

AN ORDINANCE TO ESTABLISH CHAPTER 1113 AND TO ENACT SECTIONS 1113.01 THROUGH 1113.23 OF THE ZONING ORDINANCES OF THE VILLAGE OF RICHFIELD WITH RESPECT TO THE USE OF LAND FOR OIL AND GAS DRILLING, OPERATION AND ABANDONMENT AND TO PROVIDE FOR THE ISSUANCE OF CONDITIONAL ZONING PERMITS, TO AMEND ORDINANCE 32-1969, 76-1976, AS AMENDED AND ORDINANCE 21-1983, AND TO AMEND SECTIONS 1123.02, 1125.02, 1141.02, 1143.02, 1145.02, 1161.02 AND TO REPEAL ALL CONFLICTING ORDINANCES.

Whereas, Council is concerned with minimum standards for the use of land with respect to drilling, fracturing, production, storage, transmission, termination, and removal of the oil and gas wells so as to be as safe and compatible as possible with other land uses and activities in this Village and

Whereas, the Planning and Zoning Commission on the 28th day of August, 1984, made a final Report and Recommendation with respect to amendments for oil and gas uses, and

Whereas, on the 9th day of October, 1984, after notice as provided by law, a public hearing was conducted on the proposed amendments, and

Whereas this Council desires to enact legislation with respect to the Report and Recommendation, and to establish standards for the issuance of conditional zoning permits, and

Whereas, this Ordinance departs in some respects from the Report and Recommendation of the Planning and Zoning Commission.

Now Therefore Be It Ordained by the Council of the Village of Richfield, Ohio:

Chapter 1113 of the Codified Ordinances of the Village of Richfield, Ohio is enacted as follows:

Section 1: 1113.01 Oil and Gas Production; Conditional Zoning Permit Required.

(a) This Chapter 1113 is established to provide standards for land uses incidental to the production of oil and gas drilling, which shall be conditionally permitted uses.

(b) No person, firm or corporation shall drill or commence to drill a well for the production of oil, gas, or other hydrocarbons until the Planning and Zoning Commission has granted a conditional zoning permit pursuant to this Chapter 1113.

Section 2: 1113.02 Prohibition on Multiple Wells. No person, property owner, firm, company, or corporation shall be permitted to drill more than two (2) wells at any one time. Application for the third permit or any subsequent permits, may be made upon completion of the first, second, and each numerically subsequent well.

Section 3: 1113.03 The Application. Applications for a conditional zoning permit to drill for oil and gas shall be made to the Zoning Inspector on forms to be supplied by him. The Zoning Inspector shall file the application with the Planning and Zoning Commission at their next regularly scheduled meeting. The form shall require:

- (a) A copy of the permit issued by the Ohio Department of Natural Resources, Division of Oil and Gas, including a copy of the information required to obtain the permit.
- (b) A site plan and vicinity map of the general area involved in the application drawn to scale and showing thereon:
  - (1) The lot lines of all abutting and other properties within 1,000 feet of the proposed location of the well and storage tanks;
  - (2) The location and use of all buildings, structures, ponds, lakes, and streams within 1,000 feet of the proposed location of the well, storage tanks, and associated producing and processing equipment;
  - (3) The names and addresses of all property owners (as those names appear on the county auditor's map) and owners of mineral rights, within a radius of 1500 feet of the proposed location of the well, storage tanks, and associated equipment;
  - (4) The proposed location of pipelines to be used to transport gas and/or oil to off site locations and facilities;
  - (5) The proposed location of the well and all associated appliances and facilities, including the wellhead, piping, separators, scrubbers, tank batteries, storage tanks, access road, dikes, fences, and all other associated facilities;
  - (6) A schematic diagram of all pipelines, connections and shut-off valves designed for emergency purposes showing that the schematic may be modified and re-submitted to the Zoning Inspector at any time that a change in equipment or facilities occurs.
- (c) A specific plan for the removal, disposal methods and disposal site of all spoils, salt water, and other residues and waste materials resulting from the drilling, fracturing, or production of any well.
- (d) The names, addresses, and telephone numbers of all persons, firms, or corporations who have been or will be contracted to haul brine, salt water, or other oil field wastes together with evidence of state or county certification, as may be required by law.
- (E) The names, addresses, and telephone numbers of all contractors and subcontractors, and the qualifications and experience of producers and contractors.
- (F) The proposed truck routes in and out of the site on public roads, and a designated truck route to the site for the entire period the trucks are within the Village of Richfield.
- (G) A detailed landscaping, screening, and restoration plan, including professional

estimates as to the cost of plant materials and construction.

(H) Copies of easements or options for easements for pipelines, production and processing equipment and access drives when those facilities are not included as part of the drilling site or drilling unit.

(I) A copy of the Spill Prevention Control and Countermeasure Plan (S.P.C.C.) as required by Title 40 Code of Federal Regulations, 38 F.R. No. 237 Part 112, for oil storage facilities with capacities exceeding 1,320 gallons or single containers exceeding 660 gallons.

