

## ARTICLE XIX. GAS DRILLING AND PRODUCTION

#### Sec. 13-500. Purpose.

The exploration, development, and production of gas in the city and its extraterritorial jurisdiction (ETJ) 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 article to establish reasonable and uniform limitations, safeguards and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting, and storing of gas and other substances produced in association with gas within the city and its extraterritorial jurisdiction (ETJ) 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 orderly production of available mineral resources.

#### Sec. 13-501. Definitions.

All technical industry words or phrases related to the drilling and production of gas wells not specifically defined in this article shall have the meanings customarily attributable thereto by prudent and reasonable gas industry operators. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means "abandonment" as defined by the commission and includes the plugging of the well and the restoration of any well site as required by this article.

Ambient noise level means 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.

Blowout preventor means 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.

*Building* means any structure used or intended for supporting or sheltering humans for any use or occupancy. The term "building" shall be construed as if followed by the words "or portions thereof."

Cathodic protection means an electrochemical corrosion control technique accomplished by applying a direct current to the structure that causes the structure potential to change from the corrosion potential to a protective potential in the immunity region. The required cathodic protection current is supplied by sacrificial anode materials or by an impressed current system.

*Contaminant* means *a*ny substance capable of causing pollution, including but not limited to smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids, or gases, drilling fluids including muds, or other irritants.

City means the City of Grand Prairie.

City attorney means the City Attorney of the City of Grand Prairie.

City Code means the Code of Ordinances of the City of Grand Prairie.

*Commission* means the state agency that regulates the oil and gas industry.

Completion of drilling, re-drilling and re-working means the date the work is completed for the drilling, re-drilling or re-working and the crew is released by completing their work or contract or by their employer.

Daytime means the period between 7:00 a.m. and 7:00 p.m.

Decibel (dB) means a unit for measuring the intensity of a sound/noise and is equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure which is 20 micropascals.

*Derrick* means any portable framework, tower, mast, and/or structure which is required or used in connection with drilling or re-working a well for the production of gas.

*Drilling* means digging or boring a new well for the purpose of exploring for, developing or producing gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

*Drilling equipment* means the derrick, together with all parts of and appurtenances to such structure, every piece of apparatus, machinery, or equipment used or erected or maintained for use in connection with drilling.

*Drill site* means the premises used during the drilling or re-working of a well or wells located there and subsequent life of a well or wells or any associated operation.

*Exploration* means geologic or geophysical activities, including seismic surveys, related to the search for gas or other subsurface hydrocarbons.

Extraterritorial jurisdiction (ETJ) means the land area outside the city limit boundary as defined by the Local Government Code of the State of Texas that the city has a right to annex at its option.

Fire department means the Fire Department of the City of Grand Prairie.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as established in Article 15 of the City's Unified Development Code.

Fracturing means the use of water as a stimulant injected into a gas well to split or fracture the formation to improve the productivity of the gas well.

Gas means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

Gas well means any well drilled, to be drilled, or used for the intended or actual production of natural gas.

Hazardous Materials Management Plan means the hazardous materials management plan and hazardous materials inventory statements required by the Fire Code.

*High impact permit* means a permit required if the proposed well is to be located within six hundred (600) feet of a protected use.

*Inspector* means the gas inspector, third party agency, or city staff designated by the City Manager of Grand Prairie.

*Nighttime* means the period between 7:00 p.m. and 7:00 a.m.

Operation site means the area used for development and production and all operational activities associated with gas after drilling activities are complete.

*Operator* means, 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 herein defined, is not the lessee under a gas lease of any premises affected by the provisions of this article, 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 article, the owner of the fee mineral estate in the premises shall be deemed an operator.

*Person* means both the singular and the plural and means a natural person, a corporation, association, guardian, partnership, receiver, trustee, administrator, executor, and fiduciary or representative of any kind.

*Protected Use* means a residence, religious institution, public building, hospital/medical building, nursing home, school or public park.

*Public building* means all buildings used or designed to and intended to be used for the purpose of assembly of persons for such purposes as deliberation, entertainment, amusement, or health care. Public buildings include, but shall not be limited to, theaters, assembly halls, auditoriums, armories, mortuary chapels, dance halls, exhibition halls,

museums, gymnasiums, bowling lanes, libraries, skating rinks, courtrooms, restaurants, and hospitals. The determination as to whether a building is classified as a public building shall be at the sole discretion of the Environmental Services Director.

*Public park* means any land area dedicated to and/or maintained by the city for traditional park-like recreational purposes, but shall not include privately-owned amusement parks or privately-owned or privately-managed golf courses.

*Re-drill* means re-completion of an existing well by deepening or sidetrack operations extending more than one hundred fifty (150) feet from the existing well bore.

*Religious institution* means any building in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

*Residence* means a house, duplex, apartment, townhouse, condominium, mobile home or other building designed for dwelling purposes, including those for which a building permit has been issued on the date the application for a gas well permit is filed.

*Re-working* means re-completion or re-entry of existing well within the existing bore hole or by deepening or sidetrack operations which do not extend more than one hundred fifty (150) feet from the existing well bore or replacement of well liners or casings.

*Right-of-way* means public rights-of-way including streets, easements, and other property which is dedicated to the use and benefit of the public.

Rural gas permit means that permit required if the proposed well is located on an open space of not less than twenty-five (25) acres with no operations to be conducted within one thousand feet (1,000) of a protected use.

*School* means any public and private, primary and secondary educational facilities providing education up through and including the twelfth grade level and any licensed child care centers.

*Street* means any street, highway, sidewalk, alley, avenue, recessed parking area, or other public right-of-way, including the entire right-of-way.

*Tank* means a container, covered or uncovered, used in conjunction with the drilling or production of gas or other hydrocarbons for holding or storing fluids.

*Technical advisor* means such person(s) 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.

*Urban gas well permit* means a gas well permit other than a high impact gas well permit or rural gas well permit.

Well means a hole or holes, bore or bores, to any horizon, formation, or strata for the purpose of producing gas, liquid hydrocarbon, brine water or sulphur water, or for use as an injection well for secondary recovery, disposal or production of gas, or other hydrocarbons from the earth.

Sec. 13-502. Gas inspector.

- (a) The city manager shall designate a gas inspector that shall assist with the enforcement of the provisions of this article. The gas inspector shall have an educational background in the petroleum industry with a background in drilling and production or demonstrate a proven background in the drilling, production, and operation of gas wells. The inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this article and its particular provisions. Failure of any person to comply with any such order or directive shall constitute a violation of this article.
- (b) The inspector shall have the authority to enter and inspect any premises covered by the provisions of this article to determine compliance with the provisions of this article and all applicable laws, rules, regulations, standards or directives of the state. Failure of any person to permit access to the inspector shall constitute a violation of this article. The inspector shall conduct periodic inspections at least once a year of all permitted wells in the city and its ETJ to determine that the wells are operating in accordance within proper safety parameters as set out in this article and all regulations of the commission. Additionally, the Fire Chief, the Environmental Services Director or their designated representatives shall have the right to enter the site of any oil or gas operation to determine whether the operator is complying with all requirements of this article, or order issued hereunder, or other regulations. Operators shall allow inspecting personnel ready access to all parts of the site for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
  - (1) Where a site has security measures in force which require proper identification and clearance before entry into its premises, the site operator shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, city personnel will be permitted to enter without delay for the purposes of performing specific responsibilities.
  - (2) Unreasonable delays in allowing the inspecting or sampling personnel access to the site shall be a violation of this article.
- (c) The inspector shall have the authority to request and receive any records, including any records sent to the commission, logs, reports and the like, relating to the status or condition of any permitted well necessary to establish and determine compliance with the applicable gas well permit. Failure of any person to provide any such requested material shall be deemed a violation of this article.

Sec. 13-503. Operator's agent.

Every operator of any well shall designate an agent, who is a resident of the State of Texas, upon whom all orders and notices provided in this article may be served in person or by registered or certified mail. Every operator so designating such agent shall within ten (10) days notify the city secretary in writing of any change in such agent or such mailing address unless operations are discontinued.

- (a) A person wanting to engage in and operate in gas production activities shall apply for and obtain a gas well permit under this article and shall indicate what type of gas well permit is requested. It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor, or servant for any person to drill any well, assist in any way in the site preparation, re-working, fracturing, or operation of any such well or to conduct any activity related to the production of gas without first obtaining a gas well permit issued by the city in accordance with this article. Such activities include, but are not limited to re-working, initial site preparation, drilling, operation, construction of rigs or tank batteries, fracturing and pressurizing. A permit shall not be required for seismic surveys.
- (b) Operator must apply for and obtain a gas well permit for the drilling, re-drilling, deepening, re-entering, activating, or converting of each well. The operator may apply for and obtain a "blanket" gas well permit for more than one (1) well if multiple wells are located on the same pad site. If the operator wishes to add wells after a permit has been issued for the site, the operator must submit an amended permit and receive permits for the additional wells. If the permit setback classification (high impact, urban, rural) changes prior to the initiation of the drilling of a well under a blanket permit, then the applicant shall be required to submit a permit amendment. The well shall be required to meet all of the requirements for the new setback classification.
- (c) A gas well permit shall not constitute authority for the re-entering and drilling of an abandoned well. An operator shall obtain a new gas well permit in accordance with the provisions of this article if the operator is re-entering and drilling an abandoned well.
- (d) When a gas well permit has been issued to the operator for the drilling, re-drilling, deepening, re-entering, activating, or converting of a well, such gas well permit shall constitute sufficient authority for drilling, operation, production gathering or production maintenance, repair, re-working, testing, plugging and abandonment of the well and/or any other activity associated with mineral exploration at the site of such well, provided, however, that a new or supplemental permit shall be obtained before such well may be reworked for purposes of re-drilling, deepening or converting such well to a depth or use other than that set forth in the then current permit for such well.
- (e) Any person who intends to re-work a permitted well using a drilling rig, to fracture stimulate a permitted well after initial completion or to conduct seismic surveys or other exploration activities shall give written notice to the inspector no less than ten (10) days before the activities begin. The notice must identify where the activities will be conducted and must describe the activities in detail, including whether explosive charges will be used, the duration of the activities and the time the activities will be conducted. The notice must also provide the address and twenty-four-hour phone number of the person conducting the activities. If requested by the inspector, the person conducting the activities, including the name, address and twenty-four-hour phone number of the person conducting the activities. If the City determines that an inspection by the gas inspector is necessary, the operator will pay the city for the inspection. The following requirements shall apply to all fracture stimulation operations performed on a well within six hundred (600) feet of an occupied residence: 1) at least forty-eight (48) hours before operations

are commenced, the operator shall post a sign at the entrance of the well site advising the public of the date the operations will commence; 2) "flowback" operations to recover fluids used during fracture stimulation shall be performed during daylight hours only unless the inspector approves such operations during non-daylight hours; 3) a watchman shall be required at all times during such operations; 4) at no time shall the well be allowed to flow or vent directly to the atmosphere without first directing the flow through separation equipment or into a portable tank; 5) at least 72 hours before operations are commenced, the operator must provide notice to the inspector.

