

# VILLAGE OF MOGADORE

## WELL DRILLING PERMIT

135 S. Cleveland Ave., Mogadore, OH 44260  
 Phone: 330-628-4896 Fax 330-628-5850



DATE: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

PERMIT TO: Drill Vertical Well \_\_\_\_\_ Revised Location \_\_\_\_\_ Convert \_\_\_\_\_  
 Drill Horizontally \_\_\_\_\_ Plug Back \_\_\_\_\_ Deepen \_\_\_\_\_  
 Drill Directionally \_\_\_\_\_ Plug and Abandon \_\_\_\_\_ Reopen \_\_\_\_\_  
 Reissue \_\_\_\_\_ Temporary Inactive \_\_\_\_\_<sup>th</sup> year

TYPE OF WELL: Oil & Gas \_\_\_\_\_ Annular Disposal \_\_\_\_\_ Saltwater Injection \_\_\_\_\_  
 Stratigraphic Test \_\_\_\_\_ Gas Storage \_\_\_\_\_ Other (explain) \_\_\_\_\_  
 Solution Mining\* \_\_\_\_\_ Enhanced Recovery\* \_\_\_\_\_ (\* - select appropriate box below)  
 \*Input/Injection \_\_\_\_\_ \*Water Supply \_\_\_\_\_ \*Observation \_\_\_\_\_ \*Production/Extraction \_\_\_\_\_

LOCATION: \_\_\_\_\_

PROPOSED TOTAL DEPTH: \_\_\_\_\_ DRILLING UNIT ACRES: \_\_\_\_\_

PROPOSED GEOLOGICAL FORMATION(S): \_\_\_\_\_

ATTACH LANDOWNER ROYALTY LISTING: \_\_\_\_\_ PERMIT NUMBER IF PREVIOUSLY PERMITTED: \_\_\_\_\_

TYPE OF TOOLS: Cable \_\_\_\_\_ Rotary (Air / Fluid) \_\_\_\_\_ Cable / Rotary \_\_\_\_\_ Service Rig \_\_\_\_\_

SOURCE(S) OF GROUND AND/OR SURFACE WATER USED IN PRODUCTION OPERATION: \_\_\_\_\_

ESTIMATED WITHDRAWAL RATE (GAL/DAY): \_\_\_\_\_ ESTIMATED TOTAL VOLUME: \_\_\_\_\_

MEANS OF INGRESS AND EGRESS: \_\_\_\_\_

ROAD USE FOR HORIZONTAL WELL: Maintenance Agreement Attached \_\_\_\_\_ Non-agreement Affidavit Attached \_\_\_\_\_ State Route (not required) \_\_\_\_\_

OWNERSHIP OF THE SURFACE RIGHT: \_\_\_\_\_

FOR PLUGGING APPLICATIONS: Date of Last Production \_\_\_\_\_ Amount of Oil (bbi): \_\_\_\_\_ Gas (mcf): \_\_\_\_\_

**PROPOSED CASING AND CEMENTING PROGRAM:**

Type Casing	Borehole Diameter (in)	Borehole Depth (ft)	Casing Diameter (in)	Casing Depth (ft)	Cement Volume (sacks)	Formation	Zone Tested or Produced	Hydraulic Fracturing
Drive Pipe								
Conductor								
Mine String								
Surface								
1 <sup>st</sup> Intermediate								
2 <sup>nd</sup> Intermediate								
Production								
Linear								

I, the undersigned, being first duly sworn, depose and state under penalties of law, that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the facts stated herein are true, correct, and complete, to the best of my knowledge.

I, the undersigned, further depose and state that I am the person who has the right to drill on the tract or drilling unit and to drill into and produce from a well and to appropriate the oil or gas that I produce therefrom either for myself or others as described in this application. And furthermore, I the undersigned being sworn, depose and state at this time that I am not liable for an final nonappealable order of a court for damage to streets, roads, highways, bridges, culverts, or drainage ways pursuant to Section 5577.12 of the Ohio Revised Code (ORC). I, the undersigned, further depose and state that all notices required by 1509.06 (A) (9) ORC for this application have been duly provided by me. If applying for a permit to plug and abandon a well, I hereby certify that the written notices, as required in Section 1509.13 ORC, have been given. That I hereby agree to conform with all provisions of Chapter 1509., ORC. and Chapter 1501., OAC, and all orders and conditions issued by the Village of Mogadore Planning Commission.