(J) An application fee in the amount of \$3,000.00 in accordance with Ordinance 39-1984.

Section 4:

1113.04 The Hearing. The Planning and Zoning Commission shall schedule a public hearing within thirty (30) calendar days of the filing of the application with the Planning and Zoning Commission. The applicant shall give notice by certified mail to (a) all property owners and owners of mineral rights to all those persons whose names are shown on the application and (b) to the Clerk of the legislative authority of all political subdivisions which are located within 1500 feet of the well head or tank battery. The Zoning Inspector shall provide the form of notice. The Zoning Inspector shall cause notice of the time, place, and purpose of the hearing to be published one time in a newspaper of general circulation. The applicant shall file with the Planning and Zoning Commission proof of certified mail notice.

Section 5:

1113.05 Standards for Review of the Application.

(a) General Standards. The Planning and Zoning Commission shall review the particular facts and circumstances of each proposed use in accordance with the following general standards, and as conditions of any grant shall find:

(1) The proposed use will not be in violation of the general objectives of the current land use and thoroughfare plan of the Ordinance 7-1982.

(2) The proposed use will be designed, constructed, operated, and maintained so as to be appropriate in appearance with the existing or intended character of the general vicinity and the use will not change the essential character of the area.

(3) The proposed use will not be hazardous or disturbing to existing neighboring uses.

(4) The proposed use will not be detrimental to property in the immediate vicinity or to the community as a whole.

(5) The proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse

disposal; or the applicant shall be able to provide adequately for any such service.

- (6) The proposed use will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(b) Specific Standards.

- (1) No well, storage tank or separator shall be located within 500 feet of any property line, residence, school, church, hospital, theater, or assembly hall, public right-of-way, drilling unit boundary, or any inhabited building, except as otherwise provided in Section 1113.06 of this Chapter.
- (2) No gas well shall be located within 100 feet of an electrical powerline or transmission line of any public or private utility line.
- (3) All future residential buildings to be constructed in the vicinity of a well or production or processing equipment shall be located at least 500 feet from any existing wells or associated equipment (excluding transmission lines); proposed residential subdivisions and multi-family developments shall be designed so that all future residential dwelling shall be located at least 500 feet from any existing wells or production and processing equipment (excluding transmission lines).

(c) Policies of Insurance and Bonds The Planning and Zoning Commission shall require the applicant to provide proof of

- (1) public liability insurance coverage in amounts of not less than \$10,000,000 per occurrence and 10,000,000 annual aggregate combined bodily injury and property damage liability; proof of insurance in the amount of \$100,000.00 per occurrence in the event potable well water pollution occurs. The policy shall include blow out or cratering coverage, underground resources, and equipment coverage.

- (2) a \$25,000 indemnity bond to serve as a financial guarantee of compliance with all landscaping, maintenance, restoration, abandonment and other requirements of State Law, and this permit. Such policies and/or bonds shall be conditioned upon compliance by the applicant, and by any assignee, employee, contractor, sub-contractor or other party performing services in connection with the permit.

- (3) The Planning and Zoning Commission shall, for protection against road damage, require sufficient security by bond or otherwise for a term of one year after the well becomes operational. Any cash security will be returned together with interest at the current rate if no road damage has been caused.

(4) Policies and bonds shall be approved by Director of Finance and shall be kept in force for such period of time as drilling is in progress, the well is in operation, and is producing oil and/or gas. The liability insurance policy and the maintenance and restoration bond shall be maintained for a period of one year after the Zoning Inspector has inspected and has approved satisfactory final abandonment and restoration.

(5) Each year on or before the anniversary date of the insurance policy or bond the operator/producer shall provide to the Director of Finance a certificate of continued existence of the policy or bond. Failure to do so will result in the Zoning Inspector ordering the well site closed.

(6) All sub-contractors shall be named as additional insureds on the liability policy or they shall provide their own insurance coverage and proof of such coverage shall be filed with the Director of Finance.

(7) The policies shall name this Village as an additional insured and all policies and bonds shall contain a clause which requires the carrier to give 60 days written notice of cancellation to the Zoning Inspector.

(8) The foregoing limits shall not be interpreted as a limitation on the right of the Village of Richfield to pursue appropriate remedies in any court of competent jurisdiction.

Section 6:

1113.06 Reduction and Modification of Distances.  
When strict compliance with the foregoing distance requirements may be a handicap or an excessive burden to the use of the property and where no undue hazard will be created, the distance requirements may be reduced or modified by the Planning and Zoning Commission after consideration of such special features 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 from the Division of Fire. These features are not to be construed as a limitation of the power of the Planning and Zoning to consider other relevant special features.

Section 7:

1113.07 Additional Conditions. The Planning and Zoning Commission shall have the power to impose additional conditions when it deems it necessary to safeguard the health, safety, and welfare of the Village or its inhabitants.

