

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE II OF CHAPTER 15, "GAS" ENTITLED, "GAS DRILLING AND PRODUCTION," REGULATING THE DRILLING AND PRODUCTION OF GAS WELLS WITHIN THE CITY TO PROVIDE REVISED REGULATIONS REGARDING DISTANCE, NOISE, GAS PIPELINES, AND TECHNICAL PROVISIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING THAT ORDINANCE NUMBERS 18399-12-2008 AND 18412-12-2008 ARE REPEALED AND NAMING AN EFFECTIVE DATE**

**WHEREAS**, on December 11, 2001, the City Council adopted Ordinance Number 14880 regulating gas drilling within the city limits of Fort Worth; and

**WHEREAS**, since 2001, over one thousand permits have been issued for drilling and production of gas within the city limits; and

**WHEREAS**, between 2001 and 2006, gas drilling and production moved from sparsely populated areas in the northern part of the City to more densely urbanized areas in the southern, western and eastern portions of the City; and

**WHEREAS**, in 2006, the City Council appointed a task force composed of gas industry, developers and neighborhood representatives to study revisions to the Gas Drilling Ordinance that would improve the quality of life for those citizens working and living near the drilling sites; and

**WHEREAS**, the 2006 task force recommended an increase to the permitted distance requirements for high impact permits, increased notification to the citizens of Fort Worth, additional noise abatement procedures, site security, signage, and other revisions to provide additional protections of surface property rights but continue to allow access to the minerals; and

**WHEREAS**, in June of 2006, the City Council amended the Gas Drilling Ordinance for the drilling, production and redrilling of gas so that these activities may be conducted in a manner that protects the public health and welfare of the citizens of Fort Worth, conforms with established codes and regulations while minimizing the potential impact to surface property and of mineral rights owners; and

**WHEREAS**, in 2008, the City Council appointed a third task force of gas industry, developer and neighborhood representatives to study revisions to the Gas Drilling Ordinance, including revisions to the current regulations for compressors, noise, public notice, Protected Use definitions, setbacks, roads, and other revisions that will improve the quality of life while allowing the continued access to the minerals; and

**WHEREAS**, the City Council also directed staff to study the continued impact of the use of city roads, pipelines and environmental issues and recommend revisions to the ordinance to address these concerns; and

**WHEREAS**, the federal Pipeline Safety Act was enacted in 1994 to prescribe minimum safety standards for pipeline transportation and pipeline facilities and as such, in the area of natural gas, cities are expressly preempted from establishing safety standards for pipelines facilities or pipeline transportation; and

**WHEREAS**, through the Pipeline Safety Act, the Texas Utilities Code gives the Railroad Commission of Texas exclusive jurisdiction over safety standards related to pipelines and intrastate gas transportation, but allows municipalities to adopt standards governing the installation and maintenance of pipelines in certain areas; and

**WHEREAS**, in accordance with Section 121.202 of the Texas Utilities Code, municipalities can adopt standards regarding pipelines and pipeline facilities related to mapping, inventorying or relocating pipelines over, under, along, or across a public street or alley or Private Residential Areas in the boundaries of a municipality; and

**WHEREAS**, the City Council deems it advisable to adopt standards governing the installation and maintenance of pipelines and pipeline facilities in these permitted areas to ensure the compatibility of pipelines and compressor stations to the surrounding uses, reduce associated noise, maintain property values, and protect the quality of life by minimizing the impact of pipelines and related facilities on the citizens of Fort Worth; and

**WHEREAS**, the City Council deems it advisable to address a major source of emissions in Fort Worth by requiring techniques or methods that minimize the amount of natural gas and vapors released to the environment when a well is being flowed during the completion or re-completion phase of a Barnett Shale well; and

**WHEREAS**, on December 9, 2008, the City Council amended the Gas Drilling Ordinance, including revisions for new environmental provisions to reduce emissions from wells and trucks, new salt water piping standards, the requirement for the submission of noise management plans; mitigation and enforcement of low-frequency and pure tone noise, compressor setback and noise standards, permits and standards for certain pipeline routes, the creation of a gas drilling review committee to provide problem-solving venue for high-impact wells, pipelines through residential areas, and non-commercial truck routes, clarification of definitions and language for clearer enforcement; the establishment of landscaping deadlines, the creation of permitting and regulations for fracture ponds and a requirement for surface reclamation plans (Ordinance Number 18399-12-2008); and

**WHEREAS**, on December 9th, the City Council did not adopt proposed provisions related to the definition of a public building and the requirements of a multiple well site permit in order to study the two issues further at the next City Council meeting; and

**WHEREAS**, on December 16, 2008 the City Council adopted Ordinance Number 18412-12-2008 related to the definition of a public building and the requirements of a multiple well site permit; and