APPLICANT SIGNATURE: \_\_\_\_\_

OWNER SIGNATURE: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ (Notary Public)

\_\_\_\_\_ (Date Commission Expires)

\_\_\_\_\_  
VILLAGE COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED / CONDITIONALLY APPROVED / DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

FEE: \_\_\_\_\_ DEPOSIT: \_\_\_\_\_ PAID: \_\_\_\_\_

CHAIRMAN OF PLANNING COMMISSION: \_\_\_\_\_

**VILLAGE OF MOGADORE**  
**CONDITION ZONING CERTIFICATE**

135 S. Cleveland Ave., Mogadore, OH 44260  
Phone: 330-628-4896 Fax 330-628-5850



DATE: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

LOCATION: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_ CONDITIONALLY PERMISSIBLE USE: \_\_\_\_\_

VILLAGE COMMENTS: \_\_\_\_\_

APPROVED / DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

FEE: \_\_\_\_\_ DEPOSIT: \_\_\_\_\_ PAID: \_\_\_\_\_

PLANNING COMMISSION CHAIRMAN: \_\_\_\_\_

NOTE: VILLAGE INSPECTION FEES AND RESTORATION DEPOSIT MAY BE REQUIRED. INSPECTION FEES AND RESTORATION DEPOSIT ARE BASED ON THE TYPE AND DURATION OF THE WORK BEING PERFORMED.

Application is made for a conditional zoning certificate within a Village limits as indicated and in accordance with the following conditions:

1. Applicant provides plans boundaries and divisions of property, abutting streets, properties and structures, location of all improvements proposed, including structures, parking, landscaping, etc., location of wells, sewers or other utility features, existing and proposed.
2. Applicant provides complete plans and specifications for all proposed development and construction.
3. Provide a statement supporting evidence that the proposed use will be harmonious with, and in accordance with the objectives of the zoning resolution and the land use, and will not be detrimental to existing or future uses in the immediate vicinity of the community as a whole.

APPLICANT SIGNATURE: \_\_\_\_\_

OWNER SIGNATURE: \_\_\_\_\_

## CONDITIONAL ZONING CERTIFICATES

### § 152.110 PURPOSE.

- (A) Until recently, regulation of land uses and structures through zoning was accomplished by assigning each use to one or more "use districts." However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied and are dependent upon the functional characteristics of the use, competitive situations, and the availability of land. Certain "uses" need to be reasonably controlled by specified requirements that provide practical latitude for the investor, but at the same time maintain adequate provisions for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the community's inhabitants.
- (B) In order to accomplish such a dual objective, provision is made in this chapter for a more detailed consideration of each conditionally permitted use as it relates to location; size; design; method of operation; and intensity of land use; which in turn affects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and service it requires. Land and structure uses possessing these particularly unique characteristics are designated as conditionally permitted uses and are permitted through the issuance of a conditional zoning certificate with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. (Ord. passed 12-11-90)

### § 152.111 PROCEDURES FOR MAKING APPLICATION.

- (A) *Procedures for making application.* An application shall be submitted to the Planning and Zoning Commission and it shall contain the following data:
- (1) The form supplied by the Planning and Zoning Commission completed by the applicant.
  - (2) A site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all existing and proposed structures, the types of buildings and the uses proposed location of all abutting streets.
  - (3) The fee payment for conditional zoning certificates shall be the fee prescribed in the Permits and Approvals Fee Schedule. The Planning and Zoning Commission will refer the application to the Village Engineer and/or any other qualified consultants when it deems expert advice necessary, and the applicant shall pay for the costs of said referral.
- (B) *Review by Planning and Zoning Commission.* The Planning and Zoning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this chapter. Such review shall be completed and made public within 60 days of the first regular monthly meeting of the Planning and Zoning Commission following the submission of such application. If the application is submitted at a regular monthly meeting of the Planning and Zoning Commission, then the 60-day period shall begin with the date of submittal.
- (C) *Notice and hearing.*
- (1) No action of the Planning and Zoning Commission shall be taken in any proceedings under division (B) above until after proper notice has been given and public hearing has been held.
  - (2) Proper notice of a joint hearing before the Planning and Zoning Commission and Council shall be public notice by publishing in a newspaper of general circulation in the community and written notice mailed to

the owner of property, or the agent of such owner within 300 feet of the perimeter of such parcel or parcels to be rezoned, at least ten days prior to the date of such proposed hearing.

