

## CHAPTER 1121

### OIL AND GAS WELLS

#### 1121.01 APPLICATION OF REGULATIONS

All provisions of 1121.01 through 1121.99 shall apply to all applicants for conditional zoning certificates for oil and gas well permits. Certain provisions shall also apply to applicants for brine disposal site permits as specified in 1121.30. The heirs, executors, or assigns of any individual permittee, and the successors and assigns of any firm, partnership, association or corporate permittee, as fully bound by these provisions as the original permittee. All references to oil and/or gas shall be understood to include any other hydrocarbon products of such well drilling operations.

#### 1121.02 INTENT; AUTHORITY OF PLANNING COMMISSION

- A. It is the intent of this section, in addition to prescribing minimum standards, to make drilling as safe as possible within the city, and also to cause drilling activity to be carried on in those zoning districts where they are specifically listed as a conditionally permitted use.
- B. The city is aware of the difficulty in setting rigid rules as to the areas to be included in any one unit. It is the intent of this ordinance to have property drilled, when reasonable and expedient in the city's judgment, on one permit encompassing all appropriate and compatible properties and to prevent the withholding of permission by a landowner for the sole purpose of later requesting individual permission to drill on the same lot or area.
- C. The Planning Commission is herewith given full authority to impose such requirements as it shall deem necessary to give full force and effect to the intent as expressed in subsection A herein. Each application for a permit shall rest solely upon its merits and the prudent use of discretion by the Planning Commission.
- D. The Planning Commission shall evaluate each application for a permit according to procedures detailed in 1111.04,A and B of the Codified Ordinances of the City of Orrville.

#### 1121.03 PERMIT REQUIRED

- A. No person, corporation or other entity shall commence to drill a well for oil, gas or other hydrocarbons or develop a site for deep well brine injection site within the corporate limits of the city until such time as the person has wholly complied with all provisions of this ordinance and a conditional zoning use has been approved by the Planning Commission. This conditional zoning certificate will expire one year after date of issue if actual on-site drilling has not begun. The

Planning Commission may, for good cause, grant an extension up to one year, without holding a public hearing. No well, or wells, shall begin production until compliance with all provisions are certified by both the Fire Chief and the Director of Public Safety and Service.

- B. No person shall be permitted to drill more than two oil/gas wells at any one time. Application for the third permit or any subsequent permits, may be made upon completion of the drilling of the first, second and each numerically subsequent well.

#### **1121.04 PERMIT APPLICATION**

Any person desiring to drill a well for oil or gas or develop a deep well brine injection site within the corporate limits of the city shall make application for a conditional zoning certificate to the Planning Commission. All requests for permits must be completed at the time of the application.

A fee as required in Section 1117.08 shall be paid at the time the application is filed. No refund of any part of a permit fee shall be made to any permit holder for a dry hole or for failure to exercise the privilege to drill upon the site covered by the permit.

#### **1121.05 PUBLIC HEARING**

The Planning Commission shall, before granting a conditional zoning certificate, schedule a public hearing, the date and time of which shall be established by the Planning Commission and shall cause all property owners and residents within the city within 500 feet of the wellhead to be notified of such hearing, in writing, all by regular mail, and notice shall be given of such hearing by publication in a newspaper of general circulation in Orrville. The notice must carry a map showing the specific location of the well. The public hearing must occur not less than 3 weeks prior to the commencement of drilling. It shall be sufficient notice to all of the residents of any one residential unit to address notice to "Resident or Residents" at the mailing address of the residential unit.

In addition thereto, the developer shall notify the Director of Public Safety and Service 48 hours prior to actual drilling.

Compliance with the hearing provisions of this ordinance shall be mandatory conditions precedent to the commencement of drilling under the permit.

#### **1121.06 PERFORMANCE BOND**

At the time of the application, every applicant shall deposit with the city a performance bond conditional upon compliance with this chapter. The amount of the bond, not less than ten thousand dollars (\$10,000), the terms and conditions to be set by the Planning Commission upon issuance of the conditional zoning certificate.

he bond shall not only be conditioned upon compliance by the applicant, but also upon compliance with this chapter by any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor or other party performing services in connection with any

permit issued hereunder. Bond shall be released when wells and tank batteries have been removed and premises restored to predrilling conditions.

