ORDINANCE NO. OR-1942-15

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO DEFINITIONS, REQUIREMENTS FOR SEISMIC SURVEYS, SUBMITTAL REQUIREMENTS FOR GAS WELL PERMITS, EXPIRATION OF GAS WELL PERMITS, HOURS OF OPERATION, NOTIFICATION, REQUIREMENTS FOR CERTAIN REPORTS, VARIANCES, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council finds that the regulation of the development of gas and other hydrocarbon substances within and under the City is necessary in order to protect the surface property rights, to protect the owners of mineral rights and to provide for the orderly exploration, development, and production of gas and hydrocarbons; and

WHEREAS, on August 11, 2008, the City Council adopted Ordinance Number 1704-08, regulating gas drilling within the city limits of Mansfield; and

WHEREAS, the City Council deems it advisable to amend the current regulations for the drilling, production and re-drilling of gas so that these activities may be conducted in a manner that protects the public health, safety and welfare of the citizens of Mansfield, conforms with established codes and regulations while minimizing the potential impact of surface property and mineral rights owners; and

WHEREAS, the City Council finds and declares that the regulations contained herein are in the best interest of the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That Chapter 114 of the Code of Ordinances, City of Mansfield, Texas is hereby amended and restated in its entirety as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THE 23RD DAY OF FEBRUARY, 2015.

SECOND READING APPROVED ON THE 16TH DAY OF MARCH, 2015.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 23RD DAY OF MARCH, 2015.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

City Attorney

EXHIBIT "A"

CHAPTER 114: GAS WELL DRILLING AND PRODUCTION

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GENERAL PROVISIONS

§ 114.01 PURPOSE; INTENT.

The exploration, development and production of gas in the City is an activity which necessitates reasonable regulation to ensure that all property owners, mineral and otherwise, have the right to peaceably enjoy their property and its benefits and revenues. It is hereby declared to be the purpose of this chapter to establish reasonable and uniform limitations, safeguards and regulations for operations related to the exploring, drilling, developing, producing, transporting and storing of gas and other substances produced in association with gas within the City to protect the health, safety and general welfare of the public, minimize the potential impact to property and mineral rights owners, protect the quality of the environment, and encourage the efficient production of available mineral resources.
(Ord. OR-1704-08, passed 8-11-08)

§ 114.02 DEFINITIONS.

(A) All technical industry words or phrases related to the drilling and production of Gas Wells not specifically defined shall have the meanings customarily attributable thereto by prudent Operators in the gas industry.

(B) For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT. As defined by the Railroad Commission and includes the plugging of the Well and restoration of the Drill Site as required by this chapter.

AMBIENT NOISE LEVEL. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

AMERICAN PETROLEUM INSTITUTE (API) STANDARDS. Standards that are designed to assist energy industry professionals improve the efficiency and cost-effectiveness of their operations, comply with legislative and regulatory requirements, safeguard health, and protect the environment.

APPLICANT. A person to whom a permit or certificate for the drilling, operation and production of a Well, or the installation or operation of a pipeline, is issued under this chapter, including, but not limited to, his or her heirs, legal representatives, successors or assigns.

BLOWOUT PREVENTER. A mechanical, hydraulic, pneumatic or other device or combination of such devices secured to the top of a Well casing, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe, or other tubular goods which completely close the top of the casing and are designed for preventing blowouts.

CLOSED LOOP MUD SYSTEM. An enclosed suite of solids control equipment used for mud circulation and intended to minimize drilling fluid dilution to provide for handling of the drilling wastes so that reserve pits are not used.

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DAYTIME. The period from 7:00 a.m. to 7:00 p.m.

DEVELOPMENT FEE SCHEDULE. A schedule of development related fees established by the City Council.

DRILL SITE. The area used for Drilling, completing, or Re-Working a Well.

DRILLING. Any digging or boring of a new Well to develop or produce gas or to inject gas, water, or any other fluid or substance into the earth. ***DRILLING*** means and includes the re-entry of an abandoned Well. ***DRILLING*** does not mean or include the re-entry of a Well that has not been abandoned.

ENVIRONMENTALLY SENSITIVE AREA. An area under the jurisdiction of the U.S. Army Corps of Engineers where scientific, ecological, cultural or aesthetic features have been identified by the Corps of Engineers.

EXPLORATION. Geologic or geophysical activities, including, but not limited to, surveying and seismic exploration, related to the search for gas or other sub-surface hydrocarbons.

FLARE OR FLARING. The burning of unwanted gas through a pipe. ***FLARING*** is a means of disposal used when there is no way to transport the gas to market and the Operator cannot use the gas for another purpose.

FLOWBACK. The process of flowing a completed/fractured Well for the purpose of recovering water and residual sand from the gas stream prior to sending gas down a sales pipeline.

GAS. Gas or natural gas, as such terms are used in the rules, regulations, or forms of the Railroad Commission.

GAS WELL. Any Well drilled for the production of gas or classified as a ***GAS WELL*** by the Texas Natural Resources Code or the Railroad Commission.

GAS WELL PERMIT. A permit applied for and issued or denied pursuant to this chapter authorizing the drilling, production, and operation of one or more Gas Wells.

HAZARDOUS MATERIALS MANAGEMENT PLAN. The ***HAZARDOUS MATERIALS MANAGEMENT PLAN*** and hazardous materials inventory statements required by the Fire Code.

HOLIDAY. Any day recognized as an official ***HOLIDAY*** by the City of Mansfield. The list of official holidays observed by the City of Mansfield shall be maintained for public viewing of the City's official website.

HYDRAULIC FRACTURING, FRAC, FRACING, FRACTURE OR COMPLETIONS. All stages of the treatment of a Well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil and natural gas.

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HYDRAULIC FRACTUING PUMPING. The active pumping of fluid and sand under pressure with the expressed intent of stimulating the Well and fracturing the underlying hydrocarbon bearing formation.

INSPECTOR. The Gas Well Inspector and other City personnel who conduct inspections as needed and as designated by the City Manager.

LIFT COMPRESSOR. A device that raises the pressure of a compressible fluid (gas) in order to lift gas from the Well.

LINE COMPRESSOR. A device that raises the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.

LINE COMPRESSOR FACILITY. A facility consisting of one (1) or more compressors, auxiliary treatment equipment and pipeline installations to pump natural gas under pressure over long distances, including the land upon which the facility is located.

NIGHTTIME. The period between 7:00 p.m. and 7:00 a.m.

OPERATION SITE. The area used for development and production of gas and all related operational activities after drilling activities are complete.

OPERATOR. For each Well, the person listed on the Railroad Commission Form W-1 or Form P-4 for a Gas Well, that is, or will be, actually in charge and in control of drilling, maintaining, operating, pumping or controlling any Well including, without limitation, a unit ***OPERATOR***. If the ***OPERATOR***, as defined herein, for any Gas Well is not the lessee of any premises affected by the provisions of this chapter, then such lessee shall also be deemed to be an ***OPERATOR***. In the event that there is no gas lease relating to any premises affected by this chapter, the owner of the fee mineral estate in the premises shall be deemed the ***OPERATOR***. For each Line Compressor Facility, ***OPERATOR*** shall mean the entity in control of the facility.

PIPELINE EASEMENT MAP. A map indicating all gathering line easements. The easements must be located separately from other utility easements unless approved by the City.

PROTECTED USE. A residential structure, public building, hospital, institution, nursing home, public or private school, day care center, or commercial building.

RAILROAD COMMISSION. The Railroad Commission of Texas.

RE-DRILLING. The re-completion of an existing Well by deepening or sidetrack operations extending more than one hundred fifty (150) feet from the existing Well bore.

REDUCED EMISSION (GREEN) COMPLETION. Techniques or methods that minimize the release of natural gas and vapors to the environment when a Well is being flowed during the completion or re-completion phase of a Barnett Shale Well.

RE-WORKING. The re-completion or re-entry of an existing Well within the existing bore hole or to deepen or perform sidetrack operations which do not extend more than 150 feet from the

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existing Well bore, or the replacement of Well liners or casings.

ROAD REPAIR AGREEMENT. A written agreement obligating the Operator to repair damage, excluding ordinary wear and tear, if any, to public streets, including, but not limited to, bridges, caused by the Operator or its employees, agents, contractors, subcontractors or representatives in the performance of drilling or production of any Gas Wells authorized by the City.

ROAD DAMAGE REMEDIATION FEE. A fee assessed to repair damage to public roadways that is based on the projected damage and decreased life expectancy of roadways in the City caused by the Operator's use of the roadways.

SPECIFIC USE PERMIT. A zoning classification that provides for uses that require special consideration in certain settings or are of a public or semi-public character which without specific consideration may have possible adverse impact on neighboring properties.

TANK. A container, covered or uncovered, used in conjunction with the drilling or production of gas or other hydrocarbons for holding or storing fluids.

TANK BATTERY. A group of Tanks that are connected to receive fluids from a Well or a producing lease.

TECHNICAL ADVISOR. Such persons familiar with and educated in the gas industry or the law as it relates to gas matters who may be retained from time to time by the City.

WELL. A hole or bore to any horizon, formation, or strata for the purpose of producing gas or other hydrocarbons.

WORKOVER OPERATIONS. Work performed in a Well after its completion in an effort to secure production where there has been none, restore production that has ceased or to increase production.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10; Am. Ord. OR-1768-10, passed 4-27-10)

§ 114.03 COMPRESSORS.

(A) A specific use permit shall be required for the establishment and operation of a compressor, whether in conjunction with a Gas Well or as an independent operation.

(B) Lift compressors.

(1) Lift compressors shall meet the noise standards in § 114.13(D).

(2) A Lift Compressor installed on a site for less than six (6) consecutive months shall be classified as a temporary Lift Compressor and may employ sound blankets or barriers to meet the noise standards.