Section 8:

1113.08 Time Limit. A permit shall terminate and expire without any action on the part of the Village Planning Commission, unless within one hundred eighty (180) days from the date of Planning and Zoning Commission approval actual drilling shall have commenced. Unless commenced, the permit shall be deemed abandoned and it shall be unlawful thereafter to drill or commence drilling without the issuance of another permit.

Section 9: 1113.09 Failure to Comply and Revocation. Failure to comply with any of the conditions of the permit shall be grounds for a refusal to grant a future permit to drill a well and shall be grounds to revoke an existing permit. Revocation of a permit shall bar a permit holder from drilling for oil or gas until such permit holder shall have complied with the provisions of the permit. The Planning and Zoning Commission is granted the authority to cancel and revoke any permit when the Commission is satisfied that fraud or misrepresentation was practiced in obtaining a permit, or that the permit holder has failed to comply with the terms of this permit after notice of any violations thereof. No such permit shall be cancelled or revoked without providing a permit holder a notice of hearing and an opportunity to be heard.

Section 10: 1113.10 Post Hearing.

(a) Access to the Well Site. An access drive shall be constructed of suitable aggregate, according to standards set by the Zoning Inspector, and shall be inspected and approved by the Zoning Inspector prior to the delivery of drilling equipment. Where access drives join with public roads, the culverts and/or ditching shall be provided according to the specifications of the Director of Public Service, who shall be notified prior to commencement of such work in order to provide for inspections and approval. Access roads shall be located a minimum of forty (40) feet from rear or side lot lines.

(b) Notification of Residents. At least fifteen (15) calendar days prior to the actual drilling, the permittee shall notify all residents within 1500 feet of the well head by first class mail of the day that drilling operations will commence.

(c) Potable Water and Testing. It shall be the duty of the permit holder to seal gas and oil wells to protect fresh water wells from salt water or other pollution or contamination. The well driller and permit holder shall be jointly and severally responsible for any loss or reduction of flow or change in water quality in an existing water well. Prior to the start of the drilling operation the permit holder or well driller shall test all wells within 1000 feet of the proposed well site for water quality and volume. The laboratory utilized for these tests shall be approved by the Ohio EPA. The laboratory reports shall be submitted to the Zoning Inspector and approved by him prior to commencement of drilling. Copies of the report shall be submitted to the property owners. The following tests shall be performed:

Chloride	Total Dissolved Solids
Calcium	Potassium
Magnesium	Strontium
Sodium	Manganese
Iron	Nitrate
Barium	Sulfate
Mercury	ph
Lead	E. Coli

The permit holder and the driller shall establish and file with the Director of Public Service prior to commencement of drilling contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to re-establish 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 residents receiving the water. The permit holder and the driller shall furnish potable water to any affected resident upon notification from the Director of Public Service that there is a reasonable probability that the drilling operation has affected the potable water system. After receipt of such written notification, the permit holder and/or driller shall within 90 days correct and restore the potable water source.

(d) Identification. Prior to the start of drilling operations, a 24" x 24" metal sign shall be posted at the access road entrance by the public road showing the name and address of the permittee and driller and 24 hour emergency telephone numbers. The name of the company, address, names of responsible individuals, 24 hour emergency phone numbers and business phone numbers shall be given to the Zoning Inspector, who in turn shall advise the Divisions of Fire and Police. Prior to the start of production, a 24" x 24" sign shall be affixed to the access road gate and all fenced in areas stating the owner, lease name, well number, permit number, county, all emergency telephone numbers, and street or road address of site. If multiple wells are being produced into a common tank(s), each well head shall be identified as to owner, permit number, well number and lease name. Any change of ownership shall be shown at the well head, storage tank(s) and access road gate no later than sixty (60) days after the date of assignment of transfer. The Zoning Inspector shall be notified by certified mail no later than sixty (60) days after the date of assignment or transfer.

(e) Operating Time. Well drillers shall not set up or tear down on Sundays or holidays. Operation on Sundays and holidays is not permitted except with the approval of the Zoning Inspector.

(f) Street Maintenance. All permit holders and drillers shall use care in the set up, operation, and removal of drilling and fracturing equipment. Should any mud be carried onto public streets from a drilling site, the permit holder shall be required to clean up the streets to the satisfaction of the Director of Public Service, who shall have authority to request a permit holder or driller to take specific steps to reduce mud at a given location. Failure of a permit holder or driller to clean up the public streets to the satisfaction of the Director of Public Service or failure to take specific steps to reduce mud at a given location, as requested, shall be grounds for revocation of a permit, and forfeiture of the bond posted. If deemed

necessary by the permit holder, driller, or Director of Public Service, suitable washing equipment shall be stationed at the road entry location and used to remove the loose mud from all vehicle tires and equipment prior to entry upon the public road right-of-way. At least 10 days before the start of well drilling operations, the permit holder and/or well driller shall submit a current transportation plan to the Zoning Inspector and Director of Public Service for review. The plan shall identify all routes to be traveled within the Village by the equipment. The Director of Public Service may revise the transportation plan or prohibit utilization of Village roads by the well drilling equipment in the event that the condition of the roads, weather or traffic conditions make travel unsafe or threaten damage to the roads. Flagmen shall be used when equipment is moved into or out of the site. The permit holder and/or well driller shall provide parking outside the public right-of-way for all employees, machinery, and/or equipment. Construction Equipment and/or Men Working Warning Signs shall be placed 500 feet before the entrance drive.