- (f) A gas well permit shall automatically terminate, unless extended, if drilling is not commenced within one hundred eighty (180) days from the date of the issuance of the gas well permit. Drilling must commence within one hundred eighty (180) days from the date of the issuance of the gas well permit on at least one (1) well under a "blanket permit," as described in section 13-504(b) in order to maintain the validity of the gas well permit for the multiple wells. A gas well permit may be extended by the inspector for an additional one hundred eighty (180) days upon request by the operator and proof that the classification of the requested gas well permit for such location has not changed.
- (g) The gas well permits required by this article are in addition to and are not in lieu of any permit which may be required by any other provision of this Code or by any other governmental agency.
- (h) No additional gas well permit or filing fees shall be required for:
  - (1) Any wells, existing, previously permitted or approved by the city, within the corporate limits of the city or within its ETJ, on the effective date of this article; or
  - (2) Any wells which drilling has commenced on the effective date of this article; or
  - (3) Any wells in existence or on any wells on which drilling has commenced on land prior to the effective date of this article; or
  - (4) Any well that was planned for the land before the 90th day before the effective date of its annexation and one (1) or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for such well and the completed application for the initial authorization was filed before the date the annexation proceedings were instituted.
- (i) No gas well permit shall be issued for any well to be drilled within any public park without the prior consent of the city council. The city council shall review the insurance and security requirements on an individual basis prior to issuing the permit.
- (j) No gas well permit shall be issued for any well to be drilled within any floodway. No gas well permit shall be issued for any well to be drilled within 100 feet of any type of surface water conveyance, including, but not limited to, creeks, streams, lakes, ponds, drainage ditches, or other constructed storm water conveyance systems. Wells sites proposed to be installed within the 100 year floodplain shall have approval of the

Engineering Division and, where applicable, the U.S. Army Corps of Engineers. Such well sites shall take such measures, as required by the Engineering Division, to protect the sites from damage from potential flooding. The Engineering Division shall require the following conditions of approval for the issuance of gas well permits located within floodplain areas:

- (1) A floodplain permit, including compliance with all requirements contained in Article 15 of the City's Unified Development Code and, where applicable, a Corridor Development Certificate must be obtained from the Engineering Division;
- (2) Production facilities must be placed on elevated painted platforms designed by a registered professional engineer to withstand the hydrodynamic forces associated with the maximum velocity of a flood occurrence up to a 100-year flood event and be approved by the City;
- (3) A drilling and production bond must remain in place until the platform is removed;
- (4) The tanks shall be limited to eight feet in height and painted of a neutral color compatible with surrounding uses. Neutral colors shall include sand, gray and unobtrusive shades of green, blue or brown, or other neutral colors approved by the inspector.
- (5) All well bores and platforms located within the Trinity River floodplain area must be at least 500 feet from the top of the Trinity River bank.
- (6) A signed maintenance agreement supplied by the city that provides that the operator shall maintain all flood protection components of the project and shall ensure that the conveyance capacity of the channel as it is impacted by the project is maintained at all times.
- (k) No gas well permit shall be issued for any well to be drilled on city owned property without the prior consent of the city council. The city council shall review the insurance and security requirements on an individual basis prior to issuing the permit and/or executing lease agreements.
- (l) By acceptance of any gas well permit issued pursuant to this article, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this article. The terms of this article shall be deemed to be incorporated in any gas well permit issued pursuant to this article with the same force and effect as if this article was set forth verbatim in such gas well permit.

Sec. 13-505. Gas well permit application and filing fees.

(a) Every application for a gas well permit issued pursuant to this article shall be in writing signed by the operator, or some person duly authorized to sign on his behalf, and filed with the City.

(b) Every application for a gas well permit shall be accompanied by the appropriate permit fee.-The following permit and annual fees shall apply:

New gas well permit	\$5,000.00
Blanket gas well permitadditional well	\$3,000.00/each
Amended permit	\$600.00
Re-work fee(If required per Sec. 13-504 (e))	\$800.00
Operator transfer	\$600.00
Annual fee (per permitted well)	\$1,000.00

The City, at is sole discretion, may elect to utilize a qualified third party to conduct any inspections required by this article. Any fee charges by such third party inspector shall be the responsibility of the operator and shall be paid to the City upon permitting to be held in escrow, *or* within thirty (30) days of receipt of an invoice from the City.

Any permit that lapses for nonpayment of the annual permit fee required in this article will be reinstated upon payment of an additional fee of fifty dollars (\$50.00) for each thirty-day period in which the permit has been allowed to lapse.

- (c) The application shall include the following information:
  - (1) The date of the application and type of gas well permit requested.
  - (2) An accurate legal description of the lease property to be used for the gas operation, the parcel and the production unit and name of the geologic formation as used by the commission. Property recorded by plat should reference subdivision, block and lot numbers.
  - (3) Map showing proposed transportation route and road for equipment, chemicals, or waste products used or produced by the gas operation.
  - (4) Proposed well name.
  - (5) Surface owner names(s) and address(es) of the lease property.
  - (6) Mineral lessee name and address.
  - (7) Operator/applicant name and address and if the operator is a (corporation, the state of incorporation, and if the operator is a partnership, the names and addresses of the general partners.
  - (8) Name and address of individual designated to receive notice.

- (9) Name of representative with supervisory authority over all gas operation site activities and a twenty-four-hour phone number.
- (10) Location and description of all improvements and structures within one thousand feet (1,000) feet of the well.
- (11) Owner and address of each parcel of property within one thousand (1,000) feet of the proposed drill site.
- (12) A site plan of the proposed operation site showing the location of all improvements and equipment, including the location of the proposed well(s) and other facilities, including, but not limited to, tanks, pipelines, compressors, separators, and storage sheds.
- (13) The name, address and twenty-four-hour phone number of the person to be notified in case of an emergency.
- (14) The exact and correct acreage and number of wells, if applicable, included in the gas well permit application.
- (15) Copies of all reports required by the commission.
- (16) A signed road maintenance agreement supplied by the city that provides that the operator shall repair, at his own expense, any damage to roads, streets, or highways caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production, and operation of gas wells.
- (17) A description of public utilities required during drilling and operation.
- (18) A copy of the agreement with the owner/operator of the water source to be used during drilling and fracturing operations.
- (19) A copy of the approved commission permit to drill together with attachments and survey plats which are applicable to the drill and operation sites.
- (20) A copy of the determination by the state environmental regulatory agency of the depth of useable quality ground water.
- (21) Evidence of insurance and security requirements under this article.
- (22) A statement, under oath, signed by the operator, or designated representative, that the information submitted with the application is, to the best knowledge and belief of the operator or designated representative, true and correct.
- (23) All required application and gas well permit fees.

- (24) A copy of an erosion control plan pursuant to the City's Design Criteria and Construction Standards Manual.
- (25) A copy of the hazardous materials management plan as required by the City's Fire Marshall's office.
- (26) A copy of an emergency response plan as required by the City's Fire Marshall's office.
- (27) A copy of a noise abatement study as required by the City's Environmental Services Director.
- (28) A copy of a dust control plan as required by the City's Environmental Services Director.
- (29) A copy of the driveway approach design and a copy of the permit application as required by the City's Transportation Planner.
- (30) A copy of the private road design as required by the City Engineer.
- (31) A site plan.
- (32) A copy of a contract with the City's authorized solid waste hauler.
- (33) Any other items required by the City's Environmental Services Director.

Sec. 13-506. Gas well permit classifications

- (a) The following gas well permit classifications shall be established by this article:
  - (1) High impact gas well permit.
  - (2) Urban gas well permit.
  - (3) Rural gas well permit.

Sec. 13-507. High impact gas well permit.

(a) High impact gas well permit shall be required if the proposed well is to be located within six hundred (600) feet of a protected use for which a building permit has been issued on the date the application for a permit is filed. Notice shall be sent to all registered neighborhood associations within one-half (1/2) mile of the proposed drill site.

For the purpose of a high impact gas well permit, the measurement of the six hundred (600) foot distance, shall be made from the well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the building.

(b) Application requirements. An application for a high impact gas well permit shall include the following information:

- (1) All the requirements of section 13-505 of this article;
- (2) A detailed site plan that includes all the information required in section 13-505, but also includes specific details to the projected location of the major components of the drilling site, impacted vegetation, creeks and other topographic features, adjacent building and other structures and the measured distance from the well site to these buildings and structures, temporary, and permanent fencing and landscaping.
- (c) Wells setbacks for high impact gas well permit. It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located within five hundred (500) feet from any public park unless prior consent is obtained from the city council to drill in a public park pursuant to section 504(i), or from any protected use for which a building permit has been issued on the date of the application for a drilling permit is filed. The distance shall be calculated from the well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the building. This setback may be reduced to no less than three hundred (300) feet if a variance is obtained from the city council.

Tank batteries, well facilities and equipment shall be located at least three hundred (300) feet from any public park (unless prior consent is obtained from the city council to drill in a public park pursuant to section 13-504(i) or from any protected use for which a building permit has been issued on the date of the application for a drilling permit is filed). The distance shall be calculated from the closest tank batteries, well facilities, and/or equipment, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the building.

- (d) Notice for High Impact well permits.
  - (1) At least ten (10) days prior to the date of filing of an application for a high impact gas well permit that does not require a distance variance to this article, the operator shall notify, at the expense of the operator, each surface owner of property, as shown by the current tax roll, within one thousand (1,000) feet of the proposed well not owned by or under lease to the operator. Such notice, as outlined below, shall be by depositing the same, properly addressed and postage paid, in the United States mail. The operator shall file with the application an affidavit showing the name and last known address, as identified by the current tax roll, of each owner of property to whom notice was mailed and the names of each owner of property to whom notice is required to be given, but whose address is unknown. Notice shall be sent to all registered neighborhood associations within one-half (1/2) mile of the proposed drill site.
  - (2) At least ten (10) days prior to the date of filing of an application for a high impact gas well permit that does not require a distance variance to this article, the operator shall publish a copy of the notice as outlined below, at the expense of the operator, in one (1) issue of a daily newspaper approved by the Environmental Services Director for ten (10) consecutive days. An affidavit by the printer or publisher of the newspaper indicating

publication of the notice shall be filed with the application and will be prima facie evidence of such publication. The notice shall read as follows:

"Notice is hereby given	that, acting	under and p	oursuant to
the Ordinances of the C	ity of Grand	Prairie, Tex	xas, on the
day of	, 20	,	will
file with the City of Gr	and Prairie,	an application	on to drill,
complete and operate a	well for gas	upon prope	rty located
at,	County,	Grand Prair	rie, Texas,
more particularly shows	n on the map	of record	in Volume
, Page	, Plat r	ecords of _	
County, Texas or per	Tax Tract	Number _	,
County, Tex	as.		

- (3) At least ten (10) days prior to the date of filing of an application for a high impact gas well permit that does not require a distance variance to this article, the operator, at operator's expense, shall erect at least one (1) sign, no less than three (3) feet by three (3) feet, upon the premises upon which an high impact gas well permit has been requested. Where possible, the sign or signs shall be located in a conspicuous place or places upon the property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property.
  - a. The sign(s) shall substantially indicate that a high impact gas well permit to drill for gas has been requested and shall further set forth that additional information can be acquired by telephoning the operator at the number indicated on the sign.
  - b. The continued maintenance of any such sign(s) shall not be deemed a condition precedent to the holding of any public hearing or to any other official action concerning this article.
  - c. Any sign(s) shall be removed subsequent to final action by the inspector or the city council.
- (4) All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this section.
- (e) Enclosure requirements for high impact gas well permit.
  - (1) A solid masonry wall a minimum of eight (8) feet but not to exceed ten (10) feet in height shall enclose all completed wells and tanks located within a high impact gas well permit area. The location of said fence shall be depicted on the site plan drawing of the gas well permit submittal documents.
  - (2) Gates requirements and other fencing requirements as outlined in section 13-516 of this article shall also be required.

