

**ORDINANCE NO. 2022-03**  
**AMENDING CHAPTER 10 OF THE HEIDELBERG CITY CODE**  
**ADDING A SECTION: 1057 ABOVE GROUND FUEL STORAGE TANK REGULATION**

**Section 1. Ordinance No. 2022-03 Amending Chapter 10- Adding Section 1057 to read as follows:**

**Section 1057- Above Ground Bulk Storage Fuels Tanks**

1057.01 Purpose.

Subd. 1 Implementation. It is the purpose of this section to provide Heidelberg residents of the city with protection regarding the implementation of fuel storage tanks within the City, including allowable above ground bulk storage fuel tanks.

Subd. 2 Public Safety Concern. The use of bulk fuel storage tanks, including above ground bulk storage fuel tanks, poses an unreasonable public safety concern to city residents and their property in the event of a spill, leak, malfunction, or fire.

1057.02 Definition. Allowable above ground bulk storage fuel tank:

- A. Shall not exceed 500 gallons in capacity.
- B. May either consist of one 500-gallon capacity tank, or two 250-gallon capacity tanks maximum.
- C. Must meet Minnesota Pollution Control Agency (MPCA) standards and follow current State regulated guidelines for inspections and upgrades.

1057.03 Compliance. All above ground bulk storage fuel tanks require:

- A. A Conditional Use Permit in order that the city may have assurance that fire, explosion or water and soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare of the City or neighboring properties.
  - 1. Depending upon location and proximity to wells and septic fields, as a condition of such Conditional Use Permit, the City Council may require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity of at least 115 % of the tank's capacity.
  - 2. The City shall require, prior to issuance of any Conditional Use Permit, that the applicant is in compliance with all state and county regulations relating to such above-ground storage tanks. The Minnesota Pollution Control Agency (MPCA) must be notified about all Above Ground Storage Tanks within 30 days of installation or change in tank status.
- B. Any existing storage tank as of the date of enactment, in the opinion of the City, constitutes a hazard to the public safety, shall be emptied and discontinue operations within one (1) year following enactment of this ordinance.
- C. Nothing within this ordinance would allow the installation of any in-ground tanks in any residential zoning areas within the City. Such in-ground tanks are specifically prohibited

1057.04 Location and Setbacks.

- A. No tanks shall be placed on the front property of any parcel.
- B. All tanks must be ground tanks and stationery. No mobile or transportable tanks allowed.
- C. Tank must be securely mounted to the ground/diking as to prevent tipping.
- D. Subject to any other conditions required by the City, installation of any above ground bulk fuel storage tanks shall be a minimum of:
  - a. 75 feet from any water well and septic area.
  - b. 25 feet minimum from neighboring property lines.
  - c. 10 feet from buildings.

1057.05 Inspection. An authorized City official shall have the right to inspect any above ground bulk storage fuel tank (a.) for the purpose of ensuring compliance with this Section between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the property, and (b.) at any time without notice upon complaint.

**Section 2. This ordinance becomes effective from and after its passage and publication.**

Passed by the City Council of The City of Heidelberg, Minnesota this 3<sup>rd</sup> day of October 2022.

**APPROVED**

  
\_\_\_\_\_  
Mayor, Lori Weldon

**ATTESTED:**

  
\_\_\_\_\_  
City Clerk, Melissa Edwards Miller

