

ORDINANCE NO. 91-1983

① Amended: 12-1-83.  
Sec. 91-23.  
Ord. # 137-1983

AN ORDINANCE AMENDING CHAPTER 21, "OIL AND GAS"  
BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERA-  
BILITY CLAUSE; AND DECLARING A PENALTY.

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

PART 1: That Chapter 21, " OIL AND GAS",  
of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto  
and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be  
held to be void or unconstitutional such holding shall in no way affect the validity  
of the remaining provisions or sections of this ordinance, which shall remain in  
full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions  
of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof,  
shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each  
day such violation shall continue, or be permitted to continue, shall be deemed a  
separate offense. Said ordinance, being a penal ordinance, becomes effective ten  
(10) days after its publication in the newspaper as provided by Section 19 of the  
Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 14th day of July, A.D.  
19 83.

PASSED ON SECOND AND FINAL READING this 25 day of -----  
August, A.D. 19 83.

ATTEST:

Patricia Patta  
CITY SECRETARY

Julius  
MAYOR

APPROVED:

Way Sanders  
CITY ATTORNEY

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EXHIBIT A

ORDINANCE NO. 91-1983

AMEND CHAPTER 21, "OIL AND GAS", AS FOLLOWS:

1. Amend current §21-2 to read as follows:

The provisions of this chapter shall be administered and enforced by the city land agent. All inspections or other enforcement actions required hereunder shall be the responsibility of such official.

2. Amend the second paragraph of §21-4 as follows:

In addition to the foregoing penalties, it is further provided that the land agent may revoke any permit issued under this chapter in the event of violation of any provisions of this chapter, the permit issued or the bond required hereby. Such revocation may be appealed to the city council within (90) days.

3. Amend §21-18 as follows:

- (a) Any person desiring to drill and operate a well shall file his application therefor with the land agent of the city. Such application shall be in a form prescribed by the land agent and shall include the following information:
- (1) The name and address of the operator.
  - (2) The legal description of the drilling block.
  - (3) The approximate date of the commencement of drilling.
  - (4) The anticipated total depth.
  - (5) The name or names of all surface royalty and mineral owners within the drilling block.

(b) The following shall be filed at the time of the filing of the application:

- (1) A map or plat of the drilling block, prepared by a licensed surveyor, showing the exact location of the proposed well and any and all buildings located within one hundred fifty (150) feet of such well location.
- (2) A copy of the approved Railroad Commission Form W-1.
- (3) A certificate of insurance showing the applicant or operator currently has in effect a public liability insurance policy covering applicant's proposed activities. Such insurance shall meet the requirements as set by the city council.
- (4) A certificate of insurance showing the drilling contractor currently has in effect a public liability insurance policy with the minimum limits as set by the city council.
- (5) Any written consents hereinafter required.
- (6) Bond in the required amount or a statement of ability to provide such performance bond upon permit authorization by city council.

4. Amend §21-19 as follows:

Sec. 21-19. Permit Filing Fee.

The application for a permit required by the provisions of this article shall be accompanied by a filing fee set by the city council.

5. Amend §21-20 as follows:

Sec. 21-20. Hearing by city council.

(a) The application for a permit required by this article, shall be referred to the city council, which shall call a public hearing on such application as provided for herein.

(b) The land agent shall send written notice of such hearing to all owners of real property lying within three hundred (300) feet of the proposed well location, such notice to be given not less than ten (10) days before the date set for such hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Such notice shall contain the time and place of the hearing, the legal description of the proposed drilling block and location thereof by reference to streets. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Failure to receive such notice shall not invalidate the hearings or the results thereof.

(c) At the conclusion of such hearing, the city council must approve such application by at least four (4) affirmative votes.

6. Delete current §21-21 and renumber current §21-22 to §21-21.

7. Renumber current §21-23 to §21-22 and amend subpart (c) and the first paragraph after (e) as follows:

(c) Contain and specify that the actual drilling must commence within six (6) months from the date of the permit, and that cessation of drilling or production for thirty (30) days shall cancel this permit.

(e) Specify the total depth to which the well may be drilled.

Such permit, in duplicate originals, shall be signed by the mayor, and, prior to delivery to the operator, shall be signed by the permittee (with one original to be retained by the city and one by the permittee); and, when so signed by the mayor, shall constitute the operator's contractual obligation to comply with the terms of such permit and this article.

8. Renumber current §21-24 to §21-23 and amend the current first sentence as follows:

Sec. 21-23. Performance bond required.

In the event a permit be issued by the city council under the terms of this article for the drilling and operation of a well, no actual drilling operations shall be commenced until the permittee shall file with the city secretary a performance bond in the principal sum as set by the city council, the bond shall be executed by applicant as principal and by one good and sufficient corporate surety ~~(or two (2) good and sufficient individual sureties)~~ running to the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the drilling and operation of the well.