- (f) Landscaping. Landscaping and irrigation shall be required along all street frontages of the well site with suitable screening shrubs that complement the architectural character of the surrounding neighborhood. Screening shrubs shall be installed completely around the well site and all fences and be sufficient to screen from view the structures sought to be screened. Screening shrubs shall be a minimum of three (3) feet in height at planting, have the potential to grow to a mature height of a minimum of six (6) feet and must have an installed irrigation system that provides total water coverage to all plant materials. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or operator. All landscape and irrigation plans shall be submitted to the inspector for approval. The location of all landscaped improvements shall be depicted on the site plan drawing, or on an attaching sheet, of the gas well permit submittal documents.
- (g) Vehicle routes for high impact gas well permit. Vehicles associated with drilling and/or production in excess of three (3) tons shall be restricted to such streets designated as either truck routes or commercial delivery routes by the City Code wherever capable of being used. The vehicles shall be operated on a truck route wherever capable of being used; they shall be operated on a commercial delivery route only when it is not possible to use a truck route to fulfill the purpose for which such vehicle is then being operated. Commercial delivery route means any street or highway so designated by the city council for the use by any commercial motor vehicle, truck-tractor, trailer, semi-trailer or any combination thereof.
- (h) Work hours for high impact gas well permit. Site development, other than drilling, shall be conducted only between 7:00 a.m. and 7:00 p.m. Truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation, and other related work conducted on the well site shall be limited to between the hours of 7:00 a.m. to 7:00 p.m. except in cases of fires, blowouts, explosions and any other emergencies, or where the delivery of equipment is necessary to prevent the cessation of drilling or production.
- (i) Tank specifications for high impact gas well permit. All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the fire chief. The top of the tanks shall be no higher than eight (8) feet above the terrain surrounding the tanks. All tanks shall be set back pursuant to the standards of the commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line.
- (j) All other provisions outlined in this article shall be required.
- (k) Special Requirements for Residential Adjacency

If the proposed gas well will be within 1,000 feet of any residence, the operator must comply with the additional requirements listed below unless the operator has obtained waivers from all of the residential property owners within 1,000 feet.. The notarized waivers must be collected and submitted in a manner prescribed by the City's Environmental Services Director. If the submitted notarized waivers fulfill the requirement for exemption of these special requirements, the operator shall file the

notarized waivers, at the operator's expense, in the applicable county records. Copies of the filed notarized waivers shall be submitted with the gas drilling application.

#### (1) Dust Control

- a. The private road shall be constructed of dustless material, such as concrete. This requirement may be waived at the discretion of the City Engineer.
- b. The dust control plan shall contain dust mitigation measures that at a minimum provide for the use of a dust control/soil stabilization agent on all non-paved surfaces. This agent shall be reapplied according to manufacturer recommendations, but no less frequently than annually. Daily watering or equivalent best management practices approved by the City's Environmental Services Director shall be used as necessary.

#### (2) Notification

The notification requirements contained in Section 13-507(d)(1) shall be extended to 1,000 feet for property owner notifications and to one (1) mile for notification of registered neighborhood associations.

## (3) Fees

All associated new gas well permit, blanket gas well permit, amended gas well permit fees listed in Section 13-505 shall be doubled.

Sec. 13-508. Urban gas well permit.

- (a) An urban gas well permit shall be required for all wells not included within the definition of a high impact gas well permit or rural gas well permit.
- (b) *Notice for urban gas well permit.* 
  - (1) At least ten (10) days prior to the date of filing of an application for an urban gas well permit that does not require a distance variance to this article, the operator shall notify, at the expense of the operator, each surface owner of property, as shown by the current tax roll, within one thousand (1,000) feet of the proposed well not owned by or under lease to the operator. Such notice, as outlined below, shall be by depositing the same, properly addressed and postage paid, in the United States mail. The operator shall file with the application an affidavit showing the name and last known address, as identified by the current tax roll, of each owner of property to whom notice was mailed and the names of each owner of property to whom notice is required to be given, but whose address is unknown. Notice shall be sent to all registered neighborhood associations within one-half (1/2) mile of the proposed drill site.

(2) At least ten (10) days prior to the date of filing of an application for an urban gas well permit that does not require a distance variance to this article, the operator shall publish a copy of the notice as outlined below, at the expense of the operator, in one (1) issue of a daily newspaper approved by the Environmental Services Director for ten (10) consecutive days. An affidavit by the printer or publisher of the newspaper indicating publication of the notice shall be filed with the application and will be prima facie evidence of such publication. The notice shall read as follows:

"Notice is hereby given	n that, acting ι	under and pur	rsuant to
the Ordinances of the O	City of Grand	Prairie, Texas	s, on the
day of	, 20	,	will
file with the City of G	rand Prairie, a	n application	to drill,
complete and operate a	well for gas u	upon property	located
at,	County, (	Grand Prairie	e, Texas,
more particularly show	n on the map	of record in	Volume
, Page	, Plat re	cords of	
County, Texas or per	r Tax Tract	Number	,
County, Tex	xas.		

- (3) At least ten (10) days prior to the date of filing of an application for an urban gas well permit that does not require a distance variance to this article, the operator, at operator's expense, shall erect at least one (1) sign, no less than three (3) feet by three (3) feet, upon the premises upon which an urban gas well permit has been requested. Where possible, the sign or signs shall be located in a conspicuous place or places upon the property at a point or points nearest any right-of-way, street, roadway, or public thoroughfare adjacent to such property.
  - a. The sign(s) shall substantially indicate that an urban gas well permit to drill for gas has been requested and shall further set forth that additional information can be acquired by telephoning the operator at the number indicated on the sign.
  - b. The continued maintenance of any such sign(s) shall not be deemed a condition precedent to the holding of any public hearing or to any other official action concerning this article.
  - c. Any sign(s) shall be removed subsequent to final action by the inspector or the city council.
- (4) All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this section.
- (c) Enclosure requirements for urban gas well permit. For the purpose of enforcing these provisions, residential and non-residential land uses shall be defined by Article 4 of the Grand Prairie Unified Development Code for well sites situated inside the city limits; or by the Comprehensive Plan Future Land Use Map of the City of Grand Prairie, as amended, for well sites situated within the city's extraterritorial jurisdiction.

- (1) For an urban gas well located greater than 1,000 feet from property that is developed, zoned or designated for residential land uses, a chain link fence, a minimum of eight (8) feet in height with three and one-half (3-1/2) inch mesh interwoven with opaque slats, shall enclose all completed wells and tanks located within an urban gas well permit area. The location of said fence shall be depicted on the site plan drawing included with the gas well permit submittal documents.
- (2) For an urban gas well located <u>less than</u> 1,000 feet from property that is developed, zoned or designated for residential land uses, a solid masonry wall a minimum of eight (8) feet but not to exceed ten (10) feet in height shall enclose all completed wells and tanks located within an urban impact gas well permit area. The location of said fence shall be depicted on the site plan drawing included with the gas well permit submittal documents.
  - a. Landscaping and irrigation shall be required along all street frontages of the an urban gas well located less than 1,000 feet from property that is developed and/or zoned for residential land uses as defined in Article 4 of the Grand Prairie Unified Development Code with suitable screening shrubs that complement the architectural character of the surrounding neighborhood. Screening shrubs shall be installed completely around the well site and all fences and be sufficient to screen from view the structures sought to be screened. Screening shrubs shall be a minimum of three (3) feet in height at planting, have the potential to grow to a mature height of a minimum of six (6) feet and must have an installed irrigation system that provides total water coverage to all plant materials. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or operator. All landscape and irrigation plans shall be submitted to the inspector for approval. The location of all landscaped improvements shall be depicted on the site plan drawing, or on an attaching sheet, included with the gas well permit submittal documents.
- (3) For an urban gas well that has a well bore(s) located within one hundred (100) feet of either an existing or planned Arterial Thoroughfare as designated by the Master Transportation Plan of the City of Grand Prairie, or from an express highway of limited access, an extruded ornamental iron screening fence with adjoining landscaped improvements may be utilized under the following conditions:
  - a. The property on which the urban gas well is located is developed, zoned or designated for non-residential land uses;
  - b. The well bore must be located <u>greater than</u> 1,000 feet from property that is developed, zoned or designated for residential land uses; and

- c. Landscaping and irrigation shall be required along the base of all fence panels, except for the gate and other access structures, with suitable screening shrubs that complement the architectural character of the surrounding development. Screening shrubs shall be a minimum of three (3) feet in height at planting, have the potential to grow to a mature height of a minimum of six (6) feet and must have an installed irrigation system that provides total water coverage to all plant materials. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or operator. All landscape and irrigation plans shall be submitted to the inspector for approval. The location of all landscaped improvements shall be depicted on the site plan drawing, or on an attaching sheet, included with the gas well permit submittal documents.
- (4) Gate requirements other and fencing requirements as outlined in section 13-516 of this article shall also be required.
- (d) Vehicle routes for urban area gas well permit. Vehicles associated with drilling and/or production in excess of three (3) tons shall be restricted to such streets designated as either truck routes or commercial delivery routes by the City Code wherever capable of being used. The vehicles shall be operated on a truck route wherever capable of being used; they shall be operated on a commercial delivery route only when it is not possible to use a truck route to fulfill the purpose for which such vehicle is then being operated. Commercial delivery route means any street or highway so designated by the city council for the use by any commercial motor vehicle, truck-tractor, trailer, semi-trailer or any combination thereof.
- (e) Tank specifications for urban gas well permit. All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the fire chief. The top of the tanks shall be no higher than twelve (12) feet above the terrain surrounding the tanks. All tanks shall be set back pursuant to the standards of the commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line.
- (f) All other provisions outlined in this article shall be required.
- (g) Special Requirements for Residential Adjacency

If the proposed gas well will be within 1,000 feet of any residence, the operator must comply with the additional requirements listed below unless the operator has obtained waivers from all of the residential property owners within 1,000 feet.. The notarized waivers must be collected and submitted in a manner prescribed by the City's Environmental Services Director. If the submitted notarized waivers fulfill the requirement for exemption of these special requirements, the operator shall file the notarized waivers, at the operator's expense, in the applicable county records. Copies of the filed notarized waivers shall be submitted with the gas drilling application.

#### (1) Dust Control

- a. The private road shall be constructed of dustless material, such as concrete. This requirement may be waived at the discretion of the City Engineer.
- b. The dust control plan shall contain dust mitigation measures that at a minimum provide for the use of a dust control/soil stabilization agent on all non-paved surfaces. This agent shall be reapplied according to manufacturer recommendations, but no less frequently than annually. Daily watering or equivalent best management practices approved by the City's Environmental Services Director shall be used as necessary.

# (2) Notification

The notification requirements contained in Section 13-508(b)(1) shall be extended to 1,000 feet for property owner notifications and to one (1) mile for notification of registered neighborhood associations.

## (3) Fees

All associated new gas well permit, blanket gas well permit, amended gas well permit fees listed in Section 13-505 shall be doubled.

Sec. 13-509. Rural gas well permit.