(3) A Lift Compressor installed on a site for more than six (6) months shall be classified as a permanent Lift Compressor. If located within six hundred (600) feet of a Protected Use or preliminary

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or final platted residential subdivision, a permanent Lift Compressor shall be enclosed in an acoustical structure constructed of metal, masonry or other materials as approved by the Director of Planning. The structure must completely screen the equipment from view, be painted in a non-contrasting neutral earth tone color to match the nearby surroundings as nearly as possible, and meet all applicable building and fire codes.

(4) If permanent screening has not been installed around a site, all compressors, associated equipment and buildings shall be enclosed within a landscaped enclosure in accordance with § 114.12(G) of this chapter immediately upon installation of the compressor and associated equipment.

(5) Secondary containment shall be required around all Lift Compressors. All secondary containment shall meet the same requirements for storage Tank facilities in § 114.15(E) of this chapter.

(6) All facilities shall be inspected by the Fire Marshal for compliance with the Fire Code and the Gas Well Inspector prior to operation of the compressor.

(C) Line compressors.

(1) Line compressors shall be required to meet all the noise standards in § 114.13(D).

(2) All Line Compressors and associated equipment exceeding ten (10) feet in height shall be fully enclosed within a building or structure that complies with the architectural and community design standards of the zoning district in which the facility is located and designed in context with surrounding land uses.

(3) A bufferyard with a minimum width of three hundred (300) feet shall be established and maintained around all Line Compressors, buildings or structures housing Line Compressors, and associated equipment. A Drill Site or Operation Site shall be permitted within the bufferyard when such site abuts a compressor facility.

(4) All facilities shall be inspected by the Fire Marshal for compliance with the Fire Code and the Gas Well Inspector prior to operation of the compressor.

(5) Line compressors and associated equipment shall be landscaped and screened in the same manner as prescribed for a Drill Site according to § 114.12(G).
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1768-10, passed 4-27-10) Penalty, see § 114.99

§ 114.035 SEISMIC SURVEYS.

(A) A permit shall be required for seismic surveys conducted on City-owned property or within City rights-of-way unless such requirement is waived by the City Manager or his designated representative.

(B) No less than fifteen (15) days prior to conducting a seismic survey within the City, the Operator must provide written notice to the City, the owners and occupants of property and any homeowners association in subdivisions where surveying will occur. The notice must describe the process of seismic surveying, the date when surveying will begin, the expected duration of the survey,

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and include the contact information with the name, telephone number and an e-mail address of the Operator or contractor performing the survey, and the contact information for the Gas Well Inspector.

(C) Seismic surveys shall only be conducted between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday. Seismic surveys shall not be conducted on Sundays or Holidays.

§ 114.04 ROAD REPAIR AGREEMENT.

A Road Repair Agreement and road damage remediation fee shall be submitted in conjunction with the application for a Gas Well permit. The agreement must be signed by the Operator. The City Manager shall have the authority to execute the Road Repair Agreement. A road damage remediation fee shall be charged for each Well included in a Gas Well permit application in the amount set forth in the approved Development Fee Schedule.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

§ 114.045 OPERATOR'S AGENT.

Each Operator of a Well shall designate an agent upon whom all orders and notices provided in this chapter may be served in person or by registered or certified mail. Each Operator so designating such agent shall within ten (10) days notify the City Manager or his designee in writing of any change in such agent or such mailing address unless operations within the City are discontinued in accordance with the requirements of this chapter.
(Ord. OR-1762-10, passed 1-11-10)

§ 114.05 GAS WELL PERMIT REQUIRED.

(A) No person shall engage in the drilling and production of Gas Wells within the City without first obtaining a Gas Well permit.

(B) A single Gas Well permit may be obtained for multiple Wells if approved by the City. An application for a Gas Well permit may be filed with the City concurrently with the application for a specific use permit; provided, however, that the City shall not be required to consider the application for a Gas Well permit unless and until a specific use permit is approved by the City Council.

(C) When a Gas Well permit has been issued covering a Well, the permit shall constitute authority for the following, so long as conducted in strict accordance with this chapter: drilling, operation, production, gathering of production, maintenance, repair, Re-Working, testing, site preparation consisting of rigs or Tank batteries, plugging and Abandonment, and any other activity authorized by this chapter associated with drilling or production by the Operator or its employees, agents, contractors, subcontractors or representatives. A Gas Well permit shall also constitute authority for the construction and use of all facilities reasonably necessary or convenient in connection therewith by the Operator or his or her employees, agents, contractors, subcontractors or representatives, so long as constructed and used in strict accordance with this chapter.

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(D) An original Gas Well permit shall not, however, constitute authority for the re-entering and drilling of an abandoned Well. Re-entry and drilling of an abandoned Well shall require a new Gas Well permit.

(E) A Gas Well permit may be issued for any lot, tract, or other parcel of property, and public utilities may be extended or connected to serve the Drill Site, whether or not the lot, tract, or other parcel of property is part of a recorded plat.

(F) In addition to obtaining a Gas Well permit, each Operator must obtain all other required permits applicable to the proposed operation, including, but not limited to, above-ground storage Tank permits, gas detection system permits, foam/water line assembly permits, irrigation permits, and electrical permits, from the applicable City Departments and remit all necessary fees before the work to be permitted may commence.

(G) An approved Gas Well permit shall expire after one hundred eighty (180) days from the date of its issuance unless the drilling of one or more Wells under the permit has commenced. A Gas Well Permit may be extended one time by the Gas Well Inspector for an additional one hundred eighty (180) days upon request by the Operator if:

(1) The regulatory standards set forth in this Chapter have not changed as applied to the subject permit; and

(2) The request is submitted prior to the expiration of the original permit.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10) Penalty, see § 114.99

§ 114.055 PLATTING REQUIREMENTS FOR CERTAIN RESIDENTIAL DEVELOPMENTS ADJACENT TO GAS WELLS.

(A) The provisions of this section shall apply to land in the City:

(1) that is subject to any zoning designation which allows for a single family dwelling;

(2) where any portion of the boundary of the land is located within 300 feet of the boundary of an existing drill site as established by the applicable Specific Use Permit authorizing the drill site; and

(3) whose owner is required to have a plat prepared and approved pursuant to the Subdivision Control Ordinance of the City of Mansfield, Texas.

(B) The owner of land meeting the criteria set forth in this section shall, at the time of platting, include on the face of the plat, framed in a bold line so as to be distinctly visible, in capital letters and in a minimum type font size of fourteen (14) point, the following note: "LOTS _____ ARE LOCATED WITHIN 300 FEET OF AN APPROVED GAS WELL DRILL SITE." The owner of the property shall complete the blank in the plat note to indicate the lots subject to this section.

(C) For the purposes of this section the terms "owner" and "plat" shall have the meanings ascribed to them by the Subdivision Control Ordinance of the City of Mansfield, Texas.

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§ 114.06 APPLICATION FOR AND REVIEW OF GAS WELL PERMIT.

(A) Applications for Gas Well permits shall be submitted in writing on forms provided by the City and signed by the Operator.

(B) Applications for Gas Well permits shall be filed with the Planning Department. An administration and inspection fee shall be charged for each application, in the amounts set forth in the approved Development Fee Schedule. The administration fee is not refundable regardless of the outcome of the application. Incomplete applications shall be returned to the Applicant. The City shall return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the Operator.

(C) An application for a Gas Well permit must be accompanied by the following documentation:

(1) Ten (10) sets of site plans to include:

(a) The specific acreage and number of Wells included in the Gas Well Permit application;

(b) A Drill Site exhibit with existing and proposed Wells identified by each Well's unit name and number listed on the Texas Railroad Commission permit;

(c) The location, description and distances of all improvements and structures within six hundred (600) feet of the Drill Site from the edge of the Drill Site to nearest property line;

(d) The location of the fracturing pit and access road;

(e) A vicinity map locating the property in relationship to existing major thoroughfares;

(f) A Drill Site detail showing the equipment to be used during drilling, including but not limited to, the drilling rig, pipe rack, water and sanitary sewer facilities, electrical supply, camper/office trailers, closed-loop system, and fracturing pits;

(g) An Operation Site detail showing the production equipment, including but not limited to, Wellheads, separators, dehydrators, Tank batteries, compressors, metering stations, the screening wall/device and landscaping;

(h) Any existing and proposed easements;

(i) A Pipeline Routing Map showing the anticipated or existing alignment of the pipeline(s) serving the Operation Site through the City;

(j) The proposed transportation route and road map for equipment, chemicals or waste products used or produced by the Gas Well operation; and

(k)The screening, landscaping and irrigation plans. The plans for a screening fence or wall must be prepared and sealed by a Texas registered design professional.

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(2) Four (4) sets of engineering plans, including a grading plan, fire hydrant map, a plan showing the public utilities required during drilling and production operations, and the designation of the water source to be used;

(3) An electronic copy of the site plan in accordance with City's current established policy;

(4) The ambient noise report required by Section 114.13(E) hereof and a noise management plan;

(5) A stormwater pollution prevention plan;

(6) A copy of the approved Texas Railroad Commission permit to drill including attachments and survey plats that are applicable to the Drill Site and Operation Site;

(7) A copy of the determination by the Texas Railroad Commission of the depth of useable quality groundwater;

(8) Evidence of insurance and security required by Sections 114.07 and 114.08 hereof;

(9) A tree survey;

(10) An exhibit showing the placement and coverage of security cameras on the Drill Site and Operation Site;

(11) If the Operator is a corporation, the state of incorporation, and if the Operator is a partnership, the name and addresses of the general partners;

(12) The written approval of the U.S. Army Corps of Engineers if the Gas Well operation is on property within the Corps' jurisdiction;

(13) A Hazardous Materials Management Plan prepared in accordance with the Fire Code;

(14) An Emergency Action Response Plan in accordance with Section 114.15(P) hereof; and

(15) Any other information deemed necessary by the City to verify compliance with this Chapter.

