

A G E N D A
MASSILLON PLANNING COMMISSION
MARCH 11, 1992 4:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

Note the Time Change

1. Approval of the Minutes for the Commission meeting of February 12, 1992.
2. Petitions and Requests
3. Old Business

Chapter 741, Massillon Code - Oil and Gas Wells

City Council has introduced legislation to enact new regulations regarding the drilling of oil and gas wells. Because the Planning Commission will be granted certain powers and responsibilities under the proposed ordinance, it is being submitted for Commission review and recommendation.

4. Other Business

The Massillon Planning Commission met in regular session on February 12, 1992, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Chairman Fred Wilson
Bill Hamit
Jeannette Holloway
Dr. Dale E. Hart
Thomas Wilson
James Johnson
Rev. David Dodson

Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item of business for the evening was the minutes of the January 8, 1992 meeting. Rev. Dodson moved for approval, seconded by Jeannette Holloway, motion carried.

The next item under Petitions and Requests was a rezoning request.

Location: 2110 Carlyle Avenue, N.E., Out Lot 585, to be rezoned from R-3 Single Family Residential to A-1 Agricultural. This rezoning is being requested by Ed Simon, the property owner, for the purpose of constructing a large greenhouse and growing produce on this property.

Aane Aaby made the presentation. He commented that all of the abutting property owners signed except the owners of the apartment complex. There was some additional discussion among the Commission Members. Bill Hamit then moved to recommend approval, seconded by Thomas Wilson, motion carried.

The next item was also a rezoning request.

Location: Part of Out Lot 561, Out Lot 562, and Out Lot 563, 127 acre parcel of land located on the north side of Nave Road, S.E., east of the Massillon Psychiatric Center. This property is being proposed for rezoning from I-1 Light Industrial to R-2 Single Family Residential. This rezoning request has been initiated by the City of Massillon, which is the property owner, for the purpose of developing this property as a municipal golf course.

This request was also presented by Aane Aaby. This parcel is part of a tract that the City took title to about six years ago. Since there has been no demand for the property as an industrial site, it is being proposed for another use. There are three possibilities under consideration. They are a municipal golf course, national cemetery, or a college branch. All of these uses would be suitable for the proposed zoning. Rev. Dodson then moved for approval, seconded by Mr. Johnson, motion carried.

The next item was a replat and street dedication.

Replat and Street Dedication

Location: Replat of Part of Lot No. 963, Part of Lot No. 964, and Part of Lot No. 10742, a total of 1.2846 acre parcel of land located on the north side of Sheffield Avenue, N.E., between 3rd Street, N.E., and 4th Street, N.E. Also included in this request is the dedication to Sheffield Avenue, N.E., of a 4.5 foot wide strip of land (Part of Lot No. 963 and Part of Lot No. 964), running from 3rd Street, N.E., to 4th Street, N.E. This request has been submitted by Chet Keuper, the property owner.

This request was presented by Robert Wagoner. He explained that Mr. Keuper is not in good health and would like to dispose of this property. This process would simplify the boundaries. After a brief discussion, Dr. Hart moved for approval, seconded by Mr. Johnson, motion carried.

Massillon Planning Commission
February 12, 1992

The next item was a street dedication plat.

Street Dedication Plat

Location: This plat includes the dedication of the following streets:

1. Warmington Road, S.E., located on the east side of Erie Street South, North of Navarre Road.
2. An unnamed cul-de-sac located on the south side of the proposed Warmington Road, S.E. dedication.
3. The dedication of an additional 40 foot wide right-of-way located on the east side of Erie Street running from the Wheeling and Lake Erie Railroad property northerly to the north property line of the Recorr Realty Corporation (Part of Out Lot 595).

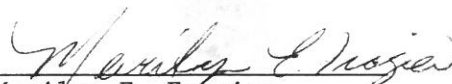
This request has been submitted by the Recorr Realty Corporation, the property owner, who plans to develop this property. Robert Wagoner made the presentation. Recorr wants to put in a road for the purpose of developing an industrial park.

Dean Jolley was present to represent Recorr. He commented that this is an assessment project in cooperation with the City. They are anxious to begin on this project. The road must be dedicated in order for the assessment to proceed. Thomas Wilson moved for approval, seconded by Jeannette Holloway, motion carried.

