

CHAPTER THIRTEEN

DRILLING AND MINING

ARTICLE 1 – General

- 13.0101 Purpose and Intent
- 13.0102 Definitions
- 13.0103 Conditional Use Permit
- 13.0104 Inspections
- 13.0105 Water Well Regulations
- 13.0106 Scope and Applicability
- 13.0107 Penalty

ARTICLE 2 – Oil, Gas, and Mineral Regulations

- 13.0201 General

CHAPTER THIRTEEN
DRILLING AND MINING

ARTICLE 1 – General

13.0101 Purpose and Intent

Drilling, mining and excavation is generally prohibited in the city limits. Except as otherwise provided herein, the city prohibits drilling operations and surface mining operations, including any and all production and excavation operations within the city’s municipal limits.

13.0102 Definitions

All technical industry words or phrases related to wells, drilling and surface excavation/mining operations not specifically defined in this section shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

1. Drilling – digging or boring a new well for the purpose of exploring for, developing or producing water, gas or other hydrocarbons, or for the purpose of injecting gas, water or other fluid or substance into the earth and also means any digging, boring or other work for the purpose of maintaining, refurbishing or restoring existing wells for the production of water, gas or other hydrocarbons.
2. Drilling Operation – all the activities designed and conducted in an effort to obtain productions from a well, including all types of wells, e.g., water, gas, oil, etc.
3. Excavation – the act of digging for commercial purposes and/or for compensation. This term does not include site grading or other site development activity that has been reviewed and/or authorized by the planning and development permit or agreement with the City.
4. Expanded – Making a change to wells or excavation site that allows operation in a manner that enlarges the size, capacity. Operation and/or output over ten percent (10%) of the capacity that existed at the time of the effective date.
5. Minerals – Includes coal, lignite, uranium, clay, sand, solid material or substance of value (commercial or otherwise), from natural deposits on or in earth.
6. Surface Mining – the mining of minerals by excavating and/or removing the overburden lying above the natural deposit of minerals and mining directly from the natural deposits that are exposed and those aspects of underground mining having significant effects on the surface; provided, this definition shall not be construed to include situ mining activities associated with the removal of uranium or uranium ore.
7. Water Filling Station – non-City facility used to supply bulk water from the City water system or private well within the City’s jurisdiction
8. Water Well – A well sunk to extract water from a zone of saturation, or otherwise used to obtain water.
9. Well – Each unit that produces water, hydrocarbons, or other liquids.

13.0103 Conditional Use Permit

Conditional use permits for well installation, drilling, excavation and surface mining operations are issued by the city council. All applications for conditional use permits must be completed in its entirety and submitted into the City Office. The city council shall evaluate all information pertinent to the request and either approve or deny said request.

13.0104 Inspections

For the purposes of this article, the City of Alexander, or its authorized representatives, may inspect any well location at any time after issuance of a conditional use permit for any purposes of insuring conformance with the regulations in this Ordinance. Any applicant for a permit hereunder shall be deemed to have granted the agents of the City of Alexander 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 Alexander.

13.0105 Water Well Regulations

No person, individual, company or otherwise shall establish or operate a water filling station to obtain or sell water.

13.0106 Scope and Applicability

Grandfathered status: Wells, excavation sites and surface mining operations that are in place and operating at the time of the effective date of this article shall be exempt from the prohibitions of this article so that the then existing use may continue unaffected, until such time as they lose that status in a manner set forth herein.

Loss of grandfathered status: Wells, excavation sites and surface mining operations that are in place and operating as of the effective date of this article (i.e., that are grandfathered) are exempt from the prohibition noted herein, until the earlier of one of the following occurs:

1. The well, excavation site, surface mining operation is expanded to operate in a manner that enlarges the size, capacity, operation and/or output over ten percent (10%) of the capacity that existed at the time of effective date.
2. The use and operation of the well, excavation site or surface mining operation fails to be continuous for a period of over 90 days.
3. The property upon which the well, or excavation site or surface mining operation is located is conveyed to another person, either by sale, lease, or other grant of real property rights.

Wells, excavation sites, and surface mining operations that lose their exemption as noted herein above, shall within 90 days of losing the exemption, be either brought into compliance with this article, or take action to obtain the correct permits to operate as an expanded well, excavation site or surface mining operation.

In the case of existing wells, the wells may be reworked by the owner, without triggering the prohibition(s) noted herein. Those wells and excavation sites are considered to be grandfathered into this code as it existed as of the effective date of this article.

Nothing contained herein is intended to, nor shall it be interpreted to mean, that work done by the city is in any manner regulated, affected or constrained by the terms of this article; rather, all city operations are specifically exempted from the provisions of this code.

13.0107 Penalty

Any violation of this Article shall subject the offender, upon conviction, to a fine not exceeding one thousand five hundred dollars (\$1500.00). Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

ARTICLE 2 – Oil Gas and Other Mineral Leases

13.0201 General

The City of Alexander shall comply with the provisions of Chapter 38-09, NDCC pertaining to leasing oil, gas and other mineral interest.