tanks shall not exceed 3,000 gallons.
2. Design and Construction of Tanks.
 - A. Above ground tank design and installation shall meet the requirements of NFPA 30, the International Fire Code, and the Iowa Administrative Code with its referenced code amendments.
3. Location of Above Ground Tanks for Private Use or Retail Use.
 - A. Above ground fuel storage tanks of this section may be allowed, with a special use permit, in the following locations only:
 1. All Industrial (M) Zoning Districts
 2. SA Suburban Agriculture Zoning District
 3. C-3 Interstate Highway Commercial Zoning District
 4. Existing school premises in its current zoning district.
 - B. Location with respect to property lines, public ways, and buildings on the same property.
 1. The minimum distance from a property line shall be at least 15 ft. except that if the adjacent property is zoned Residential (R), the distance from that property line shall be at least 50 ft.
 2. The minimum distance from the nearest side of any building on the same property shall be at least 5 ft.
4. Approved Plans for Permit Required. Upon application for permit and location of a tank whose location is governed by provisions of this section, there shall be submitted a site layout drawing and approved engineered drawings. Said documents shall clearly specify the name, address and telephone number of the individual, firm, or corporation submitting the same and shall clearly designate the location of the proposed tank as well as a showing of all adjacent property lines within 300 feet of the property site upon which the tank is to be located. The zoning classification within areas of said 300 feet shall be provided upon said documents.

5. Vehicle Protection and Fence Required.
 - A. All above ground tanks as regulated in this section shall be protected from vehicles and other potential damage with approved barriers such as approved bollards or approved concrete barriers.
 - B. A chain link fence (minimum 10-gauge) 6 feet in height, shall be located at least 5 feet from any tank or dispenser. It is the intention of the provisions of this subsection that the above ground tanks be adequately protected by fencing located an appropriate distance from said tanks and dispenser.
6. Flood Plain Requirements. All structures shall comply with flood plain standards enacted by the City.

155.03 ABOVE GROUND TANKS CONTAINING DIESEL FUEL FOR RETAIL OR PRIVATE USE OVER 1,100 GALLONS.

1. Above ground storage tanks for diesel fuel that are 1,100 gallons or larger shall be under the strict regulation of the State of Iowa and approved by the City of Walcott. These tanks shall meet state requirements for construction, protection, location and all other applicable requirements of the Iowa Administrative Code. Prior to installation, permits shall be obtained from the State of Iowa and City of Walcott. These tanks shall be registered with and inspected by the State as per its codes and requirements there-in.
2. Location. Above ground tanks under this Section may be allowed to be located in C-3 Zoning Districts only and require a special use permit.

155.04 LIQUID PETROLEUM TANKS. It is unlawful for any person or entity to maintain a liquid propane (LP) or propane tank or other container on any property within the City limits of the City of Walcott with the following exceptions:

1. Tanks or containers not exceeding 20 lbs. capacity are permitted only for outdoor cooking purposes with portable grills or for patio or similar heaters used outdoors.
2. Tanks or containers 25 gallons capacity or above (not to exceed 100 lbs. capacity) may be used by organizations or individuals on a temporary basis for special events, for outdoor cooking purposes only.
3. Tanks or containers used solely for the refilling of 20 lbs.-100 lbs. capacity tanks or containers solely for cooking use or other use in a recreational vehicle. Service tanks used for refilling may not exceed 1,000 gallons and must be located in a commercial or industrial zoning classification.
4. Tanks or containers up to and including 100 lbs. (25 gallons) capacity may be used by a contractor for the purpose of providing heating to structures under construction or for the operation of construction tools and equipment.
5. Tanks or containers for heating purposes, not to exceed 1,000 gallons, for a residence or other occupied building if natural gas service is unavailable to service the property upon which the residence or other occupied building is constructed. If such use is permitted, the same shall be discontinued once natural gas service to the property is reasonable available.

155.05 INSTALLATION AND USE. The installation, use, maintenance, repair and replacement of tanks or containers as referenced herein shall be subject to all applicable local, state and federal regulations. Installation of permitted tanks shall be subject to the City's receipt of documentation from an installer concerning compliance with such applicable local, state and federal regulations.

155.06 PENALTY. A person convicted of a violation of this subsection shall be guilty of a

simple misdemeanor and shall remove the tank within 10 days of any conviction at said party's cost. A violation additionally constitutes a municipal infraction under provisions of this Code of Ordinances and may be prosecuted as such.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

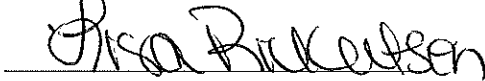
SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect after the final passage, approval and publication as provided by law.

Passed and approved by the Walcott City Council the 3rd day of May 2021, (first reading held the 5th day of April, 2021 and the second reading on the 19th day of April, 2021).



Mayor John Kostichek

Attest:



Lisa Rickertsen, City Clerk

I certify that the foregoing was published as Ordinance No. 518-21 on the 12th day of May, 2021.



Lisa Rickertsen, City Clerk