

Chapter 40 OIL, GAS AND MINERAL REGULATIONS

Last updated December 2013

Articles:

40.01 Oil and Gas Drilling

40.02 Oil and Gas Pipelines

Articles 40.01 Oil and Gas Drilling

Sections:

- 40.01.010 Declaration of policy.**
- 40.01.015 Title.**
- 40.01.020 Oil, gas and other minerals.**
- 40.01.025 Definitions.**
- 40.01.030 Conditional use permit, site plan.**
- 40.01.035 Inspections.**
- 40.01.040 Pollution.**
- 40.01.042 Reclamation**
- 40.01.045 Zoning.**
- 40.01.050 Additional conditions and requirements.**
- 40.01.055 Special mitigation measures.**
- 40.01.060 Exploration and production on publicly owned lands.**
- 40.01.065 Distance limitations and spacing requirements.**
- 40.01.070 Access roads.**
- 40.01.075 Oil and gas production damage compensation.**
- 40.01.076. Plat Recording Required.**
- 40.01.080 Penalty.**
- 40.01.100 Oil, Gas and Other Mineral Leases**

Sections 40.01.010 Declaration of policy

It is hereby declared to be in the public interest to foster, to encourage, and to promote the development, production, and utilization of natural resources of oil and gas in the City of Dickinson in such a manner as to prevent waste; to authorize and to provide for the operation and development of oil and gas property in such a manner that a greater ultimate recovery of oil and gas be had and that the correlative rights of all owners be fully protected; and to encourage and to authorize cycling, recycling, pressure maintenance and secondary recovery operations in order that the greatest possible economic recovery of oil and gas be obtained within the City to the end that the land owners, the royalty owners, the producers, and the general public realize and enjoy the greatest possible good from these vital natural resources. It is further hereby declared to be in the public interest and for the health, wealth and safety of the citizens of the City to avoid unpleasant incidents of oil and gas production, such as dangerous fire hazards, disquieting noise of drilling machinery, unpleasant odor, annoyance from unsightly structures, and other conditions that seriously affect the surrounding land, but at the same time, to not deprive mineral owners of enjoyment of their valuable mineral rights. (Ord. No. 1122 § 1.)

Sections 40.01.015 Title

This Article shall be known and may be cited as the City of Dickinson Oil Code. "Code", as referred to in this Article, unless the context clearly indicate otherwise, shall mean the City of Dickinson Oil Code. (Ord. No. 1122 § 2.)

Sections 40.01.020 Oil, gas and other minerals

It shall be unlawful and an offense for any person, firm, corporation or association hereafter to do or perform, or cause to be done or performed, any work or labor of any kind upon or in connection with the drilling, mining, or producing of oil, gas, or other minerals within the corporate limits or the extraterritorial zoning jurisdiction of the City of Dickinson, North Dakota, except as permitted under the provisions of this Ordinance, and by the Laws of the State of North Dakota and the Rules and Regulations prescribed by the State Industrial Commission. (Ord. No. 1122 § 3; Ord. No. 1152 § 1.)

Sections 40.01.025 Definitions

1. Blow-out Preventer - a mechanical, hydraulic, or pneumatic or other device, or combination of such devices secured to the top of a well casing, including valves, fittings and control mechanisms connected therewith which can be closed around the drill pipe, or which completely closes the top of the casing and is designed for preventing blow-outs.

2. City Inspector - all officers of the City of Dickinson who have responsibility for enforcing this code, or their duly authorized representatives.

3. City Commission - the City Commission of Dickinson, North Dakota.

4. City Planning Staff - shall include, but not be limited to the Community Development Director, The Fire Chief, The Building Official, City Engineer, the City Attorney, and the Director of Inspections.

5. Energy Committee - a committee consisting of at least five persons, appointed by the City Commission.

6. Industrial Commission - shall mean the State Industrial Commission of the State of North Dakota.

7. Service Well - any well drilled or actually used for injection of saltwater or other substances into the earth.

8. Drilling - digging or boring a hole in the earth for purposes of exploring for, developing or producing petroleum. Drilling includes all operations through the completion of a well.

9. Drilling Site - the premises used during the drilling, maintaining, operating and producing of a well or wells located thereupon.

10. Oil or Gas Well - any well drilled, operated, or maintained for the production of oil, gas, casinghead gas, or any of them, or their by-products or derivations.

