

OFFICIALS:

Marlys A. Ohlhauser, Auditor/Treasurer
Risk Mgr.,
Gary R. Sanders, Sheriff, 9-1-1 Mgr.
Joseph Hanson, State's Attorney
Anita Ibach, Clerk of Court, Recorder
Denise Nieuwsma, Tax Director
Jeffrey Ohlhauser, VA Officer
Mary Senger, DEM Manager
Skyler Prellwitz, Road Foreman
Garlin Schmidt, Shop Foreman
Josh Odden, GIS



COMMISSIONERS:

David Kalberer, 1st District
Erin Magrum, 2nd District
Gary Hulm, 3rd District
Daniel Materi, 4th District
Donald Eberle, 5th District

February 17, 2022

Randy Christmann
ND Public Service Commission
600 E. Boulevard Ave.
Bismarck, ND 58505-0480

Dear Randy:

The Emmons County Commissioners asked that I send you a copy of the enclosed Ordinance No. 23-01-01 that was approved by the Commission at their regular meeting held on February 7, 2023.

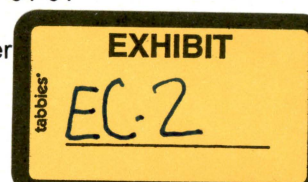
Sincerely,

Marlys Ohlhauser
Emmons County Auditor/Treasurer

747 PU-22-391 Filed: 7/1/2024 Pages: 2
EC Exhibit EC-2 - Emmons County Ordinance No.
23-01-01 (Dkt. #615)

Intervenors Emmons County Board of County Commissioners

49 PU-22-391 Filed 02/17/2023 Pages: 2
Letter enclosing Ordinance No. 23-01-01
Emmons County Commissioners
Marlys Ohlhauser, Auditor/Treasurer



ORDINANCE NO. 23-01-01

**AN ORDINANCE OF EMMONS COUNTY, NORTH DAKOTA, TO AMEND THE
ZONING ORDINANCES OF EMMONS COUNTY, NORTH DAKOTA.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
OF EMMONS, NORTH DAKOTA, THAT THE FOLLOWING SECTIONS OF THE
EMMONS COUNTY ZONING ORDINANCES ARE HEREBY AMENDED AS FOLLOWS:

SUBSECTION B of Article VI, page 16, shall be amended and revised to read as follows:

Electric transmission facilities and non-potable water, gas, oil, coal slurry, CO₂, or any other
substance deemed to be hazardous by PHMSA transmission pipelines:

SUBSECTION B(2)(b)(i), of Article VI, page 16, shall be amended and revised to read as
follows:

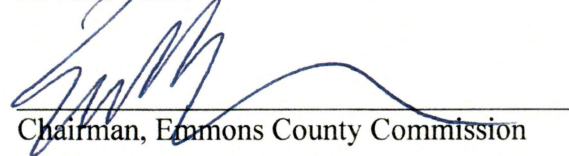
A map of the pipeline route which clearly indicates that the pipeline right-of-way does not pass
within two miles (10,560') of the corporate boundaries of any organized city, a mile-and-a-half
(7,920') of an established residence, within five hundred feet (500') of any other building or
surface water body and is not within one hundred (100) feet of a highway right-of-way or section
line unless perpendicular to said right-of-way or line;

SUBSECTION B(2)(b)(ii), shall be added to state as follows:

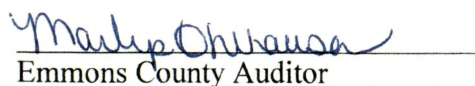
A variance for the setback from an established residence (7,920') may be allowed if the
application for permit includes a signed and notarized waiver of setback from each established
residence, signed by an owner of each such residence located within the setback from the
proposed pipeline right-of-way. Pipelines constructed for the transmission of potable water are
not subject to the setback from established residences.

APPROVED by unanimous vote (5-0) of the County Commission, County of Emmons, this 7th
day of February, 2023.

APPROVED:


Chairman, Emmons County Commission

ATTEST:


Emmons County Auditor

First Reading: January 3, 2023.
Second Reading: January 25, 2023.