(D) No Gas Well permit shall be issued if the proposed activities are not in conformance with the approved specific use permit and associated site plan, provisions of this chapter, Building Code, Fire Code and all other applicable City ordinances.

(E) A decision to deny an application for a Gas Well permit shall be provided to the Operator in writing, including the reason for the decision. The Operator may appeal any such denial to the City Council.

(F) If an application for a Gas Well permit is denied, nothing herein contained shall prevent a new application from being submitted to the City for the same Well. A new application fee shall accompany

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each new application.(Ord. OR-1704-08, passed 8-11-08)

§ 114.07 INSURANCE; INDEMNIFICATION.

The Operator shall provide or cause to be provided the insurance described below for each Well for which a Gas Well permit is issued. Such insurance must continue until the Well is abandoned and the site restored. The Operator may provide the required coverage on a "blanket" basis for multiple Wells if the site of each Well is sufficiently identified, the limits of coverage are sufficient as determined by the City within its sole discretion, and the blanket policy is otherwise approved by the City. The Operator must provide to the City sufficient documentation that the Operator's insurance complies with the requirements of this section before the issuance of the Gas Well permit.

(A) *General requirements - indemnification and express negligence provisions.*

(1) Each Gas Well permit issued by the City shall include the following language and regardless of whether such language is actually included in the Gas Well permit it shall be deemed to be included therein:

OPERATOR DOES HEREBY EXPRESSLY AND IRREVOCABLY RELEASE AND DISCHARGE ALL CLAIMS, DEMANDS, ACTIONS, JUDGMENTS, AND EXECUTIONS OF ANY AND ALL KINDS WHICH IT OR ITS SUCCESSORS OR ASSIGNS EVER HAD, OR NOW HAS OR MAY HAVE, OR CLAIMS TO HAVE, AGAINST THE CITY OF MANSFIELD, TEXAS, ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, EMPLOYEES, SPONSORS, OR VOLUNTEERS, THE GAS WELL INSPECTOR, AND EACH OF THEIR RESPECTIVE HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS, AND ASSIGNS (THE CITY OF MANSFIELD, TEXAS AND ALL OTHER FOREGOING PARTIES BEING HEREIN REFERRED TO COLLECTIVELY AS THE "INDEMNIFIED PARTIES") CREATED BY OR ARISING OUT OF PERSONAL INJURIES, KNOWN OR UNKNOWN, OR INJURIES TO PROPERTY, REAL OR PERSONAL, OR IN ANY WAY INCIDENTAL TO OR IN CONNECTION WITH THE PERFORMANCE OF THE WORK PERFORMED BY THE OPERATOR UNDER A GAS WELL PERMIT. OPERATOR AGREES TO FULLY DEFEND, PROTECT, INDEMNIFY, AND HOLD HARMLESS THE INDEMNIFIED PARTIES FROM AND AGAINST EACH AND EVERY CLAIM, DEMAND, OR CAUSE OF ACTION AND ANY AND ALL LIABILITY, DAMAGES, OBLIGATIONS, JUDGMENTS, LOSSES, FINES, PENALTIES, COSTS, FEES, AND EXPENSES INCURRED BY THE INDEMNIFIED PARTIES CAUSED BY OR ARISING OUT OF, INCIDENTAL TO, OR OTHERWISE IN CONNECTION WITH ANY WORK PERFORMED BY OPERATOR UNDER A GAS WELL PERMIT OR ARISING OUT OF THE USE OF THE DRILL SITE, PIPELINE OR ANY OTHER ASSOCIATED APPURTENANCES THERETO, INCLUDING, WITHOUT LIMITATION, PERSONAL INJURIES AND DEATH IN CONNECTION THEREWITH WHICH MAY BE MADE OR ASSERTED BY OPERATOR, HIS AGENTS, ASSIGNS, OR ANY THIRD PARTIES. OPERATOR AGREES TO FULLY DEFEND, PROTECT, INDEMNIFY, AND HOLD HARMLESS THE INDEMNIFIED PARTIES FROM ANY CLAIMS, LIABILITIES, OR DAMAGES SUFFERED AS A RESULT OF CLAIMS, DEMANDS, COSTS, OR JUDGMENTS AGAINST THE INDEMNIFIED PARTIES, CREATED BY OR ARISING OUT OF THE ACTS OR OMISSIONS OF THE CITY OF

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MANSFIELD OR ANY OF THE OTHER INDEMNIFIED PARTIES, OCCURRING ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS WELLS INCLUDING, BUT NOT LIMITED TO, CLAIMS, LIABILITIES, AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF ANY OF THE INDEMNIFIED PARTIES, INCLUDING THE SOLE NEGLIGENCE OF ANY INDEMNIFIED PARTY, OCCURRING ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE CITY OF MANSFIELD, TEXAS AND THE OTHER INDEMNIFIED PARTIES FROM THE CONSEQUENCES OF THE NEGLIGENCE OF ANY OF THE INDEMNIFIED PARTIES, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE. THE FOREGOING IS NOT INTENDED TO REQUIRE THE OPERATOR TO INDEMNIFY THE INDEMNIFIED PARTIES FROM THE INDEMNIFIED PARTIES' GROSS NEGLIGENCE OR INTENTIONAL HARM, IRRESPECTIVE OF WHETHER THAT GROSS NEGLIGENCE OR INTENTIONAL HARM IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE.

(2) All policies shall be endorsed to read: "This policy will not be cancelled or non-renewed without thirty (30) days' advanced written notice to the owner and the City of Mansfield, Texas, except when this policy is being cancelled for nonpayment of premium, in which case ten (10) days' advance written notice is required."

(3) Liability policies shall be written by:

(a) Carriers licensed to do business in Texas and with companies with A: VIII or better rating in accordance with the current Best Key Rating Guide; or

(b) Non-admitted carriers that have a financial rating comparable to carriers licensed to do business in Texas and which are approved by the City.

(4) Liability policies shall name as "additional insured" the City and other indemnified parties. Waivers of subrogation shall be provided in favor of all indemnified parties.

(5) Copies of the pertinent portion of the insurance policies evidencing all coverages and endorsements required by this section must be presented to the City before the issuance of the Gas Well permit, and the acceptance of a policy without the required limits and/or coverages shall not be deemed a waiver of these requirements. The City may, in its sole discretion, accept a certificate of insurance in lieu of a copy of the pertinent portion of the policy pending receipt of such document by the City. After the issuance of the Gas Well permit, the City may require the Operator to provide a copy of the most current insurance coverages and endorsements for review at any time. An administration fee shall be assessed to cover the cost of the review, in the amount set forth in the Development Fee Schedule.

(6) Claims-made policies shall not be accepted except for excess policies and environmental impairment (or seepage and pollution) policies.

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(B) *Required insurance coverage.*

(1) *Commercial or comprehensive general liability insurance.*

(a) Coverage should be a minimum combined single limit of $1,000,000 per occurrence for bodily injury and property damage, with a $2,000,000 annual general aggregate. This coverage must include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, underground reservoir (or resources) damage, broad form property damage, independent contractors protective liability and personal injury.

(b) Underground reservoir (or resources) damage shall be on an occurrence basis, shall not be limited to sudden and accidental occurrences, shall not have a discovery or reporting limitation and shall not exclude damage to water tables, formation or strata.

(c) Environmental impairment (or seepage and pollution) shall be either included in the coverage or written as separate coverage. Such coverage shall not exclude damage to the lease site. If environmental impairment (or seepage and pollution) coverage is written on a "claims made" basis, the policy must provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids, gases, waste material, or other irritants, contaminants or pollutants. Coverage shall be a minimum combined single limit of $1,000,000 per occurrence. A discovery period for such peril shall not be less than 30 days after the occurrence.

(2) *Automobile liability insurance.* Minimum combined single limit of $1,000,000 per occurrence for bodily injury and property damage. Such coverage shall include owned, non-owned, and hired vehicles.

(3) *Workers' compensation insurance.* In addition to the minimum statutory requirements, coverage shall include employers' liability limits of at least $1,000,000 for each accident, $1,000,000 for each employee, and a $1,000,000 policy limit for occupational disease, and the insurer agrees to waive rights of subrogation against any of the indemnified parties for any work performed for the City by the Operator.

(4) *Excess (or umbrella) liability insurance.* Minimum limit of $10,000,000 covering in excess of the preceding liability insurance policies.

(5) *Control of Well insurance.*

(a) Minimum limit of $10,000,000 per occurrence, with a maximum deductible of $250,000 per occurrence.

(b) Policy shall cover the cost of controlling a Well that is out of control, Re-Drilling or restoration expenses, and seepage and pollution damage. Damage to property in the Operator's care, custody, and control with a sub-limit of $500,000 may be added.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

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§ 114.08 SECURITY.

A security instrument that covers each Well must be delivered to the City before the issuance of the Gas Well permit for the Well. The instrument must provide that it cannot be cancelled without at least thirty (30) days' prior written notice to the City.

(A) As to each Well, the instrument shall secure the obligations of the Operator to:

(1) Comply with the Road Repair Agreement and the insurance provisions set forth in this chapter; and

(2) Pay fines and penalties imposed upon the Operator by the City for any breach of the Gas Well permit, this chapter or the applicable specific use permit.

(B) The security instrument may be in the form of an irrevocable letter of credit issued by a bank located in the City of Mansfield, Texas and approved by the City or a payment bond issued by a surety approved by the City. The instrument shall run to the City for the benefit of the City, shall become effective on or before the date the Gas Well permit is issued, and shall remain in force and effect for a period not less than six months after the expiration or termination of the Gas Well permit or after the Well is plugged and abandoned and the site restored.

