

(Published in the *Haskell County Monitor and Chief* this 11th day of April, 2018)

ORDINANCE NO. 411-A

AN ORDINANCE AMENDING AND REPLACING ORDINANCE 411 REGULATING PROPANE TANKS WITHIN THE CITY OF SUBLETTE, KANSAS, AND PROVIDING FOR PENALITIES FOR VIOLATION OF THE SAME.

WHEREAS, the City of Sublette desires to repeal and replace Ordinance 411 with the ordinance contained herein.

WHEREAS, it is in the public's best interest to regulate the use, location and size of propane tanks within its corporate limits.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS THAT ORDINANCE 411 IS AMENDED AND REPLACED WITH THE ORDINANCE CONTAINED HEREIN:

SECTION 1. PURPOSE. This ordinance is established for the safety and protection of the residents of Sublette, Kansas. It is also designed to mitigate the potential threat imposed by the installation of LP Gas within the city.

SECTION 2. CONDITIONS AND EXCEPTIONS. All Liquefied petroleum gas storage tanks and the use thereof are prohibited within the city limits of Sublette, Kansas.

a) EXCEPTIONS:

- 1) This prohibition shall not apply to the use of standard heating tanks used by construction companies and contractors for temporary installation on a building site. The period of use shall be limited to a maximum of forty-five (45) days and must be approved by the Fire Chief prior to such use.
- 2) This prohibition shall not apply to use of grills or recreational vehicles whose tank capacity does not exceed 100 pounds.

- 3) This prohibition shall not apply to commercial or governmental entities located in a zoned commercial, industrial or public zone who use such tanks in the same zoned areas.

SECTION 3. PRE-EXISTING CONDITIONS. In the event that at the time of passage of this ordinance there are pre existing propane units in violation of this ordinance then this ordinance shall have no application to the same, *on condition that* the landowner and or user of the tank presents a verification from a certified licensed professional that the tank conforms and meets the specifications of NFPA 58 Liquefied Petroleum Gas Code.

SECTION 4. VIOLATIONS. Any person found to be in violation of this ordinance shall be guilty of a misdemeanor and punished by up to 30 days in jail and a maximum fine of \$1000; each day that the violation continues shall constitute a new and separate offense.

SECTION 5. EFFECTIVE DATE: That this ordinance shall be in full force and effect from and after its publication once in the official newspaper.

SECTION 6. PREVIOUS ORDINANCES: All Ordinances which are in conflict with this Ordinance are hereby repealed. Any section or part of this ordinance deemed to be unconstitutional or invalid shall not invalidate the remaining provisions of this ordinance.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS, this 2nd day of April, 2018.

LAWRENCE HOERMAN-MAYOR

(SEAL)

ATTEST:

JEANNIE TRIGG-CITY CLERK