(3) The Clerk-Treasurer shall supply to the Planning and Zoning Commission the names of property owners notified and copies of the notices sent pursuant thereto.

(D) *Issuance and revocation of conditional zoning certificate.* The application will be submitted to Council with the Planning and Zoning Commission recommendations and conditions. Upon approval by Council, a conditional zoning certificate will be issued by the Clerk-Treasurer. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this chapter.

(E) *Re-application.* An application for a conditional zoning certificate which has been denied wholly or in part by Council shall not be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof or changed conditions which would be sufficient to justify reconsideration by Council. (Ord. passed 12-11-90)

#### § 152.112 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES.

(A) An applicant must establish by clear and convincing evidence that the general standards of this chapter and the specific standards pertinent to each proposed use shall be met throughout the period of the proposed use. The Council shall determine compliance or non-compliance and shall insure that the general standards and the specific standards and other terms of this chapter pertinent to the proposed use shall be satisfied by the completion and operation of the proposed development.

(B) The Planning and Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find by clear and convincing evidence that such use on the proposed location:

(1) Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;

(2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

(3) Will not be hazardous or disturbing to existing or future neighboring uses;

(4) Will not be detrimental to property in the immediate vicinity or to the community as a whole;

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protections, drainage structures, refuse disposal, or schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

(6) Will be in compliance with the subdivision regulations, the Board of Health standards, and the building code;

(7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

(8) All uses and associated premises, structures, activities, roads, parking areas, utilities, construction, established after the effective date of this chapter shall be in compliance with the village subdivision regulations, building code, health code, housing code, and all other applicable regulations. (Ord. passed 12-11-90) Penalty, see § 152.999

§ 152.113 SPECIFIC REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES.

- (A) All structures and activity shall be located at least 100 feet from all property lines.
- (B) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (C) All points of vehicular entrance or exit shall be located no closer than 200 feet from the intersection of two major thoroughfares; or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (D) There shall be no more than one advertisement oriented to each abutting road identifying the activity.
- (E) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (F) Elementary school structures shall be located on a collector thoroughfare.
- (G) Such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (H) Such developments shall be located adjacent to non-residential uses such as churches, parks, industrial, or commercial districts.
- (I) Such uses shall not require uneconomical extension of utility services at the expense of the community.
- (J) Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- (K) Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
- (L) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- (M) All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, and individual, or to the community in general; a bond may be required to insure that this provision will be met.
- (N) Lodging and boarding house uses shall be so designed, maintained, and operated as to comply with inspection and rules of the Municipal Board of Health and the regulations of all other applicable municipal codes, and to minimize possible disruptive effects on the character of adjacent and nearby properties. Parking shall be provided in accordance with § 152.046. The design and construction of parking areas, service areas, and access drives shall be approved by the Commission. The property must have approved sewer and water facilities and meet applicable fire and safety standards. Such uses shall be permitted under the following conditions:
  - (1) Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian-oriented facilities.
  - (2) No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed 30 feet in width at the property line.
  - (3) If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.

- (4) At least six-inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches and landscaped areas.
- (O) Any temporary structures shall be indicated as such on site plans submitted to the Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Commission.
- (P) The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
  - (1) Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. The term "marker" to refer to the name of the deceased.
  - (2) Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - (3) Minimum area required for a cemetery site shall be 40 acres.
  - (4) A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
  - (5) Pavement width of driveways shall be at least 20 feet (ten feet per moving land).
  - (6) Drive shall be of usable shape, improved bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
  - (7) Pavement is to be installed as development progresses and as indicated on the final plans approved by the Commission.
  - (8) Sufficient parking spaces shall be provided as to not deter traffic flow within the cemetery.
  - (9) Area drainage and/or sanitary facilities are subject to approval by the Board of Health and the Village Engineer prior to the issuance of a conditional zoning certificate.
  - (10) Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Commission.
  - (11) Adequate screening with shrubs, trees or compact hedges shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees and hedges shall be maintained in good condition.
  - (12) Provisions shall be made for landscaping throughout the cemetery.
  - (13) Location of cemetery buildings and all other structures shall conform to front side and rear yard building lines of the particular district in which it is located.
  - (14) No gravesites shall be located within 100 feet of the right-of-way lines of any publicly dedicated thoroughfare.
  - (15) A gravesite shall not be within 200 feet of an existing residence.