(C) A certificate of deposit may be substituted for the letter of credit or payment bond. The certificate shall be issued by a bank located in the City of Mansfield, Texas and approved by the City, shall be payable to the order of the City to secure the obligations of the Operator described above, and shall be pledged to the City with evidence of delivery provided to the City and an appropriate control agreement signed by the issuing bank sufficient to perfect the City's interest in the deposit. Interest on the certificate of deposit shall be payable to the Operator.

(D) The amount of the security shall be $100,000 for any single Well and $200,000 for multiple Wells on a "blanket" basis under the same Gas Well permit.

(E) The form and substance of the documents evidencing the security instruments described above must be acceptable to the City within its sole discretion.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

§ 114.09 PERIODIC REPORTS.

(A) The Operator shall notify the Director of Planning of any change to the following information within one business day after the change occurs:

(1) The name, address, or phone number of the Operator;

(2) The name, address, or twenty-four (24) hour phone number of the person(s) with supervisory authority over drilling or operations activities;

(3) The name, address, or phone number of the person designated to receive notices from the City, which person must be a resident of Texas that can be served in person or by registered or certified

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mail;

(4) The air quality monitoring plan as required by Section 114.15(R) hereof; or

(5) The Operator's site specific emergency action response plan. In addition, each Operator shall meet with the City's Fire Department personnel at least once a year, or more frequently if deemed necessary by the Fire Marshal, to conduct a review of the Operator's emergency action response plan, incident command system, and on-site familiarization that may be deemed necessary by the Fire Marshal or Gas Well Inspector.

(B) The Operator shall provide a copy of any incident reports or written complaints submitted to the Railroad Commission or any other state or federal agency within thirty (30) days after the Operator has notice of the existence of such reports or complaints.

(C) Beginning on December 31 after each Well is completed, and continuing on each December 31 thereafter until the Operator notifies the City that the Well has been abandoned and the site restored, the Operator shall prepare a written report to the City identifying any changes to the information that was included in the application for the applicable Gas Well permit that have not been previously reported to the City.

(D) Beginning on December 31st and annually thereafter each Operator shall provide an operational status report to the City for every Well permitted by the City. The report shall include the Well name, API number, lease name, City case number, railroad commission permit number, railroad commission lease ID number and current status whether pending, drilling, completing, producing, plugged or abandoned.
OperatorOperator(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10) Penalty, see § 114.99

§ 114.10 AMENDED GAS WELL PERMITS.

(A) An Operator must submit an application to the Planning Department to amend an existing Gas Well permit, to commence drilling from a new Drill Site that is not shown on (or incorporated by reference as part of) the existing permit, to relocate a Drill Site or Operation Site that is shown on (or incorporated by reference as part of) the existing permit, or to otherwise amend the existing permit.

(B) Applications for amended Gas Well permits shall be in writing on forms provided by the City and signed by the Operator, and shall include the following:

(1) An application fee in the amount set forth in the Development Fee Schedule. The application fee is not refundable regardless of the outcome of the application;

(2) A description of the proposed amendments;

(3) Any changes to the information submitted with the application for the current Gas Well permit (if such information has not previously been provided to the City);

(4) Such additional information as is reasonably required by the Gas Well Inspector or City

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staff to demonstrate compliance with the applicable specific use permit and associated site plan and the provisions of this chapter; and

(5) Such additional information as is reasonably required by the Gas Well Inspector or City staff to prevent imminent destruction of property or injury to persons.

(C) If, in the judgment of the City or the Gas Well Inspector, the activities proposed by the amendment require an inspection, an inspection fee in the amount set forth in the Development Fee Schedule shall be assessed. The Operator must pay the fee before the amended Gas Well permit will be issued.

(D) Incomplete applications shall be returned to the Applicant. The City shall return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the Operator.

(E) If the activities proposed by the amendment are materially different and, in the judgment of the City or the Gas Well Inspector, might create a risk of imminent destruction of property or injury to persons that was not associated with the activities covered by the existing permit or that was not otherwise taken into consideration by the current permit, the amendment must be processed as a new Gas Well permit application under the provisions of § 114.05.

(F) A decision to deny an amendment to a Gas Well permit shall be provided to the Operator in writing, including an explanation of the basis for the decision. The Operator may appeal any such denial to the City Council.

(G) No amended Gas Well permit shall be issued if the proposed activities are not in conformance with the approved specific use permit and associated site plan, provisions of this chapter, Building Code, Fire Code and all other applicable City ordinances.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

§ 114.11 TRANSFER OF GAS WELL PERMITS.

(A) A Gas Well permit may be transferred upon written request by the Operator with the consent of the City:

(1) If the transferee agrees to be bound by the terms and conditions of the current Gas Well permit and Road Repair Agreement;

(2) If all information previously provided to the City as part of the current Gas Well permit application is updated to reflect any changes; and

(3) If the transferee provides the insurance and security required by this chapter.

(B) The insurance and security provided by the transferor shall be released if a copy of the written transfer is provided to the City. The transfer shall not relieve the transferor from any liability to the City arising out of any activities conducted prior to the transfer.

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(C) Applications for the transfer of Gas Well permits shall be filed with the Planning Department. An administration fee shall be charged for each application, in the amount set forth in the approved Development Fee Schedule.

(D) Within five (5) days of the issuance of a transferred Gas Well permit, the new Operator shall send notice, in a form acceptable to the City, to the occupants of all Protected Uses within one thousand (1,000) feet of a Drill Site or Operation Site of such a change. The notice shall include the new Operator's name and emergency and non-emergency telephone numbers.
(Ord. OR-1704-08, passed 8-11-08)

OPERATION REQUIREMENTS

§ 114.12 ON-SITE OPERATION REQUIREMENTS.

(A) Erosion control for each drill and Operation Site or Line Compressor Facility shall comply with the storm water pollution prevention plan approved by the City Engineering Department.

(B) No Drill Site, Operation Site or Line Compressor Facility may be located in a floodplain without the approval of the City and, where applicable, the U.S. Army Corps of Engineers.

(C) There shall be a locked entrance gate to the Drill Site, Operation Site or Line Compressor Facility.

(D) The following signs shall be required on all Drill Sites and Operation Sites:

(1) Address sign. An address sign shall be immediately and prominently displayed at the entrance of the access road. The numbers and letters of the address must be at least six (6) inches in height and having a one-half (0.5) inch brushstroke.

(2) 911 sign. A 911 sign shall be immediately and prominently displayed at the entrance to a Drill Site or Operation Site. Unless otherwise required by the Railroad Commission, the sign shall have a surface area of not less than two square feet or more than four square feet, and shall be lettered with the following:

(a) The emergency 911 number;

(b) The Well name and number;

(c) Name of the Operator;

(d) The address of the site and City pad ID number, as assigned by the City;

(e) A twenty-four (24) hour emergency telephone number of the Operator; and

(f) City of Mansfield jurisdiction.

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(3) No smoking sign. Signs reading "DANGER NO SMOKING ALLOWED" in both English and Spanish as shown in the figure below shall be posted at the entrance of each site and Tank Battery and in any other location approved or designated by the Fire Marshal. Sign lettering shall be four inches in height and shall be red on a white background or white on a red background.

or

(4) The appropriate National Fire Prevention Association fire diamond hazard placard is required on each Tank.

(5) Non-potable water signs shall be displayed on all Tanks containing non-potable water.

(6) The Operator shall post a sign at the entrance of a Drill Site to notify the public whenever Flaring will take place on the Drill Site.

(7) All signs required under this subsection shall be made of waterproof, durable materials and shall be maintained in a good condition at all times.

(E) All facilities used for parking, loading, unloading, driveways and all other vehicular access to each Drill Site, Operation Site and Line Compressor Facility shall be constructed of concrete, asphalt or an alternative equivalent strength surface which complies with all Fire Code standards, provided that the drive approach from the street be constructed of concrete. The surface for such facilities and drive approach must always be maintained in good condition and repair.

(F) All gates into a Drill Site or Operation Site shall remain locked at all times when the Operator's personnel are not present. Unless otherwise approved by the Fire Marshal, each gate shall be equipped with a Knox Box with a key or a Knox Lock for emergency access to the site.

(G) The permanent screening of a site shall consist of a landscaped enclosure with a minimum height of eight (8) feet and a maximum height of ten (10) feet. The enclosure must be installed along the perimeter of the site. Low-profile equipment or facilities shall be used on the site and shall not exceed the height of the enclosure. Permanent screening shall comply with the following:

(1) A site shall be enclosed with a) a wrought iron fence with double row of dense evergreen plantings, each row staggered, to form a solid screen that is at least eight (8) feet tall at the time of planting; or b) with a screening wall constructed of at least two (2) complimentary masonry construction materials with non-dwarf variety shrubs planted three (3) feet on center, with a minimum height of three feet at planting and reaching a mature height of at least six (6) feet. The type and dimensions of fence or wall, its dimensions, and plantings for the enclosure shall be approved as proposed by the Applicant or may be modified as deemed appropriate by the City Council as part of the

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Specific Use Permit and associated site plan. For the purpose of this Division (1), masonry construction material shall mean brick or natural or manufactured stone units at least two (2) inches thick, laid up unit by unit and set in mortar. A fence or wall required under this subsection shall meet the following:

(a) Fences or walls shall be designed by a Texas registered design professional licensed based on soil analysis and geotechnical data. Prior to the construction of the fence or wall, the Operator shall submit plans sealed by the registered design professional indicating the design specifications of the fence or wall. Upon completion of the fence or wall, the Operator shall provide a letter to the City sealed by the registered design professional certifying that the fence or wall was installed according to the design specifications.

