

ORDINANCE NO. 2025

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 16 & CHAPTER 62, RELATING TO OIL WELL ESTABLISHMENT, REQUIREMENTS, AND APPROVAL PROCESS

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

SECTION 1: Section 16-166. Conditional use permit, site plan. of Chapter 16 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

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:

~~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:~~

- 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.
- ~~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.

SECTION 2: Section 16-167. Inspections. of Chapter 16 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 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.

SECTION 3: Table 4-2. Permitted Uses by Zoning Districts., as outlined in Section 62-162. Development Regulations. of Chapter 62 of the Municipal Code of the City of Dickinson, is hereby amended and re-enacted as follows:

Sec. 62-162. – Development regulations.

Table 4-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Agricultural Uses														
Horticulture	P	P			S		P	P		P	P	P	P	62- 466(b) (1)
Crop Production	P	P											P	62- 466(b) (1)
Type I Animal Production	P	S												62- 466(b) (3)
Type II Animal Production	S													
Type III Animal Production	S													
Livestock Sales	S										S	S		
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S							
Single-Family Attached				P	P	P	S							62- 467(2)
Duplex	P			P	P		S							
Townhouse	P			P	P		S		P					62- 467(3)
Multiple Family				P	P		S		P					
Downtown Residential									P					62- 467(4)
Mobile Home Park						S								62- 467(5)
Mobile Home Subdivision						S								62- 467(6)
Manufactured Housing Residential	P	P	P	P	P	P	S							

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Retirement Residential	S		S	P	P		S		S					
Home Occupations	S	S	S	S	S	S			S					62-471(1)
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 7
Accessory Dwelling Units Commercial							P	P		P				Note: Subject to approval in accordance with § 62-474(b)
Accessory Dwelling Units Residential	P	P		P	P	P								Note: Subject to approval in accordance with § 62-474(a)
Civic Uses														
Cemetery	P	S	S	S									S	
Clubs	S	S	S	S	S	S	S	P	P	P				62-468(1)
College/University													P	
Convalescent Services	S	S		S	S	S	P	P	P	P				
Cultural Services		S	S	S	P	P	P	P	P	P	P		P	
Day Care (Family)	P	P	P	P	P	P	P	P	P	P	S			62-131(7)
Day Care (Group)	S	S	S	S	P	S	P	P	P	P	S			62-131(8)
Detention Facilities	S								S	S	S		S	
Emergency Residential	P	P	P	P	P	P	P	P	P	S	S			
Golf Courses (Public)	S	S	S	S	S	S							P	
Government Offices							P	P	P	P	P		P	
Group Care Facility	S	S	S	S	P	S	P	P	P	P				62-468(3)
Group Home	P	P	P	P	P	P	P	P	P	P				62-468(3)

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Group Living Facility					S	S	S	S	S	S				62-468(4)
Guidance Services					P		P	P	P	P	P	P		
Hospitals					S		P	P	P	P	S		S	
Health Care	S	S			S		P	P	P	P	P	P	S	
Libraries (Public)							P	P	P	P			S	
Maintenance Facilities	S	S						S		P	P	P	S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities							P	P	P	P	P	P	P	
Primary Education	S	P	P	P	P	P	P	P	P	S			P	
Public Assembly							S	S	P	P			P	
Religious Assembly	P	P	P	P	P	P	P	P	P	P	S			
Columbarium Associated with Religious Assembly (Indoor/Outdoor)	S	S	S	S	S	S	S	S	S	S	S			
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education													P	
Sports Facilities, Field, and Arenas (Public)													P	
Utilities	S	S	S	S	S	S	S	P	P	P	P	P	S	
Office Uses														
General Offices	S				S		P	P	P	P	P	P		
Financial Services					S		P	P	P	P	P	P		
Medical Offices					S		P	P	P	P	P	S		
Commercial Uses														
Ag Sales/Services	S							S		P	P	P		

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Auto Rental/Sales								S	S	P				62-469(3)
Auto Services							S	P	S	P	P	P		62-469(1), (2)
Body Repair								S		P	P	P		62-469(1)
Equipment Rental/Sales										P	P	P		62-469(3)
Equipment Repair										P	P	P		62-469(1)
Veh. Storage (Short-Term)										P	P	P		
Bed and Breakfast	P	S		S	P		P	P	P	P				62-469(4)
Business Support Services							P	P	P	P	P	P		
Business/Trade School								P	P	P	P			
Campground	S					S				S				
Cocktail Lounge								P	P	P				
Commercial Recreation (Indoor)	S						S	P	P	P	P			
Commercial Recreation (Outdoor)	S								S	P	P	P	S	
Communication Service							P	P	P	P	P	P		
Construction Sale/Service								S		P	P	P		
Consumer Service							P	P	P	P	P			
Convenience Storage	S				S	S	S	S		S	P	P		62-469(6)
Crematorium										S	S	P		
Microbrewery pub and distillery								P	P	P				
Food Sales (Convenience)							S	P	P	P	P	P		
Food Sales (Limited)							P	P	P	P				
Food Sales (General)							S	P	P	P				

[illegible]

[illegible]

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Miscellaneous Uses														
Communications Tower	S	S	S	S	S	S		S	S		S	S		
Amateur Radio Tower	P	P	P	P	P	P	P	P	P	P	P	P		
Construction Batch Plant											S	P		
WECS	P	P	S	S	S	S	S	S	S	S	S	P		
Landfill (Inert)	S	S										S		
Landfill (Municipal, Industrial or Special Waste)	S												S	
Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P		
Motorized Sports	S										S	S		Note 10

*Note: Provisions of Sections 62-471 and 62-472 apply to all use types.

P = Uses Permitted by Right S = Uses Permitted by Special Permit Blank = Use Not Permitted
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SECTION 4: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

SECTION 6: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2025

Second Reading: _____, 2025

Final Passage: _____, 2025