(16) Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Commission, the Municipal Engineer, and the Municipal Board of Health. Guarantees shall be as follows:

- a. A performance bond in the amount of \$25,000 for cemeteries of 40 acres. An additional \$5,000 shall be required for each ten acres over 40 acres or for each ten added at a later date. The amount of the bond will be reduced annually, any by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Commission, the Municipal Engineer, and the Municipal Board of Health.
- b. Other methods as might be worked out by the Commission, the developers, and their legal advisors.

(17) A trust fund of an amount set by the Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. The trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Commission. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Commission. Interest yielded by the fund shall be applied towards the maintenance of the cemetery grounds.

(Q) An integrated planned commercial development which is a grouping of three or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:

- (1) Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
- (2) The minimum setback building lines shall be 100 feet measured from the street right-of-way line.
- (3) Side yards and rear yards shall be required only on the perimeter of the planned development and shall be 50 feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be 75 feet on the sides abutting the residential zone only.
- (4) All points of entrance and /or exit shall be located no closer than 200 feet to the intersection of two thoroughfares.
- (5) The minimum site size to be considered for an integrated planned commercial development shall be three acres.

(R) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.

(S) A conditional zoning certificate for a use permitted under these regulations shall be issued for a three-year period only. After a three-year period has elapsed, a new conditional zoning certificate shall be required and may be issued provided that the Commission and the Zoning Inspector determine that the use has been and is being operated according to the specifications of this chapter and the previous conditional zoning certificate. If necessary, the Commission may make additional specifications for the continued operation of the use as a prerequisite for reissuance of the conditional zoning certificate should Council be aware of changes requiring such additional specifications.

(T) Vehicular approaches to the property shall be so designed and sufficient off-street transient parking or waiting area provided as not to create an interference with traffic on the street. Activities shall be conducted within an enclosed building.

- (U) All facilities and structures shall meet all municipal, county and state health, building, electrical and other applicable codes.
- (V) All activities, programs, and other events shall be adequately and properly supervised as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- (W) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, the vehicle shall be entirely within a building.
- (X) Two-family dwellings shall meet the following requirements:
- (1) Height shall be no greater than that permitted for one-family dwellings,
  - (2) Front yards shall meet the minimum front requirements for one-family dwellings,
  - (3) Side yards shall be 1 ½ times the side yard requirements for one-family dwellings,
  - (4) Rear yards shall meet minimum rear yard requirements for one-family dwellings,
  - (5) Minimum lot area shall be 15,000 square feet,
  - (6) Minimum lot width shall be 120 feet,
  - (7) Minimum living area shall be 900 square feet for each dwelling unit within a two-family dwelling,
  - (8) Architectural design shall be compatible with that of surrounding one-family dwellings,
  - (9) Centralized water and sanitary sewers must be available prior to occupancy of a two-family dwelling,
  - (10) Full basements must be provided for all two-family dwellings,
  - (11) Parking for two cars must be provided for each dwelling unit within a two-family dwelling. Each space must be ten feet in width by 20 feet in length. In addition, adequate backing and turning space must be provided, and all parking spaces must be served by a single drive.
- (Y) An off-street driveway must be provided which will accommodate a minimum of 20 vehicles awaiting service by an auto laundry. (Ord. passed 12-11-90) Penalty, see § 152.999

#### § 152.114 OTHER REQUIREMENTS.

The Planning and Zoning Commission may recommend that Council adopt or Council may on its own initiative demand as conditions of approval any other requirements that it deems necessary to fulfill the purposes and intent of this chapter, including guarantees that any conditions will be fulfilled, a contractual money defaults, deposits and bonds. (Ord. passed 12-11-90)

## *DRILLING WELLS*

### § 152.090 PURPOSE.

This conditional use is established to permit the drilling of wells for oil, gas, and other hydrocarbons in the village subject to the requirements set forth in § 152.049 and all other applicable sections of this chapter and to prescribe the minimum standards and requirements to make the drilling, fracturing, production, including storage and transmission, termination, and removal of the wells as safe and compatible as possible with other land uses and activities in the village. The Planning Commission is herewith given full authority to make such recommendations as deemed necessary to give full force and effect to the purposes and requirements expressed herein and Council is herewith given full authority to impose such conditions as it shall deem necessary to give full force and effect to the purposes and requirements expressed herein. An appropriate application and compliance with the purposes and requirements of this chapter and all other applicable sections of the village's regulations shall be within the discretion of the Council, and no such determinations shall serve as precedent to any other application. Each application shall rest solely upon its own merit and prudent use of discretion by the Council. All provisions of this chapter shall apply to the proposed well site and drill unit, property owner(s), heirs, executors, or assigns, and to the well drilling and production firms, partnerships, associations; or corporations and their successor and assigns. (Ord. passed 12-11-90)