(b) A fence or wall that is leaning by ten (10) degrees or more beyond plumb or is missing portions of the fence or wall panels shall be considered structurally unsafe and a hazard to safety, health and public welfare. The Operator shall commence repairs or replacement of the fence or wall within forty-eight (48) hours of receipt of notice from the City.

Examples of an appropriate screening wall and landscape scheme:

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(2) Trees shall be planted around the site in the following proportion: a maximum of seventy percent (70%) of the trees shall be at least three and one-half caliper inches, and a minimum of thirty percent (30%) of the trees shall be at least five caliper inches. Trees shall be of an evergreen variety and container grown.

(3) Trees shall be planted in a manner so as to achieve a more natural appearance. The number of required trees shall be established at rate of one (1) tree for each twenty-five (25) linear feet along each side of the site.

(4) The permanent screening, landscaping, and irrigation shall be installed within one hundred twenty (120) days from setting surface casing on the first Well on a Drill Site. Irrigation shall be designed to ensure that water is evenly distributed to the soil on the interior and exterior sides of the screening wall or fence.

(5) A temporary chain link fence or other approved type of fence with a minimum height of six feet shall be required around a Drill Site until the permanent screening has been installed in accordance with this section. The fence shall have slats that provide ninety percent (90%) opaqueness.

(6) Other screening and landscaping materials may be approved by the City Council as established by the approved specific use permit and associated site plan.

(7) A wrought iron or ornamental gate shall be required for any entrance to the site. The gate shall have no openings greater than four inches in width.

(8) The Operator shall be responsible for maintaining all landscaping in a healthy, neat, orderly and live-growing condition at all times.

(H) The raw soil in disturbed areas or embankments around each Drill Site, Operation Site, Line Compressor Facility, fracturing pit or open reserve pit, where permitted, shall be seeded or covered with grass to be maintained in a healthy and live-growing condition.

(I) No refining process, or any process for the extraction of products from gas, shall be carried on at a Drill Site or Operation Site, except that a dehydrator and separator may be maintained for the separation of liquids from gas. Any such dehydrator or separator may serve more than one Well. All production equipment on an Operation Site shall be maintained at all times.

(J) No person shall place, deposit, or discharge or cause or permit to be placed, deposited, or discharged any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, refuse, wastewater, brine or hazardous substance from any Gas Well or Line Compressor operation or the contents of any container used in connection with any Gas Well or Line Compressor operation in, into, or upon any public right-of-way, storm drain, ditch or sewer, sanitary drain or sewer, any body of water, or any private property.

(K) Electric lines to the Drill Site, Operation Site or Line Compressor facility shall be located underground.

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(L) All fire suppression and prevention equipment required by any applicable federal, state, or local law at each Drill Site, Operation Site and Line Compressor facility shall be provided by the Operator, at the Operator's cost, and the maintenance and upkeep of such equipment shall be the responsibility of the Operator.

(M) No Operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City, at a price to be agreed upon, and then only in strict compliance with this chapter, other City ordinances, and the specifications established by the Department of Public Works.

(N) The digging up, breaking, excavating, tunneling, undermining, breaking up, or damaging of any public street or leaving upon any public street any earth or other material or obstruction, is prohibited unless the Operator has first obtained written permission from the City, and then only in compliance with specifications established by the City.

(O) No Gas Well permit shall be issued for any Well to be drilled within any of the public street or alley rights-of-way of the City and/or future streets shown on the Master Thoroughfare Plan. No street shall be blocked or encumbered or closed due to any Exploration, drilling, or production activities unless prior consent is obtained from the City, and then only temporarily.

(P) In all cases, blowout prevention equipment shall be used on all Wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during gas operations as required by and in conformance with the requirements of the Railroad Commission and the recommendations of the American Petroleum Institute. The Operator must equip all drilling Wells with adequate Blowout Preventers, flow lines and valves commensurate with the working pressures involved as required by the Railroad Commission.

(Q) All unpaved access roads or unpaved Drill Sites or Operation Sites shall be treated with an approved polymer based emulsion agent, magnesium chloride, or other City-approved equivalent agent prior to the commencement of drilling operations. Operators shall follow manufacturer's application and maintenance schedule or re-apply agent as directed by the Inspector.

(R) All production equipment shall be painted and maintained in proper working condition at all times, including, but not limited to, Wellheads, pumping units, Tanks, and buildings or structures. When requiring painting of such facilities, the Inspector shall consider the deterioration in the quality of the material of which such facility or structure is constructed, the degree of rust, and its appearance. Paint shall be of a neutral color, compatible with surrounding uses. Neutral colors shall include sand, gray and unobtrusive shades of brown, or other neutral colors approved by the Inspector. Except as approved by the City in writing, pipes in the Tank Battery shall be elevated off the ground.

(S) Upon completion of the construction of a Drill Site, fracturing pit, access road and other surface appurtenances, an Operator shall provide to the City a survey, prepared by a licensed professional surveyor, depicting the existing conditions of the Drill Site, fracturing pit, access road, in a format acceptable to the City, to demonstrate that all surface facilities are within the boundaries established by the applicable specific use permits and associated site plans. The cost of said surveys shall be borne by the Operator. A survey shall be required whenever a change is made to the existing conditions of a Drill Site, fracturing pit, or access road as depicted on the previous survey.

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(T) Explosive charges shall be prohibited within the City limits unless an appropriate permit has first been obtained from the Fire Department.

(U) Operators shall keep Drill Sites and Operation Sites free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash, or other waste material and an area outside ten (10) feet of the entrance to a Drill Site or Operation Site. The area around signage required by the City must be maintained so as to provide clear visibility to the signage.

(V) The Operator shall provide notice as follows:

(1) Any Operator who intends to perform the following activities shall give written notice to the designated City official and the Gas Well Inspector at least forty-eight (48) hours before the activities begin:

(a) Drill a Well, including site construction and/or preparation; mobilization and demobilization of drilling equipment, and operations related to advancing the Well bore such as spudding, setting surface casing, and cementing;

(b) Re-work a Well using a drilling rig;

(c) Fracture stimulate a Well;

(d) Perform flow back operations;

(e) Plug a Well; or

(f) Perform any other maintenance at a Drill Site or Operation Site.

(2) An Operator shall send notice, in a form acceptable to the City, to the occupants of all dwellings within one thousand (1,000) feet of a Drill Site or Operation Site in accordance with the following provisions:

(a) Notice shall be sent at least ten (10) days prior to the commencement of any of the following activities:

1. Site construction or preparation;

2. Mobilization or demobilization of drilling equipment:

3. Drilling operations;

4. Hydraulic Fracturing operations;

5. Flowback operations, together with a disclaimer that Flaring may or may not occur;

6. Re-working a Well; and

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7. Plugging and abandoning a Well.

(b) The notice shall identify the above activities that will be conducted and shall include the number of Wells to be drilled and the estimated duration of the activities. If the activities are to be conducted continuously, they may be listed on one notice. Separate notices shall be required if an activity does not occur within ninety (90) days of the last activity on the Drill Site or Operation Site.

(c) The notice shall provide the address and twenty-four (24) hour phone number of the person conducting the activities, and the telephone numbers to file complaints with the Texas Commission on Environmental Quality and the Texas Railroad Commission.

(d) The Operator shall provide an affidavit certifying that notice has been sent to the above-referenced dwellings.

(W) After Hydraulic Fracturing or re-fracturing, an Operator shall employ appropriate equipment and processes to prevent natural gas and associated vapor releases to the environment. All salable gas shall be directed to the sales pipeline or shut-in and conserved. All Wells that have a sales pipeline shall be required to employ Reduce Emission Completion techniques and methods. If authorized by the City, Flaring may be used in some instances as a temporary alternative to venting. In such a case, open flames shall not be located closer than three hundred (300) feet from any building not used in operations on the Drill Site and such open flame shall be screened in such a way as to minimize nuisance and detrimental effects to surrounding properties.

(X) At all times after the permanent screening is in place around a Drill Site, Operation Site or compressor station, a minimum of one security camera shall be mounted inside the enclosure for Drill Sites located within a one thousand (1,000) foot radius of any Protected Use, residential subdivision or public park. Signs shall be posted on the fence or wall of the site to indicate that activity on the site may be recorded by video surveillance. Camera systems shall be maintained in proper operating condition and shall be designed and located so as to meet the following requirements:

(1) Capture clear video images (day and night) of all traffic entering and exiting the gate(s);

(2) Capture clear video images (day and night) of all production equipment located on the site;

(3) Be equipped with motion detection technology;

(4) Be equipped with panning technology to pan immediately to any motion detected on the site;

(5) Show the date and time of all activity on the footage; and

(6) Be capable of being viewed at the monitoring facility.

Operator shall maintain video data for a period of seventy-two (72) hours. At the request of the City, the Operator shall provide to the City any recorded views of the enclosed area. Data from videos may only be requested by the City Manager, his designee, or law enforcement officials.

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(Y) No construction activities including, but not limited to, the erection, excavation, demolition, alteration, or repair of any access road, fracturing pit, Drill Site, Operation Site, or any structure or flatwork on such sites shall occur during Nighttime hours.

(Z) Drill stem testing shall be done during Daytime hours. Drill stem tests may be conducted only if the Well effluent during the test is produced through an adequate gas separator to storage Tanks and the effluent remaining in the drill pipe prior to the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10; Am. Ord. OR-1768-10, passed 4-27-10; Am. Ord. OR-1795-11, passed 1-24-11; Am. Ord. OR-1905-14, passed 3-24-14) Penalty, see § 114.99

§ 114.13 OPERATIONS AND EQUIPMENT PRACTICES AND STANDARDS.