(g) Noise. Chapters 331, 337, and 511 of the Codified Ordinances shall regulate noise for all operations under this Ordinance.

(h) Fencing. A temporary fence shall be maintained around the drilling site, storage pits and all related miscellaneous apparatus during the drilling operation for the time period when the site is left unattended. Prior to production all storage tanks, separators, well installations, and other permanent facilities shall be entirely and continuously enclosed by a six (6') foot high chain-link type of fence together with one (1) set of three (3) strands of barbed wire above, and shall be an angle of 45 degrees outward. Fence shall be kept in good state of repair until the well is abandoned and the tanks, separators, and pump equipment are removed. The fence shall be erected a minimum of 30 days after the well has been placed into production unless an extension for weather is granted by the Village Zoning Inspector. The fence shall be located a minimum of five (5) feet outside of all wells, tanks, pumps, separators and any related miscellaneous apparatus. Sites larger than six hundred twenty-five square feet (625) shall have two (2) exits remote from each other and all gates shall have a minimum opening of four (4) feet. All gates larger than four (4) feet shall be made up of two (2) sections, each being one half of the exit opening size to facilitate orderly and safe fire fighting operations. All fence and gate installations shall be inspected by the Chief of the Division of Fire and the Zoning Inspector before the producing operation commences. All gates, including the drive entrance gate, shall be locked and keyed. Gates, entrance gate installations and locks shall be in accordance with standards set by the Zoning Inspector.

- (i) Site Maintenance. Oil and/or gas wells, associated equipment, and storage tanks shall be screened in accordance with the landscaping plan. Such screening shall consist of dense, evergreen shrubs placed so as to create a substantially opaque visual barrier between the well or tanks. A combination of evergreen shrubs and land forms such as earthen berms may also be used as a visual screen. In addition to fine grading, grass or other vegetative cover shall be restored to create an environment and appearance compatible with the adjacent properties, neighborhood and area. All landscaping and/or screening shall be in place 90 days after the well is placed in operation unless a time extension, based on weather, is granted by the Zoning Inspector. The well driller and/or producer shall not grade the property in a manner which causes excessive soil erosion and/or surface water runoff. All areas disturbed during the drilling operation shall be graded to prevent soil erosion. All disturbed areas shall be seeded immediately upon completion of the drilling operation. All equipment, including tanks, shall be painted forest green in color at the time of installation and every two (2) years thereafter. Shutoff valves shall be painted a contrasting, conspicuous color. The permit holder and/or operator shall maintain the site in a neat, clean and orderly condition. The permit holder and/or operator shall maintain all gates, access drives, fence, tanks, dikes, landscaping or any other structure or appurtenances contained on the site for the purpose of oil and/or gas production.
- (j) Electric Motor. All well pumps shall be operated by electric motors only.
- (k) Pipe. All transmission piping outside of fence, after completion of a producing well, shall be of high strength steel, be buried underground a minimum of three (3') feet and shall be of suitable manufacture for underground installation capable of handling all applicable working pressures, whether maintained by the permit holder, or any person, firm, or corporation having the right to utilize the gas or oil produced. The permit holder shall furnish detail drawings indicating the location and depth of all pipes and shall be at a scale of 1" = 100', shall accurately locate all equipment, pipe and appurtenances that are installed and/or proposed to be installed.
- (l) Drilling Pits. All drilling pits shall be sized so as to contain all drilling fluids together with any fluids resulting from natural precipitation. An earthen dike shall be constructed around the perimeter of the pit. A properly sized, properly anchored, re-inforced, single piece plastic liner conforming with specifications available from the Zoning Inspector shall be placed within the pit. The lining must be checked and maintained by the operator to insure its integrity. In the event the pit excavation shall be in coarse, sandy soil, or fractured permeable bedrock, a soil sealant conforming to specifications available

from the Zoning Inspector may be required to be applied to the entire surface of the earthen pit prior to installation of the plastic liner. The discharge line must be equipped with a baffle which deflects the cuttings as they enter the drilling pit in order to preserve the integrity of the pit liner throughout the drilling operation. Gas must be flared through a flow line at least 80 (eighty) feet long into a flare pit located a safe distance away from the drilling pit and directed away from any structure. During drilling, contents of the pit shall be hauled away as needed. Within seven (7) days after completion of drilling, all liquid wastes shall be removed from the pit. Within thirty (30) days after completion of the drilling, the remaining contents of the pit and the plastic liner shall be removed and hauled away, the pit inspected by the Zoning Inspector, and backfilled. Extensions for weather delays may be granted by the Zoning Inspector. All EPA and/or Ohio Division of Oil and Gas regulations with respect to solid and liquid waste shall be followed. Steel tanks may be utilized, and shall be constructed and maintained so as to prevent escape of any fluids therefrom, including any amounts that may be added, by natural precipitation. The Zoning Inspector shall inspect each phase of the drilling pit construction.