Aane Aaby mentioned that Sharon Howell, Clerk of Council, had brought some information regarding a new detailed ordinance concerning oil and gas wells which was to be introduced at Council's next meeting. This information will be reviewed and discussed at the March Planning Commission Meeting.

There being no further business, the meeting adjourned at 8:10 P.M.

Respectfully submitted:


Marilyn E. Frazier
Clerk

Approval:

CHAPTER 741
Oil and Gas Wells

741.01 Purpose	741.06 Data Required with Application
741.02 Permit Required	741.07 Procedure & General Requirements
741.03 Permit Application & Fee	741.08 Specific Requirements
741.04 Easements within City Property; Fee	741.99 Penalty
741.05 Locational Objectives and Criteria	

CROSS REFERENCES

State law provisions - see Ohio R.C. Ch. 1509
Oil and gas well drilling - see OAC Ch. 1505:9-1, 1501:9-9

741.01 PURPOSE

This subchapter is established to permit the drilling of gas and oil wells in the industrially zones areas and in non-industrially zoned areas of the city, and to prescribe, in accordance with, and as a complement to, R.C. Ch. 1509, the minimum standards and requirements to make the drilling, fracturing, production, termination, and removal of the wells as safe and compatible as possible with other land uses and activities in the city. The Planning Commission is herewith given full authority to make such recommendations as deemed necessary to give full force and effect to the purpose and requirements expressed herein and council is herewith given final authority to impose such conditions as it shall deem necessary to give full force and effect to the purpose and requirements expressed herein. An appropriate application and compliance with the purpose and requirements of this subchapter and all other applicable sections of the city'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 merit and the 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 successors and assigns.

741.02 PERMIT REQUIRED

(A) No person shall commence to drill a well for gas, oil, or other hydrocarbons within the corporate boundaries of the city until compliance has been made with all provisions of this subchapter, and all other applicable sections of the city's regulations, and a conditional zoning certificate has been authorized by resolution of council and a permit issued by the building department.

(B) A conditional zoning certificate shall be granted for a one year period and shall expire unless actual drilling has commenced within one year 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 zoning certificates shall be issued to the same property owner or drilling company at any one time. No property owner or drilling company shall have more than two valid gas or oil drilling certificates issued for which the wells have not yet been drilled. Application for the third certificate or any subsequent certificates, may be made upon the completion of the drilling of the first, second, and each numerically subsequent well. Compliance with the purpose and requirements of this subchapter in the drilling and/or production of previous wells shall be part of the basis for reviewing applications for subsequent wells.

741.03 PERMIT APPLICATION AND FEE

(A) Any property owner, person, company, or corporation desiring to drill a well for gas, oil or other hydrocarbon within the corporate boundaries of the city shall make application for a conditional zoning certificate to the Planning Commission.

(B) All requests for certificates shall be accompanied by a completed application, all required information, and a \$500 fee for each well. No refund of any part of a certificate application fee shall be made to an applicant in cases of a denial of a certificate by the city 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.

741.04 EASEMENTS WITHIN CITY PROPERTY; FEES

No holder of a conditional zoning certificate shall, without the express consent of council, be authorized 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 easement to any such conditional zoning certificate holder, the fee for such utilization of such property shall not be less than \$.50 per linear foot. In addition thereto, any such permission shall contain a requirement that a bond in the amount established by the Safety Service Director 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 line and/or wells; a requirement of a minimum line depth of 30 inches; and a requirement that the applicant post with the city, for the duration of the lines' existence in the public right-of-way, evidence of insurance, satisfactory to the city, for property damage and personal injury, which insurance shall, in no event, be less than \$100,000 per individual, \$300,000 per occurrence, and contain \$50,000 worth of property coverage, which insurance will remain in effect for the use-life of the pipeline. If any gas/oil lines interfere with other public utilities servicing city right-of-ways, these gas/oil lines shall be relocated at the owner's expense.

741.05 LOCATIONAL OBJECTIVES AND CRITERIA

As a basis for assuring that gas and oil wells and any associated equipment will be of a minimum hazard to and compatible with, surrounding development, the location, evaluation and approval of a proposed well site and associated production and processing equipment site shall be based upon the following criteria:

(A) Preference will be given to sites proposed in existing industrially zoned areas.