- (a) A rural gas well permit shall be required if the proposed well is located on an open space of not less than twenty-five (25) acres under sole ownership, and no operations on the operation site are to be conducted within one thousand (1,000) feet of a protected use.
- (b) *Notice for rural gas well permit.* 
  - (1) At least ten (10) days prior to the date of filing of an application for a rural gas well permit that does not require a distance variance to this article, the operator shall publish a copy of the notice as outlined below, at the expense of the operator, in one (1) issue of a daily newspaper approved by the Environmental Services Director for ten (10) consecutive days. An affidavit by the printer or publisher of the newspaper indicating publication of the notice shall be filed with the application and will be prima facie evidence of such publication. The notice shall read as follows:

"Notice is her	eby given that,	acting under	and pursuant to
the Ordinance	s of the City of	Grand Prairie	, Texas, on the
day	of,	20,	will
file with the C	City of grand Pr	airie, an appl	ication to drill,
complete and	operate a well f	or gas upon p	roperty located
at	, Co	ounty, Grand	Prairie, Texas,
Lot No	Block No	),	City of Grand

Prairie, Texas,	, more p	oarticular	ly sho	wn c	on the	map	of
record in Volu	me	, Pa	age		, Plat	reco	rds
of	County,	Texas	or per	Tax	Tract	Numl	oer
,	C	County, T	exas."				

- (2) At least ten (10) days prior to the date of filing an application for a rural gas well permit that does not require a distance variance to this article, the operator shall erect at least one (1) sign, no less than three (3) feet by three (3) feet, upon the premises upon which a rural gas well permit has been requested. Where possible, the sign or signs shall be located in a conspicuous place or places upon the property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property.
  - a. The sign(s) shall substantially indicate that a rural gas well permit to drill for gas has been requested and shall further set forth that additional information can be acquired by telephoning the operator at the number indicated on the sign.
  - b. The continued maintenance of any such sign(s) shall not be deemed a condition precedent to the holding of any public hearing or to any other official action concerning this article.
  - c. Any sign(s) shall be removed subsequent to final action by the inspector or the city council.
- (3) All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this section.
- (c) Enclosure requirements for rural gas well permit.
  - (1) A chain link fence a minimum of six (6) feet in height shall enclose all completed wells and tanks located within a rural gas well permit area.
  - (2) Gate requirements and other fencing requirements as outlined in section 31-516 of this article shall also be required.
- (d) Vehicle routes for rural gas well permit. Vehicles associated with drilling and/or production in excess of three (3) tons shall be restricted to such streets designated as either truck routes or commercial delivery routes by the City Code wherever capable of being used. The vehicles shall be operated on a truck route wherever capable of being used; they shall be operated on a commercial delivery route only when it is not possible to use a truck route to fulfill the purpose for which such vehicle is then being operated. Commercial delivery route means any street or highway so designated by the city council for the use by any commercial motor vehicle, truck-tractor, trailer, semi-trailer, or any combination thereof.
- (e) Tank specifications for rural gas well permit. All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the fire chief. The top of the tanks shall be no higher than

fifteen (15) feet above the terrain surrounding the tanks. All tanks shall be set back pursuant to the standards of the commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line.

(f) All other provisions outlined in this article shall be required.

Sec. 13-510. Issuance of gas well permits.

- (a) It is the responsibility of the inspector to review and approve or disapprove all applications for gas well drilling permits based on the criteria established by this article. The inspector, after the filing of a completed application and remittance of all fees, insurance and security per the requirements of this article for a gas well permit, shall determine whether or not the application complies in all respects with the provisions of this article and determine if the proposed well to be drilled or the facility to be installed is in compliance with the distance requirements for the requested gas well permit on the date the completed application.
- (b) The provisions of this article shall apply to any dwellings or buildings for which an application for a building permit has been submitted on the date the application for a gas well permit is filed with the City.
- (c) If all the requirements of this article are met, the inspector shall issue a gas well permit for the drilling of the well or the installation of the facilities applied for.
- (d) If the inspector denies a gas well permit application for reasons other than lack of required distance as set out in this article for the requested gas well permit, the City shall notify the operator in writing of such denial stating the reasons for the denial. Within thirty (30) days of the date of the written decision of the inspector to deny the gas well permit, the operator may: 1) cure those conditions that caused the denial and resubmit the application to the inspector for approval and issuance of the gas well permit; or 2) file a written appeal of such action or decision to the city manager. The city manager may prescribe conditions and/or procedures for perfecting an appeal.
- (e) If the inspector determines that all of the provisions of this article have been complied with by the operator, but that the proposed drill site does not comply with the distance requirements of this article under the requested gas well permit, the inspector shall notify the operator. The operator may revise the permit to comply with the distance requirements or request a variance from the distance requirements.

## (f) City Council Hearing

(1) Within forty-five (45) days of receipt of a complete application requiring a distance variance to this article, the inspector shall request the city secretary to place the matter on the city council agenda for a public hearing and give notice by mail of the time, place and purpose thereof to the applicant and any other party who has requested in writing to be so notified. The forty-five (45) day period shall not begin to run until the applicant/operator has provided the inspector with a complete application package.

- (2) At least twenty (20) days, and no more than thirty (30) days prior to the date of the public hearing before the city council for a gas well permit requiring a distance variance to this article, operator shall notify, at operator's expense, each surface owner of property, as shown by the current tax roll, within six hundred (600) feet of the proposed well not owned by or under lease to the operator and the hearing date and time. Such notice, as outlined below, shall be by depositing the same, properly addressed and postage paid, in the United States mail. The operator shall file an affidavit showing the name and last known address, as identified by the current tax roll, of each owner of property to whom notice was mailed and the names of each owner of property to whom notice is required to be given, but whose address is unknown. Notice shall be sent to all registered neighborhood associations within one-half (1/2) mile of the proposed drill site.
- (3) At least fifteen (15) days, and no more than twenty (20) days prior to the date of the public hearing before city council for a gas well permit requiring a distance variance to this article, the operator shall publish a copy of the notice as outlined below, at operator's expense, in one (1) issue of a daily newspaper approved by the Environmental Services Director for ten (10) consecutive days. An affidavit by the printer or publisher of the newspaper indicating publication of the notice shall be filed with the application and will be prima facie evidence of such publication. The notice shall read as follows:

"Notice is hereby given that, acting under and pursuant to
the Ordinances of the City of Grand Prairie, Texas, on the
day of, 20, filed
with the City of Grand Prairie, an application for a gas well
permit requiring a distance variance to Article XIX. Gas
Drilling and Production, of the Code of Ordinances of the
City of Grand Prairie to drill, complete and operate a well
for gas upon property located at,
County, Grand Prairie, Texas, more particularly shown on
the map of record in Volume Page, Plat records
of County, Texas or per Tax Tract Number
, County, Texas. The City Council
will conduct a public hearing on the request for said permit
on the day of, 20 at
o'clockm. in the City Council
Chambers located at City Hall Plaza, 317 West College
Street, Grand Prairie, Texas."

(4) At least twenty (20) days prior to the date of the public hearing before city council for a gas well permit requiring a distance variance to this article the operator shall, at operator's expense, erect at least one (1) sign, no less than three (3) feet by three (3) feet, upon the premises upon which a gas well permit has been requested. Where possible, the sign or signs shall be located in a conspicuous place or places upon the property at a point or

points nearest any right-of-way, street, roadway, or public thoroughfare adjacent to such property.

- a. The sign(s) shall substantially indicate that a gas well permit to drill for gas has been requested and state the date, time and place of the public hearing, and shall further set forth that additional information can be acquired by telephoning the applicant/operator at the number indicated on the sign.
- b. The continued maintenance of any such sign(s) shall not be deemed a condition precedent to the holding of any public hearing or to any other official action concerning this article.
- c. Any sign(s) shall be removed subsequent to final action by the city council.
- (5) All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this section.
- (6) After a permit application requiring a distance variance to this article is submitted, the inspector shall evaluate the public impact of the proposed activity. The inspector shall consider the proposed site and the proposed operations or drilling program and shall draft recommended additional restrictions or conditions, including minimum separation distance for drilling or other operations, special safety equipment and procedures, recommended noise reduction levels, screening and any other requirements the inspector deems appropriate. The recommendation shall be submitted to the city council for consideration prior to the public hearing.
- (7) At the public hearing and before the city council considers the merits of the application and the recommendations of the inspector, the applicant/operator shall provide evidence of a certificate of publication establishing timely publication of the notice of the hearing, that timely actual notice of the hearing was given to all persons as required by this article and that the applicant/operator has otherwise complied with or satisfied all other requirements of this article, including full and complete compliance with the insurance and security requirements.
- (8) The burden of proof on all matters considered in the hearing shall be upon the applicant/operator.
- (9) The city council shall review the application and any other related information. The city council shall consider the following in deciding whether to grant, reject, or modify a gas well permit requiring a distance variance to this article:
  - a. Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the area considering the

particular location and the character of the improvements located there;

- b. Whether the drilling of such wells would conflict with the orderly growth and development of the city and its ETJ;
- c. Whether there are other alternative well site locations;
- d. Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the high impact gas well permit conditions to be imposed;
- e. Whether there is accessible access for the city fire personnel and fire fighting equipment; and
- f. Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the gas well permit conditions are reasonable and justified, balancing the following factors:
  - 1. The right of the owners(s) of the mineral estate to explore, develop, and produce the minerals; and
  - 2. The availability of alternative drill sites.
- g. The recommendations of the inspector.
- (10) The setback distance may be varied by the city council after a public hearing. A reduction of the setback distance to less than five hundred (500) feet, but to no less than three hundred (300) feet from a protected use may only be approved by the affirmative vote of not less than three-fourths (3/4) of all the members of the city council. Other setback requirements contained in Section 13-515 shall be enforced. For protection of the public health, safety and welfare, the city council may impose additional requirements for a reduction of such distance.
- (g) In making its decision, the city council shall have the power and authority to refuse any gas well permit to drill any well at any particular location within the city or its ETJ, when by reason of such particular location and other characteristics, the drilling of such wells at such particular location would be injurious to the health, safety or welfare of the inhabitants in the immediate area of the drill site.
- (h) If the operator elects not to accept the gas well permit under the terms and conditions imposed by the city council and wishes to withdraw his application, the operator must notify the inspector in writing of his decision.

- (a) An operator may submit an application to the inspector 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 gas well permit, to relocate a drill site or operation site that is shown on (or incorporated by reference as part of) the existing gas well permit, or to otherwise amend the existing gas well permit.
- (b) Applications for amended gas well permits shall be in writing, shall be signed by the operator, and shall include the following:
  - (1) The application fee as set by Section 13-505;
  - (2) A description of the proposed amendments;
  - (3) Any changes to the information submitted with the application for the existing gas well permit (if such information has not previously been provided to the city);
  - (4) Such additional information as is reasonably required by the inspector to demonstrate compliance with the applicable gas well permit; and
  - (5) Such additional information as is reasonably required by the inspector to prevent imminent destruction of property or injury to persons.
- (c) All applications for amended gas well permits shall be filed for review. Incomplete applications may be returned to the applicant, in which case the city shall provide a written explanation of the deficiencies; however, the city shall retain the application fee. The city may return any application as incomplete if there is a dispute pending before the commission regarding the determination of the operator.
- (d) If the activities proposed by the amendment are not materially different from the activities covered by the existing gas well permit, and if the proposed activities are in conformance with the applicable gas well permit, then the inspector shall approve the amendment within ten (10) days after the application is filed.
- (e) If the activities proposed by the amendment are materially different from the activities covered by the existing gas well permit, and if the proposed activities are in conformance with the applicable gas well permit, then the inspector shall approve the amendment within thirty (30) days after the application is filed. If, however, the activities proposed by the amendment are materially different and, in the judgment of the 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 gas well permit or that was not otherwise taken into consideration by the existing gas well permit, the inspector may require the amendment to be processed as a new gas well permit application.
- (f) The failure of the inspector to review and issue an amended gas well permit within the time limits specified above shall not cause the application for the amended gas well permit to be deemed approved.

