

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO DEFINITIONS, HEALTH AND SAFETY, SIGNAGE, HOURS OF OPERATION, MAINTENANCE, COMPLETION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

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

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

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

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

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

**SECTION 1.**

That Section 114.02 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding new definitions, in alphabetical order, to read as follows:

**Blowout Preventer:** A mechanical, hydraulic, pneumatic or other device or combination of such devices secured to the top of a well casing, including valves,

fittings and control mechanisms connected therewith, which can be closed around the drill pipe, or other tubular goods which completely close the top of the casing and are designed for preventing blowouts.

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

Lift Compressor: A device that raises the pressure of a compressible fluid (gas) in order to lift gas from the well.

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

Reduced Emission Completion: Techniques or methods that minimize the release of natural gas and vapors to the environment when a well is being flowed during the completion or re-completion phase of a Barnett Shale well.

Technical Advisor: 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.

Workover Operations: Work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased or to increase production.

## **SECTION 2.**

That Section 114.02 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by deleting the definition of "Gas Well Inspector".

## **SECTION 3.**

That the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding a section, to be numbered Section 114.045, which said section reads as follows:

### **§114.045 OPERATOR'S AGENT.**

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

**SECTION 4.**

That Section 114.05 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Paragraph (F) to read as follows:

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

**SECTION 5.**

That Section 114.09 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding a new Paragraph (D) to read as follows:

(D) Beginning on December 31<sup>st</sup> and annually thereafter each Operator shall provide an operational status report to the City for every Well permitted by the City. The report shall include the Well name, API Number, Lease Name, City Case Number, Railroad Commission Permit Number, Railroad Commission Lease ID Number and current status whether pending, drilling, completing, producing, plugged or abandoned.

**SECTION 6.**

That Section 114.12 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Paragraphs (D) to read as follows:

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

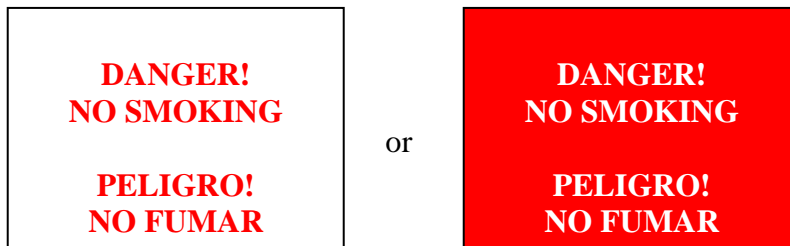
(1) Address Sign. An address sign shall be immediately and prominently displayed at the entrance of the access road. The numbers and letters of the address must be at least six (6) inches in height and having a one-half (½) inch brushstroke.

(2) 911 Sign: A 911 sign shall be immediately and prominently displayed at the entrance to a Drill Site or Operation Site. Unless otherwise required by the Railroad Commission, the sign shall have a surface area of not less than two (2) square feet or more than four (4) square feet, and shall be lettered with the following:

- (a) The emergency 911 number;
- (b) The Well name and number;

- (c) Name of the Operator;
- (d) The address of the site and City Pad ID number, as assigned by the City;
- (e) A 24-hour emergency telephone number of the Operator; and
- (f) City of Mansfield Jurisdiction.

(3) No Smoking Sign: Signs reading "DANGER NO SMOKING ALLOWED" in both English and Spanish as shown in the figure below shall be posted at the entrance of each site and tank battery and in any other location approved or designated by the Fire Marshal. Sign lettering shall be four (4) inches in height and shall be red on a white background or white on a red background.



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

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

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

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

### SECTION 7.

That Section 114.12 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding new Paragraphs (P) through (Z) to read as follows:

(P) In all cases, blowout prevention equipment shall be used on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during gas operations as required by and in

conformance with the requirements of the Railroad Commission and the recommendations of the American Petroleum Institute. The Operator must equip all drilling wells with adequate Blowout Preventers, flow lines and valves commensurate with the working pressures involved as required by the Railroad Commission.