11. Planning Commission - the Planning Commission of the City of Dickinson, North Dakota.

12. Board of Adjustment - the Board of Adjustment of the City of Dickinson, North Dakota.

13. Well – any oil well, gas well, or service well, including the wellheads, tank batteries and on-site production equipment associated with the same.

(Ord. No. 1122 § 4; Ord. No. 1152 § 2; Ord. No. 1525 § 1.)

Sections 40.01.030 Conditional use permit, site plan

Subsequent to the effective date of this Article, it shall be unlawful and an offense for any person, firm, corporation or association to drill or to maintain and operate any oil, gas, or disposal well within the corporate limits or the extraterritorial zoning jurisdiction of the City of Dickinson, North Dakota, without first having secured a conditional use permit to do so as hereinafter provided.

A. Permit application - Every person, firm, corporation or association hereafter desiring to drill or to maintain and operate any oil, gas or disposal well within the zoning jurisdiction of the City of Dickinson, North Dakota, shall file an application therefor in writing upon the form required by the Director of Inspections and signed by the applicant or his agent authorized to sign the same. The applicant shall be required to provide copies of the permit application which has been submitted to the North Dakota Industrial Commission with said application. Such application shall specify the quarter section, township, and range, and the location site within the quarter section thereof. The application shall also contain a site plan which must contain the following information:

- (a) Written legal description.
- (b) Scale drawing of the property and appropriate dimensions.
- (c) Scale, north arrow, date, and legend.
- (d) Name, address, and telephone number of property owner and applicant.
- (e) Location and size of existing easements, utilities, and right-of-ways, closest distances to buildings.
- (f) Location and dimension of all vehicular entrances, exits, and drives.
- (g) General drainage system.

- (h) Size of site.
- (i) Location of all physical facilities to include proposed wells, structures, portable toilets, and relationship to all buildings within a 660 foot radius.
- (j) The site plan shall contain a statement describing all pollution prevention equipment to be utilized; it shall be the policy of the City of Dickinson to require blow-out prevention devices on every drilling operation covered hereunder.
- (k) Location of all mud pits and/or closed systems.
- (l) General location of tank batteries and size of tank battery site
- (m) Any oil, gas or water lines to be utilized.
- (n) Location of ingress and egress to be utilized by applicant and to include all vehicular entrances, exits and drives.
- (o) Type of screening devices or construction to be utilized around the pumping site, which screening shall be required to be of such type so as to discourage access, entry, or climbing so as to endanger life and security; all screening shall be required to meet the minimum screening standards of the City of Dickinson zoning code.
- (p) Adequate proof of insurance.
- (q) Location of all public streets to be utilized.

B. The completed application shall be submitted to the Energy Committee for review. The Energy Committee shall review the application and submit its recommendations to the City Commission prior to the public hearing. The Energy Committee may require the applicant to appear before said committee to provide additional information or explanation in support of the application.

C. The City Commission shall hold an official public hearing, giving at least fifteen (15) days' notice of said public hearing, the purpose of which public hearing shall be for review and consideration of approving or denying the plan as submitted. The City shall also provide written notice of the public hearing, at least five (5) days prior to the public hearing, to residents or occupants of all occupied buildings within one thousand feet (1,000') of the proposed site. Said notice shall be sent by regular mail to the last known address of said residents or occupants. The City Commission shall act on any application within 30 days following the public hearing. All publication and notice requirements contained in Chapter 39 of the Dickinson Municipal Code for conditional use permits shall be applicable.

D. The Applicant shall pay, at the time of the application, an application fee in an amount to be determined by the Dickinson City Commission.

E. A Conditional Use Permit granted pursuant to this ordinance shall be valid provided the well proposed to be drilled in the application is completed within one year of the date of Commission approval of said application. If such well is not completed within one year, the conditional use shall be automatically revoked, and the applicant shall have no rights thereunder. (Ord. No. 1122 § 5; Ord. No. 1152 § 3.)

Sections 40.01.035 Inspections

For purposes of this article, the City of Dickinson, or its authorized representatives, may inspect any well location at any time after issuance of a conditional use permit for purposes of insuring conformance with the requirements of this Ordinance. Any applicant for a permit hereunder shall be deemed to have granted the agents of the City of Dickinson the right of entry onto those properties covered by the permit for the purposes of carrying out the inspections as required by the City of Dickinson. (Ord. No. 1122 § 6.)

Sections 40.01.040 Pollution

A. The premises upon which any oil, gas, or disposal well is drilled, operated, or maintained shall be kept free of all accumulations of rubbish, litter, or discarded materials, and other wastes insofar as the same may be reasonably done in the conduct of operations covered by this Ordinance.

