

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 2.02 OF SAID ORDINANCE REGARDING PLATTING REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS IN THE PROXIMITY OF GAS WELL DRILL SITES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens and providing for the orderly development of land within the City and its extraterritorial jurisdiction; and

**WHEREAS**, the City Council had deemed it necessary to amend the City of Mansfield Subdivision Control Ordinance;

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

**SECTION 1.**

That Section 2.02 of the Subdivision Control Ordinance is hereby amended by adding a new Subsection H to read as follows:

“H. Plats for developments located adjacent to gas wells shall be subject to the following requirements:

1. The provisions of this Subsection shall apply to all land within the corporate limits of Mansfield and all land within the City’s extraterritorial jurisdiction:
  - a. that is subject to any zoning designation which allows for a single family dwelling within the City, or is designated for single-family residential use by plat within the City’s extraterritorial jurisdiction;

- b. where any portion of the boundary of the land is located within three hundred (300) feet of the boundary of an existing drill site as established by the applicable Specific Use Permit authorizing the drill site on property within the City limits, or the boundary of an existing drill site established by lease, surface use agreement or other documentation on property within the City's extraterritorial jurisdiction; and
  - c. whose owner is required to have a plat prepared and approved pursuant to the Subdivision Control Ordinance of the City of Mansfield, Texas.
- 2. The owner of land meeting the criteria set forth in this Subsection shall, at the time of platting, include on the face of the plat, framed in a bold line so as to be distinctly visible, in capital letters and in a minimum type font size of fourteen (14) point, the following note: "LOTS \_\_\_\_\_ ARE LOCATED WITHIN 300 FEET OF AN APPROVED GAS WELL DRILL SITE." The owner of the property shall complete the blank in the plat note to indicate the lots subject to this Subsection.
  - 3. For the purposes of this Subsection the terms "owner" and "plat" shall have the meanings ascribed to them by the Subdivision Control Ordinance of the City of Mansfield, Texas."

## **SECTION 2.**

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

## **SECTION 3.**

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

## **SECTION 4.**

a. Any person violating any provision of this Ordinance within the corporate limits of the City of Mansfield, Texas, shall be guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

b. The City shall have and retain the right to seek injunctive relief against any person, firm or corporation who is in the process of or about to violate any section, paragraph, or part of

this ordinance. Such right shall exist independent of the other penalty provision of this ordinance and not in lieu thereof. The right of injunctive relief is essential to the City in order that it may maintain an orderly and properly planned control over land uses thus protecting the health, morals, safety and well being of the citizens and halting any attempt by an person, firm or corporation to inflict temporary or permanent injury on the general public by a failure to comply with the terms of this Ordinance.

## **SECTION 5.**

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

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**David L. Cook, Mayor**

ATTEST:

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**Vicki Collins, City Secretary**

APPROVED AS TO FORM AND LEGALITY

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**Allen Taylor, City Attorney**