(B) Proposed sites will be considered from the perspective of both existing and future development and should not be located so as to be potentially detrimental to the future use and development of the parcel(s) upon which the well is to be located or any of any adjoining parcels.

(C) No gas well shall be located within 100 feet of an electrical power line or transmission line of any public or private utility line.

(D) All future residential buildings to be constructed in the vicinity of a well or production and processing equipment shall be located at least 200 feet from any existing wells or associated equipment (excluding transmission lines); proposed residential subdivision and multi-family development shall be designed so that all future residential dwellings shall be located at least 200 feet from any existing wells or production and processing equipment (excluding transmission lines).

(E) No drilling for oil and/or gas wells and no associated production or processing equipment (excluding transmission lines) shall be permitted within 500 feet of any existing school, church, hospital, theater or assembly hall, as these terms are defined by the Ohio Revised Code or this code, regardless of the zoning district, except as otherwise provided herein.

(F) Sites proposed in non-industrial zoning districts may be considered and may be approved if the proposed well location and associated production and processing site are determined to be in compliance with the following requirements:

(1) Sites are selected which will utilize and/or maximize the potential screening and shielding effects of existing topographic, vegetative, and man-made conditions for existing or proposed residential development;

(2) Sites are not located inside of, or closer than, 500 feet to the property lines of an existing major residential subdivision or neighborhood of 20 or more platted or unplatted lots upon which more than 50% of the existing lots have residential dwellings;

(3) Sites are not located inside of, or closer than, 500 feet to the boundaries of an existing multi-family development approved for 20 or more dwellings of which more than 50% are constructed;

(4) Sites are not located in areas which will necessitate the use of minor residential streets for well drilling, production and service vehicles, and equipment access during the drilling, fracturing, and production of the well; and

(5) Sites are not located in areas of unique, unusual, or significant natural characteristics which could be permanently or irreparably damaged or which could have their recreational, open space, natural area use, or aesthetic value significantly reduced.

(G) No site which is to be utilized for the processing of sour gas shall be located within 1000 feet of an existing residence.

(H) In the case of particular proposals for well locations or sites for the associated production and processing equipment, where strict compliance with the foregoing criteria and requirements may be a handicap or an excessive burden to the use of the property and where no undue hazard will be created, requirements and degrees of compliance may be reduced or modified at the discretion of Council after due consideration of the special conditions by Planning Commission and Council.

(I) Planning Commission and Council shall have the right to consider any and all special features or conditions they may consider important in determining whether or not an undue hazard is created and may require such other additional conditions they may find necessary for the achievement of the objectives of this section or other sections of this code.

741.06 DATA REQUIRED WITH APPLICATION

The following data shall be submitted as part of the application:

(A) Form supplied by the city through the Planning Department and completed by the applicant; owner(s) of all properties contained in the drill unit and the drilling company are to be identified on the application form and shall sign the form.

(B) Site plan and vicinity map requirements. Each application for a drilling conditional zoning certificate shall be accompanied by a site plan and vicinity map of the area involved in the application drawn to scale and showing thereon:

(1) The current lot lines of all abutting and other properties within 500 feet of the proposed well drill unit.

(2) The current locations, dimensions, and use of all buildings and structures within 500 feet of the proposed well and associated producing and processing equipment locations.

(3) The proposed locations of the well and all associated appliances and facilities, such as wellhead, piping, separators, scrubbers, tank batteries, access roads, dikes, fences and the like.

(4) The proposed landscaping, screening, and restoration plans, including professional estimates as to the costs of plant materials and construction.

(5) The names and addresses of all owners of property partly or fully included within a radius of 1200 feet of the proposed well and associated equipment site(s).

(6) The proposed location of pipelines to be utilized to transmit the gas and/or oil to off-site locations and facilities to be established at the receiving facility location(s).

(7) A schematic of all pipelines, connections and shut-off valves for emergency purposes; the schematic shall be modified and resubmitted to the city for emergency purposes at any time that a change in equipment or facilities occurs.

(8) Specific plans 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 the well.