#### **1121.07 DRILLING NEAR STRUCTURES; EXCEPTIONS**

No drilling shall be permitted for oil or gas wells within 300 feet of residential structures, mercantile buildings, or any school, church, hospital, theater or assembly hall, as the same are defined by the Ohio Revised Code, regardless of the zone. In the case of particular installations where compliance with the foregoing distance requirements may be a handicap to the use of the property and where no undue hazard will be created, the Planning Commission may, with waivers as required in Section 1121.09, reduce the distance to not less than 200 feet. Any reduction in distance must be based upon a consideration of the special features such as topographical conditions, nature of occupancy, and proximity of buildings on the adjoining property, proximity of storage tanks, degree of fire protection provided and the facilities available at the Fire Department to cope with controlling liquid fires. The above features are not to be construed in any way as a limitation of matters which the Planning Commission may consider. The Planning Commission shall have the right to consider any and all other special features it may consider important in determining whether or not an undue hazard is created.

#### **1121.08 CONSENT FROM PROPERTY OWNERS WITHIN 500 FEET**

- A. All applicants for a permit to drill for oil and/or gas in nonindustrial and industrial zoned areas in the city shall be accompanied by consents in writing of owners of two-thirds (66%) or more of the real estate units located within a radius of 500 feet from the proposed drilling site. The consents shall plainly state that the persons whose signatures are affixed thereto do give their consent to the drilling of a well for oil or gas on the site as proposed in the application for a drilling permit. Measurement for determination of the distance of the aforesaid 500 feet shall be made from the exact center of the hole that is to be drilled for the well. As used in this section, the term "real estate unit" means a land area with a common ownership irrespective as to how it may be divided among lots.
- B. In the event that the owner of any property abutting a proposed well site:
  - 1. has leased his property for drilling for oil or gas;
  - 2. has signed and filed an application for a permit to drill for oil or gas on his property, or his lessee, contractor, or agent has signed and filed the application;
  - 3. has signed and delivered a written assent under this section and Section 1121.09 to an application for a permit to drill a well for oil or gas; or
  - 4. has utilized his property by entering into a community lease or agreement for drilling a well for oil or gas, if the well to which he has assented or which is to be drilled under the community lease or agreement is to be located nearer to his property than the well or proposed well site first

above mentioned in this division of this section, then the owner shall not be permitted to object, but shall be deemed to have given his written assent, under the provisions of this section, to drilling as well for oil and/or gas on the proposed well site first mentioned above, then the owner shall not be permitted to object, but shall be deemed to have given his written assent, under the provisions of this section, to drilling a well for oil and/or gas on the proposed well site first mentioned above.

However, any owner who has united his property by entering into a community lease or agreement as set forth in Subsection B,4 of this section, shall not share in any adjacent well production because of conflicting lease interests of the real estate caused by the real estate being in more than one unitized area. It is the expressed intention of this provision to prohibit an owner of property from unitizing identical property under more than one community lease or agreement.

**1121.09 WAIVERS FROM OWNERS AND OCCUPANTS WITHIN 300 FEET**

- A. In addition to the consents required in 1121.08, no drilling shall be permitted for oil and/or gas wells in any zone within 300 feet of any building or structure of any nature unless written waivers as hereinafter provided for, accompany an application for a drilling permit.
- B. The owners and occupants of any buildings or structures which are located within 300 feet of the proposed well site must waive, in writing, the distance set forth. The owners and occupants may waive down to a minimum distance of 200 feet without the necessity of vacating or causing to be vacated, any buildings or structures during drilling operations.
- C. The owners and occupants of any buildings or structures of any nature may consent to drilling for oil and/or gas to a minimum distance of 100 feet to the buildings or structures, but in these cases, the Planning Commission shall consider special features affecting the application for a drilling permit, such as topographical conditions, nature of occupancy and proximity of

buildings on the abutting property, facilities available at the fire department to cope with controlling liquid fires and such other matters as the city shall deem relevant to the application. Should the Planning Commission, upon considering the special features, find that an undue hazard is created, then irrespective of waivers being provided, as called for in this division, the city may refuse to issue a permit to drill. The denial of the permit and the undue hazard created shall be recorded in the minutes of the Planning Commission.