(g) The decision of the inspector 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 by filing a written appeal of such action or decision to the city manager within ten (10) working days. The city manager may prescribe conditions and/or procedures for perfecting an appeal.

Sec. 13-512. Suspension or revocation of gas well permit; effect.

- (a) If an operator (or its officers, employees, agents, contractors, or representatives) fails to comply with any requirement of a gas well permit (including any requirement incorporated by reference as part of the gas well permit), the inspector may give written notice to the operator specifying the nature of the failure and giving the operator a reasonable time to cure, taking into consideration the nature and extent of the failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the community. In no event, however, shall the cure period be less than thirty (30) days unless the failure presents a risk of imminent destruction of property or injury to persons or unless the failure involves the operator's failure to provide periodic reports as required by this article.
- (b) If, the operator fails to correct the noncompliance within thirty (30) days from the date of the notice, the inspector may suspend or revoke the gas well permit pursuant to the provisions of this article.
- (c) No person shall carry on any operations performed under the terms of the gas well permit issued under this article during any period of any gas well permit suspension or revocation or pending a review of the decision or order of the city in suspending or revoking the gas well permit. Nothing contained herein shall be construed to prevent the necessary, diligent and bona fide efforts to cure and remedy the default or violation for which the suspension or revocation of the gas well permit was ordered for the safety of persons or as required by the commission.
- (d) If the operator does not cure the noncompliance within the time specified in this article, the inspector, upon written notice to the operator, may notify the commission and request that the commission take any appropriate action.
- (e) Operator may, within thirty (30) days of the date of the decision of the inspector in writing to suspend or revoke a gas well permit, file a written appeal of such action or decision to the city manager. The city manager may prescribe conditions and procedures for perfecting an appeal.
- (f) If an application for a gas well permit is denied by the inspector, nothing herein contained shall prevent a new permit application from being submitted to the inspector for the same well.

Sec. 13-513. Periodic reports.

- (a) The operator shall notify the inspector of any changes to the following information within one (1) business week after the change occurs:
  - (1) The name, address, and phone number of the operator;

- (2) The name, address, and phone number of the person designated to receive notices from the city (which person must a resident of Texas that can be served in person or by registered or certified mail); and
- (3) The operator's emergency action response plan (including "drive-to-maps" from public rights-of-way to each drill site).
- (b) The operator shall notify the inspector of any change to the name, address, and twenty-four-hour phone number of the person(s) with supervisory authority over drilling or operations activities within one (1) business day.
- (c) The operator shall provide a copy of any "incident reports" or written complaints submitted to the railroad commission within thirty (30) days after the operator has notice of the existence of such reports or complaints.
- (d) Beginning on December 31st after each well is completed, and continuing on each December 31st thereafter until the operator notifies the inspector that the well has been abandoned and the site restored, the operator shall submit a written report to the inspector 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.

Sec. 13-514. Bond, letters of credit, indemnity, insurance.

- (a) General requirements. The operator shall be required to:
  - (1) Comply with the terms and conditions of this article and the gas well permit issued hereunder.
  - (2) Promptly clear drill and operation-sites of all litter, trash, waste and other substances used, allowed, or occurring in the operations, and after abandonment or completion grade, level and restore such property to the same surface conditions as nearly as possible as existed before operations.
  - (3) Indemnify and hold harmless the city, its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person or for damage to any property arising out of or in connection with the work done by operator under a gas well permit:
    - a. Where such injuries, death or damages are caused by operator's sole negligence or the joint negligence of operator and any other person or entity; and
    - b. Regardless of whether such injuries, death or damages are caused in whole or in part by the negligence of operator.
  - (4) Promptly pay all fines, penalties and other assessments imposed due to breach of any terms of the gas well permit.

- (5) Promptly restore to its former condition any public property damaged by the gas operation.
- (b) Bond, irrevocable letter of credit.
  - (1) Prior to the issuance of a gas well permit the operator shall provide the inspector with a security instrument in the form of a bond or an irrevocable letter of credit as follows:
    - a. Bond. A bond shall be executed by a reliable bonding or insurance institution authorized to do business in Texas, acceptable to the city. The bond shall become effective on or before the date the gas well permit is issued and shall remain in force and effect for at least a period of six (6) months after the expiration of the gas well permit term or until the well is plugged and abandoned and the site is restored, whichever occurs first. The operator shall be listed as principal and the instrument shall run to the city, as obligee, and shall be conditioned that the operator will comply with the terms and regulations of this article and the city. The original bond shall be submitted to the inspector with a copy of the same provided to the city secretary.
    - Letter of credit. A letter of credit shall be issued by a reliable bank b. authorized to do business in Texas and shall become effective on or before the date the gas well permit is issued. The letter of credit shall remain in force and effect for at least a period of six (6) months after the expiration of the gas well permit term. If the letter of credit is for a time period less than the life of the well as required by this article, the operator must renew the letter of credit or replace the letter of credit with a bond in the amount required by this article, on or before forty-five (45) days prior to the expiration date of the letter of credit. If the operator fails to deliver to the City of Grand Prairie either the renewal letter of credit or replacement bond in the appropriate amount on or before forty-five (45) days prior to the expiration date of the letter of credit, the City of Grand Prairie may draw the entire face amount of the attached letter of credit to be held by the City of Grand Prairie as security for operator's performance of its obligations under this article. The city shall be authorized to draw upon such letter of credit to recover any fines or penalties assessed under this article. Evidence of the execution of a letter of credit shall be submitted to the inspector by submitting an original signed letter of credit from the banking institution, with a copy of the same provided to the city secretary.
    - c. The principal amount of any security instrument shall be fifty thousand dollars (\$50,000.00) for any single well. If, after completion of a well, the applicant/operator, who initially posted a fifty thousand dollars (\$50,000.00) bond or letter of credit, has complied with all of the provisions of this article and whose well in

the producing stage and all drilling operations have ceased, may submit a request to the inspector to reduce the existing security instrument to ten thousand dollars (\$10,000.00) for the remainder of the time the well produces without reworking. During reworking operations, the amount of the bond or letter of credit shall be maintained at fifty thousand dollars (\$50,000.00).

An operator drilling or reworking between one (1) and five (5) wells at any given time may elect to provide a blanket bond or letter of credit in the principal minimum amount of one hundred fifty thousand dollars (\$150,000.00). If the operator drills or reworks more than five (5) wells at a time, the blanket bond or letter of credit shall be increased in increments of fifty thousand dollars (\$50,000.00) per each additional well. Once the wells are in the producing stage and all drilling operations have ceased, the operator may elect to provide a blanket bond or letter of credit for the remainder of the time the well produces, without reworking, as follows:

Number of Producing Wells	Blanket Bond/Letter of Credit Amount Required
Up to 75 wells	\$100,000
75 to 150 wells	\$150,000
More than 150 wells	\$200,000

d. Whenever the inspector finds that a default has occurred in the performance of any requirement or condition imposed by this article, a written notice shall be given to the operator. Such notice shall specify the work to be done, the estimated cost and the period of time deemed by the inspector to be reasonably necessary for the completion of such work. After receipt of such notice, the operator shall, within the time therein specified, either cause or require the work to be performed, or failing to do so, shall pay over to the city one hundred twenty-five (125) percent of the estimated cost of doing the work as set forth in the notice. In no event, however, shall the cure period be less than thirty (30) days unless the failure presents a risk of imminent destruction of property or injury to persons or unless the failure involves the operator's failure to provide periodic reports as required by this article. The city shall be authorized to draw against any irrevocable letter of credit or bond to recover such amount due from the operator. Upon receipt of such monies, the city shall proceed by such mode as deemed convenient to cause the required work to be performed and completed, but no liability shall be incurred other than for the expenditure of said sum in hand. In the event that the well has not been properly abandoned under the regulations of the commission, such additional money may be demanded from the operator as is

necessary to properly plug and abandon the well and restore the drill site in conformity with the regulations of this article.

- e. In the event the operator does not cause the work to be performed and fails or refuses to pay over to the city the estimated cost of the work to be done as set forth in the notice, or the issuer of the security instrument refuses to honor any draft by the city against the applicable irrevocable letter of credit or bond the city may proceed to obtain compliance and abate the default by way of civil action against the operator, or by criminal action against the operator, or by both such methods.
- f. When the well or wells covered by said irrevocable letters of credit or bond have been properly abandoned in conformity with all regulations of this article, and in conformity with all regulations of the commission and notice to that effect has been received by the city, or upon receipt of a satisfactory substitute, the irrevocable letter of credit or bond issued in compliance with these regulations shall be terminated and canceled.
- (c) *Insurance*. In addition to the bond or letter of credit required pursuant to this article, the operator shall carry a policy or policies of insurance issued by an insurance company or companies authorized to do business in Texas. In the event such insurance policy or policies are canceled, the gas well permit shall be suspended on such date of cancellation and the operator's right to operate under such gas well permit shall immediately cease until the operator files additional insurance as provided herein.
  - (1) General requirements applicable to all policies.
    - a. The city, its officials, employees, agents and officers shall be endorsed as an "additional insured" to all policies except employer's liability coverage under the operator's workers compensation policy.
    - b. All policies shall be written on an occurrence basis.
    - c. All policies shall be written by an insurer with an A-: VIII or better rating by the most current version of the A. M. Best Key Rating Guide or with such other financially sound insurance carriers acceptable to the city.
    - d. Deductibles shall be listed on the certificate of insurance and shall be on a "per occurrence" basis unless otherwise stipulated herein.
    - e. Certificates of insurance shall be delivered to the City of Grand Prairie, Legal Department, 317 West College Street, Grand Prairie, Texas 75053, evidencing all the required coverages, including endorsements, prior to the issuance of a gas well permit.

- f. All policies shall be endorsed with a waiver of subrogation providing rights of recovery in favor of the city.
- g. Any failure on part of the city to request required insurance documentation shall not constitute a waiver of the insurance requirement specified herein.
- h. Each policy shall be endorsed to provide the city a minimum thirty-day notice of cancellation, non-renewal, and/or material change in policy terms or coverage. A ten (10) days notice shall be acceptable in the event of non-payment of premium.
- i. During the term of the gas well permit, the operator shall report, in a timely manner, to the inspector any known loss occurrence which could give rise to a liability claim or lawsuit or which could result in a property loss.
- j. Upon request, certified copies of all insurance policies shall be furnished to the city.
- (2) Standard commercial general liability policy. This coverage must include premises, operations, blowout or explosion, products, completed operations, sudden and accidental pollution, blanket contractual liability, underground resources damage, broad form property damage, independent contractors protective liability and personal injury. This coverage shall be a minimum combined single limit of one million dollars (\$1,000,000.00) per occurrence location for bodily injury and property damage.
- (3) Excess or umbrella liability. Five million dollars (\$5,000,000.00) excess, if the operator has a stand-alone environmental pollution liability (EPL) policy. Ten million dollars (\$10,000,000.00) excess, if the operator does not have a stand-alone EPL policy. Coverage must include an endorsement for sudden or accidental pollution. If seepage and pollution coverage is written on a "claims made" basis, the operator must maintain continuous coverage and purchase extended coverage period insurance when necessary.
- (4) Environmental pollution liability coverage.
  - a. Operator shall purchase and maintain in force for the duration of the gas well permit, insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least one million dollars (\$1,000,000.00) per loss, with an annual aggregate of at least ten million dollars (\$10,000,000.00).