B. The permittee shall take special precautions using equipment available which meets current industry standards to avoid fire hazards, disquieting noise, unpleasant odors, annoyance from unsightly structures and other conditions that may cause pollution to the citizens of the City. In conjunction with the development plans required under this Ordinance, the applicant shall submit a detailed summary of all anti-pollution devices and equipment to be used by the applicant in the drilling and development of the site, specifically including any precautionary measures that will be taken by the applicant to prevent the emission of any hydrogen sulphide gas or similar odors from the well site. (Ord. No. 1122 § 7; Ord. No. 1152 § 4.)

Sections 40.01.042 Reclamation

A. All lands upon which a drilling operation is or has been operated shall within a reasonable length of time, not to exceed one (1) year, be returned, as nearly as practicable to the previous original topography and natural state interests of abating erosion thereof.

B. All mud pits shall be reclaimed within thirty (30) days after completion of the well.
(Ord. No. 1152 § 9.)

Sections 40.01.045 Zoning

Oil, gas, or service wells shall be permitted in all zoning districts as a conditional use only, as provided for in this Ordinance and in the City of Dickinson Zoning Ordinance provided, however, that the Board of City Commissioners shall have the power to refuse any application for a conditional use permit by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the drilling property in question or adjacent thereto, or because of the use to which the land and surroundings are adapted for civic purposes, or if, for sanitary reasons, the drilling of the well will be a serious disadvantage to the City and its inhabitants as a whole. (Ord. No. 1122 § 8.)

Sections 40.01.050 Additional conditions and requirements

A. In addition to the conditions applying to oil well drilling operations contained herein, the City Commission hereby declares that in the interest of protecting the people of the City of Dickinson and the use and enjoyment of their property and providing for their comfort, health and safety, and general welfare, the following conditions and restrictions are adopted:

(1) That all well operations which are placed upon the pump shall be powered by electricity so long as electricity is available. If electricity is not available, hospital grade muffled engine will be used. All permanent equipment shall be painted, where possible, and kept in a neat condition. All production operations shall be as free from noise as possible with modern operations.

(2) That all power operations other than drilling and pulling units shall at all times be carried on only by means of electrical power, which power shall not be generated on the drilling site.

(3) That an internal combustion engine or electrical equipment may be used in the drilling or pumping operations of the well and if an internal combustion engine is used, that mufflers be installed on the mud pumps and engine so as to reduce noise to levels allowed under Dickinson City Code Article 24.12.

(4) That no sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by law or this code to be displayed in connection with the drilling, maintenance, or operation of the well.

B. Based upon the specific site characteristics set forth above, nature of the proposed activity, and its proximity to surrounding development, and type and intensity of the noise emitted, additional noise abatement measures may be required. The level of required mitigation may increase with the proximity of the well and well site to existing residences and platted subdivision lots, and/or the level of noise emitted by the well and well site. One or more of the following additional noise abatement measures may be required:

(1) Acoustically insulated housing or cover enclosing the motor or engine, or compressor.

- (2) Vegetative screen consisting of trees and shrubs.
- (3) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
- (4) Noise management plan identifying and limiting hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures.
- (5) Requirement for electric motors only. (Ord. No. 1122 § 9; Ord. No. 1152 § 5.)

Sections 40.01.055 Special mitigation measures

Where a well or tank battery does not comply with the required setback or other portions of this ordinance, or in areas of increased visual sensitivity determined by the City, the applicant shall submit a Visual Mitigation Plan including one or more of the following standards shall include but not be limited to:

- A. Exterior lighting shall be directed away from residential areas, or shielded from said areas to eliminate glare.
- B. Construction of buildings or other enclosures may be required where facilities create noise and visual impacts non-mitigable because of proximity, density, and/or intensity of adjacent residential land use.
- C. One or more of the following landscaping practices may be required, on a site specific basis:
 - (1) Establishment and proper maintenance of adequate ground covers, shrubs, trees.
 - (2) Shaping cuts and fills to appear as natural forms.
 - (3) Cutting rock areas to create irregular forms.
 - (4) Designing the facility to utilize natural screens.
 - (5) Construction of fences or walls such as woven wood or rock for use with or instead of landscaping.
- D. Safety Measures. Any well shall be equipped with blowout preventers during drilling. (Ord. No. 1122 § 10.)