Renumber current §21-25 to §21-24 and amend as follows:

Sec. 21-24. Request for deeper drilling.

(a) It shall be unlawful and an offense for any person to drill any well to a deeper depth than that allowed by any permit granted hereunder without the permittee filing a written request for an amendment to the original permit with the land agent specifying:

- (1) The then condition of the well and the casing therein;
- (2) The depth to which it is proposed such well be deepened;
- (3) The legal description of the drilling block if an increase in area is necessary;

*Amended by Ord. 134-1983.  
12-1-83.  
Also by Ord. Ref. at  
\$10,000*

(4) A copy of the approved Railroad Commission Form W-1.

(b) In the event the city land agent is satisfied that such well may be deepened with the same degree of safety as existed under the original permit and all other provisions hereof, including drilling block area requirements, can be complied with, the request for amendment may be issued without additional filing fee to the permittee authorizing the deepening and operation of the well to such specified depth as applied for.

10. Add a new §21-25 as follows:

Sec. 21-25. Request for other changes - new permit.

Any request for changing any of the conditions of the permit, except depth, will require cancellation of the old permit and application for a new permit.

11. Amend §21-26 as follows:

When a permit shall have been issued, the same shall terminate and become inoperative without any action on the part of the city, unless, within six (6) months from the date of issuance, actual drilling of the well shall have commenced. The cessation for a period of thirty (30) days of either the drilling operations or the production of oil or gas from the well after production shall have commenced shall terminate and cancel the permit, and the well shall be considered as abandoned for all purposes of this chapter, and it shall be unlawful thereafter to continue the operation or drilling of such well without the issuance of another permit.

Failure to maintain policies of insurance and/or surety bonds as required by this article shall cancel any permit issued hereunder without any action on the part of the city.

12. Amend §21-38 as follows:

The city does hereby recognize the established minimum area for drilling blocks as defined by the state Railroad Commission, generally being:

- (a) From the surface of the soil to a depth not exceeding two thousand (2,000) feet below the surface of the soil: Ten (10) acres.
- (b) Below a depth of two thousand (2,000) feet from the surface of the soil: Forty (40) acres.

13. Amend §21-42 as follows:

Drill stem tests shall be conducted only during daylight hours.

14. Delete current §21-43.

15. Renumber current §21-44 to §21-43 and amend as follows:

Sec. 21-43. Restoration of site upon termination.

All pits shall be filled within ninety (90) days after drilling operations are completed and the surface of the soil shall be restored to its original condition as nearly as practicable.

16. Renumber current §21-45 to §21-44 and amend as follows:  
Sec. 21-44. Other regulations.  
In addition to the provisions of this article, all drilling operations shall be conducted in accordance with the rules and regulations of the state Railroad Commission, the state Department of Water Resources and any other appropriate local, state or federal agency.
17. Renumber reserved sections beginning with §21-45 instead of §21-46.
18. Amend §21-58 as follows:  
No well shall be produced unless the operator, during all periods of operation, maintains on file with the city secretary a current certificate evidencing public liability insurance in full force and effect with the minimum limits set by the City Council.
19. Amend §21-60 by deleting "within two hundred (200) feet of any building or buildings," so that it now reads as follows:  
On all tank batteries there shall be erected a fire wall of sufficient volume to hold double the capacity of the production tanks prior to production, and such fire wall shall, during the life of the production, be maintained in such manner as to hold any escaped fluid within such fire wall.
20. Amend §21-62 as follows:  
Only electric power shall be used to power pumping units in certain designated areas as specified by the permit.
21. Amend §21-63 as follows:  
Salt water (or other produced water) shall be stored in a closed steel or fiberglass tank, and shall be disposed of in accordance with the rules and regulations of the state Railroad Commission, the state Department of Water Resources and any other appropriate local, state or federal agency.
22. Amend §21-64 as follows:  
Produced gas, when not sold to a pipeline, shall be disposed of by the operator in accordance with the rules and regulations of the state Railroad Commission.
23. Amend §21-66 as follows:  
Residue and waste oil and basic sediment shall not be burned, but shall be transported outside the city limits for disposal, such disposal to be made in accordance with the rules and regulations of the state Railroad Commission, the state Department of Water Resources and any other appropriate local, state or federal agency.
24. Amend §21-68 as follows:  
No operator or permittee shall permit gas to escape into the air, or flare or burn gas from a torch or any similar means; provided, gas may be burned for a limited time when necessary to complete an oil or gas well upon the original completion or upon the recompletion of work over jobs upon oil or gas wells, so long as the same does not constitute a fire hazard to the property of others within the vicinity of such oil or gas well.

25. Amend §21-69 by changing "railroad commission of the state" to read "state Railroad Commission, " and " water development board" to read Department of Water Resources. "
26. Amend §21-70 by causing the caption to read "Abandonment-Restoration of site" instead of "Same-Restoration of site. "

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