- b. Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.
- c. The operator shall maintain continuous coverage and shall purchase extended coverage period insurance when necessary. The extended coverage period insurance must provide that any retroactive date applicable to coverage under the policy precedes the effective date of the issuance of the permit by the city.
- (5) Control of well. The policy should cover the cost of controlling a well that is out of control, re-drilling or restoration expenses, seepage and pollution damage as first party recovery for the operator and related expenses, including, but not limited to, loss of equipment, experts and evacuation of residents.

Five million dollars (\$5,000,000.00) per occurrence/no aggregate, if available, otherwise an aggregate of ten million dollars (\$10,000,000.00).

Five hundred thousand dollars (\$500,000.00) sub-limit endorsement may be added for damage to property for which the operator has care, custody and control.

- (6) Workers compensation and employers liability insurance.
  - a. Workers compensation benefits shall be Texas Statutory Limits.
  - b. Employers liability shall be a minimum of five hundred thousand dollars (\$500,000.00) per accident.
  - c. Such coverage shall include a waiver of subrogation in favor of the city and provide coverage in accordance with applicable state and federal laws.
- (7) Automobile liability insurance.
  - a. Combined single limit of one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage.
  - b. Coverage must include all owned, hired and not-owned automobiles.
- (8) *Certificates of insurance.* 
  - a. The company must be admitted or approved to do business in the State of Texas, unless the coverage is written by a surplus lines insurer.

- b. The insurance set forth by the insurance company must be underwritten on forms that have been approved by the Texas State Board of Insurance or ISO, or an equivalent policy form acceptable to the city, with the exception of environmental pollution liability and control of well coverage.
- c. Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.
- d. Shall specifically set forth the notice of cancellation, termination, or change in coverage provisions to the city. All policies shall be endorsed to read

"THIS POLICY WILL NOT BE CANCELED OR NON-RENEWED WITHOUT 30 DAYS ADVANCED WRITTEN NOTICE TO THE OWNER AND THE CITY EXCEPT WHEN THIS POLICY IS BEING CANCELED FOR NONPAYMENT OF PREMIUM, IN WHICH CASE 10 DAYS ADVANCE WRITTEN NOTICE IS REQUIRED."

- e. Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.
- (d) *Indemnification and express negligence provisions.* 
  - (1) Each gas well permit issued by the inspector shall include the following language:

"OPERATOR DOES HEREBY EXPRESSLY RELEASE DISCHARGE, ALL CLAIMS, DEMANDS, ACTIONS, JUDGMENTS, AND EXECUTIONS WHICH IT EVER HAD, OR NOW HAS OR MAY HAVE, OR ASSIGNS MAY HAVE, OR CLAIM TO HAVE, AGAINST THE CITY OF GRAND PRAIRIE, AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, SUCCESSORS, ASSIGNS, SPONSORS, VOLUNTEERS, OR EMPLOYEES, CREATED BY, OR ARISING OUT OF PERSONAL INJURIES, KNOWN OR UNKNOWN, AND INJURIES TO PROPERTY, REAL OR PERSONAL, OR IN ANY WAY INCIDENTAL TO OR IN CONNECTION WITH THE PERFORMANCE OF THE WORK PERFORMED BYTHE OPERATOR UNDER A GAS WELL PERMIT. THE OPERATOR SHALL FULLY DEFEND, PROTECT, INDEMNIFY, AND HOLD HARMLESS THE CITY OF GRAND PRAIRIE, TEXAS, ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, EMPLOYEES, SUCCESSORS, ASSIGNS, SPONSORS, OR VOLUNTEERS 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 IN DEFENSE OF THE CITY OF GRAND PRAIRIE, TEXAS, ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES, INCLUDING, WITHOUT LIMITATION, PERSONAL **INJURIES** IN AND CONNECTION THEREWITH WHICH MAY BEMADE OR ASSERTED BY OPERATOR, ITS AGENTS, ASSIGNS, OR ANY THIRD PARTIES ON ACCOUNT OF, ARISING OUT OF, OR IN ANY WAY INCIDENTAL TO OR IN CONNECTION WITH PERFORMED THE WORK PERFORMANCE OF OPERATOR UNDER A GAS WELL PERMIT. THE OPERATOR AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY OF GRAND PRAIRIE, TEXAS, ITS DEPARTMENTS, ITS OFFICERS, AGENTS, SERVANTS, EMPLOYEES, SUCCESSORS, ASSIGNS, SPONSORS, OR VOLUNTEERS FROM ANY LIABILITIES OR DAMAGES SUFFERED AS A RESULT OF CLAIMS, DEMANDS, COSTS, OR **JUDGMENTS AGAINST** THE CITY. DEPARTMENTS, ITS OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CREATED BY, OR ARISING OUT OF THE ACTS OR OMISSIONS OF THE CITY OF GRAND PRAIRIE 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 AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF GRAND PRAIRIE OCCURRING ON THE DRILL SITE OR OPERATION-SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS WELLS. IT 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 GRAND AND/OR DEPARTMENTS. PRAIRIE. TEXAS ITS OFFICERS, SERVANTS, OR **EMPLOYEES FROM** THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY OF GRAND PRAIRIE, **TEXAS** AND/OR ITS DEPARTMENTS, OFFICERS, SERVANTS, OR EMPLOYEES, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE."

- (e) *Notice*. The individual designated to receive notice shall be a resident of Texas upon whom all orders and notices provided in this article may be served in person or by registered or certified mail. Every operator shall within ten (10) days notify the inspector in writing of any change in such agent or mailing address unless operations in the city are discontinued and abandonment is complete.
- (f) Acceptance and indemnity agreement. The operator who has a net worth of not less than twenty-five million dollars (\$25,000,000.00), as shown in such owner's or operator's most recent audited financial statements, may substitute an acceptance and indemnity agreement in lieu of the bond or irrevocable letter of credit and insurance requirements set forth in this article, provided that such acceptance and indemnity agreement shall be in a form acceptable to, and approved by, the city attorney and the director of risk management of the city. The inspector may request an annual review of the operator's most recent audited financial statements to assure compliance with this section.

- (a) On-site requirements.
  - (1) Abandoned wells. All wells shall be abandoned in accordance with the rules of the commission; however, all well casings shall be cut and removed to a depth of at least ten (10) feet below the surface unless the surface owner submits a written agreement otherwise. Three (3) feet shall be the minimum depth. No structures shall be built over an abandoned well.
  - (2) Blowout prevention. 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 commission and the recommendations of the American Petroleum Institute. The operator must equip all drilling wells with adequate blowout preventors, flow lines and valves commensurate with the working pressures involved as required by the commission.
  - (3) Chemical and materials storage. All chemicals and/or regulated materials shall be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material. Operator shall have all material safety data sheets (MSDSs) for all hazardous materials on site. All applicable federal and state regulatory requirements for the proper labeling of containers shall be followed. Appropriate pollution prevention actions shall be required and include, but are not limited to, chemical and materials elevated and raised from the ground (e.g., wooden pallets), bulk storage, installation and maintenance of secondary containment systems, and protection from storm water and weather elements.
  - (4) *Closed-loop drilling fluid systems*. Closed-loop drilling fluid systems shall be used instead of lined reserve pits.
  - (5) *Compliance*. Operator shall comply at all times with all applicable federal, state and city requirements.
  - (6) *Discharge*. No person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances, hazardous waste, hazardous materials, regulated materials, or any refuse including wastewater or brine from any gas operation or the contents of any container used in connection with any gas operation in, into, or upon any public right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain or any body of water or any private property in the city.
  - (7) *Drilling Fluids.* Low toxicity glycols, synthetic hydrocarbons, polymers, and esters shall be substituted for conventional oil-based drilling fluids.

- (8) *Drill stem testing*. All open hole formation or drill stem testing shall be done during daylight 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 at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.
- (9) *Drilling fluid storage pit.* No drilling fluid storage pits shall be located within the city or its ETJ.
- (10)Dust, vibration, odors. All drilling and production operations, and vehicular traffic related thereto, shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious/nuisance odors, and shall be in accordance with the best accepted practices incident to drilling for the production of gas and other hydrocarbon substances in urban areas, as well as all pertinent codes and ordinances of the City of Grand Prairie regulating dust, vibration and odors. All equipment used shall be so constructed and operated so that, vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incident thereto, to the injury or annoyance of persons living or working in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling and production in this area shall be adopted as they become available if capable of reducing factors of dust, vibration and odor. A written dust abatement plan shall be submitted with the drilling application. This plan shall detail the best management practices the operator will utilize to prevent the creation of any dust nuisances, including the frequency and information on any planned soil amendments. After review of the plan, the City's Environmental Services Director may mandate additional practices the operator shall take to prevent the creation of any dust nuisances.
- (11) *Electric lines*. All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area or subdivision.
- (12) *Electric motors*. Only electric prime movers or motors shall be permitted for the purpose of pumping wells. No electric power shall be generated on location. All electrical installations and equipment shall conform to the city ordinances and the appropriate national codes.
- (13) Emergency response plan. Prior to the commencement of any gas or other hydrocarbons production activities, operator shall submit to the inspector an emergency response plan establishing written procedures to minimize any hazard resulting from drilling, completion or producing of gas wells. Said plan shall use existing guidelines established by the commission, the state environmental regulatory agency, Department of Transportation and/or the U.S. Environmental Protection Agency.

- (14) Equipment painted. All production equipment on the site shall be painted and maintained at all times, including pumping units, storage tanks, buildings and structures.
- (15) Fire prevention; sources of ignition. Firefighting apparatus and supplies as approved by the fire department and required by any applicable federal, state, or local law shall be provided by the operator, at the operator's cost, and shall be maintained on the drilling site at all times during drilling and production operations. The operator shall be responsible for the maintenance and upkeep of such equipment. Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All well heads shall contain an emergency shut off valve to the well distribution line.
- (16) Freshwater wells. It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located within the wellhead protection zone surrounding any City of Grand Prairie municipal well. It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located within two hundred (200) feet of any other fresh water well. The measurement shall be in a direct line from the closest well bore to the fresh water well bore. The operator of a gas well shall provide the inspector with a "pre-drilling" and "post-drilling" water analysis from any fresh water well within five hundred (500) feet of the gas well. Within one hundred eighty (180) days of its completion date, each gas well shall be equipped with a cathodic protection system to protect the production casing from external corrosion. The inspector may approve an alternative method of protecting the production casing from external corrosion.
- (17) *Freshwater usage*. Any connection to a freshwater source, including but not limited to, the city public drinking water system, private wells, other surface and/or groundwater sources, shall comply with all applicable cross connection control requirements.
- (18) Gas emission or burning restricted. No person shall allow, cause or permit gases to be vented into the atmosphere or to be burned by open flame except as provided by law or as permitted by the commission. If the venting of gases into the atmosphere or the burning of gases by open flame is authorized as provided by law or as permitted by the commission, then such vent or open flame shall not be located closer than three hundred (300) feet from any building not used in operations on the drilling site and such vent or open flame shall be screened in such a way as to minimize detrimental effects to adjacent property owners.
- (19) *Grass, weeds, trash.* All drill and operation sites shall be kept clear of high grass, weeds, and combustible trash within a radius of one hundred (100) feet around any gas tank or tanks or producing wells.
- (20) *Hazardous plan*. Hazardous materials management plan shall be on file with the fire marshal and the inspector. The hazardous materials plan shall be kept current with any additions, modifications, and/or amendments

concerning all construction related activities, oil and natural gas operations, and oil and gas production. Updated plans shall be submitted within two (2) business days of any modifications.