Sections 40.01.060 Exploration and production on publicly owned lands

Any person engaged in the drilling for and production of oil and natural gas within the corporate limits or the extraterritorial jurisdiction of the City shall comply with the provisions of Chapter 38-09, N.D.C.C., with regard to the exploration and production on publicly owned lands. (Ord. No. 1122 § 11; Ord. No. 1152 § 6.)

Sections 40.01.065 Distance limitations and spacing requirements

In all areas within the zoning jurisdiction of the City of Dickinson the following shall apply:

- A. No well shall be located less than 100 feet from any building or structure not necessary for the operation of the well. No well shall be located less than less than 300 feet from any building or structure of any residential use, educational use, institutional use commercial office or retail use, or other place of assembly.

In the event of a pre-existing well, no building shall be constructed, and the City shall not issue a building permit or certificate of occupancy, for any building or structure not in conformance with this Section.

- B. Wellheads, tank batteries and associated on-site production equipment shall be located not less than 100 feet from the edge of any public right-of-way.

- C. The requirements of this section may be waived, in sole discretion of the Board of City Commissioners, as part of the Conditional Use Permit upon finding by the Board that such waiver is consistent with public health, safety and welfare. (Ord. No. 1122 § 12; Ord. No. 1152 § 7; Ord. No. 1467 § 1)

Sections 40.01.070 Access roads

All private roads used to access the tank battery and the well head shall be improved and maintained according to the following standards:

1. ACCESS ROADS. Access roads to tank batteries shall, at a minimum, be:
 - A. A graded gravel roadway at least twelve (12) feet wide and with a minimum unobstructed overhead clearance of thirteen feet six inches (13'6"), having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Engineering Department.
 - B. Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways (i.e., roadside swells, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval of the Engineering Department.
2. No mud or gravel, except minor and nominal amounts, shall be carried onto the city streets. If mud or gravel is carried onto the city streets, the owner or operator shall insure that the streets are promptly cleaned. With the permission of the Street Department the owner or operator may make arrangements for the Street Department to clean the streets at the sole cost of the owner or operator.
3. No public facilities such as curbs, gutters, pavement, water or sewer lines, etc., shall be damaged by vehicles entering or leaving the site. In the event of damage the owner and operator, jointly and severally, shall indemnify the City for any reasonable repair costs.
4. All tank battery and wellhead access roads which intersect a paved City street or alley shall be paved to standards determined by the City Engineer from the existing paved roadway to the edge of the public right-of-way. (Ord. No. 1122 § 13.)

Sections 40.01.075 Oil and gas production damage compensation

In addition to complying with all of the requirements of this Ordinance, and in the event of any damages, any person engaged in the drilling for and production of oil and natural gas within the corporate limits or the extraterritorial jurisdiction of the City of Dickinson, shall fully comply with the provisions of Chapter 38-11.1, N.D.C.C., entitled "Oil and Gas Production Damage Compensation". (Ord. No. 1122 § 14; Ord. No. 1152 § 8.)

Sections 40.01.076. Plat Recording Required

Any person reclaiming a reserve pit after the completion of an oil and gas drilling operation shall record an accurate plat certified by a registered surveyor showing the location of the well and notice that an abandoned reserve pit may be on location within 6 months of completion of the reclamation. The plat must specify the exact legal description of the reserve pit, including the lot, block and subdivision if the well is located within a platted subdivision. (Ord. No. 1152 § 10.)

Sections 40.01.080 Penalty

Any violation of this Article shall subject the offender, upon conviction, to a fine not exceeding Five Hundred Dollars (\$500.00), a jail sentence not to exceed thirty (30) days or both such fine and jail commitment. Each day any violation of any provision of this Oil Code shall continue shall constitute a separate offense. (Ord. No. 1122 § 15.)

Sections 40.01.100 Oil, Gas and Other Mineral Leases

The City of Dickinson shall comply with the provisions of Chapter 38-09, NDCC pertaining to leasing oil, gas and other mineral interest, except as follows:

Non-operative oil and gas leases may be executed through private negotiation where the acreage or mineral rights owned by the City is one hundred sixty acres or less.

Such non-operative leases may be made upon such terms and conditions as the Board of City Commissioners deems advisable. (Ord. No. 1204, § 1.)