(m) Cementing the Surface Casing. Ample notification shall be made to the Inspector for the Division of Oil and Gas of the State of Ohio and the Zoning Inspector to enable them to be present to supervise the installation and cementing of the surface casing. Care will be taken to ensure a complete cement bond along the entire length of the surface casing to protect fresh water formations. The driller shall maintain an accurate record of the depth of the casing, the amount of cement used, and the personnel at the site during the cementing operation. A copy of this record shall be filed with the Zoning Inspector upon completion of the cementing procedure. Prior to drilling below the surface casing, the driller shall allow a minimum twelve (12) hours time for cement set-up. The cement must recirculate to the surface.

(n) Fracturing. The Zoning Inspector shall be notified prior to the fracturing of the well. Flow back of fracturing mediums shall be made only into fully contained steel fracturing tanks approved by the Zoning Inspector. No fracturing shall be permitted between 7:00 p.m. and 7:00 a.m.

(o) Storage and Processing Tanks. All storage and processing tanks shall be diked and maintained to prevent any seepage or drainage beyond the fenced in area. The dike shall have an outlet valve for use for release of accumulated rain water. The dike shall be lined with a one piece plastic liner which shall be buried in soil with a minimum 6" of cover. The liner shall be a minimum of 5 mils thickness or as required by the State of Ohio, whichever is greater and

shall be sized to contain a minimum of 200% of the materials stored in the diked area. Oil or brine spilled inside the dike shall be immediately removed from the site. All storage and processing tanks shall be furnished with drip pans to collect any oil and/or brine that may be spilled during the loading operation. Brine and/or oil shall not be stored in underground storage tanks. Storage tanks and processing tanks shall not exceed ten (10) feet in height.

(p) Drilling Operations.

(1) Rotary Rigs. All rotary tools shall have the innermost string of casing equipped with a blowout preventor, capable of being remotely controlled, properly installed on the surface casing, which must be in good working condition and of sufficient size and working pressure rating to control normal hydrostatic pressure for the deepest pool to be penetrated by the borehole. The rotary air-head and stripped rubber must be in good working condition.

(a) The surface hole must be drilled on fluid, using potable water.

(b) When drilling past the aquifer zone with an air rotary rig, in the event excessive volumes of brine are encountered, the drilling operation must convert to fluid procedures.

(c) The drilling procedures used in 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.

(2) Cable Tool Rigs. 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 into any formation likely to contain oil or gas.

(3) Crew Training. 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.

(q) Brine and Waste Disposal. The permittee shall provide to the Zoning Inspector duplicates of all hauling records required by the State and shall upon the written request of the Zoning Inspector make such records immediately available. Sections 521.12 and 521.13 of the Codified Ordinances shall govern brine and oil field wastes. All oil field wastes shall be disposed of in a manner approved by the Ohio EPA and/or the Division of Oil and Gas.

(r) Inspections. The Zoning Inspector, Chief of the Division of Fire, or their duly authorized representatives, shall have the authority, at any time, to enter upon property where a well is in the process of being drilled, or upon a producing well site, for the purpose of inspecting and testing the site, equipment, and all other operations and conditions as may be necessary to assure compliance with the provisions of this Ordinance.

Section 11: 1113.11 Liability. The permit holder shall pay to the owners of any realty, crops, buildings, improvements, goods or chattels located in the area, any extra cost of insurance on the property charged by reason of the granting of the permit or the operations carried on thereunder, and all damages suffered by any person, firm, or corporation to property from fire in excess of the insurance collected thereon, or from oil, gas, or water caused by or originating from the operation connected with the well. The permittee shall hold the Village free and harmless from any and all liability growing out of the granting of the Permit.

Section 12: 1113.12 Technical Assistance. In the event the Village needs to utilize consultants, special equipment for the evaluation and regulation of plans, inspections, operations and maintenance, the costs thereof shall be paid by the applicant or permittee.

Section 13: 1113.13 Artificial Lighting. All artificial lighting used during drilling or production of any gas or oil well shall be designed, constructed and located in such a manner to prevent excessive emission upon any property not within the drilling unit.