- D. Where the owners and occupants of any buildings or structures which are closer than 200 feet to a proposed drilling site have, at any time, waived, in writing, the distance requirement provided in this section for any proposed drilling site which was closer than 300 feet to the buildings or structures, then the property owners shall be deemed to have waived the distance requirement provided for in this section down to the same distance that the party waived for the other proposed drilling site or to the distance that a well is actually drilled, whichever is smaller.
- E. All distances as set forth in this section shall be those distances as measured from the exact center of a proposed drilling site.
- F. No drilling shall be permitted for oil and/or gas wells within 1,000 feet of any well used by the City of Orrville or other water utility for the purpose of producing water for public use.

**1121.10 PLOT PLAN AND VICINITY MAP**

Each application for a drilling permit must be accompanied by a plot plan and vicinity map of the area involved in the application drawn to scale and showing thereon:

- A. the lot lines of all properties within 1,000 feet of the proposed well site;
- B. the location of all buildings and structures within 500 feet of the proposed well site;
- C. the location of all associated wells and appliances; that is, the wellhead, piping, tank batteries, access roads, drives or fences;
- D. a landscaping plan drawn to reasonable scale as required unless specifically waived by the Planning Commission;
- E. the names and addresses of the owners and the addresses of the occupants of each property shown on the map within a radius of 500 feet of the proposed well site;
- F. a circle drawn on the map at a radius of 100 feet, 200 feet, 300 feet, 500 feet and 1,000 feet from the proposed well site;
- G. a schematic of all pipelines, connections and shutoff valves for emergency purposes. The schematic shall be modified and resubmitted to the Planning Commission for informational purposes at any time that a change in either pipeline locations, connections or shutoff valves occur;
- H. a listing of the name, address and telephone number of the firm and/or individuals making the permit application; and
- I. if the request for a drilling permit is part of a larger planned drilling area, the applicant must submit a plan upon which is shown the location of all projected drilling units, including the proposed locations of the drilling sites.

#### **1121.11 AFFIDAVIT OF COMPLIANCE OR EXCEPTION**

An applicant for a permit shall be required to file with the application an affidavit stating that the applicant has complied with all conditions of this chapter and setting forth any exceptions thereto. Any false statements in the affidavit shall be grounds to refuse to issue a permit to drill or shall be grounds to revoke a permit already issued by the city.

#### **1121.12 EASEMENTS OR OPTIONS FOR PIPELINES AND STORAGE TANKS**

An applicant who has received a conditional zoning certificate and has realized a producing well shall submit to the Director of Public Safety and Service of the City of Orrville copies of easements or options for easements for a pipeline where the pipeline will be crossing other property and shall also provide a copy of an agreement or option for a location for storage tanks,

should there be a producing well.

#### **1121.13 EXISTING APPLICATIONS AND PERMITS**

All applications for permits on file on the date of passage of this ordinance shall be governed by the provisions of this ordinance.

#### **1121.14 STATE PERMIT REQUIRED**

The Planning Commission will consider applications for permits to drill within the corporate limits but will not issue a conditional zoning certificate until the applicant presents evidence of having obtained a permit issued by the Ohio Department of Natural Resources, Division of Oil and Gas.

#### **1121.15 PERMIT ISSUANCE, LIABILITY INSURANCE**

- A. Upon approval by a majority of the Planning Commission of a conditional zoning certificate, the Director of Public Safety and Service shall issue the permit applied for. However, prior to issuance, the city shall be provided with a policy or certificate of insurance covering the applicant's liability in an amount of not less than \$500,000 property damage and not less than \$1,000,000 personal injury, the amount to be set by the Planning Commission. The insurance policy or policies must be maintained for such period of time as drilling is in progress, the well is in operation or is producing oil or gas, or until the well is pulled and plugged as hereinafter provided. The insurance policies and the coverages thereunder must be in the complete satisfaction of the Director of Law and such policies may be rejected by the city for any valid reason. The rejection of the insurance policies by the city shall serve to stay the granting of a permit theretofore approved by it until such time as an insurance policy providing coverage entirely satisfactory to the city has been provided by the applicant.
- B. All insurance coverage shall include coverage for all items specified in this ordinance including coverage resulting from blowout and cratering.
- C. The permittee shall hold the City of Orrville harmless from all liability resulting from the granting of a permit through this chapter.