(A) Adequate nuisance prevention measures shall be taken to prevent or control offensive odor, fumes, dust, noise and vibration at each Drill Site, Operation Site and Line Compressor Facility.

(B) *Electric power.*

(1) An Operator shall only use electricity to power a drilling rig and all permanent compressors, excluding temporary Lift Compressors as described in Section 114.03(B)(3) hereof. The electricity shall be provided by the electric delivery utility company using a ground-mounted transformer located on the Drill Site or Operation Site.

(2) The City may approve an alternative power source or equipment such as diesel generators if the Drill Site or Operation Site is located more than one thousand (1,000) feet from a property with a Protected Use, or if the electric delivery utility company reports that there is insufficient capacity to serve a Drill Site or Operation Site.

(3) An Operator may use temporary diesel generators during a disruption of electric service until such service is restored, provided that noise produced by such equipment does not exceed the maximum limits established for the Drill Site or Operation Site.

(C) No person shall permit any lights located on any Drill Site, Operation Site or Line Compressor facility to be directed in such a manner so that they shine directly on public streets, adjacent property or property in the general vicinity of the Drill Site, Operation Site or Line Compressor facility. Site lighting shall be shielded and directed downward and internally so as to avoid glare on public streets and buildings within three hundred (300) feet.

(D) The Operator shall at all times comply with all applicable federal, state and City requirements.

(E) *Noise.*

(1) Prior to the issuance of a Gas Well permit, the Operator shall report to the City ambient noise readings taken over a seventy-two (72) hour period, including at least one twenty-four (24) hour reading during a Saturday or Sunday. During the seventy-two (72) hour period, readings shall be taken

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from the hours of 7:00 a.m. to 7:00 p.m. to establish the pre-drilling or pre-installation Ambient Noise Level for Daytime operations and from the hours of 7:00 p.m. to 7:00 a.m. to establish the pre-drilling or pre-installation Ambient Noise Level for any Nighttime operations.

(2) The exterior noise level generated by any operations (including, but not limited to, drilling, Re-Drilling, production, Hydraulic Fracturing, and Flowback) or any Line Compressor Facility shall not exceed the pre-drilling or pre-installation Ambient Noise Level by more than five decibels for Daytime operations and shall not exceed the pre-drilling or pre-installation Ambient Noise Level by more than three decibels for Nighttime operations when measured at the nearest boundary of a property occupied by a Protected Use or 100 feet from the nearest structure occupied by a Protected Use (as measured to the closest exterior point of the structure), whichever is closer to the Protected Use.

(3) Adjustments to the noise standards as set forth above in Division (D)(2) of this section may be permitted in accordance with the following:

Permitted Increase (dBA)	***Duration of Increase (minutes*)***
10	5
15	1
20	Less than 1
* Cumulative minutes during any one hour	

(4) During Workover Operations, all activities shall be restricted to Daytime hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday and Sunday.

(5) During Hydraulic Fracturing, all activities shall be restricted to hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays. Hydraulic Fracturing shall be prohibited on Sundays and Holidays. Notwithstanding the foregoing, Hydraulic Fracturing Pumping shall be prohibited on Saturdays for Drill Sites or Operation Sites located within one thousand (1,000) feet of a Protected Use as measured from the edge of the Drill Site or Operation Site to nearest property line of the Protected Use.

(6) An Operator shall not drill or re-drill a Well or operate any equipment in such a manner so as to create pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five dB for center frequencies of 500 Hertz and above, and by eight dB for center frequencies between 160 and 400 Hertz, and by 15 dB for center frequencies less than or equal to 125 Hertz.

(7) An Operator shall not drill or re-drill a Well or operate any equipment in such a manner so as to create low-frequency outdoor noise levels that exceed the following decibel levels:

16 Hertz octave band: 65 dB

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32 Hertz octave band: 65 dB
64 Hertz octave band: 65 dB

(8) The exterior noise level generated by the drilling, Re-Drilling or other operations on a Drill Site or an Operation Site located within six hundred (600) feet of a property occupied by a Protected Use shall be continuously monitored to ensure compliance. The continuous noise monitoring equipment shall be capable of wireless transmission of real-time noise and audio data. Access to this real-time data shall be made available to the City's Inspectors. The cost of such monitoring shall be borne by the Operator. Where continuous monitoring is not required, and a complaint is received by the City from the occupants of any Protected Use on property located more than six hundred (600) feet from a Drill Site or Operation Site, the Operator shall, if required by the City, and within twenty-four (24) hours of notice of the complaint, continuously monitor the exterior noise level generated by the drilling, Re-Drilling or other operations for a seventy-two (72) hour period to ensure compliance. At the request of the City, the Operator shall monitor the exterior noise level at the source of the complaint.

(9) Acoustical blankets, sound walls or other alternative methods as approved by the Gas Inspector may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and subject to approval by the City.

(10) The sound level meter, instrument, or analyzing device used in conducting noise evaluations shall meet the American National Standard Institute's Standards.

(11) Prior to the issuance of a Gas Well permit and the commencement of operations, the Operator shall submit a noise management plan, approved by the City, detailing how the equipment used in the drilling, completion, transportation, or production of a Well complies with the maximum permissible noise levels of this section. The Operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of any noise generating equipment.

(12) A citation may be issued immediately for failure to comply with the provisions of this section. However, if the Operator is in compliance with the approved noise management plan, and a violation still occurs, the Operator will be given 24 hours from notice of non-compliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the Operator.

(13) Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with the drilling of any Well or for use on any production equipment shall not be discharged into the open unless equipped with a hospital grade exhaust muffler or mufflers.

(F) An Operator is allowed to construct, use, and operate such storage equipment and separation equipment as shown on the applicable specific use permit and associated site plan and Gas Well permit. The use of centralized Tank batteries is permitted only as shown on the applicable specific use permit and associated site plan and Gas Well permit.

(G) In parallel to gas gathering pipeline, a flow back line may be installed to handle water and gas flow back following Well fracture treatment.

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(H) All surface facilities used for drilling, production or compression, including, but not limited to, a Drill Site, Operation Site, Line Compressor facility, fracturing pit, access road, and areas disturbed by grading or other means to accommodate such facilities shall be constructed within the boundaries established by the applicable specific use permit and associated site plan. All equipment, machinery, vehicles shall be stored and drilling and production operations shall be conducted within such boundaries as established by the applicable specific use permit and associated site plan and Gas Well permit. The use of public rights-of-way or property outside of the established boundaries for drilling, production or compression operations is prohibited.

(I) Except in the case of an emergency, Well servicing operations and any deliveries to the site or to a Line Compressor Facility shall be scheduled to occur between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday and Sunday, only. The time limits set forth herein do not apply during the drilling of a Well, except that the mobilization and demobilization of any equipment used for drilling and related operations, trailers, and vehicles shall be permitted only during Daytime hours.

(J) Air, gas, or pneumatic drilling shall not be permitted.

(K) The Operator shall immediately notify the City of any substantial accumulations of dirt, dust, mud or other debris deposited on City thoroughfares by vehicles involved in the Well drilling or servicing or pipeline installation process. If for safety or other reasons, the City elects to perform the removal, the cost of such removal shall be paid by the Operator.

(L) Within sixty (60) days of the completion of the Well or within sixty (60) days of Re-Working a Well, the area around the Well shall be cleaned up and cleared of all material and equipment, holes or excavations filled, and the land graded and returned to its original condition including replanting of vegetation to match the surrounding area.

(M) An Operator shall connect to a City water supply line or outlet for water used in the preparation, drilling, completion, production, and operation of Gas Wells, Drill Sites, Operation Sites and Line Compressor Facilities when such facilities are located within one thousand five hundred (1,500) feet of a City water supply line or outlet. This provision shall not apply if above-referenced facilities are located more than one thousand five hundred (1,500) feet from a City water supply line or outlet, or if the City's Water Department reports that there is insufficient capacity to serve a Drill Site, Operation Site or Line Compressor Facility.

(N) No vehicle, equipment, materials or other similar items shall be placed or stored on a Drill Site or Operation Site when not in use or are not necessary for the operation of such site, as determined by the Inspector.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10; Am. Ord. OR-1768-10, passed 4-27-10; Am. Ord. OR-1905-14, passed 3-24-2014) Penalty, see § 114.99

§ 114.14 PIPELINES.

(A) A natural gas pipeline permit shall be required for natural gas pipelines and an application shall be submitted to the Planning Department on forms provided by the City. Incomplete applications shall be returned to the Applicant. The City shall return any application as incomplete if there is a

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dispute pending before the Railroad Commission regarding the determination of the Operator. In addition to the application, the following must be submitted:

(1) An electronic copy of the Pipeline Easement Map in accordance with current established policy.

(2) A Pipeline Easement Map indicating the location of the destination transmission pipeline or Line Compressor, where applicable, and the alignment of the pipeline(s) connecting the Operation Site to the transmission pipeline or Line Compressor.

(3) A copy of any easement agreements, leases or other documentation required by the City to verify the route shown on the Pipeline Easement Map.

(4) A nonrefundable application fee for each natural gas pipeline permit in the amount set forth in the City's most recent fee schedule.

(B) Where a pipeline is being installed to serve a Drill Site, no natural gas pipeline permit shall be issued if the proposed pipeline and its related facilities are not in conformance with the approved specific use permit and associated site plan for that Drill Site, the provisions of this section, building code, fire code and all other applicable City ordinances.

(C) A decision to deny an application for a natural gas pipeline permit shall be provided to the Operator in writing, including the reason for the decision. The Operator may appeal any such denial to the City Council.

(D) If an application for a natural gas pipeline permit is denied, nothing herein contained shall prevent a new application from being submitted to the City for the same pipelines. A new application fee shall accompany each new application.