### § 152.091 PERMIT AND CONDITIONAL USE ZONING CLASSIFICATION REQUIRED.

- (A) No person, firm, or corporation shall commence to drill a well for gas, oil, or other hydrocarbons within the corporate boundaries of the village unless and until compliance with all provisions of this chapter, all other applicable sections of the village codified ordinances, a conditional use zoning certificate has been approved for issuance by Council and a well drilling permit has been issued by the Zoning Inspector. The procedures for obtaining a conditional use zoning classification shall be as presently in effect and required for other re-zoning requests.
- (B) A conditional use zoning certificate shall be granted for a one-year period and shall expire unless actual drilling commences within 90 days of the issuance date.
- (C) No person shall be permitted to drill more than two wells at any one time, and no more than two conditional use zoning certificates shall be issued to the same property owner or drilling company at any one time. Application for a third certificate or any subsequent certificate may be made upon the completion of the drilling of the first, second, and each numerically subsequent well. (Ord. passed 12-11-90)

### § 152.092 APPLICATION REQUIREMENTS.

- (A) *Application.* Any property owner, person, firm, company, or corporation desiring to drill a well for gas, oil, or other hydrocarbons within the corporate boundaries of the village shall apply for a conditional use certificate to the Planning Commission.

(B) *Form and fee.* All request for certification shall be accompanied by a completed application form, all required information, and the fee specified in the Permits and Approvals Fee Schedule. No refund of any part of a certificate application fee shall be made to an applicant in cases of a denial or revocation of a certificate by the village or to a certificate holder in the case of a dry hole or for failure to exercise the privilege to drill upon the site covered by the certificate. The application form shall be in such form and format as determined by the Village Clerk.

(C) *Additional data.* The following data shall also be submitted as part of the application:

(1) Site plan and vicinity map of the area involved in the application drawn to scale dimensions and showing thereon:

- a. The current lot lines of all abutting and other properties within 1,000 feet of the proposed well and storage tanks;
- b. The current location and use of all buildings and structures within 1,000 feet of the proposed well and storage tanks and associated equipment site(s);
- c. The names and addresses of all owners of property partly or fully within a radius of 150 feet of the proposed well and storage tanks and associate equipment site(s);
- d. The proposed location of pipelines to be utilized to transport gas and/or oil to off-site locations and facilities;
- e. The proposed location of the well and all associated appliances and facilities, sch as well head, piping, separators, scrubbers, tank batteries, storage tanks, access roads, dikes, fences, and any other accouterments;
- f. A schematic of all pipe lines, connections and shut-off valves for emergency purposes; the schematics shall be modified and resubmitted to the village for emergency purposes at any time that a change in equipment for facilities occurs;
- g. Specific plans for the removal, disposal methods and disposal site of all spoils, saltwater, and other residues and waste materials resulting from the drilling, fracturing, or production of the well;

(2) Each individual, corporation or association who has been or will be contracted to haul brine or saltwater shall provide evidence of state certification, state permit or such other similar documentation as may be required to operate.

(D) *Performance guarantees.* At the time of approval, a cash or equivalent bond of not less than \$10,000 per well, shall be deposited with the Village Clerk to serve as a financial guarantee for the compliance with the requirements of this chapter and other applicable

sections of the village regulations. Guarantees shall be released upon completion of all landscaping, painting, fencing, and such other restoration as shall be deemed necessary. Completions shall be determined by the Zoning Inspector and Village Engineer after inspection of the facilities and site.

