

CHAPTER 830 OIL & GAS WELLS

~~830.01 NEW WELLS PROHIBITED; PROVISIONS FOR EXISTING WELLS.~~

~~From the effective date of this section (Ordinance 1977-108, passed July 6, 1977), no person shall drill a gas or oil well within the Municipality, except on publicly owned property in the titled name of the City or in the titled name of the Board of Education of the North Royalton School District. Wells already in existence on such effective date may be deepened or otherwise improved, and legally abandoned wells may be redrilled, provided that such wells comply in all respects with all ordinances or regulations of the Municipality, with Ohio R.C. Chapter 1509 and with the rules and regulations of the State Department of Natural Resources, Division of Oil and Gas, pertaining thereto, which are in force on the date on which such deepening or improvement is undertaken.~~

830.01 INTENT

It is the intent of Council to ensure the safe operation of oil and gas wells within the Municipality. Toward that end, this Ordinance is adopted to supplement any state issued permits which authorize the drilling of an oil and gas well within the Municipality. The provisions of this Ordinance are based upon local conditions which may not have been known to the state. It is, further, the intent of the Municipality to exercise its local police authority, under Article XVIII, Section 3 of the Ohio Constitution, to the fullest extent permitted by law for the protection of the Municipality's residents and all emergency personnel who may be called upon to respond to an incident at an oil and gas well.

830.02 INTERPRETATION

If any provision of this Ordinance is deemed to conflict with any constitutional general law of the State of Ohio, the general law shall prevail. In the event the general law of the state is silent as to any substantive regulation contained herein, the substantive regulation established by the ordinance shall apply.

830.03 MUNICIPAL REGULATIONS

Any person or entity which has a permit to drill for oil and gas within the City of North Royalton issued by any Department of the State of Ohio ("Permit Holder") shall adhere to the following regulations:

(a) A copy of the state issued permit shall be filed by the Permit Holder with the Fire Chief and Building Commissioner not less than fourteen (14) days before the commencement of any operations preparatory to drilling in the City. A copy of such permit shall also be delivered to all owners and/or occupants of all properties which adjoin the property where a well is to be drilled, with proof and date of such delivery furnished to the Fire Chief and Building Commissioner by the Permit Holder not less than fourteen (14) days before commencement of any operations preparatory to drilling in the City. The Permit Holder shall check with the Building Commissioner prior to delivery to adjacent property owners/occupants to obtain information from the City as to the identity of the individuals to receive the notice and permit.

(b) With a copy of the permit, a letter shall be filed with the Fire Chief which identifies the owner(s) of the subject property where the well is to be drilled by name and address, and identifies all persons, including but not limited to the Permit Holder, who are responsible for the drilling and operation of the well. The identification shall include, at a minimum; names, addresses and work telephone numbers which shall be operational and staffed twenty-four (24) hours a day.

(c) Plans for all wells, tank batteries (including tank dimensions and gas meter types), all excavation work (including but not limited to boring pits), fencing heights and type and site landscaping plans shall be presented to the Fire Chief not less than fourteen (14) days prior to the commencement of any drilling or other operations. These plans shall show the topography of the site and of all vehicular access to the site from any public right-of-way.

(d) A statement of the proposed drilling schedule from its commencement to its completion.

(e) Plans showing all buildings on the subject premises, and all buildings within five hundred (500) feet of the well and tank sites, shall be provided.

(f) No well may be drilled, or tank batteries located, on any location where emergency vehicles (e.g., fire trucks and ambulances) cannot obtain reasonable access to the site.

(g) No well is allowed to be drilled within any distance of any structure or facility (e.g., playground) which, based upon the specific facts and circumstances surrounding such structure or facility, creates a threat to the health, safety and welfare of said structure or facilities or occupants or users thereof.

(h) Proof of insurance shall be filed with the Fire Chief, prior to the commencement of drilling. The proof of insurance must establish that the Permit Holder is insured by a solvent insurer, licensed to do business in the State of Ohio, with limits of \$3,000,000.00 per occurrence for personal injury and property damage. The amount of such insurance shall be reviewed by the City every five (5) years and may be adjusted based on inflationary increases. The City shall be an additional named insured on the insurance policy.

(i) Emergency contact information for all persons engaged in drilling and operating the well shall be filed with the Fire Chief prior to the commencement of drilling. Such information shall be immediately updated upon any change of circumstance.

(j) Within thirty (30) days after drilling operations have been completed, the Permit Holder shall do all of the following:

- (1) Fill all bore pits with clean fill dirt, and restore the grade of the site to its previous elevation; and**
- (2) Seed all disturbed sites with grass or other vegetative ground cover, and ensure such ground cover becomes established; and**
- (3) Notify the Building Inspector that the site has been restored pursuant to the terms of this paragraph. The Building Inspector shall inspect the site within five (5) days of the notification.**

(k) At all times relative to the drilling, operation and capping of the well, the well and all tank facilities shall be secured from public access by sufficient fencing. The sufficiency of the fencing shall be determined by the Building Commissioner.

(l) Within thirty (30) days after the drilling operations have been completed and the site restored, weather permitting, the Permit Holder shall plant sufficient vegetation which, in conjunction with any fencing and natural vegetation, shall effectively and permanently screen all above-ground facilities for both summer and winter conditions from all neighbors and from all public and private rights-of-way while such facilities are on the subject premises for the life of the well. The Building Commissioner shall determine the sufficiency of the screening and may order the Permit Holder to plant more vegetation.

(m) The Permit Holder shall give the Fire Chief at least forty-eight (48) hours notice before commencing to drill.

(n) A cash bond, performance bond or escrow account of five thousand dollars (\$5,000.00) per well shall be filed with the Building Commissioner to insure sufficient securing and screening of facilities, as provided herein, and the removal of all equipment and the restoration of the site after the well is drilled. The Municipality shall return the bond upon the restoration of the site after the well has been drilled and all equipment has been removed and all the terms of this Chapter have been complied with. Any expenses the City incurs as a result of the drilling including engineering, legal, repair of streets, sidewalks, curbing, tree lawns or berms within the City shall be withheld from the deposit. The amount of the bond shall be reviewed every five (5) years and may be increased based on inflationary increases.

(o) Notwithstanding Section 1270.31(f) of the Building Code, any drilling operations may occur twenty-four hours per day until the permitted depth is reached.

(p) It shall be a violation of this section for a Permit Holder to violate the terms and conditions of the state issued permit.

(q) The Fire Chief or his/her designee shall, within two (2) business days of receipt of the plans pursuant to paragraph (c) hereof, review said plans and immediately advise the Permit Holder if anything shown on the plans does not comply with the regulations set forth herein. In the event that any Permit Holder fails to comply with the regulations herein promulgated, the administrative official responsible for the enforcement hereof (i.e., the Building Commissioner or Fire Chief, as designated herein), shall provide written notice to the owner of the property and the Permit Holder within forty-eight (48) hours of the discovery of such failure to comply. Such service shall be made to the addresses identified in paragraph (b) hereof, and if no address has been provided, to any address identified on the permit issued by the State of Ohio. The notice shall advise the owner and the Permit Holder that if they wish to appeal the decision of the administrative official, the time for appeal is five (5) days after service of the notice.

830.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree; for a third or subsequent offense, such person shall be guilty of a misdemeanor of the second degree. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.