(E) An approved natural gas pipeline permit shall expire on the one year anniversary of its date of issuance unless installation of the pipeline authorized by the permit has commenced.

(F) All surface appurtenances, excluding pipeline markers, serving a pipeline, including, but not limited to, valve stations, metering stations, pig launchers and other similar equipment, shall be screened in accordance with § 114.12 (G) of this chapter. A landscape and irrigation plan must be submitted with the application for a natural gas pipeline permit.

(G) An Operator shall place a pipeline marker, in English and Spanish, at each point where the Operator has constructed or caused to be constructed a pipeline across a public street or road.

(H) An Operator shall place a pipeline marker, in English and Spanish, over pipelines carrying hydrogen sulfide (H_2S) gas as required by the Railroad Commission.

(I) Pipelines shall be limited to the maximum allowable operating pressure applicable to the pipes installed and shall be installed with at least the minimum cover or backfill specified by the American National Safety Institute Code, as amended.

(J) Structures shall not be built over pipelines.

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(K) Pipelines shall be located underground. The location of all pipelines must be marked with warning signs in accordance with industry standards. Within the City of Mansfield, the distance between such signs shall not exceed five hundred (500) feet. In addition, during backfill of pipeline excavations, "Buried Pipeline" warning tape shall be buried one foot above the pipeline to warn future excavators of the presence of buried pipeline.

(L) Each pipeline Operator shall maintain a public education program as mandated by state and federal law.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1768-10, passed 4-27-10) Penalty, see § 114.99

§ 114.15 ADDITIONAL SAFETY AND ENVIRONMENTAL REQUIREMENTS.

(A) The drilling and production of gas and accessing the Drill Site or Operation Site shall be in compliance with all state and federal environmental regulations and shall not occur within Environmentally Sensitive Areas.

(B) Gas Wells may have a target location or bottom-hole location that is under an Environmentally Sensitive Area when the Gas Well is drilled directionally from a location outside the Environmentally Sensitive Area.

(C) Emergency Shutdown Controls:

(1) Each producing Well shall be equipped with an automated valve that closes the Well in the event of an abnormal change in operating pressure. All Wellheads shall contain an emergency shut off valve to the Well distribution line.

(2) Each Drill Site, Operation Site, or Line Compressor Facility must have an emergency shutdown switch installed in a location approved by the Fire Marshal. The device shall have a sign or label identifying the switch as the emergency shutdown control.

(3) At least once a year, or as required by the Fire Marshal, the Operator shall test the emergency shutdown switch and monitoring system to ensure that the equipment is working properly.

(D) Each storage Tank shall be equipped with a level control device that will automatically activate a valve to close the Well or automatically call the Operator's response personnel to manually close the Well in the event of excess liquid accumulation in the Tank.

(E) Storage Tank facilities shall be equipped with a secondary containment system including lining with an impervious material. The secondary containment system shall be of a sufficient height to contain one and one-half (1-1/2) times the contents of the largest Tank, and the impervious liner shall be covered with at least one foot of sand. Drip pots shall be provided at pump out connections to contain the liquids from the storage Tank.

(F) Tank Battery facilities shall be equipped with a remote foam line utilizing a two and one-half (2-1/2) inch National Standard Hose Thread female inlet connection in locations approved by the Fire Department. A lightning arrestor system or lightning grounding system shall be installed according to the most current edition of the National Electrical Code.

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(G) An approved Hazardous Materials Management Plan shall be on file with the Fire Department. The costs of cleanup operations due to hazards associated with a Well site or a Line Compressor facility shall be the responsibility of the Operator.

(H) No salt- or waste-water disposal Wells shall be located within the City.

(I) A Closed Loop Mud System shall be used in conjunction with all drilling and reworking operations for all Gas Well permits.

(J) The following inspections shall be required:

(1) *Surface casing*. An Operator must set and cement sufficient surface casing to protect all usable-quality water strata, as defined by state law. The Operator shall notify the Gas Well Inspector in writing at least seventy-two (72) hours prior to setting and cementing surface casing. In addition, the following shall be required:

(a) Centralizers must be used at an interval of one centralizer per one hundred (100) feet, or ten centralizers per one thousand (1,000) feet.

(b) New surface casing is required.

(c) Proper floating equipment shall be used.

(d) Class "H" or Class "C" cement with accelerators shall be used.

(e) The Operator shall circulate cement to surface; if not, the Operator shall cement with one-inch tubing and top off.

(f) The Operator shall wait on cement a minimum of eight (8) to twelve (12) hours prior to commencing further drilling operations.

(g) The Operator shall test the Blowout Preventer before drilling out of surface casing to one thousand (1,000) psi.

(2) *Completion*. The Operator shall notify the Gas Well Inspector in writing at least seventy-two (72) hours prior to starting completion procedures such as Hydraulic Fracturing and perforating. The Well must be equipped with a Blowout Preventer before this operation is commenced. If a bridge plug is set over a producing formation prior to additional completion, it must be pressure-tested to a sufficient pressure to ensure that it is not leaking.

(3) *Pipeline*. The Operator shall notify the Gas Well Inspector in writing at least seventy-two (72) hours prior to the first sale.

(4) *Final inspection*. After the site has been cleaned up and screened, the Operator shall notify the Gas Well Inspector for a final inspection. Prior to the final inspection, the Operator must provide the City with geographic coordinates of the Well bore, using the North American Datum 1983 (NAD 83), Texas State Plane - North Central Zone (4202), in United States feet.

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(5) *Line Compressor Facility not part of an Operation Site*. The Gas Well Inspector shall inspect each Line Compressor Facility established independently of an Operation Site for compliance with all applicable regulations of the State of Texas and City ordinances.

(K) The Gas Well Inspector shall conduct regular inspections at least once a year of all permitted Wells in the City to determine that the Wells are operating in accordance with the requirements of this chapter and all regulations of the Railroad Commission. If a violation of the applicable specific use permit and associated site plan or the Gas Well permit is found during an annual inspection, a reinspection fee shall be assessed in the amount set forth in the Development Fee Schedule.

(L) If a gas field in the City is identified as a hydrogen sulfide (H_2S) gas field, the Operator shall immediately cease operation.

(M) The following shall be required for all fracturing pits:

(1) All fracturing pits, excluding pre-existing water features, must be filled in and the surface revegetated and returned to a state prior to the creation of the pit after the drilling of all Wells identified in the application have been completed.

(2) Notwithstanding division (M)(1) above, the filling of the fracturing pit shall not be required where the approved specific use permit indicates an intent to convert the fracturing pit into a permanent water feature to serve as a neighborhood amenity and includes plans detailing the design and conversion dale for the intended water feature. The City shall determine whether a water feature is suitable for its intended location and that the design of the water feature complements the surrounding present or future development. Once a fracturing pit has been converted to a community water feature, the water contents may no longer be used to fracture a Well. The permanent water feature must also comply with the landscape requirement in Section 7300 of the Mansfield Zoning Ordinance for detention and retention ponds.

(3) No pre-existing body of surface water may be used as a fracturing pit or a source of water for the Hydraulic Fracturing process without the approval of the City Engineer. In addition, any detention or retention pond used as a fracturing pit must be engineered and sized to accommodate both the water for the Hydraulic Fracturing process and any drainage from surrounding development or properties.

(4) Each new fracturing pit shall be enclosed with a chain link black or dark green fencing on all four sides during drilling operations.

(N) Drill sites, Operation Sites, Line Compressor Facilities and the installation of natural gas pipelines shall not be exempt from the tree protection and tree replacement requirements of the Natural Resources Management Ordinance. Trees removed to accommodate Drill Sites, Operation Sites, Line Compressor Facilities or natural gas pipelines shall be mitigated in accordance with the Natural Resources Management Ordinance (Chapter 99 of this code).

(O) In the event of an emergency or incident at a Well site that necessitates or involves emergency provider response by the City, the City may assess the reasonable cost of the emergency response services to the Operator. The Operator shall be required to remit payment for services rendered within

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three business days of receipt of the invoice.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

(P) The Operator shall submit an emergency action response plan. At a minimum, the plan shall provide for:

(1) Prompt and effective response by the Operator to emergencies regarding leaks or releases that can affect public health, safety and welfare; fire or explosions at or near a Gas Well; and natural disasters and severe weather;

(2) Effective means to notify and communicate required and pertinent information to local fire, police and public officials during an emergency;

(3) The availability of personnel, equipment, tools and materials as necessary at the scene of an emergency.

(4) Measures to be taken to reduce public exposure to injury, accidental death or exposure;

(5) Emergency shutdown of a Gas Well and related site;

(6) The safe restoration of service and operations following an emergency or incident;

(7) A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures;

(8) An emergency notifications page that indicates all emergencies must be reported to the Fire Department at 911 and to the Gas Well Inspector;

(9) Drive-to-maps from public rights-of-way to the Drill Site;

(10) The name, address, and 24-hour phone number of the Operator's representative with supervisory authority over drilling or operations activities; and

(11) The name, address and 24-hour phone number of the person to be notified in case of an emergency.

(Q) Each Operator shall maintain a master services agreement with applicable third party service providers dedicated to spill response, Well control, explosion, fire or other emergencies. As part of the emergency response action plan, the Operator shall provide a current list of each service provider's name, a description of service(s), telephone number, anticipated response time and business location.

(R) Within thirty (30) days of receipt of a written request from the City Manager or his designated representative, an Operator of a Drill Site or Operation Site within the City shall provide an air quality management plan. The air quality management plan shall include a description of the air quality monitoring techniques and equipment the Operator will use to comply with all applicable federal and state law, which may include the use of FLIR cameras, hand-held or other air emission detection equipment, activities conducted during regular inspections, operation and maintenance schedules for equipment checks, on-site daily or weekly visual inspections, and use of third party leak detection or

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air monitoring consultants, and frequency of monitoring.