- (21) Lights. No person shall permit any lights located on any drill or operation site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within three hundred (300) feet.
- (22) *Muffling exhaust*. Exhaust from any internal combustion engine, 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 air unless it is equipped with an exhaust muffler or mufflers, or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and prevent the escape of obnoxious gases, fumes, or ignited carbon or soot.

All formation fracturing operations shall be conducted during daylight hours unless the operator has notified the inspector that fracing will occur before or after daylight hours to meet safety requirements. Air, gas, or pneumatic drilling shall not be permitted.

(23) Private roads and drill sites. Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the operation site itself shall be at least ten (10) feet wide, have an overhead clearance of fourteen (14) feet and shall be surfaced and maintained to prevent dust and mud.

The point of connection of a private road to a city, county, or state street/highway shall be required to be processed through the appropriate city departments as a driveway approach. The City's Transportation Planner may assist the applicant with securing access agreements with other required governmental entities. The driveway approach shall be located, designed, and surfaced as determined by the City's Transportation Planner. This determination shall be at the sole discretion of the City's Transportation Planner.

The private road shall be designed to prevent the creation of a dust or mud nuisance. The City Engineer shall review the private road design and shall be authorized to require such paving surfaces as needed to prevent the creation of nuisances, including the requirement that private roads may be required to be constructed of concrete or similar materials. In determining the surface type the City Engineer may consider the following: distances from public streets and highways; distances from adjoining and nearby property owners whose surface rights are not leased by the operation; the aesthetics of the area; the purpose for which the property of such owners is or may be used; topographical features; nature of the soil; and exposure to

wind. The determination as to paving type shall be at the sole discretion of the City Engineer.

- (24) Salt water wells. No salt water disposal wells shall be located within the City of Grand Prairie or its ETJ.
- (25) *Signs*.
  - a. A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing erected pursuant to section 13-516 of this article. Such sign shall be durable material, maintained in good condition and, unless otherwise required by the commission, shall have a surface area of not less than two (2) square feet nor more than four (4) square feet and shall be lettered with the following:
    - 1. Well name and number;
    - 2. Name of operator;
    - 3. The emergency 911 number; and
    - 4. Telephone numbers of two (2) persons responsible for the well who may be contacted in case of emergency.
  - b. Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" shall be posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the fire chief of the city. Sign lettering shall be four (4) inches in height and shall be red on a white background or white on a red background. Each sign shall include the emergency notification numbers of the fire department and the operator, well and lease designations required by the commission.
- (26) Storage of equipment. Onsite storage is prohibited on the operation site. No equipment shall be stored on the drilling or production operation site, unless it is necessary to the everyday operation of the well. Lumber, pipes, tubing and casing shall not be left on the operation site except when drilling or well servicing operations are being conducted on the site.

No vehicle or item of machinery shall be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site. The fire department shall be the entity that determines whether equipment on the site shall constitute a fire hazard. No refinery, processing, treating, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the

premises. This shall not be deemed to exclude a conventional gas separator or dehydrator.

(27) Storage tanks. All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the fire chief. All storage tanks shall be equipped with a secondary containment system including lining with an impervious material. The secondary containment system shall be a minimum of three (3) feet in height and one and one-half (1-1/2) times the contents of the largest tank in accordance with the fire code, and buried at least one (1) foot below the surface. Drip pots shall be provided at the pump out connection to contain the liquids from the storage tank.

All tanks shall be set back pursuant to the standards of the commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line. Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.

No meters, storage tanks, separation facilities, other aboveground facilities, well heads, or flow lines, shall be placed in the one hundred-year floodplain, without the prior consent of the Engineering Division pursuant to paragraph (j) of section 13-504, "Gas well permit required" of this article. No such structures are permitted in the floodway.

Tanks must be at least three hundred (300) feet from any protected use or combustible structure.

- (28) Storm water regulations. The operator shall comply with all federal, state, and local storm water quality regulations, including any notice of intent (NOI) and notice of termination (NOT) requirements.
- (29) *Tank battery facilities.* Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system.
- (30) *Surface casing*. Surface casing shall be run and set in full compliance with the applicable rules and regulations of the commission.
- (31) *Valves*. Each well must have a shutoff valve to terminate the well's production. The fire department shall have access to the well site to enable it to close the shut-off the valve in an emergency.
- (32) *Waste disposal.* Unless otherwise directed by the commission, all tanks used for storage shall conform to the following:

Operator must use portable closed steel storage tanks for storing liquid hydrocarbons. Tanks must meet the American Petroleum Institute standards. All tanks must have a vent line, flame arrester and pressure relief valve. All tanks must be enclosed by a fence applicable to the issued

permit classification. No tank battery shall be within one hundred (100) feet from any building used, or designed and intended to be used, for human occupancy, or from other combustible structures.

Drilling mud, cuttings, liquid hydrocarbons, and all other field waste derived or resulting from or connected with the drilling, re-working or deepening of any well shall be discharged into an aboveground self-contained tank system. All disposals must be in accordance with the rules of the commission and any other appropriate local, state, or federal agency.

Unless otherwise directed by the commission, waste materials shall be removed from the site and transported to an off-site disposal facility not less often than every thirty (30) days. Water stored in on-site tanks shall be removed as necessary.

All waste shall be disposed of in such a manner as to comply with the air and water pollution control regulations of the state, this article and any other applicable ordinance of the city.

- (33) *Watchman.* The operator must keep a watchman or security personnel onsite during the drilling or re-working of a well when other workmen are not on the premises.
- (34) Work Hours.
  - a. For high and urban impact permits, work hours for site development (other than drilling), truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation and other related work conducted on the well site shall be limited to daytime except in cases of fires, blowouts, explosions and any other emergencies or where the delivery of equipment is necessary to prevent the cessation of drilling or production.
  - b. For rural gas permits, work hours for site development (other than drilling), truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation and other related work conducted on the well site shall be limited to between the hours of 6 a.m. to 10 p.m. except in cases of fires, blowouts, explosions and any other emergencies or where the delivery of equipment is necessary to prevent the cessation of drilling or production.
- (b) Well setbacks. It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located:
  - (1) Within twenty-five (25) feet from any outer boundary line; or

- (2) Within twenty-five (25) feet from any storage tank, or source of ignition; or
- (3) Within seventy-five (75) feet of any public street, road, highway or future street, right-of-way line; or
- (4) Within three hundred (300) feet from any building used, or designed and intended to be used, for human occupancy unless a larger setback is required by the gas well permit; or
- (5) Within one hundred (100) feet of any building accessory to, but not necessary to the operation of the well; or
- (6) Within two hundred (200) feet to any fresh water well. The measurement shall be in a direct line from the closest well bore to the fresh water well bore.

The distance shall be calculated from the well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of any object listed in (1) through (6) above.

- (c) Well Head Easement. For all drilling operations, a well head easement shall be submitted by the operator for approval by the city with the permit application. Once approved, the easement shall be filed and recorded with the appropriate agency of the county government in which the well is located within thirty (30) days of drilling subject to the following provisions:
  - (1) Such easement shall have a radius of three hundred (300) feet as calculated from the well bore, in a straight line, without regard to intervening structures or objects.
  - (2) Such easement may be filed as a separate instrument dedication, or be dedicated on a land subdivision plat approved by the city.
  - (3) No future residential lots shall be platted within the well head easement until the well is abandoned pursuant to the provisions of this article, and the drill site easement has been vacated by the city.
  - (4) No vertical residential or non-residential structures of any type, except those required for the gas drilling and production operation may be constructed within such easement. Only hard surface paving (flat-work) and site landscaping shall be permitted. City staff may approve amended easement language that permits certain accessory uses and structures, such as recreational, athletic and agricultural facilities with use restrictions, to be placed inside the well head easement. Such amendments and use restrictions shall be approved as a part of the permit application review process.
  - (5) Where a public street or highway right-of-way is located within and adjoins the perimeter boundary of the well head easement, such right-of-

way shall be credited toward the area and distance required for the establishment of such easement, so that said right-of-way area shall be excluded from the easement. For the purpose of enforcing this provision, non-residential land uses shall be defined by Article 4 of the Grand Prairie Unified Development Code for well sites situated inside the city limits; or by the Comprehensive Plan Future Land Use Map of the City of Grand Prairie, as amended, for well sites situated within the city's extraterritorial jurisdiction.

- (6) The written authorization(s) from all affected property owners shall be recorded on the easement instrument for easements that traverse more than one property ownership boundary. Or, absent the necessary and required authorizations from adjoining property owners, such easement shall encompass the land area located inside the fenced boundary of the gas well drilling pad site as established by the permit application.
- (7) If such easement is not recorded within thirty (30) days after the installation of the well head structure, the inspector, at its discretion, may suspend or revoke the gas well permit pursuant to the provisions of this article, or extend the time period for filing, until the easement is filed and recorded with the county government.
- (8) When considering amendments to the 300 foot well head easement requirement, city staff shall review concept plans, plats, long range land use plans and similar documents addressing future development proposed around the well head site to ensure that the safety and welfare of future residents is not compromised. The amended easement area shall be depicted on the site plan drawing, or on an attaching sheet, included with the gas well permit application. Alternative easement configurations denied by staff may be appeal to the City Council.
- (9) Within in fifteen (15) days of the filing and recordation of the well head easement, the operator, at operator's expense, shall erect at least four (4) warning signs, measuring no less than ten (10) inches by fourteen (14) inches in size, mounted a minimum of five (5) feet above ground surface on a 2-3/8 inch galvanized steel post or equal. Said warning signs shall be placed upon the perimeter boundary of the well head easement at conspicuous locations nearest any right-of-way, street, roadway, public thoroughfare, or residential zoning district or subdivision. Said signs shall contain the following information:
  - a. With a minimum one-inch high letters contain: "GAS WELL HEAD EASEMENT BOUNDARY"
  - b. With a minimum one-half inch high letters contain operator's emergency phone number: "IN CASE OF EMERGENCY CALL (###) ###-####"; and,
- (d) Installation of pipelines on, under or across public property. The operator shall apply to the city for a franchise agreement on, over, under, along or across the city

streets, sidewalks, alleys and other city property for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines so long as production or operations may be continued under any gas well permit issued pursuant to this article. Operator shall:

- (1) Not interfere with or damage existing water, sewer or gas lines or the facilities of public utilities located on, under or across the course of such rights-of way.
- (2) Furnish to the director of development of the city a plat showing the location of such pipelines.
- (3) Construct such lines out of pipe in accordance with the city codes and regulations properly cased and vented if under a street; and
- (4) Grade, level and restore such property to the same surface condition, as nearly as practicable, as existed when operations for the drilling of the well were first commenced.

No gas well permit shall be issued for any well to be drilled within any of the streets or alleys and/or projected streets or alleys shown by the current Master Transportation Plan of the city, and no street or alley shall be blocked or encumbered or closed due to any exploration, drilling or production operations unless prior consent is obtained from the inspector. Any consent shall be temporary in nature and state the number of hours and/or days that any street or alley may be blocked, encumbered or closed.