#### **1121.16 INSPECTION; PERMIT REVOCATION**

The Director of Public Safety & Service, or a duly authorized representative designated by the Director, shall have the authority, at any time, to enter upon property where a drilling site is contemplated, upon property where a well is in the process of being drilled, upon a producing well site or a brine disposal site, for the purpose of inspecting the site, equipment and all other things necessary to assure compliance with this section.

#### **1121.17 INFORMATION TO BE FURNISHED TO THE CITY**

The name, address and telephone number of the persons responsible for the ownership, operation

and all maintenance of each producing well located within the city shall be furnished to the Director of Public Safety and Service, police department and fire department in order that some responsible person may be reached at any time in the event of an emergency. The Police Chief shall prepare a list of such names and addresses and shall keep the list posted in a conspicuous place in the Police Department for ready reference. Detailed instructions regarding the shutdown procedures for each well shall be filed with the Fire Chief.

**1121.18 MAINTENANCE OF WELL SITES; INGRESS AND EGRESS;  
LANDSCAPING**

- A. The applicant shall install a 40-foot long culvert as approved by the City Engineer, at each entrance or exit, to provide for a gravel cushion at road edge to prevent berm and roadway destruction. Further, a gravel entry path, the construction of which shall be approved by the Director of Public Safety & Service, shall be laid to reduce the amount of mud being carried to the right-of-way.
- B. The well site shall be landscaped and maintained in a manner as approved by the Planning Commission.

**1121.19 ROTARY EQUIPMENT**

The drilling preparation used in wells drilled with rotary equipment shall be capable of sealing off each oil, gas, brine or fresh water stratum above the producing horizon or objective formation and shall be capable of preventing blowouts and flows of salt or fresh water, in accordance with good well drilling practice.

**1121.20 CABLE TOOLS**

Wells drilled with cable tools shall have the innermost string of casing equipped with a high pressure master gate valve and control head and an oil saver, securely anchored by concrete, prior to drilling any formation likely to contain oil or gas.

**1121.21 TRAINING OF CREWS; CONDITION OF EQUIPMENT**

All crews shall be trained in the operation of the blowout preventer, control head and related equipment and all equipment to be used shall be in good condition.

**1121.22 SEALING TO PROTECT FRESH WATER WELLS**

It shall be the duty of the permittee to seal gas and oil wells to protect fresh water wells from salt water or other pollution or contamination in such proper manner as is in accordance with good practice. Both the permittee and his driller shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to reestablish proper potability on any polluted or contaminated well or wells. The permit holder and the driller shall be jointly and severally responsible for the obligation to provide potable water, without cost



to the affected parties receiving the same. Drillers' responsibility shall include covering the cost of drilling new wells or extending city water service including tap-in fee should that be necessary.

**1121.23 FENCE REQUIREMENTS; ELECTRIC POWERED WELL PUMP REQUIRED**

- A. A permittee shall maintain a fence around the drilling site in accordance with good oil field practice. Should a well be a producer, the permittee shall, on completion of the well, construct a fence, as specified by the Planning Commission, around the well pump, and shall thereafter maintain that fence in good state of repair. All landscaping shall be completed as soon as possible after setting of the storage tanks, but in no case longer than six months.
- B. All well pumps shall be operated by explosion-proof electric motors only unless otherwise approved by the Planning Commission for good cause shown.
- C. All existing and future tank batteries, separators, drainage pits and all other installations of equipment used at oil well installations located within the corporate limits of the city, shall be surrounded by a fence, which fence shall be the sufficient height and construction to meet with the approval of the Planning Commission. The fence shall be maintained in a state of repair satisfactory to the Director of Public Safety and Service. The fence shall be a minimum of 8 feet high, of design and material specified by the Planning Commission, with suitable locking gates for access. Locking devices used on all gates, valves or other secured apparatus in conjunction with any well or tank battery operated by a permittee in the City of Orrville shall all be keyed alike so that one key will provide access to any such secured apparatus. A copy of such key will be provided to the Orrville Fire Department. All shutoff valves shall be painted a conspicuous common color.