(S) Within thirty (30) days of receipt of a written request from the City Manager or his designated representative, an Operator of a Drill Site or Operation Site within the City shall provide an extended gas analysis of raw produced gas from a single Well on a designated Drill Site, Operation Site or a Line Compressor facility. The extended gas analysis must include testing for the following: NITROGEN (N2); CARBON DIOXIDE (CO2); METHANE; ETHANE; PROPANE; ISO-BUTANE; BUTANE; ISO-PENTANE; PENTANE; ISO-HEXANES; HEXANE; BENZENE; CYCLOHEXANE; ISO-HEPTANES; HEPTANE; TOLUENE; ISO-OCTANES; OCTANE; ETHYLBENZENE; META-, ORTHO- and PARA-XYLENE; ISO-NONANES; NONANE; ISO-DECANES; DECANE; and ISO-UNDECANES. The City may request an extended gas analysis no more than once every five years; provided, however, should the City receive a written complaint regarding emissions at a Drill Site, Operation Site or a Line Compressor facility, the City may evaluate the complaint and may request additional analyses as necessary within such five year period. All laboratory analyses shall be performed by a third-party laboratory with National Environmental Laboratory accreditation, where a method of accreditation is available and all samples shall be collected, handled, and transported following proper chain-of-custody protocol. If, after reviewing an Operator's extended gas analysis and air quality management plan deficiencies or violations of federal or state law are identified, the City may, as its sole remedy, notify the TCEQ, Railroad Commission, the EPA or any other applicable state or federal regulatory agencies to request enforcement.

(T) Within thirty (30) days of receipt of a written request from the City Manager or his designated representative, an Operator of a Drill Site or Operation Site within the City shall provide a produced water flash analysis for each Drill Site or Operation Site. The analysis shall conform to the emission modeling requirements promulgated by the Texas Commission on Environmental Quality. The City may request a produced water flash analysis no more than once every five years; provided, however, should the City receive a written complaint related to the produced water from a Drill Site or Operation Site, the City may evaluate the complaint and may request additional samples as necessary within such five year period. All laboratory analyses shall be performed by a third-party laboratory with National Environmental Laboratory accreditation, where a method of accreditation is available and all samples shall be collected, handled, and transported following proper chain-of-custody protocol.

(U) The Operator of a Gas Well shall provide the Gas Well Inspector with a pre-drilling and post-drilling water analysis for total petroleum hydrocarbons from any existing fresh water well registered by the state within five hundred (500) feet of the Gas Well if requested by the owner(s) of those fresh water wells. All laboratory analyses shall be performed by a third-party laboratory with National Environmental Laboratory accreditation, where a method of accreditation is available and all samples shall be collected, handled, and transported following proper chain-of-custody protocol.

§ 114.16 SUPPLEMENTAL DRILLING.

(A) Supplemental drilling to deepen or directional drill a Well that has not been abandoned shall be conducted in accordance with the conditions of the applicable specific use permit and associated site plan and the Gas Well permit for the Well.

(B) The Operator shall provide the City with a copy of additional Railroad Commission permits that allow drilling to a deeper depth.

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(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

§ 114.17 RE-WORKING OF WELL; NOTICE.

Any person who intends to re-work a Well using a drilling rig, to fracture stimulate a Well after initial completion, or to conduct seismic Exploration involving explosive charges shall give written notice to the City at least 20 days before the activities begin. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice must also provide the address and 24-hour phone number of the person conducting the activities. The person conducting the activities shall post a sign, in English and Spanish, on the property giving the public notice of the activities, including the name, address, and 24-hour phone number of the person conducting the activities. No Well shall be re-worked without the approval of the Gas Well Inspector. If the Gas Well Inspector determines that an inspection is necessary, the Operator must pay an inspection fee in the amount set forth in the Development Fee Schedule.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

§ 114.18 ABANDONMENT OF WELLS, PIPELINES AND LINE COMPRESSORS.

(A) Upon Abandonment of a Well or Well site, within 60 days, the Well shall be plugged in accordance with Railroad Commission standards, the site shall be cleaned and cleared of all material and equipment, holes or excavations filled, and the land graded and returned to its original condition including replanting of vegetation to match the surrounding area. All Well casings shall be cut and removed to a depth of at least ten feet below the surface.

(B) No structures shall be built within ten feet of an abandoned Well.

(C) Upon Abandonment of a pipeline, within 60 days of Abandonment, a pipeline must be purged and plugged in accordance with the rules and regulations of the State of Texas in effect at that time.

(D) Within 60 days of Abandonment of a Line Compressor Facility, the equipment at the facility shall be removed in accordance with Railroad Commission standards, the facility shall be cleaned and cleared of all material and equipment, holes or excavations filled, and the land graded and returned to its original condition including replanting of vegetation to match the surrounding area.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1768-10, passed 4-27-10) Penalty, see § 114.99

§ 114.185 TECHNICAL ADVISOR.

The City at its own discretion may employ a Technical Advisor for the purpose of advising, counseling or representing the City relative to an Operator's unique and particular set of circumstances, case or request relating to this chapter. The cost for such services of such Technical Advisor(s) shall be assessed against and paid for by such Operator in addition to any fees or charges assessed pursuant to this chapter. Prior to the employment of a Technical Advisor, the City shall inform the Operator of the intended scope of work and the estimated costs and expenses. The employment of a Technical Advisor shall be approved by the City Council.

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(Ord. OR-1762-10, passed 1-11-10)

ENFORCEMENT

§ 114.19 REMEDIES OF CITY.

(A) If an Operator or his or her officers, employees, agents, contractors, subcontractors or representatives fails to comply with the conditions of the applicable specific use permit and associated site plan or any requirement of a Gas Well permit (including any requirement incorporated by reference as part of the permit), or any applicable provisions of this chapter or any other City ordinances, the City shall endeavor to give written notice to the Operator specifying the nature of the alleged failure and giving the Operator a specified time to cure, taking into consideration the nature and extent of the alleged failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the community. If circumstances warrant proceeding without notice, no notice shall be required. In any case, failure to give such notice shall not prohibit the City from pursuing any available remedy.

(B) If the Operator does not cure the alleged failure within the time specified by the City, the City may notify the Railroad Commission and request that the Railroad Commission take appropriate action. In addition, the City may pursue all other remedies allowed by law, including but not limited to the following:

(1) The City Manager may suspend the Gas Well permit until the alleged failure is cured;

(2) The City Manager may revoke the Gas Well permit if the Operator fails to initiate and diligently pursue a cure; and

(3) The City Manager may seek recourse against the security delivered pursuant to this chapter.

(C) The Operator may appeal a decision to suspend or revoke the Gas Well permit to the City Council.
(Ord. OR-1704-08, passed 8-11-08) Penalty, see § 114.99

§ 114.20 ENFORCEMENT; RIGHT OF ENTRY.

(A) The City Manager shall designate Inspectors, including a Gas Well Inspector, who shall be a qualified employee or independent contractor familiar with and educated in the gas industry, and any other City personnel deemed necessary to enforce the provisions of this chapter. An Inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this chapter and its particular provisions. Failure of any person to comply with any such order or directive shall constitute a violation of this chapter.

(B) The Inspectors are authorized and directed to enforce this chapter and the provisions of any Gas Well permit. Whenever necessary to enforce any provision of this chapter or a Gas Well permit, to

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perform regular inspections of the site, or whenever there is reasonable cause to believe there has been a violation of this chapter or a Gas Well permit, the Gas Well Inspector, Fire Department personnel or the Gas Well coordinator may enter upon any property covered by this chapter or a Gas Well permit to inspect or perform any duty or requirement imposed by this chapter. To facilitate entry, the Operator shall furnish a key or the combination to the lock at the entrance to the site. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10) Penalty, see § 114.99

§ 114.21 VARIANCE.

(A) A variance from the requirements of §§ 114.12(W), 114.13(B), 114.13(E)(5), 114.13(M), ,and 114.15(M) may be sought by submitting a written request to the Director of Planning. The request must include the following:

(1) Description of the requested variance and an explanation of why it should be granted;

(2) Description of alternatives considered and why each is not the preferred alternative;

(3) Description of the economic consequences if the variance is not granted;

(4) Description of how the level of health, safety and welfare of the public will be maintained if the variance is granted; and

(5) A site plan of the site visually depicting the requested variance if the request for the variance involves the location or orientation of persons or property.

(B) The Director of Planning shall review the application and may approve or conditionally approve the variance, or may place the variance request on the City Council agenda for consideration. In considering the variance, the Director of Planning or the City Council may take into account the following:

(1) Whether the operations proposed are safe and reasonable under the circumstances and conditions prevailing in the area, considering the particular location and the character of the improvements located there;

(2) How the operations proposed compare to available alternatives;

(3) Whether the operations proposed would conflict with the orderly growth and development of the City;

(4) The economic consequence if the variance is not granted;

(5) Whether the operations proposed adequately protect the health, safety and welfare of the public; and

(6) Whether the operations proposed provide acceptable access for fire personnel and fire fighting equipment.

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(C) Approval of a variance requires that a minimum of four City Council members vote in favor of the approval. The details of each action granting or denying the requested variance shall be recorded and entered in the files of the City Secretary, and the Director of Planning shall forward a letter to the Applicant stating whether the City Council has approved or denied the variance request and listing any conditions placed upon an approval.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1762-10, passed 1-11-10; Am. Ord. OR-1905-14, passed 3-24-14)

§ 114.99 PENALTY.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be fined not more than $2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
(Ord. OR-1704-08, passed 8-11-08; Am. Ord. OR-1905-14, passed 3-24-14)

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