(C) Performance guarantees. At the time of approval, \$2000, or equivalent bond, shall be deposited with the Zoning Inspector to serve as a financial guarantee for the compliance with the requirements of this subchapter and other applicable sections of the city's regulations. Such guarantee shall not only be conditioned upon compliance by the applicant, but also upon compliance with these requirements by any assignee and owner of any drilling conditional zoning certificate granted under these regulations, or by any drilling conditional zoning certificate granted under these regulations, or by any employee, contractor, subcontractor or other party performing services in connection with any certificate. Guarantees shall be released upon completion of all restoration, landscaping, and facilities as identified on the plans approved by Council. Completion shall be determined by the Zoning Inspector after inspection of the facilities and site.

(D) Easements or options. Copies of easements or options for easements shall be submitted with the application for all pipelines, 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.

(E) 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 fractured, or in production, located within the city, shall be furnished to the Director of Public Safety-Service, Police Department and Fire Department. This information shall include the street location and state permit number and name of the well. The Fire Chief shall prepare a list of such names, addresses and well information and shall keep the list posted in a conspicuous place in the Police and Fire Department for ready reference.

(F) State permits required. Applications for well drilling conditional zoning certificate shall be considered by the Planning Commission and Council only when the application includes a copy of a currently valid permit issued by the Ohio Department of Natural Resources, Division of Oil and Gas.

(G) Consents from residents within 500 feet. All applications for a drilling certificate shall be accompanied by written consents of the owners and adult occupants of 51% or more of the residential dwellings partly or fully included within a radius of 500 feet from the proposed well location as identified on the state required well location survey. The consents shall plainly state that the persons whose signatures are affixed thereto do hereby acknowledge the well drilling proposal as contained in the application and are not opposed to the drilling of a well for oil or gas on the site as proposed in the application for the conditional zoning certificate. Owners or adult occupants of the residential dwellings partly or fully included within a radius of 500 feet from the proposed well location and who meet any of the following criteria shall not be permitted to object, but shall be deemed to have given his written consent, under the provision of this section, to the drilling of an oil or gas well on the proposed site:

(1) The person has leased his property for drilling gas or oil;

(2) The person, his lessee, contractor, or agent has signed and filed an application for a state or local permit to drill for oil or gas on his property;

(3) The person has signed and delivered a written assent under this section to another application for a certificate to drill a gas or oil well;

(4) The person has utilized his property by entering into a community lease or other agreement for drilling a gas or oil well.

(H) Waivers from residents within 200 feet. In addition to the consents required in (G) above, no drilling shall be permitted for oil or gas wells within 200 feet of any existing building or structure of any nature unless written waivers as herein specified accompany an application for a drilling certificate:

(1) The owners and adult occupants of any buildings or structures which are located within 200 feet of the proposed well, as located on the well location survey, must waive, in writing, the distance set forth in the proposal. The owners or occupants may waive down to a minimum distance of 100 feet without the necessity of vacating, or causing to be vacated, any buildings, or structures during drilling operations.

(2) The owners and adult occupants of any buildings or structures of any nature may consent to drilling for oil and gas closer than 100 feet to such buildings or structures, but in such cases, the Planning Commission and Council shall consider special features affecting the application for a drilling certificate, such as topographical conditions, nature of occupancy, and proximity of buildings on the abutting property, facilities available at the fire department to cope with controlling liquid and gas fires, and such other matters as the Planning Commission and Council shall deem relevant to the application. Should the Planning Commission and Council, upon considering such special features, find that an undue hazard is created, then irrespective of waivers being provided, as specified in this section, the Council may refuse to authorize a conditional zoning certificate to drill. Such denial and the undue hazard upon which the denial is based, shall be recorded in the minutes of the Planning Commission or Council.

(3) Where the owners and adult occupants of any buildings or structures which are closer than 200 feet to a proposed well have waived in writing, at any time, the distance requirement provided in this section for any proposed gas or oil drilling site, then such property owners and occupants shall be deemed to have waived the distance requirement provided for in this section down to the same distance that such party waived for the other proposed drilling site or to the distance that a gas or oil well was actually drilled, whichever is smaller.

(4) All distances, as set forth in this section, shall be those distances as measured from the proposed well location as shown on the state required well location survey.

(I) Affidavit of compliance or exceptions. The applicant for a well drilling conditional zoning certificate shall be required to file with the application, an affidavit stating that the applicant has complied with all conditions of this subchapter 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 zoning certificate to drill or shall be grounds to revoke a certificate already authorized or issued by the city.