Section 14: 1113.14 Technological Improvements. In the event technological improvements are made in the gas and oil industry and additional safeguards are available to the applicant, in order to protect persons or property from any hazards and such technological improvements are available at a reasonable cost, upon notice from the Village of Richfield, the applicant shall, if technologically possible, incorporate such technological improvements into its gas and oil well drilling, production, transmission or abandonment operations.

Section 15: 1113.15 Plat of Completed Facilities. Within thirty (30) days after the well is in operation, the permit holder shall furnish the Zoning Inspector with a plat detailing the exact location of the well, all permanent storage facilities, fences, property boundaries, roads, landscaping and transmission lines.

Section 16: 1113.16 Abandoning Wells. In the event a well is to be abandoned, the owner or lessee shall notify the Zoning Inspector of such abandonment before the well is abandoned and equipment removed. The permit holder shall pull and/or plug a well site on abandonment and remove all above ground appurtenances and return the ground to the original grade and condition and abide by all rules and regulations promulgated by the State of Ohio

relative to pulling, plugging and abandoning oil or gas wells. Landscaping may be preserved at the time of abandonment, if feasible, and if desired by the property owner.

Section 17: 1113.17 Notification of the Chief of the Division of Fire. The Chief of the Division of Fire shall be notified twenty-four (24) hours in advance of all scheduled or anticipated well tests and other extraordinary well production conditions which will result in large volumes of gas being released to the air.

Section 18: 1113.18 Shut Off Valves. All gas and oil production facilities shall be equipped with automatic regulating and shut-off valves, which shall be located in the system ahead of any pressure relief valves included in the production and processing equipment. Such valves shall be designed to eliminate or reduce the venting of gas to the air.

Section 19: 1113.19 Contamination Prohibited. No hydrocarbons or brines shall be allowed to enter the Sharon or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination shall occur, the permittee shall immediately notify the Zoning Inspector.

Section 20: 1113.20 Sour Gas. If hydrogen sulfide gas is encountered in the Newburg Formation, drilling operations using air rotary rigs shall switch to fluid. The volume of cement used in cementing the production string of casing in the well bore should be sufficient to provide a sheath of cement to a point at least fifty (50) feet above the newburg formation.

In the event the Zoning Inspector determines that the production of a well causes an odor deemed to be a nuisance, the producer shall provide a filter retrofitted on all storage tanks and shall insure that the filters are either cleaned or replaced in order to suppress the nuisance.

Section 21: 1113.21 Sanitary Facilities. Sanitary toilet facilities shall be provided on the drill site for the drilling crew.

Section 22: 1113.22 Criminal Penalty. Any person, firm or corporation who shall violate any Section of this Ordinance shall be guilty of a misdemeanor of the first degree.

Section 23: 1113.23 Civil Remedies. In addition to any criminal penalty, violation of any section of this Ordinance shall be considered a nuisance and the Director of Law on the recommendation of the Zoning Inspector shall pursue appropriate remedies in any court of competent jurisdiction.

Section 24: Sections 1123.02, 1125.02, 1141.02, 1143.02, 1145.02, 1161.02 of the Codified Ordinances are amended to read as follows:

1123.02 USES.  
(a) Permitted Uses.  
(1) Single-family dwellings containing no less than 1,000 square feet of floor area.

- (2) Agricultural buildings and uses provided:
  - A. Buildings used to house animals shall be located no less than 200 feet from all property lines.
  - B. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five acres or more.
- (3) Roadside stands, offering for sale agricultural products which are produced on the premises, including only one sign advertising such products not exceeding twenty square feet in area may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty feet from either side lot line. Such stand, sign and required off-street parking shall be located and set back in such manner so as not to create a traffic hazard.
- (4) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
- (5) Signs as regulated by Chapter 1131.
- (6) Home occupations, subject to the following conditions:
  - A. Such use shall be conducted entirely within and/or from the dwelling and no use of any accessory building or yard space shall be permitted.
  - B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - C. Such use shall be conducted only by persons residing in the dwelling unit.
  - D. The use shall not involve the use of more than thirty-three and one-third percent of the floor area of the dwelling.
  - E. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

(b) Conditionally Permitted Uses. The Planning and Zoning Commission may issue Conditional Zoning Certificates for uses listed herein subject to the general and specific requirements of Chapter 1129 referred to below.

- (1) Public and parochial schools subject to Section 1129.05(a)(1), (2), (3), (5), (6), (11).
- (2) Privately or governmentally owned and/or operated park, playground or golf course subject to Section 1129.05(a)(1), (2), (3), (4), (5), (13).
- (3) Cemetery subject to Section 1129.05(a)(3), (7).
- (4) Church and other buildings for the purpose of religious worship subject to Section 1129.05(a)(1), (3), (7), (11), (12), (13).
- (5) Governmentally owned and/or operated building or facility subject to Section 1129.05(a)(3), (7), (8), (11).
- (6) Public utilities right-of-ways and pertinent structures subject to Section 1129.05(a)(1), (10), (11).
- (7) Private stables subject to Section 1129.05(a)(10), (11), (13), (17),

1125.02 USES.

(a) Permitted Uses.

