



Town of Portland, Connecticut
Equal Opportunity Employer
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LEGAL NOTICE of PUBLIC HEARING
BOARD OF SELECTMEN
Wednesday, May 6, 2009 - 8:00 PM
Brownstone Intermediate School – Auditorium
314 Main Street, Portland, CT 06480

Pursuant to Section 503(i) of the Town Charter, a public hearing will be held by the Board of Selectmen on Wednesday, May 6th, at 8:00 P.M. in the Brownstone Intermediate School Auditorium to provide residents the opportunity to comment both orally and in writing on the adoption of the proposed draft Ordinance Prohibiting Bulk Fuel Storage.

Copies of the proposed ordinance are available for inspection in the Town Clerk's Office and online at www.portlandct.org.

Dated this 22nd day of April 2009

Attest: _____
Susan S. Bransfield
First Selectwoman

Approved:

For Introduction

Town Attorney
Date:

Public Hearing:
Board Action:
Effective Date:
Moved By:
Seconded By:

ORDINANCE PROHIBITING BULK FUEL STORAGE

WHEREAS, the Board of Selectmen of the Town of Portland (the “Board”) is the legislative body responsible for enacting legislation of general applicability within the Town that, *inter alia*, promotes and protects the public health, safety, and welfare of the Town’s citizens; and

WHEREAS, the Board is aware of the dangers inherent in bulk fuel storage and the potential for a catastrophic occurrence or other accident associated with bulk fuel storage; and

WHEREAS, because the Town of Portland relies entirely upon volunteer firefighters to provide fire protection services and has limited availability of public water supply within the Town, the Board believes it is in the best interest of the Town to limit the risks to persons and property associated with bulk fuel-storage; and

WHEREAS, the Town of Portland has a number of locations where bulk fuel storage currently exists and market conditions and changes in energy demands may stimulate the creation of additional bulk fuel storage facilities; and

WHEREAS, the Board believes that the prohibition of additional bulk fuel storage is reasonably calculated to address these issues and that it is in the best interest of the public health, safety, and welfare of the Town’s citizens to prohibit additional bulk fuel storage within the Town of Portland;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

That Chapter 8 (Fire Prevention and Protection) of the Code of the Town of Portland, Connecticut, is hereby amended by adding Article I, as follows:

ARTICLE I – BULK FUEL STORAGE

§ 8-1 – Purpose

To promote and protect the public health, safety, and welfare of the citizens of the Town of Portland and to protect other individuals who may be employed, commute through, or visit the Town of Portland, who may be adversely affected by a catastrophic occurrence or other accident associated with bulk fuel storage within the Town.

§ 8-2 – Terms

The following definitions shall apply to this Article:

“Bulk” shall mean: (1) with respect to any liquid, the storage of 1,000 gallons or greater at any location; (2) with respect to a gas, the storage of 1,000 cubic feet at any location; and (3) with respect to any solid, the storage of 1,000 cubic yards at any location.

“Fuel” shall mean any material used to produce heat or power by burning, including, but not limited to kerosene, liquefied petroleum gas, propane, natural gas, wood, coal, and any other like substance.

“Location” shall mean any single lot or property either partially or wholly located within the Town of Portland, or any lots or properties with at least one common boundary owned by the same owner.

“Storage” shall mean keeping or maintaining the fuel at a location through the use of methods including, but not limited to, a tank, truck, or any other container.

§ 8-3 – Bulk Fuel Storage Prohibited

Bulk fuel-storage shall be prohibited as of the effective date of this Article.

§ 8-4 – Exemptions

A. **Pre-Existing Bulk Fuel Storage:** This Article shall prohibit bulk fuel storage which did not lawfully exist prior to the effective date of this Article. However, any bulk fuel storage lawfully existing prior to the effective date of this Article shall not be prohibited and may lawfully continue, including repair and replacement of tanks or containers as may be necessary, provided that any lawfully existing bulk fuel storage shall not be increased or expanded after the effective date of this Article.

B. **Motor Vehicle Filling Stations:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of gasoline or vehicular fuel shall be exempt from the provisions of this Article.

C. **Lumber Yards:** Any building, land area, or other premises, or portion thereof, used as a lumber yard or for the storage of wood, lumber, or similar items that are intended for use in building, construction, or home improvement, shall be exempt from the provisions of this Article.

D. **Delivery Vehicles:** Any vehicle, boat or container, otherwise lawful and used for delivery of fuels to any facility referred to in subsections A, B or C above shall be exempt from the provisions of this Article.

§8-5- Severability and Savings Clause

In the event that any part or provision of this Article is declared to be invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other part or provision of this Article.

PURPOSE: To prohibit additional bulk fuel storage facilities within the Town of Portland.

PREPARED BY: John W. Bradley, Jr., Esq.

PROPOSED BY: Susan S. Bransfield, First Selectwoman

DATE: April 15, 2009

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