(J) Brine disposal permit required. Application for a well drilling conditional zoning certificate shall be considered by the Planning Commission and Council only when the application includes a copy of the applicant's registration certificate from the State of Ohio relating to brine disposal or a copy of a contract with a brine transporter possessing a registration certificate. In the

event evidence is by way of a contract, a copy of the brine transporters registration certificate shall be attached there. In addition thereto, there shall be filed with the city a copy of the approved plan for brine disposal, evidence of endorsement on any liability insurance required therein of the City of Massillon's status as an additional insured.

(K) The term and provisions of House Bill 501, amending section 1509.01, 1509.02, 1509.03, 1509.04, 1509.05, 1509.06, 1509.07, 1509.08, 1509.09, 1509.11, 1509.13, 1509.22, 1509.23, 1509.24, 1509.31, 1509.33, 1509.40, 1509.72 and 1509.99 and to enact sections 1509.061, 1509.222, 1509.223, 1509.224, 1509.225 and 1509.226 of the Revised Code, from its effective date shall govern the disposal of brine for all wells located within the City of Massillon.

741.06 PROCEDURE AND GENERAL REQUIREMENTS

All applicants for a gas or oil well drilling conditional zoning certificate 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 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 city or neighboring municipalities, including the chief executive officer or elected officials of neighboring municipalities, within 1200 feet of the well head to be notified of such hearing, in writing, all by regular mail. The public meeting must occur not less than three weeks prior to the commencement of drilling. The permittee or driller shall file a list of addresses with the city of all residents notified and shall thereon note the time and place of hearing. In addition thereto, the permittee or driller shall cause a final notice to be sent by regular mail, one week prior to the actual drilling, notifying the residents indicated of the day drilling operations will commence. Compliance with the hearing provision of this subchapter shall be mandatory conditions precedent to the commencement of drilling under the permit.

(B) Certificate insurance; liability insurance. Upon the approval by a majority of Council that a gas or oil well drilling conditional zoning certificate be granted, the Zoning Inspector shall issue the certificate, including all conditions and terms specified by the Council.

(1) However, prior to such issuance, the city 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 \$1,000,000 which insurance policy or policies must be maintained for such period of time as drilling is in progress, the well is in operation or is producing oil or gas, or until such well is pulled and plugged as hereinafter provided. The insurance policies and the coverages

thereunder must be in the complete satisfaction of the city and such policies may be rejected by the city for any valid reason. Such rejection of the insurance policies by the city shall serve to stay the granting of a permit theretofore approved by it until such time as an insurance policy providing coverage entirely satisfactory to the city has been provided by the applicant.

(2) All applicants shall be required to prove that insurance policies required by this section provide coverage for all the items set forth in this section, including conditions where there is a blowout in the drilling of an oil or gas well and other conditions creating a need for liability coverage.

(3) The permittee shall pay to the owners of any realty, crops, buildings, improvements, good 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 thereunder, and any and all damages suffered by any person, persons, or corporation as to property within the city or adjacent communities from fire over and above the insurance collected thereon, or from oil, gas, or water caused by or originating from any and all liability growing out of the granting of the well drilling certificate.

(C) Inspections, certificate revocation. The Building and Zoning Inspector or his duly authorized representative, shall have the authority, at any time other than a driller or operator indicated period of high hazard, 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 the site, equipment and all other things necessary to assure compliance with the objectives and requirements of this subchapter.

(1) The City 's Park Superintendent, or his duly authorized representative, shall have the authority, at any time other than a well operator indicated period of high hazard, to enter upon a property where a drilling site is contemplated, or upon a producing well site, for the purpose of inspecting the site for all landscaping necessary to assure compliance with the objectives and requirements of this subchapter.

(2) Failure to comply with any provisions of this subchapter shall be grounds to refuse to issue a permit to drill or shall be ground to revoke a permit already issued by the city. 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 come into 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 punishable under the provisions of Section 741.99.

741.07 SPECIFIC REQUIREMENTS

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

(A) Limits on unitizing properties. Any owner who has utilized or unitized any portion of his property by entering into a community lease or other agreement shall not share in any adjacent well production because of conflicting lease interests of such real estate caused by such real estate being in more than one unitized site. It is the express intention of this provision to prohibit an owner of property from unitizing identical property under more than one community lease or agreement.