- (E) *Easements or options.* Copies of easements or options for easements shall be submitted with the application for all pipe lines, production and processing equipment and access drives where all such facilities are to cross properties not included as part of the drill site or drill unit.
- (F) *Emergency information.* In order that some responsible person may be reached at any time in the event of an emergency the name, address and telephone numbers of the persons responsible for the ownership, operation, and all maintenance of each drilled well, whether capped, temporarily out of production, not yet fractures, or in productions located within the village, and who are available at any time and who have knowledge of well fire treatment, shall be furnished to the Fire Chief, the Chief of Police and shall be provided to owners and adult occupants of any building or structure within 1,500 feet of the proposed well site. This information shall include the street location and state permit number and name of the well. The emergency information required by this division shall be prominently posted at the entrance to the access road to the drilled well site.
- (G) *State permits required.* Applications for a well drilling conditional use zoning certificate shall be considered by the Planning commission and Council only when the application includes a copy of currently valid permit issued by the Ohio Department of Natural Resources, Division of Oil and Gas.
- (H) *Affidavit or compliance or exceptions.* The applicant for a well drilling conditional use zoning certificate shall be required to file with the application, an affidavit stating that the applicant has complied with all conditions of this chapter and other applicable requirements of this code, or setting forth any exceptions thereto. Any false or erroneous statement in the affidavit shall be grounds to refuse to authorize a conditional use zoning certificate to drill or shall be grounds to revoke a certificate already authorized or issued by the village. (Ord. passed 12-11-90)

#### § 152.093 EASEMENTS WITHIN VILLAGE PROPERTY; FEES.

No holder of a conditional use zoning certificate shall be authorized, without the express consent of Council to locate gas lines or other structures or appurtenances associated with oil or gas wells within any public property. In the event that Council grants easements to any such conditional use zoning certificate holder, the fee for such utilization of such property shall be not less than \$.50 per linear foot per annum. In addition thereto, any such permission shall contain a requirement that a bond in the amount established by the Village Clerk for restoration of the property where the line is located; a requirement that the holder shall landscape any metering,

processing, or other equipment areas associated with the gas/oil line and /or well; and a requirement of minimum depth of 30 inches for each and every gas/oil line. If any gas/oil line

interferes with other public utilities servicing city rights-of-way, these gas/oil lines shall be relocated at the owner's expense. (Ord. passed 12-11-90) Penalty, see § 152.999

§ 152.094 STANDARDS FOR REVIEW BY THE PLANNING COMMISSION AND COUNCIL.

(A) The Village Planning Commission and Council, when studying an application for conditional use for drilling of a well for oil, gas or other hydrocarbons shall review the particular facts and circumstances of each proposed use in terms of the following standards, and if taking favorable action on the proposals, shall find adequate evidence that the use:

- (1) Will be harmonious with and in accordance with the general objectives of the village's comprehensive plan.
- (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the same area.
- (3) Will not be hazardous or disturbing to existing or future neighboring uses.
- (4) Will be served adequately to essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services where applicable.
- (5) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (6) Will not involve uses, activities, processes, materials, equipment and conditions that will be detrimental to any persons, property, or the general welfare by the reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with the traffic on surrounding public streets or roads.
- (8) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

(B) The Planning Commission shall be authorized to consult with such village department heads it deems necessary to adequately study an application. This power shall include but not be limited to requesting a report (oral or written) relating to the proposed application and its potential effect upon the village. (Ord. passed 12-11-90)

§ 152.095 PROCEDURES AND GENERAL REQUIREMENTS.

All applications for oil, gas or other hydrocarbon well drilling conditional use zoning certificates shall comply with the following procedures and requirements:

- (A) *Public hearing and notice.* After the first reading, but before the third reading of the legislation granting a conditional use zoning certificate, Council shall require the applicant to schedule a public hearing, the date and time of which shall be approved by Council, and the permittee shall cause all property owners whose properties abut the drill unit and residents within the village or neighboring municipalities within 1,200 feet of the well head to be notified of such hearing in writing, all by certified mail, return receipt requested. The Village Clerk shall provide the form of notice. The public herein must occur not less than 30 days prior to the commencement of drilling unless waived by Council. The permittee or driller shall file a list of addresses with the village for all residents notified and shall thereon note the time and place of hearing. In addition thereto, the week prior to the actual drilling, notifying the residents indicated of the day the drilling operations will commence. Compliance with the hearing provision of this chapter shall be mandatory condition precedent to the commencement of drilling under a permit.
- (B) *Certificate issuance; liability insurance.* Upon the approval by a majority of Council that a gas or oil well drilling conditional use zoning certificate be granted, the Village Clerk shall issue the certificate and well drilling permit upon such conditions and terms specified by Council.
- (1) However, prior to such issuance, the village shall be provided with a policy or certificate of insurance covering the applicant's liability for property damage in an amount of not less than \$500,000 and for personal injury in an amount not less than \$500,000 per individual, \$1,00,000 per occurrence, which insurance policy or policies must be maintained for such period of time as drilling is in progress, what well is in operation or is producing oil or gas. Or until such well is pulled and complete satisfaction of the village and such policies may be rejected by the village for any valid reason.
- (2) The permittee 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 imposed by reason of the granting of the permit or the operations carried on there under and any and all damages suffered by any person, persons, or corporations as to property within the village or adjacent communities from fire over and above the insurance collected thereon, or from oil, gas, or water caused by or originating from the operation connected with the well, and will hold the village free and harmless from any and all liability growing out of the granting of the well drilling certificate.
- (C) *Inspections; certificate revocation.* The Village Engineer, Fire Chief, Police Chief, or Zoning Inspector, or his duly authorized representative, shall have the authority at any time other than a drilling or operator indicated period of high hazard to enter upon

