

**ANHYDROUS AMMONIA ORDINANCE
#92**

BE IT HEREBY ORDAINED:

Section 1:

NAME:

This Ordinance shall be known and cited as the McVilleville Anhydrous Ammonia Ordinance.

Section 2:

PURPOSE:

The purpose of this Ordinance to prevent, reduce, or eliminate the risk of harm to the public health, safety and general welfare of persons throughout the City of McVilleville by restricting and prohibiting the storage and transportation of anhydrous ammonia within the City of McVilleville in order to prevent injury or the threat of injury to residents or others throughout the City, or the de-valuation of property values of owners' of property and nearby owners of property throughout the City.

Section 3:

REGULATION:

TRANSPORTATION OF ANHYDROUS AMMONIA. It shall be unlawful for any person, firm, corporation or other entity to transport any anhydrous ammonia upon any street, avenue, highway, road, alley or any other public right-of-way in the City of McVilleville.

Section 4:

ENFORCEMENT:

REMOVAL OF ANHYDROUS AMMONIA. If any vehicle, trailer or a semi-trailer is found in violation of the provisions of this article, the fire chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes,

adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.

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Any person, firm, or corporation violating any of the terms or provisions of this article shall, upon conviction, be punished by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment, in the discretion of the court; the court to have the power to suspend said sentence and to revoke the suspension thereof. Each day or instance any person, firm, association or corporation shall violate any of the provisions of this article shall constitute a separate offense.

Section 5:

STORAGE: Anhydrous ammonia bulk storage plants shall not be installed within the limits of the City of McVile or within its extraterritorial jurisdiction unless such anhydrous ammonia bulk storage plant is located within an industrial park or an industrial area serviced by a municipal fire department.

Section 6:

SAVINGS CLAUSE: The provisions of the Ordinance are hereby declared to be severable and if any clause, word, section or provision is declared void or unenforceable for any reason by any competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

Section 7:

REPEALER : All ordinances or parts of ordinances in conflict herewith be and same are hereby repealed.

Section 7:

EFFECTIVE DATE: This Ordinance shall be in full force and effect when it has been passed by the City Council, approved by it's Mayor and Auditor, and published in one issue of the official newspaper for this municipality.

ATTEST:

APPROVED:

Renae Arneson, City Auditor

Cindy Bjornstad, Mayor

First Reading: __February 3, 2003

Publication Date: _____

Second & Final Reading: _____