

ORDINANCE NO. 466**AN ORDINANCE CONTROLLING THE INSTALLATION OF UNDERGROUND GASOLINE OR DIESEL TANKS.**

WHEREAS, the Oregon State Department of Environmental Quality has adopted rules and regulations pertaining to installation of underground tanks for gas and petroleum oil storage; and

WHEREAS, the said rules and regulations will enhance the safety and well-being of members of the community.

NOW, THEREFORE, be it ordained by the common council of the city of Madras, that:

Section 1. [Permit Required.] No underground gasoline tank or diesel tank or any other underground tank for the storage of petroleum fuel products or flammable liquids shall be installed without first obtaining a permit from the city of Madras.

Section 2. [DEQ Requirements.] No permit shall be issued for the installation of underground tanks unless the applicant has supplied the city of Madras with all necessary evidence that the applicant has previously obtained a permit from the Oregon Department of Environmental Quality, and has complied with the requirements for installation of underground tanks and has been supplied a certificate from the Department of Environmental Quality that the tank desired for installation meets the requirements of the Department of Environmental Quality.

Section 3. [General Requirements.] Prior to installation of any tank, the city building inspector must certify to the city of Madras that the tank complies with all state, county, and city requirements.

Section 4. [Permit Fee.] The applicant shall pay in advance to the city of Madras a fee of \$50.00 for a permit application. Said fee is not refundable.

Section 5. [Emergency.] The control and regulation of installation of underground tanks for the storage of petroleum fuel products or flammable liquids is necessary to protect the residents from the hazards of fire, explosion, and of

contaminants entering the ground. Therefore, an emergency is hereby declared to exist and this ordinance shall become in full force and effect upon its passage herein.

Section 6. Penalties.

A. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Madras city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$300.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced remedy of prohibited conditions.

Section 7. Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 8. Validity. The city of Madras hereby declares that should any section, paragraph, sentence, or word in this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the city of Madras that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Passed by the council and approved by the mayor April 11, 1989.