property were a well is in the process of being drilled, or upon a producing well site to inspect, examine or review equipment and do all other things necessary to assure compliance with the objectives and requirements of this section.

- (D) *Failure to comply.* Failure to comply with any provisions of this chapter shall be grounds to refuse to issue a permit to drill or shall be grounds to revoke a permit already issued by the village. Revocation of a permit shall remove all rights of the permittee to drill for oil or gas, to fracture the well, or to continue production until such time as the permittee takes steps to be in compliance with this section. Operations carried on by the permittee after revocation of the permit shall constitute a violation of this section and shall be a misdemeanor of the first degree, punishable under the provisions of § 152.999. (Ord. passed 12-11-90) Penalty, see § 152.999

#### § 152.096 SPECIFIC REQUIREMENTS.

All applicants and permittees for a gas and oil well drilling conditional use zoning certificate shall comply with the following specific requirements, which are deemed to be minimum specifications unless noted otherwise:

- (A) *Noise level.* Drilling operations shall be controlled by double exhausts, mufflers, or otherwise, so that the noise level of actual drilling does not exceed the noise level of 55 dba at a 300-foot radius from the well site during the time period commencing at 7:00 p.m. and terminating at 7:00 a.m. the following day. At any other time, the noise level shall not exceed 70 dba at a radius of 300 feet from the well site.
- (B) *Fencing and landscaping.* The permittee, driller, or producer of any drilled well, whether producing or not, shall meet the following requirements:
- (1) Within six months of initiation of production, the well head and all production and processing equipment shall be enclosed by permanent eight-foot-high fencing with two gates at opposite ends of the enclosure of such quality and maintenance to prevent to a reasonable degree, any unauthorized entry or access.
  - (2) Wells, production facilities, and processing equipment located near an area of existing homes where two or more dwellings, not belonging to the owner(s) or permittee for said well or equipment are located partly or completely within a radius of 300 feet from the well or equipment shall be enclosed by a vision obscuring masonry wall or wood fence at least eight feet high.
  - (3) In all undeveloped areas not part of a platted or proposed residential subdivision or not containing existing homes as specified in (L)(2) above, the vision obscuring masonry wall and wood fences may be delayed at the discretion of the Planning Commission and Council, who may at some future date require vision obscuring fences in response to changing development conditions and as a condition for the continued production of an existing well. Non-vision obscuring fences shall be of chain link at least eight feet high.

- (4) Wells, production facilities and processing equipment located on a site adjacent to existing or proposed residential, commercial, or other non-residential, commercial, or other non-residential structures or land uses, or adjacent to existing streets, roads, or highways, where potentially damaged by the well or facilities, may be required by the Planning Commission and Council, to be enclosed by a vision obscuring masonry wall and wood fence at least eight feet high.
- (5) In addition to fine grading and the restoration of grass or other vegetative cover, the well head and all equipment sites located within 500 feet of nonindustrial areas, shall be landscaped with shrubs and trees to create an environment and appearance compatible with the adjacent properties, neighborhood and area. Upon the recommendation of the Planning Commission after reviewing the submitted plans for restoration, fencing, and landscaping, the Council shall approve the amount and type of landscaping to be provided. Existing trees and shrubs shall be preserved and utilized to as great a degree as possible in the final restoration and landscaping.
- (6) Restoration, fencing, and landscaping shall be completed within six months of the date drilling was initiated, conforming with approved plans and prior to the release of performance bonds.