

# Code Change: Section 16-166 - Conditional use permit, site plan.

## Sec. 16-166. - ~~Conditional use permit,~~ Submittal of site plan.

Subsequent to the effective date of the ordinance from which this article is derived, it shall be unlawful and an offense for any person, firm, corporation or association to drill or to maintain and operate any oil, gas, or disposal well within the corporate limits or the extraterritorial zoning jurisdiction of the City, without first ~~having secured a conditional use permit to do so as hereinafter provided:~~ submitting a site plan to City staff containing the following information: (Listed to the right)

- ~~1) Permit application. Every person, firm, corporation or association hereafter desiring to drill or to maintain and operate any oil, gas or disposal well within the zoning jurisdiction of the City shall file an application therefor in writing upon the form required by the Director of Inspections and signed by the applicant or an agent authorized to sign the same. The applicant shall be required to provide copies of the permit application which has been submitted to the State Industrial Commission with said application. Such application shall specify the quarter section, township, and range, and the location site within the quarter section thereof. The application shall also contain a site plan which must contain the following information: (Listed to the right)~~
- ~~2) The completed application shall be submitted to the Energy Committee for review. The Energy Committee shall review the application and submit its recommendations to the City Commission prior to the public hearing. The Energy Committee may require the applicant to appear before said Committee to provide additional information or explanation in support of the application.~~
- ~~3) The City Commission shall hold an official public hearing, giving at least 15 days' notice of said public hearing, the purpose of which public hearing shall be for review and consideration of approving or denying the plan as submitted. The City shall also provide written notice of the public hearing, at least five days prior to the public hearing, to residents or occupants of all occupied buildings within 1,000 feet of the proposed site. Said notice shall be sent by regular mail to the last known address of said residents or occupants. The City Commission shall act on any application within 30 days following the public hearing. All publication and notice requirements contained in Chapter 62 for conditional use permits shall be applicable.~~
- ~~4) The applicant shall pay, at the time of the application, an application fee in an amount to be determined by the City Commission.~~
- ~~5) A conditional use permit granted pursuant to this ordinance shall be valid, provided the well proposed to be drilled in the application is completed within one year of the date of Commission approval of said application. If such well is not completed within one year, the conditional use shall be automatically revoked, and the applicant shall have no rights thereunder.~~

*The City Commission shall hold an official public hearing, giving at least 15 days' notice of said public hearing, the purpose of which shall be to determine whether any additional reasonable requirements shall be placed on the proposed site as determined by resolution. In regards to the North Dakota Industrial Commission (NDIC) requirements, this resolution shall be considered as proof the applicant has informed the City of the proposal. This resolution shall be shared with the NDIC as part of the applicant's permit application.*



- a) Written legal description.
- b) Scale drawing of the property and appropriate dimensions.
- c) Scale, north arrow, date, and legend.
- d) Name, address, and telephone number of property owner and applicant.
- e) Location and size of existing easements, utilities, and rights-of-way, closest distances to buildings.
- f) Location and dimensions of all vehicular entrances, exits, and drives.
- g) General drainage system.
- h) Size of site.
- i) Location of all physical facilities to include proposed wells, structures, portable toilets, and relationship to all buildings within a 660-foot radius.
- j) The site plan shall contain a statement describing all pollution prevention equipment to be utilized; it shall be the policy of the City to require blow-out prevention devices on every drilling operation covered hereunder.
- k) Location of all mud pits and/or closed systems.
- l) General location of tank batteries and size of tank battery site.
- m) Any oil, gas or water lines to be utilized.
- n) Location of ingress and egress to be utilized by applicant and to include all vehicular entrances, exits and drives.
- o) Type of screening devices or construction to be utilized around the pumping site, which screening shall be required to be of such type so as to discourage access, entry, or climbing so as to endanger life and security; all screening shall be required to meet the minimum screening standards of the City zoning code.
- p) Adequate proof of insurance.
- q) Location of all public streets to be utilized.

# Section 16-167 - Inspections.

*“For the purposes of this article, the City, or its authorized representatives, may inspect any well location at any time ~~after issuance of a conditional use permit~~ for the purposes of ~~insuring conformance with the requirements of this article~~ ~~ensuring conformance with NDIC requirements~~. Any applicant ~~for a permit~~ hereunder shall be deemed to have granted the agents of the City the right of entry onto those properties ~~covered by the permit~~ ~~outlined during the public hearing~~ for the purpose of carrying out the inspections as required by the City.”*

# Code Change: Table 62-162-2. Permitted Uses by Zoning Districts

	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC	GC	LI	GI	P
Industrial Uses													
Oil Wells	SP											SP	
Resource extraction	SP											SP	

# Additionally: Section 16-170 - Zoning.

*“Oil, gas, or service wells shall be permitted in all zoning districts as a conditional use only, as provided for in this article and in the City zoning code; provided, however, that the Board of City Commissioners shall have the power to refuse any application for a conditional use permit by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the drilling property in question or adjacent thereto, or because of the use to which the land and surroundings are adapted for civic purposes, or if, for sanitary reasons, the drilling of the well will be a serious disadvantage to the City and its inhabitants as a whole.”*