

**WILLIAMS COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2021-07-20

TITLE: An Ordinance Amending the 2015 Zoning Ordinances to Amend Chapter 6-13 to Add Section 6-13-4 Giving the Board of County Commissioners Discretion to Limit the Number of Conditional Use Permits Issued for the Disposal of TENORM Waste and Other Radioactive or Nuclear Waste

WHEREAS, the Williams County Board of County Commissioners (hereinafter “the Board”), pursuant to the Williams County Home Rule Charter and North Dakota Century Code Chapter 11-33 and Chapter 11-33.2, adopted the Williams County Zoning Ordinance and Subdivision Regulations on September 15, 2015, and amendments thereto (hereinafter “2015 Zoning Ordinance”);

WHEREAS, the 2015 Zoning Ordinance, Article 3, Chapter 3-6, authorizes the Board from time to time on its own motion to amend, supplement, repeal or revise any provision of the 2015 Zoning Ordinance;

WHEREAS, the Board considered a proposed amendment to Chapter 6-13 of the 2015 Zoning Ordinance to add a new Section 6-13-4 giving the Board the discretion to limit the number of conditional use permits issued for the disposal of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) waste and other radioactive or nuclear waste; and

WHEREAS, a motion to adopt the proposed amendment, having been made and seconded, was submitted to a roll call vote of the elected County Commissioners and passed by majority vote.

NOW, THEREFORE, BE IT ORDAINED by majority roll call vote of the Williams County Board of County Commissioners:

1. The following amendment is hereby made to the Williams County Zoning Ordinance and Subdivision Regulations adopted on September 15, 2015, as amended:

Chapter 6-13 shall be amended to add the following Section:

Section 6-13-4 Limitation of Permits

1. **The Board of County Commissioners shall have the discretion to limit the number of conditional use permits issued for the disposal of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) waste and/or other radioactive or nuclear waste as the Board of County Commissioners determines necessary**

for the promotion of the health, safety, and welfare of Williams County and its residents.

2. **The Board of County Commissioners, in its discretion, determines that there shall be issued no more than ____ conditional use permits for the disposal of TENORM waste and/or other radioactive or nuclear waste. The Board shall consider whether any existing conditional use permit has been revoked, or whether the site or facility of any existing conditional use permit has ceased to operate or has been abandoned, in determining whether the limitation on the number of conditional use permits have been met. In no circumstances shall the number of valid and active permits exceed _____ conditional use permits.**

- 2. This amendment substantially complies with the comprehensive plan, furthers the purpose and intent of the Williams County Zoning Ordinance and Subdivision Regulations adopted on September 15, 2015, as amended, and is designed to address the changing conditions and public challenges related to oil and gas activities, including the disposal of waste from those activities.
- 3. This Ordinance and the amendment approved herein shall be immediately incorporated into the officially adopted text of the Williams County Zoning Ordinance and Subdivision Regulations adopted on September 15, 2015, as amended, and shall be effective the date of adoption at stated herein.

By: Steve Kemp, Chairman
Williams County Board of County Commissioners

Dated: _____

ATTEST:

Beth M. Innis, County Auditor

Dated: _____

First Publication: _____

Second Publication: _____