- (1) Single-family residential dwelling.
- (2) Two-family residential dwelling.
- (3) Agricultural buildings and uses provided:
  - A. Buildings used to house farm animals shall be located no less than 200 feet from all property lines.
  - B. Livestock or poultry raising or breeding for commercial purposes shall be permitted only on lots of five acres or more.
- (4) Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- (5) Signs as regulated by Chapter 1131.
- (6) Home occupations subject to the following conditions:
  - A. Such use shall be conducted entirely within and/or from the dwelling and no use of any accessory building or yard space shall be permitted.
  - B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - C. Such use shall be conducted only by persons residing in the dwelling unit.
  - D. The use shall not involve the use of more than thirty-three and one-third percent of the floor area of the dwelling.
  - E. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

(b) Conditionally Permitted Uses. The Planning and Zoning Commission may issue Conditional Zoning Certificates for uses listed herein subject to the general and specific requirements of Chapter 1129 referred to below.

- (1) Public and parochial schools subject to Section 1129.05(a)(1), (2), (3), (5), (6), (11).
- (2) Church and other buildings for the purpose of religious worship subject to Section 1129.05(a)(1), (3), (7), (11), (12), (13).
- (3) Public utilities right-of-ways and pertinent structures subject to Section 1129.05(a)(1), (2), (3), (4), (5), (13).
- (4) Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature) subject to Section 1129.05(a)(1), (2), (3), (4), (5), (13).
- (5) Institutions for human medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Section 1129.05(a)(1), (2), (3), (5), (7), (9), (11), (13).
- (6) Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs, riding academies, subject to Section 1129.05(a)(1), (2), (3), (4), (5), (9), (11), (13).
- (7) Governmentally owned and/or operated buildings and facilities other than those

- listed above subject to Section 1129.05(a)(3), (7), (8), (11).
- (8) Planned unit residential developments subject to Section 1129.05(a) (15).
  - (9) Institutions for higher education subject to Section 1129.05(a)(1), (2), (3), (4), (5), (7), (11).
  - (10) Private stables subject to Section 1129.05(a)(10), (11), (13), (17),

#### 1141.02 USES.

All uses in this District shall be conditionally permitted uses. The Planning and Zoning Commission may issue Zoning Certificates for uses consistent with the purpose of this District subject to the requirements of this Ordinance. A list of suggested uses follows:

- (1) Barber and beauty shops.
- (2) Drug store.
- (3) Dry cleaning and laundry agency.
- (4) Florist and gift shop.
- (5) Food sales including supermarkets.
- (6) Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain, tavern.
- (7) Tailor and dressmaker.
- (8) Banks and other financial institutions.
- (9) Accessory uses clearly incidental to the uses permitted on the same premises.
- (10) Signs as regulated by Chapter 1151.
- (11) Churches and other buildings for the purpose of religious worship subject to Chapter 1147.05 (A), (1), (3), (6), (8), (9), (10).
- (12) Public right-of-ways and pertinent structures subject to Chapter 1147.05(A), (1), (7), (8).
- (13) Governmentally owned and/or operated buildings and facilities subject to Chapter 1147.05(A), (1), (2), (3), (4), (5), (10).
- (14) Planned integrated commercial developments subject to Chapter 1147.05(A), (12).
- (15) Offices subject to Chapter 1147.05(A), (8), (10).

#### 1143.02 USES.

All uses in this District shall be conditionally permitted uses. The Planning and Zoning Commission may issue Zoning Certificates for uses consistent with the purpose of this District subject to the requirements of this Ordinance. A list of suggested uses follows:

- (1) Motels.
- (2) Refreshment stand or open front store.
- (3) Restaurant and eating place.
- (4) Vehicle repair station.
- (5) Public garage or vehicle service center subject to Chapter 1147.05(A), (8), (10).
- (6) Offices subject to Chapter 1147.05(A), (8), (10).
- (7) Barber and beauty shop.
- (8) Drug store.
- (9) Dry cleaning and laundry agency.
- (10) Florist and gift shop.
- (11) Food sales including supermarket.

- (12) Preparation and processing of food and drink to be retailed on the premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain, tavern.
- (13) Tailor and dressmaker.
- (14) Banks and other financial institutions.
- (15) Accessory uses clearly incidental to the uses permitted on the same premises.
- (16) Signs as regulated by Chapter 1151.