**1121.24 PROHIBITED DRAINAGE IN STORM AND SANITARY SEWERS, WATER BODIES AND STREAMS AND SURROUNDING AREA**

No waste, sludge, water, brine or effluents of any type emanating from an oil or gas well shall, in any manner, be emptied or drained into any storm or sanitary sewer or water body or stream within the city. Such wastes shall be removed from the site in trucks, tanks or similar vehicles for disposal in suitable licensed and permitted disposal sites subject to 1121.30.

**1121.25 STORAGE TANKS, LOCATION, AND DIKING**

- A. Oil well storage tanks must be located a minimum of 500 feet from industrial, commercial or residential structures, mercantile buildings or any church, hospital, theater, assembly hall, library, public building or other public gathering place and at least 150 feet back from a public road or street, regardless of the zone.
- B. All oil well storage tanks or groups of tanks situated within the corporate limits of

the city shall be diked or other suitable means taken to prevent discharge of liquid from endangering adjoining property or reaching waterways. Each dike shall have a capacity of not less than that of the tank or tanks served by enclosure.

- C. All dikes shall be continuous with no openings for roadways and no residual opening shall remain as a result of piping passing through.
- D. All dikes shall be constructed of earth, clay, steel, masonry or reinforced concrete so constructed as to be watertight and afford adequate protection and, if of concrete or masonry, shall be properly reinforced and shall have footings below the frost line. All pits used for storage or disposal of sludge or lime shall be lined with plastic or comparable material to prevent leaching and shall be of sufficient size to contain all effluents.

#### **1121.26 MUD ON SITE OR STREETS**

All permittees shall use care at a drilling site to keep the area around the drilling site free of mud which will be carried onto the public streets by any vehicle or other equipment used at the drilling site. Should any mud be carried onto public streets from a drilling site, the permittee shall be required to clean up the streets to the satisfaction of the city at no cost to the city. The city shall have authority to request a permittee to clean up the public streets to the satisfaction of the city, or failure to take specific steps to reduce mud at a given location as requested by the city shall be grounds for revocation of a permit and/or forfeiture of the bond posted under 1121.06.

#### **1121.27 RESTORATION OF PUBLIC PROPERTY; CLEANING SITE**

- A. The permittee shall restore the streets, sidewalks and other public places of the city damaged or destructed in the operations of drilling or preparing to drill to their former conditions immediately upon completion of the drilling.
- B. The permittee shall clear the area of all litter, rubbish, machinery, derricks, buildings, oil or other substances used or allied to the use of drilling or producing or brine disposal operations.
- C. The permittee will hold the city harmless from any and all liability growing out of the issuance of a conditional zoning permit for an oil or gas well.

#### **1121.28 ABANDONED WELLS**

- A. In the event that a well is abandoned, it shall be the duty of the owner or lessee to notify the Director of Public Safety and Service of such abandonment before the well has been abandoned and the equipment removed. A well shall be considered abandoned when it is in a condition in which it is incapable of functioning for 30 days.
- B. All permittees shall be required to pull and/or plug a well site on abandonment and remove all aboveground appurtenances and return ground to original grade

and condition and follow any other rules or regulations promulgated by any department or division of the state relative to pulling, plugging and abandoning oil or gas wells. This shall be completed within six months.

- C. Landscaping may be preserved at the time of abandonment of the well, if feasible and if desired by the property owner.

### **1121.29 NOISE LEVEL**

Drilling operations shall be controlled, by double exhausts or otherwise, so that the noise level of actual drilling does not exceed the noise level of 75 decibels in a 500 foot radius during maximum noise production periods. Drilling may occur only during daylight hours on wells located within 1,000 feet of a developed residential area.

