

ORDINANCE NO. 198-22

**AN ORDINANCE REGARDING ABOVE GROUND STORAGE TANKS LOCATED
WITHIN THE CITY OF MILLERSBURG**

WHEREAS, the City of Millersburg endeavors to protect the health and safety of all residents, non-residents, and businesses of Millersburg; and,

WHEREAS, the City of Millersburg recognizes that abandoned above ground storage tanks may negatively impact the health and safety of all Millersburg residents, non -residents, and businesses of Millersburg; and,

WHEREAS, the City of Millersburg intends to encourage the decommissioning and removal of abandoned above ground storage tanks located within the City of Millersburg; and,

WHEREAS, it is most appropriate that this regulation be contained within The Millersburg Municipal Code Title 17- Fire Prevention;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN
AS FOLLOWS:**

- A. An above ground tank is considered abandoned when at least one of the following occurs:
 - 1. The tank has not been used in more than a year.
 - 2. Dispensing equipment has been removed.
 - 3. The State of Oregon, Weights and Measures, verifies the tank has not been used.
 - 4. The business or structure is no longer functioning as an active business at this site.
- B. All above ground tanks taken out of service must be abandoned under Issuance of a permit by the City of Millersburg's fire service provider (Albany Fire Department), in one of the following ways:
 - 1. Above ground tanks temporarily out of service: Above ground tanks temporarily out of service shall have all connecting lines isolated from the tank and be secured against tampering.
 - 2. Above ground tanks not used for a period of 90 days / out of service for 90 days: Above-ground tanks not used for a period of 90 days shall be safeguarded in accordance with all the following or be removed.
 - i. Flammable or combustible liquids shall be removed from the tank.

- ii. All piping, including tank fill line, gauge opening, vapor return and pump connection, shall be capped or plugged and secured from tampering.
 - iii. Vent lines shall remain open and be maintained.
- C. Above ground tanks out of service for one year: Above ground tanks that have been out of service for a period of one year shall be removed from the ground, including any secondary containment structures associated with the tank. Any soil contaminated from the above ground tank(s) shall be decontaminated in compliance with all State of Oregon and Federal requirements.


Non-compliance with this Ordinance shall be subject to a fine up to \$1000/day, payable to the City of Millersburg, beginning one year after the above ground tank(s) has been out of service.

For above ground tanks in non-compliance at the time of adoption of this Ordinance, a one (1) year grace period is provided for removal of said tanks prior to the commencement of above-mentioned fines. Further, the City Manager shall have the authority to enter into a binding agreement for removal of tanks and decontamination of sites, in those cases where it can be demonstrated that the complexity of removal of tanks cannot be accomplished within the one-year time period.

Information for closure/decommissioning of above ground tanks may be obtained by contacting the Albany Fire Department.

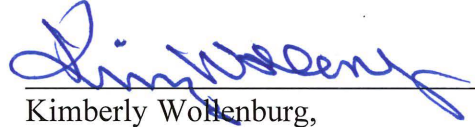
This regulation shall be contained within The Millersburg Municipal Code Title: Fire Prevention, currently Title 17.

APPROVED AND ADOPTED BY THE MILLERSBURG CITY COUNCIL THIS 13TH DAY OF SEPTEMBER, 2022.



Scott Cowan,
Mayor

ATTEST:



Kimberly Wollenburg,
City Recorder