(B) Drilling equipment and training of crews.

(1) Rotary equipment. The drilling preparation used in wells drilled with rotary equipment shall be capable of sealing off each oil, gas, brine, or fresh water stratum above the producing horizon or objective formation and shall be capable of preventing blowouts and flows of salt or fresh water, in accordance with good well drilling practice. Rotary tools shall have the innermost string of casing equipped with a blowout preventer properly installed and tested prior to drilling into any formation likely to contain oil or gas.

(2) Cable tools. Wells drilled with cable tools shall have the innermost string of casing equipped with a high pressure master 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) Crews and equipment. All crews shall be trained in the operation of the blowout preventer, control head and related equipment, and all equipment to be used shall be in good condition. Sanitary toilet facilities shall be provided on the drill site for the drilling crew.

(C) Protection of fresh water wells. It shall be the duty of the permittee to seal gas and oil wells to protect fresh water wells from salt water or other pollution or contamination in such proper manner as is in accordance with good practice. Both the

permittee and his driller shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to re-establish proper potability on any polluted or contaminated well or wells. Unless otherwise specified by the Council or the Building Department, the requirement to provide such immediate water supply shall be limited to residents within 1000 feet of the well head. 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.

(D) Drainage into sewers, water courses and surrounding areas. No waste, sludge, water or effluents of any type, where an oil or gas well is being drilled, fractured, or is in production, shall in any manner, be emptied or drained into any storm or sanitary sewer, drainage course, water body, wetland, or any other area. All sludge and holding pits will be lined and diked so that no waste, sludge, water or effluents are allowed to penetrate the soil or to run off the pollute any area outside of the dike. Disposal of all those materials shall be in strict compliance with the provisions of the approved conditional zoning certificate and referenced plans and proposals.

(E) Storage tanks and production equipment. In non-industrially zoned areas having two or more existing residences within 500 feet of the storage tanks and production equipment site, all storage tanks and other equipment shall not exceed a height of ten feet above the average grade outside the diked and fenced area. In any zoning district, the location of tank batteries and other production equipment shall meet the following locational and other criteria:

(1) In areas in which two or more wells are proposed for adjacent properties or drill units or are to be located within reasonable distances of one another, the storage tanks and processing equipment shall be consolidated on a single or as few sites as possible.

(2) Storage tanks and all other processing equipment shall be set back from all road right-of-ways at least 100 feet.

(3) Storage tanks, production facilities, and processing equipment shall have access drives of such quality, lengths, widths and locations to assure year-round access for service and emergency equipment and to minimize any potential conflict with traffic on existing and proposed roads.

(F) Diking of storage tanks. All gas and oil well storage tanks or groups of tanks situated within the corporate limits of the city shall be diked or other suitable means taken to prevent discharge of liquid from endangering adjoining property or reaching waterways. Each dike shall have the capacity of not less than that of the tank or tanks served by the enclosure and shall be completed prior to the initiation of production and processing through the enclosed facilities. All dikes shall be continuous with no openings for roadways and no residual opening shall remain as a

result of piping passing through. All dikes shall be constructed of earth, clay, steel, masonry, or reinforced concrete so constructed to be watertight and afford adequate protection and, if of concrete or masonry, shall be properly reinforced and shall have footing below the frostline.

(G) Access to the well site. The permittee or his well driller shall install a 40 foot long, 3/8 inch minimum walled steel culvert, ten inches in diameter or larger, as specified and approved by the City Engineer, or his designate, located in the roadside ditch or other location determined by the City Engineer, or his designate, at each entrance or exit to a proposed well site. This installation is to provide for a ground cushion and entrance pad at the road edge to prevent berm and roadway damage or destruction. Further, a gravel entry drive of not less than 100 feet in length by ten feet in width, and gravel type and thickness as specified by the City Engineer, or his designate shall be laid out as a vehicle clean-up area to help reduce the amount of mud being carried onto the road right-of-way and pavement. This culvert and gravel entry drive shall be installed prior to the arrival of drilling equipment at the site and shall be maintained in an acceptable manner.