### **1121.30 BRINE DISPOSAL**

- A. Brine Disposal Site. A brine disposal site is the point at which deep well injection of brine occurs. Said well must be a minimum of 3,000 feet deep and must be properly maintained by the owner or lessee. Only brine from wells within the City of Orrville shall be disposed of at a brine disposal site within the city.
- B. Brine Disposal Site Permit. Before a deep well may be drilled or any existing well may be used for deep well injection of brine, the owner or lessee of such site must secure a conditional zoning certificate from the Director of Public Safety and Service. The Director of Public Safety and Service will issue such a permit only after the owner or lessee has met the following requirements:
  - 1. Secured approval of a majority of the Planning Commission designating the site as a deep well injection site.
  - 2. Presented proof of having secured all necessary state approvals.
  - 3. Shall have provided the city with a policy or certificate of insurance covering the applicant's liability in the amount of not less than \$100,000 property damage and not less than \$300,000 personal injury, the amount to be set by the Planning Commission. The insurance policy or policies must be maintained during such period of time as drilling is in progress or the well is in use. The insurance policy or policies may be rejected by the city for any valid reason.
  - 4. Paid the permit fee as required in Section 1117.08.
  - 5. Complied with 1121.30(C).
- C. Consent from property owners:
  - 1. All applicants for a permit to drill or use an existing oil/gas well for deep

well injection of brine shall meet all the requirements of 1121.07--Drilling Near Structures, 1121.08--Consent From Property Owners Within 500 Feet, and 1121.09--Waivers From Owners and Occupants Within 300 Feet.

2. Plot Plan and Vicinity Map. The applicant desiring to drill or use an existing oil/gas well for deep well brine injection must provide to the Planning Commission a plot plan and vicinity map which contain the information requested in 1121.10. In addition, the applicant must present a geological profile showing the geological structure from the surface to the depth of the well.
  3. No drilling shall be permitted for brine disposal nor shall any existing oil/gas well be used for brine disposal which is within 1,000 feet of any well used by the City of Orrville or other water utility for the purpose of producing water for public use.
- D. Restoration of Site. Section 1121.27 also applies to all brine disposal sites.
- E. Abandoned Deep Well Injection Site. In the event a site is abandoned, the owner or lessee must meet all the requirements of 1121.28.
- F. The following methods of brine disposal are prohibited within the City of Orrville.
1. Annular disposal
  2. Earthen pit storage (sludge and holding pits) either during the drilling process or producing life of the oil/gas well.
  3. Road application or any other surface application. Road applications may be permitted only if approved by the City Council pursuant to 1509.226 of the Ohio Revised Code.
- G. Brine Hauler Permit. Any person owning or leasing a truck or trucks for the purpose of hauling brine from oil/gas wells within the city must secure an annual permit from the Director of Public Safety and Service which must be carried in the truck at all times.
1. A fee will be charged as specified in Section 1117.08 for the permit which must be renewed annually. Before a permit may be issued the applicant must provide the following.
    - a. Safety inspection certificate issued by the Orrville Police Department.
    - b. Proof of insurance liability coverage on the vehicle for property damage of not less than \$100,000.

2. Manifest. Each truck hauling brine from oil/gas wells within the city must maintain a cumulative manifest one calendar year in duration. The manifest must be kept in the vehicle and made available for inspection by the Director of Public Safety and Service or his designee, or the city law enforcement officials. The manifest shall include the following information on each load of brine hauled.

- a. Source of brine collected
- b. Volume of brine collected
- c. Time of day brine is collected
- d. Disposal site of brine
- e. Time of day brine was disposed of

H. Routing of Trucks Hauling Brine or Crude Oil. Any vehicle transporting brine or crude oil derived from oil/gas wells within the city shall travel only over designated truck routes. Any travel over local residential streets is prohibited unless approval is granted by the Director of Public Safety and Service.

#### **1121.31 EXCEPTIONS BY PLANNING COMMISSION AND COUNCIL**

A request for an exception to any provision of this Chapter 1121 of the Codified Ordinances shall be made in writing to the City Planning Commission and, where the Planning Commission feels special conditions warrant granting the exceptions, City Council shall be notified of the decision. Any exception to any of the provisions of this Chapter 1121 of the Codified Ordinances must be approved by both the Planning Commission and City Council.