1145.02 USES.

All uses in this District shall be conditionally permitted uses. The Planning and Zoning Commission may issue Zoning Certificates for uses consistent with the purpose of this District subject to the requirements of this Ordinance. A list of suggested uses follows:

- (1) Personal services shops, such as barber, beauty, dry cleaning, restaurant, etc.
- (2) Retail sales, such as drug store, bakery, gift shop, antiques, etc.
- (3) Churches and other buildings for the purpose of religious worship subject to Chapter 1147.05(A), (1), (3), (6), (8), (9), (10).
- (4) Public utility right-of-ways and pertinent structures subject to Section 1147.05(A), (1), (7), (8).
- (5) Governmentally owned and/or operated buildings and facilities subject to Chapter 1147.05(A), (1), (2), (3), (4), (5), (10).
- (6) Planned integrated commercial developments subject to Chapter 1147.05(A), (12).
- (7) Offices subject to Chapter 1147.05(A), (8), (10).
- (8) Accessory uses clearly incidental to the uses permitted on the same premises.
- (9) Signs as regulated by Chapter 1151.
- (10) Other uses similar in character to those listed in this chapter.

1161.02 USES.

All uses in this District shall be conditionally permitted uses. The Planning and Zoning Commission may issue Zoning Certificates for uses consistent with the purpose of this District subject to the requirements of this Ordinance. The Commission may seek expert advice on what limitations should be imposed on the particular operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of such expert assistance shall be born by the applicant. A list of suggested uses follows:

- (1) Off-street public parking lot and garage.
- (2) Plant greenhouse.
- (3) Warehousing.
- (4) Wholesale establishments and offices.
- (5) The following types of manufacturing, processing, cleaning, servicing, testing or repair activities, which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat:

- (a) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except fish or meat products, sauerkraut, yeast and rendering or refining of fats or oils.
- (b) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, metal (except where presses over twenty tons rated capacity are employed), shell, textiles, tobacco, wax, wood (where planing mills are employed within a completely enclosed building), yarns.
- (c) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
- (d) Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products.
- (e) Electrical and electric appliances, instruments, and devices, television sets, radios, phonographs, household appliances.
- (f) The manufacture of electric and neon signs, billboards and other commercial advertising structures.
- (g) Laboratories and processing: experimental, film, or testing, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (6) The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a six foot high solid masonry wall, or a minimum six foot high solid painted fence with openings no greater than fifteen percent.
  - (a) Building materials, sales yard and lumber yard, including mill work, when within a completely enclosed building.
  - (b) Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
  - (c) Fuel, food and goods distribution station, warehouse, and storage, but excluding coal and coke. Inflammable liquids, underground from any R District.
  - (d) Public storage garage and yards. The following uses when conducted no closer than 100 feet of any R District. Where the I District abuts upon but is separated from any R District by a street, the width of the street may be considered as part of the required setback.
    - (a) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
    - (b) Blacksmith, welding or other metal working shop, excluding punch presses, drop hammers and other noise-producing machine-operated tools.
    - (c) Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air
- (7)
  - (a) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
  - (b) Blacksmith, welding or other metal working shop, excluding punch presses, drop hammers and other noise-producing machine-operated tools.
  - (c) Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air

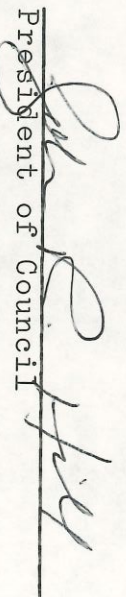
- (d) conditioning, sign painting, painting and other similar establishments.
- (d) Ice manufacturing and cold storage plant, creamery and bottling plant.
- (e) Laundry, cleaning and dyeing plant.
- (f) Repair services for machinery and equipment, including specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales, vehicle repair station, vehicle service center and service including vulcanizing.
- (g) Stone or monument works not employing power tools; or, if employing such tools, then within a completely enclosed building.
- (h) Vehicle service station when clearly incidental to the principal use of the premises.
- (i) Veterinarian hospital, clinic or kennel.
- (8) Public utility rights-of-way and pertinent structures subject to Section 1163.05(A), (1), (9), (10).
- (9) Governmentally owned and/or operated buildings and facilities subject to Section 1163.05(A), (3), (6), (7), (10).
- (10) Truck and transfer terminals subject to Section 163.05(A), (2), (3), (5), (6), (15).
- (11) Above ground storage of flammable or explosive materials subject to Section 1163.05(A), (16).
- (12) Truck servicing, including the provision of fuel, food and sleeping rooms, subject to Section 1163.05(A), (14).
- (13) Accessory uses clearly incidental to the uses permitted on the same premises.
- (14) Signs as regulated by Chapter 1167.
- (15) Other uses similar to but not specifically listed in the permitted uses herein.

Section 25: Repealer. Existing Sections 1123.02, 1125.02, 1141.02, 1143.02, 1145.02, 1161.02 and all ordinances or parts or sections thereof which are in conflict with any term, provision, standard or condition of this Ordinance 62-1984 are repealed.

Section 26: This Ordinance shall take effect and be in force from and after the earliest time provided by law.

Passed:

10/16/84

  
 President of Council

\_\_\_\_\_  
 Mayor

Dated: \_\_\_\_\_

Attest:

  
 Clerk of Council