Articles 40.02 Oil and Gas Pipelines

Sections:

- 40.02.010 Oil, gas and other pipelines.**
- 40.02.020 Conditional use permit for pipelines.**
- 40.02.030 Inspections.**
- 40.02.040 Zoning.**
- 40.02.050 Conditions and requirements.**
- 40.02.060 Distance limitations and spacing requirements.**
- 40.02.070 Notice of Pipelines--Filing Required.**
- 40.02.080 Excavation Requirements.**
- 40.02.090 Reclamation.**
- 40.02.100 Penalty.**

Sections 40.02.010 Oil, gas and other pipelines

It shall be unlawful and an offense for any person, firm, corporation or association hereafter to do or perform, or cause to be done or performed, any work or labor of any kind upon or in connection with any pipes, pipelines or other facilities for the transmission of gas, oil, or other petroleum products, which are buried beneath the surface, within the corporate limits or the one mile zoning jurisdiction of the City of Dickinson, North Dakota, except as permitted under the provisions of this Ordinance, by the Laws of the State of North Dakota and the Rules and Regulations prescribed by the State Industrial Commission, and by all federal laws, rules and regulations. This ordinance shall not apply to any pipeline or other facility owned or operated by a utility which provides service to residential and commercial customers in the City of Dickinson. (Ord. No. 1145 § 1.)

Sections 40.02.020 Conditional use permit for pipelines

Subsequent to the effective date of this Ordinance, it shall be unlawful and an offense for any person, firm, corporation or association to install or to maintain and operate any pipes, pipelines or other facilities for the transmission, storage, or processing of gas, oil, or other petroleum products, which are buried beneath the surface, within the corporate limits or the one mile zoning jurisdiction of the City of Dickinson, North Dakota, without first having secured a conditional use permit to do so as hereinafter provided.

A. Permit application - Every person, firm, corporation or association hereafter desiring to install or to maintain and operate any pipes, pipelines or other facilities for the transmission of gas, oil, or other petroleum products, which are buried beneath the surface, within the zoning jurisdiction of the City of Dickinson, North Dakota, shall file an application therefor in writing upon the form required by the Director of Inspections and signed by the applicant or his agent authorized to sign the same. Such application shall specify the quarter section, township, and range, and the location site within the quarter section thereof. The application shall also contain a site plan which must contain the following information:

- (a) Written legal description.
- (b) Scale drawing of the easement and horizontal dimensions of the pipeline.
- (c) Scale, north arrow, date, and legend.
- (d) Name, address, and telephone number of property owners and applicant.
- (e) Location and size of existing easements, utilities, and right-of-ways.
- (f) Preliminary plat identifying the route of said pipeline and all property owners.
- (g) Description of all pipe to be buried, including type of pipe, length of each section of pipe, and the type and location of all valves.
- (h) Location of all physical facilities.
- (i) Adequate proof of insurance.

B. The Director of Inspections shall, after reviewing said application, recommend approval or denial of the application, and shall publish a notice of public hearing before the Board of Adjustment.

C. The Board of Adjustment shall hold an official public hearing, giving at least seven (7) days' notice of said public hearing, the purpose of which public hearing shall be for review and consideration of approving or denying the plan as submitted. The Board of Adjustment shall act on any application within 30 days following the public hearing. All publication and notice requirements contained in Chapter 39 of the Dickinson Municipal Code for conditional use permits shall be applicable.

D. The Applicant shall pay, at the time of the application, an application fee in an amount to be determined by the Dickinson City Commission.

E. Any decision of the Board of Adjustment may be appealed to the Dickinson City Commission and subsequently to district court, as provided in North Dakota Century Code section 40-47-11. (Ord. 1145 § 2.)

Sections 40.02.030 Inspections

For purposes of this section, the City of Dickinson, or its authorized representatives, may inspect any pipeline location at any time after issuance of a conditional use permit for purposes of insuring conformance with the requirements of this Ordinance. The Applicant shall, within 45 days after completion of the pipeline, provide written certification that said pipeline has been installed in compliance with the provisions of this Chapter. Any applicant for a permit hereunder shall be deemed to have granted the agents of the City of Dickinson the right of entry onto those properties covered by the permit for the purposes of carrying out the inspections as required by the City of Dickinson. (Ord. 1145 § 3.)

Sections 40.02.040 Zoning

Gas or other pipelines shall be permitted in all zoning districts as a conditional use only, as provided for in this Ordinance and in the City of Dickinson Zoning Ordinance provided, however, that the Board of Adjustment shall have the power to refuse any application for a conditional use permit by reason of the location of the proposed pipeline and the character and value of the permanent improvements already erected on the property in question or adjacent thereto, or because of the use to which the land and surroundings are adapted for civic purposes, or if, for sanitary reasons, the installation of the pipeline and appurtenances will be a serious disadvantage to the City and its inhabitants as a whole. (Ord. 1145 § 4.)

