

ORDINANCE NO. 786

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 18 OF THE
MILLIKEN MUNICIPAL CODE RELATED TO PROPANE**

WHEREAS, the Board of Trustees of the Town of Milliken (“Board”) finds that delivery of natural gas through a centralized system is generally a preferable and safer source of fuel for heating when compared to propane;

WHEREAS, in some circumstances a variety of considerations may nonetheless make propane a more suitable alternative;

WHEREAS, safety is a major concern when propane use is approved, and the Board desires to ensure that review of applications for use of propane take into account safety related concerns by ensuring that the input of the fire safety official is obtained;

WHEREAS, the Board desires to update and amend the provisions of the Milliken Municipal Code related to use of propane as a source of fuel for heating to more efficiently regulate such use by assigning responsibility for the review and approval or denial of applications to the Community Development Director;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. Chapter 18, Article VI, Section 18-6-40 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 18-6-40. - Review procedure for propane use.

- (a) Use of propane as the primary heating source is prohibited except in accordance with the provisions of this section.
- (b) The owners of real property within the Town may request approval for use of propane as the primary heating source within the Town, by filing a request with the Community Development Director.
- (c) The following criteria shall be used by the Community Development Director to determine whether the granting of approval is appropriate:
 - (1) If the real estate owned by the applicant is less than one (1) acre in size, spatial buffering is required as follows:
 - a. The tank shall be visibly buffered from the adjoining properties by berming, landscaping or fencing or a combination of the three (3).

- b. The cylinder itself should be placed on a permanent pad. The pad shall be at least four (4) inches above the ground level.
- (2) The distance to adjoining property lines and structures shall not be less than ten (10) feet for tanks 500 gallons and smaller, and shall not be less than twenty-five (25) feet for tanks 501 gallons and larger.
- (3) The uses of structures adjoining the property for which the approval is being requested are not such that there would be an unreasonable danger to adjoining property owners. Special considerations should be given to locations near public facilities and commercial or industrial areas that use flammable or toxic products.
- (4) The tank must be located behind the principal building and in no case shall the tank be located within any front setback.
- (5) Tanks serving residential properties shall be limited to not more than one tank per acre with a maximum size of 1,000 gallons each.
- (6) Tanks must comply with current building and fire codes.
- (7) Connection to a source of natural gas is required for properties within reasonable proximity to such where the natural gas provider allows connection.
- (d) The Community Development Director in consultation with the fire code official shall condition any approval upon a review of these conditions not less than every five (5) years, at which time the Community Development Director in consultation with the fire code official shall determine whether the conditions set forth in Subsections (b) above are still applicable and are appropriate for the continued use of propane. No person shall have any entitlement or vested right to continued use of propane as a source of fuel for heating.
- (e) It is the intent of the Town to reduce where possible the number of structures that use propane as their primary heating source, recognizing, however, that under the foregoing terms and conditions propane may be appropriate.
- (f) Decisions by the Community Development Director under this section may be appealed to the Board of Adjustments.

Section 2. Effective Date. Unless otherwise specified herein, this ordinance shall take effect thirty days after publication as provided by law.

PASSED, ADOPTED, SIGNED AND APPROVED this the _____ day of _____, 20____.

TOWN OF MILLIKEN

By: _____
Elizabeth Austin, Mayor

ATTEST:

By: _____
Caree Rinebarger, Acting Town Clerk