### (e) Noise restrictions.

- (1) No well shall be drilled, redrilled, or any equipment operated at any location within the city in such a manner so as to create any noise which causes the exterior noise level when measured at the nearest protected use receiver's/receptor's property line or one hundred (100) feet from the nearest protected use structure (as measured to the closest exterior point of the building), whichever is closer to the receiver/receptor, that exceeds the ambient noise level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours. Fracing operations may not exceed the ambient noise level by more than ten (10) decibels. Backflow operations may not exceed the ambient noise level by more than five (5) decibels during nighttime hours. When noise contains strong pure tone components or is impulsive, 2dB(A) shall be subtracted from the appropriate limitation.
- (2) The operator shall be responsible for establishing and reporting to the city the pre-drilling ambient noise level prior to the issuance of a gas well permit. A 48-hour noise study shall be utilized to establish ambient noise levels. The timeframe for this study shall be designed to avoid the influence of wind interference on the study. The determination as to whether subsequent studies are needed to reevaluate ambient noise conditions shall be at the sole discretion of the City's Environmental Services Director.

(3) Adjustments to the noise standards as set forth above in subsection (1) of this section may be permitted in accordance with the following:

Permitted Increase	Duration of Increase
(dBA)	(minutes)*
5	15
10	5
15	1
20	1

<sup>\*</sup> Cumulative minutes during any one hour

- (4) All noise readings recorded shall be collected in accordance with the requirements contained in the City's Code of Ordinances Chapter 13, Article XIII, Noise Restrictions.
- (5) All workover operations shall be restricted to daytime hours. "Workover operations" shall mean 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 increase production.
- (6) All gas drilling permit applications must include a detailed noise abatement study, conducted by a qualified noise consultant/engineer approved in advance by the City's Environmental Services Director. This study shall include:
  - a. A description of the proposed facility/operation.
  - b. A determination of the ambient noise level utilizing a noise survey of a minimum of 48 hours.
  - c. An analysis of any significant sources of noise, including noise that will be generated during the drilling, fracing, and operational phases of the drill site. This analysis must include a comparison of the potential noise generation with the applicable noise standards.
  - d. An analysis of any abatement measures necessary to bring the proposed facility into compliance with the City's noise standards. If the analysis indicates that abatement measures are required to meet the standards, then the applicant must submit a detailed plan that describes the specific measures that will be utilized. This shall include product information and a location diagram. All soundproofing shall comply with accepted industry standards. The abatement measures shall be installed prior to the commencement of any drilling activities.
  - e. A description of any continuous noise monitoring program if required by (e)(7) of this section.

- f. A description of any noise abatement measures if required by (e)(7) of this section. This shall include product information and a location diagram.
- (7) If the proposed gas well is within 1,000 feet of any protected use, the operator must comply with these additional noise abatement measures:
  - a. If during nighttime hours, the ambient noise level plus three (3) decibels exceeds 58 decibels, then the limit shall be the ambient noise level.
  - b. Exterior noise levels shall be continuously monitored to ensure compliance. The cost of such monitoring shall be borne by the operator. The noise readings shall be submitted to the inspector on a daily basis in an electronic format or other format specified by the inspector.
  - c. At a minimum, the operator shall install noise reduction blankets on the pad site boundaries facing any protected uses within 1,000 feet. The height of boundary blankets shall at a minimum be sixteen (16) feet. The height may be increased at the discretion of the Environmental Services Director in response to topographic necessity. In addition to the boundary barriers, the operator must, at a minimum, install additional noise reduction blankets to mitigate noise generated from the rig substructure, the rig floor area, brake drum housings, mud pumps, diesel motors, and generators. The blankets shall be constructed of a fire retardant material approved by the fire department.

Additionally, any exhaust from an internal combustion engine or compressor, stationary or mounted on wheels, must be controlled through the utilization of a "hospital" grade muffler or equivalent control device.

The noise abatement study required in (e)(6) above shall include a site plan showing the location of the boundary noise reduction blankets and a rig layout diagram detailing the location of all other noise reduction blankets, "hospital" grade mufflers, and any other noise reduction equipment.

d. During nighttime operations, the operation of vehicle audible backup alarms shall be prohibited or replaced with approved nonauditory signaling systems, such as spotters or flagmen. Deliveries of pipe, casing and heavy loads shall be limited to daytime hours, except for emergency situations. The Derrick Man and Driller shall communicate by walked-talkie or other non-disruptive means only with the Derrick Man is in the derrick. Horns may not be used to signal for connection or to summon crew (except that a horn may be used for emergency purposes only). The operator shall conduct onsite meetings to inform all personnel of nighttime operations noise control requirements.

(8) The noise requirements contained within this ordinance are hereby declared to be necessary to protect the public health of the community, and are applicable to all current gas drilling permits and any new gas drilling permits.

Sec. 13-516. Fences, walls, screening.

(a) Fences/walls. Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as twenty-four-hour onsite supervision is provided. A secured entrance gate shall be required. All gates are to be kept locked when the operator or his employees are not within the enclosure. Within thirty (30) days after production has been established, all operation sites shall be completely enclosed by a permanent chain link fence, masonry wall, or other approved fencing material according to the requirements of the requested gas well permit, as follows:

# (1) Chain link fences.

- a. The fence fabric shall be at least six (6) feet in height;
- b. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence; provided, however, so long as stability of the fence is maintained, temporary fence posts shall not be required to be set in concrete;
- c. The chain link fabric shall be galvanized steel wire with a minimum plating of one and two-tenths (1.2) ounces of zinc per square foot of surface area or shall be coated with vinyl or plastic material, approved by the fire chief;
- d. The chain link fence fabric shall have a minimum thickness of eleven (11) gauge;
- e. The chain link fabric shall be two-inch mesh; provided, however, three and one-half (3 1/2) inch mesh may be used on any fence where the fabric is interwoven with artificial screening material approved by the fire chief;
- f. Posts and rails shall be standard galvanized, welded pipe, schedule forty (40) or thicker; provided, however, that non-galvanized drill pipe may be used if it exceeds schedule forty (40) in thickness;
- g. All pipe and other ferrous parts, except chain link fabric and drill pipe, shall be galvanized inside and outside with a plating which contains a minimum of one and two-tenths (1.2) ounces of zinc per square foot of surface area;

- h. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have a minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch; and
- i. All fences shall have security extension arms at the top of such fences and such security extension arms shall be strung with at least two (2) strands of galvanized barbed wire.
- (2) Masonry wall specifications. All walls (either site constructed or prefabricated) shall be of masonry or other like material approved by the inspector. All walls used to enclose in whole or in part any drilling or production-site shall be constructed in accordance with standard engineering practices and shall meet the following specifications:
  - a. The wall shall be of a design compatible with the facilities, buildings and structures on and adjacent to the site; and
  - b. The wall shall be at least eight (8) feet in height.
- (b) Gate specifications. All chain link fences and masonry walls shall be equipped with at least one (1) gate. The gate shall meet the following specifications:
  - (1) Each gate shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span;
  - (2) The gates shall be of chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as a chain link fence;
  - (3) The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and
  - (4) Operator must provide the city fire chief with a "knox padlock" or "knox box with a key" to access the well site to be used only in case of an emergency.

### Sec. 13-517. Cleanup and maintenance.

- (a) Cleanup after well servicing. After the well has been completed or plugged and abandoned, the operator shall clean the drill site or operation site, complete restoration activities and repair all damage to public property caused by such operations within sixty (60) days.
- (b) Clean-up after spills, leaks and malfunctions. The operator shall immediately telephone and notify the city of any spill, leak or malfunction. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and

corrective actions taken by the operator. After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the city's environmental services director and the inspector all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately. If the owner fails to begin site clean-up within twenty-four (24) hours, the city shall have the right to contact the commission in order to facilitate the removal of all waste materials from the property affected by such spill, leak, or malfunction. Additionally, the city shall have the right to enter the property and address emergency situations as provided by the requirements contained in the City's Code of Ordinances Chapter 13, Article VI, Abatement of Hazardous Conditions.

- (c) Free from debris. The property on which a well site is located shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash, or other waste material within a radius of one hundred (100) feet around any separators, tanks, and producing wells.
- (d) Painting. All production equipment shall be painted and maintained at all times, including wellheads, pumping units, tanks, and buildings or structures. When requiring painting of such facilities, the inspector shall consider the deterioration of 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 green, blue, or brown, or other neutral colors approved by the inspector.
- (e) *Blowouts*. In the event of the loss of control of any well, operator shall immediately take all reasonable steps to regain control regardless of any other provision of this article and shall notify the inspector as soon as practicable. The inspector shall certify in writing, briefly describing the same, to the city manager. If the inspector, in his opinion, believes that danger to persons and property exists because of such loss of well control and that the operator is not taking or is unable to take all reasonable and necessary steps to regain control of such well, the inspector may then employ any well control expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material which the inspector deems necessary to regain control of such well. The city shall then have a valid lien against the interest in the well of all working interest owners to secure payment of any expenditure made by the city pursuant to such action of the inspector in gaining control of said well.

## Sec. 13-518. Plugged and abandoned wells.

- (a) Surface requirements for plugged and abandoned well. Whenever abandonment occurs pursuant to the requirements of the commission, the operator so abandoning shall be responsible for the restoration of the well site to its original condition as nearly as practicable, in conformity with the regulations of this article.
- (b) Abandonment shall be approved by the inspector after restoration of the drill site has been accomplished in conformity with the following requirements at the discretion of the inspector:
  - (1) The derrick and all appurtenant equipment thereto shall be removed from drill site;

- (2) All tanks, towers, and other surface installations shall be removed from the drill site;
- (3) All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing, shall be removed from the site, unless otherwise directed by the commission;
- (4) All holes and depressions shall be filled with clean, compactable soil;
  - a. Abandoned holes, depressions and private access drives used during the operation of the gas well that are constructed on or within public or private parks, landscaped common areas within a residential subdivision, landscaped residential areas or yards, or similar type areas with a maintained ground cover surface shall also be re-sodded with equal or better quality ground covering material similar to that evident on adjoining maintained ground covered areas.
- (5) All waste, refuse or waste material shall be removed from the drill site; and
- (6) During abandonment, operator shall comply with all applicable sections in this article.
- (c) Abandoned well requirement. The operator shall furnish the following at the discretion of the inspector:
  - (1) A copy of the approval of the commission confirming compliance with all abandonment proceedings under the state law; and
  - (2) A notice of intention to abandon under the provisions of this section and stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.
- (d) Abandonment requirements prior to new construction. All abandoned or deserted wells or drill sites shall meet the most current abandonment requirements of the commission prior to the issuance of any building permit for development of the property. No structure shall be built over an abandoned well.

#### Sec. 13-519. Technical advisor.

The city may from time to time employ a technical advisor or advisors who are experienced and educated in the gas industry or the law as it pertains to gas matters. The function of such advisor(s) shall be to advise, counsel or represent the city on such matters relating to gas operations as the city may want or require and the effect thereof, both present and future, on the health, welfare, comfort and safety of the citizens of the city. In the event such technical advisor(s) is employed 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 article, then 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 article. 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.-

Sec. 13-520. Penalty for violation; other remedies.

- (a) Any person, firm, or corporation who violates any provision of this article, including, but not limited to the failure to pay required fees, is guilty of a misdemeanor and, upon conviction, is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the city, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the city, with a representative of a city department, or with a person who has been ordered to abate a situation pursuant to this article, and who is lawfully engaged in such abatement is guilty of a misdemeanor and, upon conviction, is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the city, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (c) In addition to proceeding under authority of subsections (a) and (b) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this article.
- <u>SECTION 2</u>: That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect validity of the remaining portions thereof.

<u>SECTION 3</u>: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4: All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Grand Prairie, Texas, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

<u>SECTION 5</u>: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE ON THE  $6^{\rm TH}$  OF MAY, 2008.