Sections 40.02.050 Conditions and requirements

In addition to the conditions applying to oil and gas pipelines contained herein, the City Commission hereby declares that in the interest of protecting the people of the City of Dickinson and the use and enjoyment of their property and providing for their comfort, health and safety, and general welfare, the following conditions and restrictions are adopted:

- (1) All pipelines must be buried with a minimum of 54" of cover;
- (2) The pipe must be a minimum of SDR 13.5 (130 psi) or its equivalent, and must be rated at least 2½ times the working pressure of the pipeline;
- (3) The application must identify the location of all valves which are capable of shutting off the pipeline. The City reserves the right to require additional shutoff devices if it determines that such devices are necessary to protect the City and its citizens.
- (4) The location of all pipelines must be consistent with the Master Plan, and must be located within the existing or proposed right of way;
- (5) For all street crossings, a profile must be provided prior to construction. City may require other pre-construction profile drawings depending on location. All hard-surfaced crossings must be bored;

- (6) All buildings must comply with the building code;
- (7) The pipeline company shall install a continuous locator tape and/or cable directly above the pipeline for the purpose of determining the location of the pipe after it has been buried. The locator tape and/or cable shall be compatible to magnetic and/or electronic sensing devices capable of accurately determining the location of the pipeline within a two (2) foot tolerance.
- (8) The pipeline company shall monitor all pipelines for leaks according to the Office of Pipeline Safety.
- (9) The pipeline company shall provide the City with reproducible drawings showing the "as-built" location of the constructed pipeline. The as-built drawing shall be at a scale not less than 1" = 100' and shall depict pipeline size and material type; centerline stationing of angle points, street crossings, section line intersections and valve locations; horizontal ties to permanent survey monuments of the public Land System at least every one-half mile (or pipeline location based on the North Dakota State Coordinate System); and name, address and phone number of the pipeline company. As-built drawings shall be submitted within 90 days of construction completion and shall also be filed in the office of the Stark County Register of Deeds.
- (10) Signage to depict the location of the pipeline must be installed pursuant to federal Department of Transportation guidelines.

Additional restrictions may be imposed in the permit if the City Commission determines that such restrictions are necessary to protect the citizens of the City of Dickinson. (Ord. 1145 § 5.)

Sections 40.02.060 Distance limitations and spacing requirements

In all areas within the zoning jurisdiction of the City of Dickinson, all pipelines must be located at least 15 feet from water mains, sanitary sewer mains and storm sewer mains (unless otherwise approved in writing by the Engineering Department). The requirement of this section may be waived as part of the Conditional Use Permit at the request of the surface owner if such request is consistent with public safety. (Ord. No. 1145 § 6.)

Sections 40.02.070 Notice of Pipelines--Filing Required

Any person or entity who receives a permit under the provision of this chapter shall, within 45 days after completion of construction of the pipeline, file a notice with the City Engineer and the Stark County Register of Deeds which specifies the following:

- a) name, address and telephone number of the owner having control of the facilities;
- b) description of the location of the facilities by township number, section number, quarter section, together with the lot and block description if the property is platted;
- c) as-built drawings which identify the exact location of the pipeline or other facilities. (Ord. 1145 § 7.)

Sections 40.02.080 Excavation Requirements

All excavations for pipelines or other facilities authorized under the provisions of this Article shall comply with the requirements of Article 33.12 of the Dickinson City Code entitled "Excavations", and the Requirements for Excavation & Installation of Underground Sewer and Water, which requirements shall be in addition to the requirements of this section. (Ord. No. 1145 § 8.)

Sections 40.02.090 Reclamation

If a pipeline or other facility permitted herein is abandoned or ceases to be in use for more than 12 months, it shall be purged and capped at least three (3) feet below ground and inspected by the City of Dickinson. The surface shall be restored to the condition it was in prior to the pipeline excavation. (Ord. No. 1145 § 9.)

Sections 40.02.100 Penalty

Any violation of this Ordinance shall subject the offender, upon conviction, to a fine not exceeding Five Hundred Dollars (\$500.00), a jail sentence not to exceed thirty (30) days or both such fine and jail commitment. Each day any violation of any provision of this Oil Code shall continue shall constitute a separate offense. (Ord. No. 1145 § 10.)