

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 05-27

INTRODUCED BY: Mayor Luks

AN ORDINANCE PURSUANT TO ORC 1509.06 REQUESTING THAT OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) PROVIDE TO THE CITY OF NORTH ROYALTON A COPY OF ALL APPLICATIONS FOR GAS AND/OR OIL WELL DRILLING PERMITS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY

WHEREAS: The State Legislature adopted HB 278 providing for Ohio Department of Natural Resources (ODNR) to control and be the only authority to issue any permits for drilling, capping or other similar activities related to gas and oil wells in the State of Ohio, which law attempts to preempt local authority under Home Rule; and

WHEREAS: Governor Taft signed the bill into law in June, 2004 and it became effective in September 2004; and

WHEREAS: Pursuant to Section 1509.06 of the Ohio Revised Code as amended by HB 278, a municipality must adopt legislation to request that ODNR provide a copy of each and every application for oil and/or gas permit within the municipal boundaries of the City; and

WHEREAS: Council deems it necessary to adopt this legislation to request a copy of all applications filed with ODNR pertaining to gas or oil wells in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Pursuant to ORC 1509.06, Council hereby requests that immediately upon receipt of a drilling application, the Chief of the Division of Mineral Resources Management promptly transfer an electronic copy or facsimile, or if those methods are not available to a municipal corporation, a copy via regular mail, of any and all drilling permit applications to the clerk of the legislative authority of the City of North Royalton, a municipal corporation in the State of Ohio, in which the well or proposed well is or is to be located.

Section 2. The Director of Legislative Services is hereby directed to send a certified copy of this Ordinance to the Chief of the Division of Mineral Resources Management and to provide to him a valid electronic mail address, the street address of her office at City Hall and a phone and facsimile number as required by ORC 1509.06. Upon receipt of any such application, the Director of Legislative Services shall copy same and forward a copy to the City Engineer, Building Commissioner, Fire Chief, Police Chief and Law Director.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to forward this ordinance to comply with ORC 1509.06 and to be able to timely receive copies of said records.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: March 1, 2005

DATE APPROVED: March 3, 2005

First reading suspended
Second reading suspended
Third reading March 1, 2005

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Stefanik, Bobulsky, Gentile, Willey,
Koch, Zaccardelli, Uffman-Kirsch

NAYS: none