(H) Maintenance of site and streets. All permittees and well drillers shall use care in the set up, operating, and removing drilling and fracturing equipment to keep the area around the drilling site free of mud which will be carried onto the public streets by any vehicle or other equipment used at the drilling site. Should any mud be carried onto public streets from a drilling site, the permittee shall be required to clean up the streets to the satisfaction of the city. The city shall have authority to request a permittee or driller to take specific steps to reduce mud at a given location. Failure of a permittee or driller to clean up the public streets to the satisfaction of the city, or failure to take specific steps to reduce mud at a given location, as requested by the city shall be grounds for revocation of a permit, forfeiture of the bond posted under 741.06(C), and shall further be a misdemeanor punishable under the provisions of 741.99. If deemed necessary by the permittee, driller, Building and Zoning Inspector, or City Engineer, 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.

(I) 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 70 decibels at a 300 foot radius during maximum noise production periods.

(J) Restoration of the site and public and private property. The permittee or driller shall clear the site and area of all litter, rubbish, machinery, derricks, buildings, structures, oil or other substances used or associated in the drilling, fracturing or producing operations. The permittee or driller shall restore the streets, sidewalks, drainage facilities and water courses and other city, public facilities or places which have been damaged or disturbed in the various operations. All restoration and cleaning up of the site and area shall be completed within one year of the date of the initiation of drilling and shall be done regardless of whether a producing well has resulted or whether the well has been

fractured. Restoration shall include, at a minimum, the fine grading of the soil to produce a readily mowable condition and the establishment of a grass or other vegetate cover sufficient to prevent erosion and rapid storm water runoff.

(K) Equipment, operation, and maintenance of producing wells. The permittee, driller or producer shall meet the following requirements for all producing wells:

(1) All pipelines used for transmission of gas, oil, or other hydrocarbons, shall be located at least 30 inches below the surface, shall be well marked on the surface as to their location, and shall be located on easements, which are located with due consideration for potential conflict with existing and future development, streets, excavations and other activity areas.

(2) Excluding initial drill stem well testing and other extraordinary well production conditions, all removal of brines, oil, or other substances from a well shall be accomplished by pumping or other closed system methods; no gas or liquids of any kind shall be expelled directly to the air without first removing all oil, salt, or other potential environmental contaminants, including odor producing elements normally associated with sour gas.

(3) All well pumps shall be operated by electric motors only; all power lines leading to a well site shall be located underground.

(4) 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 to as great a degree as possible, the venting of gas to the air.

(5) All gas and oil production and processing facilities serving wells producing sour gas shall be designed to effectively prevent the release of hydrogen sulfides or other mercaptans to the air.

(6) The Fire Chief, and City Engineer, or their designates, shall be notified 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.

(7) The well site, access drive, well head, production and processing equipment, dikes,

fences, and landscaping shall all be maintained in good condition, comparable at least to the qualities existing at the time of the releasing of the performance bond, during the full period of production from the well and until such time as the well, whether a producing well or not, has been abandoned and removed, and the site restored to a condition compatible and consistent with the general conditions of the neighborhood and area.

(L) Fencing and landscaping. The permittee, driller or producer of any drilled well, whether producing or not, shall meet the following requirements:

(1) Within one year of the initiation of drilling or prior to the initiation of production, whichever occurs earlier, the well head and all production and processing equipment shall be enclosed by a permanent eight foot high fence of such quality and maintenance to prevent to a reasonable degree, any unauthorized entry or access.

(2) Wells, production facilities, and processing equipment located on a site in a platted residential subdivision, in a proposed residential subdivision, or in 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 (I)(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 structures or land uses, or adjacent to existing streets, roads or highways, where existing views or other aesthetic conditions are potentially damaged by the wall 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 in non-industrially zoned area as, or those located in industrially zoned areas within 300 feet of non-industrial 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 tree and Park Superintendent 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) Prior to the Council's approval of fencing and landscaping requirements, the review of, and recommendations on the proposed gas or oil well application and plans shall have been requested from the Park Superintendent, by the Council, and considered by the Council as part of the processing of the application.

(7) Restoration, fencing, and landscaping shall be completed within one year of the date drilling was initiated, in conformance with approved plans, and prior to the release of performance bonds.

