

**ORDINANCE NO. 1052 (2023/2024)**

**AN ORDINANCE AMENDING CHAPTER 41 (PUBLIC HEALTH AND SAFETY)  
OF THE CITY CODE BY ADDING LANGUAGE PERTAINING TO STORAGE TANKS**

**BE IT ENACTED** by the City Council of the City of Nevada, Iowa, as follows:

**SECTION 1. SECTION MODIFIED.** Chapter 41 (Public Health and Safety), Section 41.17 (Leaking Storage Tanks), Section 41.18 (Abandoned Storage Tanks), and Section 41.19 (Tanks Temporarily Out of Order) is hereby amended by adding:

**41.17 - Leaking storage tanks.**

If underground tanks for the storage of flammable or combustible liquid are found to be leaking, the chief of the fire department shall be notified at once. The chief shall have the authority to order the immediate removal of the tanks from the ground and the moving of the tanks to a safe location. The excavation from which the tanks are removed shall be left open until the chief of the fire department shall determine that it is safe to refill the excavation.

**41.18 - Abandoned storage tanks.**

The abandonment of any underground storage tank used for the storage of flammable or combustible liquids shall be regulated and controlled by the requirements and provisions of the International Fire Code, specifically Section 5704.2.13, except that all abandoned underground storage tanks shall be removed and the hole filled. The removal of above-ground and underground tanks shall comply with Section 5704.2.14.1. The chief of the fire department shall direct and supervise the removal of abandoned underground storage tanks.

**41.19 - Tanks temporarily out of service.**

Any underground tank used for storage of flammable or combustible liquids, temporarily out of service, shall be pumped empty of product, and input and output openings shall be properly sealed and the tank shall be properly vented. If any such tank is not so sealed and vented within ten days after having been temporarily taken out of service, it shall be deemed abandoned. The chief of the fire department shall be notified when the tanks are to be emptied and sealed, and such shall be done with his supervision and approval.

**SECTION 2. REPEALER.** All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved 1<sup>st</sup> Reading on this 12<sup>th</sup> day of February, 2024.  
Passed and approved 2<sup>nd</sup> Reading on this 26<sup>th</sup> day of February, 2024.  
Passed and approved 3<sup>rd</sup> and Final Reading on this 11<sup>th</sup> day of March, 2024. Enacted upon publication

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Brett Barker, Mayor

ATTEST:

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Kerin Wright, City Clerk

1<sup>st</sup> Reading – February 12, 2024

Motion by Council Member Dane Nealson, seconded by Council Member Steve Skaggs, to adopt the first reading of Ordinance No. 1052 (2023/2024).

AYES: Nealson, Skaggs, Ehrig, Corbin, Sampson

NAYS: None

ABSENT: None

2<sup>nd</sup> Reading – February 26, 2024

Motion by Council Member \_\_\_, seconded Council Member by \_\_\_, to adopt the second reading of Ordinance No. 1052 (2023/2024).

AYES: —

NAYS: —

ABSENT: —

3<sup>rd</sup> Reading – March 11, 2024

Motion by Council Member \_\_\_, seconded by Council Member \_\_\_, to adopt the third and final reading of Ordinance No. 1052 (2023/2024).

AYES: —

NAYS: —

ABSENT: —

The Mayor declared Ordinance No. 1052 (2023/2024) adopted.

I certify that the foregoing was published as Ordinance No. 1052 (2023/2024) on the 11<sup>th</sup> day of March, 2024.

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Kerin Wright, City Clerk