

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE IV, OF THE ABILENE CITY CODE, 1965, ENTITLED OIL AND GAS DRILLING AND PRODUCTION AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the City Council is of the opinion that certain amendments should be made to Article IV, Chapter 8, of the Abilene City Code of 1965; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE:

PART 1: All references to "Drilling Unit" contained within said Article IV, Chapter 8 of the Abilene City Code are hereby deleted and the term "Drilling Block" is inserted therein in lieu thereof.

PART 2: Sub-section (a) of Section 8-22, Article IV, Chapter 8, Abilene City Code of 1965, is hereby amended to read as follows:

- (a) The word "well" shall include and mean any hole or holes, bore or bores, to any sand, formation, strata or depth for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any of them, or for the purpose of injecting water or any other substance into the ground for secondary recovery, pressure maintenance or any other recovery of oil, gas, liquid hydrocarbon or any of them.

PART 3: Sub-section (c) of Section 8-27, Article IV, Chapter 8, Abilene City Code of 1965, is hereby amended to read as follows:

- (c) Such proposed drilling and operation will not create a fire hazard; cause unsanitary conditions, cause excessive noise or noxious odors; cause a danger of explosion; pollute any stream or water supply; restrict the orderly development of the City of Abilene; be a hazard to the operation of aircraft; interfere with drainage or flood control; create a nuisance, or, without limitation by enumeration of the foregoing, otherwise adversely affect the health, safety and welfare of the public in general.

PART 4: The following paragraph is hereby inserted as the last paragraph of Section 8-28, Article IV, Chapter 8, Abilene City Code of 1965:

Once a permit has been issued, the bounds of the Drilling Block shall thereafter remain as provided for therein, and shall not be changed unless an amendment therof is granted. An application for amendment shall require the same action and procedure as an original application and shall not be granted unless a clear showing is made by the applicant that such amendment is necessary for proper production from the area, meets all terms of this Article, and will not adversely affect the interest of others.

PART 5: Sub-section (e) of Section 8-32, Article IV, Chapter 8, Abilene City Code of 1965, is hereby amended to read as follows:

- (e) No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is within any creek or drainage channel, any City Park land, the Abilene Municipal Airport, any of the streets or alleys of the City, or any projected highway and street or alley, and no street or alley shall be blocked or encumbered or closed in any drilling operation.

PART 6: Section 8-34, Article IV, Chapter 8, Abilene City Code of 1965, is hereby amended to read as follows:

All provisions of Section 8-33 shall apply to wells completed prior to October 19, 1967. All other provisions of this Article shall not be applicable to those wells completed prior to October 19, 1967. Provided, however, no such well previously abandoned as a dry hole shall be reentered, no well from which production in paying quantities has ceased for more than ninety days shall resume operations, and no such well completed as a producer shall be drilled to a deeper depth without obtaining a permit from the City Council, in which case all provisions hereof governing such application shall be complied with in all respects as though it were an application to drill a new well.

PART 7: Section 8-35, Article IV, Chapter 8, Abilene City Code of 1965, is hereby amended to read as follows:

Drilling and production operations which are in violation of this ordinance are hereby declared a public nuisance. Further, the provisions of this Article may be enforced through appropriate procedures, including mandamus, restraining order and injunction, in any Civil Court of proper jurisdiction, in which case venue shall be in the County where the drilling or production operations in question are occurring or are threatened to occur.

PART 8: That any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than Two Hundred (\$200.00) Dollars. Each such violation, which shall continue, or be permitted to continue, shall be deemed a separate offense. Additionally, any violation hereof shall be subject to those provisions of Section 8-36, Article IV, Chapter 8, Abilene City Code of 1965.

PART 9: This Ordinance shall take effect immediately from and after its passage.

PASSED ON FIRST READING the 2nd day of April, A. D., 1969.

PASSED ON SECOND READING the 10th day of April, A. D., 1969.

ATTEST:

Sheila Jean Mankin
CITY SECRETARY

APPROVED:

Robert M. Johnson
CITY ATTORNEY