(M) Maintenance guarantee. A cash maintenance guarantee of \$500 shall be posted with the building and Zoning Inspector to insure the maintenance of the well site and all production and processing sites during the production life of the well and until the well is capped and all equipment is removed. This guarantee may be utilized in full or in part by the city for maintenance deemed necessary by the Building and Zoning Inspector or City Engineer, or his designate, and not being done by the permittee after written notice by the city to the permittee indicating the nature of the problem and the time period to be allowed for the remedy. The guarantee shall be maintained at the level of \$500 and shall be replenished to the level each time a city incurred cost is charged against it. All such city costs shall be documented, a permanent record maintained, and a copy sent to the permittee.

(N) Conversion, reopening, and deepening of wells. No existing or abandoned well shall be deepened, reopened, or converted to any use other than its original city approved purpose unless prior approval is granted by Council.

(O) Abandoning wells. In the event that a well is abandoned, it shall be the duty of the permittee, owner or lessee to notify the Building and Zoning Inspector of such abandonment before the well has been abandoned and the equipment removed. All permittees shall be required to pull or plug a well site on abandonment and remove all above ground appurtenances and return ground to original grade and condition, and follow any other rules and regulations promulgated by any department or division of the state relative to

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

(P) Exceptions. A request for an exception to any provision of this subchapter shall be made in writing to the city. Such request shall be studied by the Planning Commission or Park Superintendent as applicable, and, where the Planning Commission or Park Superintendent feels that special conditions warrant granting such exceptions, Council shall be notified of such decisions. Granting or refusal to grant an exception to any of the provisions of this section shall rest with the discretion of the Planning Commission or Park Superintendent and shall also be approved by the Council.

(Q) Technical assistance. In light of the technical and potentially complex nature of well drilling, gas and oil production and facilities maintenance, the city may need to utilize consultants, technical people, and special equipment for the evaluation and regulation of plans, operations and maintenance including such things as monitoring and measuring noise and odor levels. The costs for such consultants, technical people or special equipment shall be paid for by the applicant or permittee in an amount not to exceed the amount of the performance bond or maintenance bond or may be charged against the performance bond or maintenance guarantee. In the event additional money is required, these costs will be incurred only upon the prior consideration and approval by council in consultation with the well owner, applicant, or permittee.

(R) Well and equipment identification. As soon as practical and no later than the initiation of production or six months from the completion of drilling, all wells and associated production and processing equipment shall be identified with a permanent and conspicuous sign indicating the well name and number, as shown on the state drilling permit, the name of the owner or permittee, and the name, address and telephone number of the person or firm to be called in cases of emergency.

741.99 PENALTY

Whoever violates any provision of this chapter is guilty of a first degree misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr.
Mayor

Phone (216) 830-1700
FAX (216) 830-1776

Director of Public Safety & Service

Bill H. Hamit — 830-1702

Public Service

830-1701

Personnel/Labor Relations/

Purchasing Director

Ronald E. Mang — 830-1777

City Engineer/Planning Director

Robert F. Wagoner — 830-1722

Community Development Director

Aane Aaby — 830-1721

Economic Development Director

830-1785

Chief Building Official

Starr Surbey — 830-1724

Fair Housing/

Rehabilitation Director

Marilyn Frazier — 830-1717

Stewater Treatment Department

Manager/Superintendent

Ronald L. Halter — 833-3304

Collections Department Chief

Linda S. McGill — 830-1705

Chief of Police

Mark D. Weldon — 830-1762

Fire Chief

Tommy R. Matthews — 833-1053

Equal Employment Opportunity/

Minority Business-Drug Coordinator

Edward W. Grier — 830-1716

Health Commissioner

Thomas K. Ellis, M.D. — 830-1710

Park Superintendent

830-1703

Youth Director

Constance Ledwell — 837-3137

Senior Citizens Director

Nancy A. Johnson — 837-2784

Income Tax Administrator

Richard E. Bordner — 830-1709

Data Center Chief

Keith Wires — 830-3647

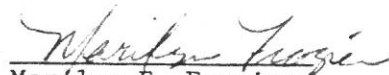
April 3, 1992

TO: Massillon Planning Commission

Dear Member:

There will not be a Planning Commission Meeting
Wednesday, April 8, 1992, due to a lack of business.

Sincerely,


Marilyn E. Frazier