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

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

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

(T) No explosive charges shall be permitted within the City limits unless an appropriate permit has first been obtained from the Fire Department.

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

(V) The Operator shall provide seventy-two (72) hour written notice to the designated City official and the Gas Well Inspector before the start of any of the following operations:

- road;
- (1) Initial construction of the drill site, frac pond and/or access road;
  - (2) Completion of the drill site, frac pond and/or access road;
  - (3) Start of drilling operations;
  - (4) Perforation of casing;
  - (5) Fracturing of the well; and
  - (6) Setting the wellhead valves and equipment.

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

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

- (2) Capture clear video images (day and night) of all traffic entering and exiting the gate(s);
- (3) Capture clear video images (day and night) of all production equipment located on the site;
- (4) Be equipped with motion detection technology;
- (5) Be equipped with panning technology to pan immediately to any motion detected on the site;
- (6) Show the date and time of all activity on the footage; and

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

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

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

(Z) ~~All open hole formation or d~~Drill stem testing shall be done during Daytime hours. Drill stem tests may be conducted only if the well effluent during the test is produced through an adequate gas separator to storage tanks and the effluent remaining in the drill pipe prior to the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.

#### **SECTION 8.**

That Section 114.13 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising the existing Paragraphs (A) and (C) to read as follows:

(A) All equipment and procedures used in the drilling and production of Gas Wells shall be so constructed, operated or conducted so as to minimize vibration, dust, odor or other harmful or annoying substances or effects to prevent injury or annoyance to persons living in the vicinity. Equipment or structures on any Drill Site or Operation Site shall not become dilapidated, unsightly or unsafe. ~~Proven technological improvements to industry standards to mitigate these effects shall be adopted as they become available.~~

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

#### **SECTION 9.**

That Section 114.13 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding a new Paragraph (M) to read as follows:

(M) No vehicle, equipment, materials or other similar items shall be placed or stored on a Drill Site or Operation Site when not in use or are not necessary for the operation of such site, as determined by the Inspector.

#### **SECTION 10.**

That Section 114.15 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising the existing Paragraph (F) to read as follows:

(F) Tank battery facilities shall be equipped with a remote foam line utilizing a two and one-half (2.5) inch National Standard Hose Thread female inlet connection in locations approved by the Fire Department. A lightning arrestor system or lightning grounding system shall be installed according to the most current edition of the National Electrical Code.

#### **SECTION 11.**

That Chapter 114 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding a new Section 114.185 to read as follows:

#### **§114.185 TECHNICAL ADVISOR.**

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

#### **SECTION 12.**

That Section 114.20 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising the existing section to read as follows:

#### **§114.20 ENFORCEMENT, RIGHT OF ENTRY.**

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

(B) The Inspectors are authorized and directed to enforce this Chapter and the provisions of any Gas Well Permit. Whenever necessary to enforce any provision of this Chapter or a Gas Well Permit, to perform regular inspections of the site, or whenever there is reasonable cause to believe there has been a

violation of this Chapter or a Gas Well Permit, the gas well inspector, Fire Department personnel or the gas well coordinator may enter upon any property covered by this Chapter or a Gas Well Permit to inspect or perform any duty or requirement imposed by this Chapter. To facilitate entry, the Operator shall furnish a key or the combination to the lock at the entrance to the site. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.

### **SECTION 13.**

That Section 114.21 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising the first sentence of Paragraph (A) to read as follows:

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

\* \* \*

### **SECTION 14.**

This Ordinance shall be cumulative of all provisions of the City of Mansfield, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

### **SECTION 15.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and Sections of this Ordinance are severable and if any phrase, clause, sentence, paragraph or Section of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Ordinance since the same could have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

### **SECTION 16.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### **SECTION 17.**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of any ordinances governing oil and gas well development,

production and transportation, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 18.**

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clause of this ordinance at least once in the official newspaper of the City of Mansfield.

**SECTION 19.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST:

\_\_\_\_\_  
**Vicki Collins, City Secretary**

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
**Allen Taylor, City Attorney**