**WHEREAS**, in order to improve the staff, industry and public's understanding and to facilitate the application of the gas drilling regulations, it is advisable to repeal both ordinances and combine the regulations in Ordinance Numbers 18399-12-2008 and 18412-12-2008 into one ordinance; and

**WHEREAS**, the provisions set forth in Chapter 15 shall be considered the minimum requirements for the development of gas and other hydrocarbon substances within and under the City and shall not relieve any person from any duty imposed by law to use reasonable care and precautions for the safeguarding of people and the protection of and noninterference of property rights;

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

#### **SECTION 1.**

Article II of Chapter 15, "Gas" entitled "Gas Drilling and Production," of the Code of Ordinances of Fort Worth, Texas is hereby amended in its entirety to reads as follows:

#### **DIVISION I. PURPOSE**

##### **SEC. 15-30. PURPOSE.**

The exploration, development, and production of gas in the City are activities which necessitate 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 Ordinance 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 to protect the health 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.

#### **DIVISION II. DEFINITIONS**

##### **SEC. 15-31. DEFINITIONS.**

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

- A. *Abandonment* means “abandonment” as defined by the Railroad Commission of Texas and includes the plugging of the well and the restoration of any well site as required by this Ordinance.
- B. *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.
- C. *Blowout Preventer* 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.
- D. *Building* means any structure used or intended for supporting or sheltering any use or occupancy. The term “building” shall be construed as if followed by the words “or portions thereof.”
- E. *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.
- F. *Cessation of Drilling Activities* means the time when the Blowout Protectors (BOPs) are removed or otherwise rendered inoperable and/or there are no further activities to trip drill pipe, casing or insert other tools into or out of the hole.
- G. *City* means the City of Fort Worth.
- H. *City Code* means the Code of the City of Fort Worth.
- I. *City Attorney* means the City Attorney of the City of Fort Worth.
- J. *City Regulated Pipelines* means those pipelines within the City that under federal and state rules and regulations are not exempt from City regulations and ordinances regarding mapping, inventorying, locating or relocating of pipelines, including, but not limited to, pipelines over, under, along, or across a public street or alley, pipelines from the well to the first point of custody transfer or in Private Residential Areas within the boundaries of the City.
- K. *Closed Loop Mud System* means a system utilized while drilling so that reserve pits are not used and instead steel bins are used to collect all drilling waste.
- L. *Commission* means the Railroad Commission of Texas and all state rules.
- M. *Commencement of drilling activities* means the reflection of either “Spud Well” or “Nipple Up” the Blow Out Protectors (BOP) by the drilling contractors on the IADC-

API Daily Drilling Report Form maintained by the Operator's tool pusher on the pad site.

- N.** *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.
- O.** *Daytime* means the period from 6:00 am to 7:00 pm.
- P.** *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.
- Q.** *Demobilization* means those activities when the drilling has ceased and the rig equipment and related pad site equipment is being dismantled for the purpose of moving off the drill pad site.
- R.** *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.
- S.** *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.
- T.** *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.
- U.** *Drilling Operations* means drilling with drill pipe and bit, running casing, circulating mud and fluids, tripping tools and setting production casing/tubing.
- V.** *Exploration* means geologic or geophysical activities, including seismic surveys, related to the search for gas or other subsurface hydrocarbons.
- W.** *FEMA* means Federal Emergency Management Agency.
- X.** *FIRM* means Flood Insurance Rate Map.
- Y.** *Fire Department* means the Fire Department of the City of Fort Worth.
- Z.** *Flowback* means the process of flowing a completed/fractured well for the purpose of recovering water and residual sand from the gas stream prior to sending gas down a sales line.
- AA.** *Fracture or Fracturing* means the process of fracture stimulation of a rock formation.

- BB.** *Freshwater Fracture Pit* means a pit used for the collection and storage of Fresh Water for the purpose of fracture stimulation of Gas wells.
- CC.** *Fresh Water* means water obtained from any source (natural or reuse) that contains 3000 ppm chlorides or less or as defined by the Railroad Commission of Texas.
- DD.** *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.
- EE.** *Gas Drilling Review Committee* means a committee consisting of applicable City Departments assembled for the purpose of reviewing wells drilled within six hundred (600) feet of a Protected Use without waivers, all Pipeline Permit applications for gas pipelines through a Private Residential Area, and permit applications involving non-commercial truck routes. A Parks Advisory Board member will be included on the Gas Drilling Review Committee when any of the aforementioned reviews affects dedicated public parkland.
- FF.** *Gas Well* means any well drilled, to be drilled, or used for the intended or actual production of natural gas.
- GG.** *Habitable Structure* means any structure for which a certificate of occupancy is required. A habitable structure shall not include detached accessory buildings, garages and sheds.
- HH.** *Hospital Building* means any building used or designed to and intended to be used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis, including convalescent facilities, social rehabilitation centers, mental hospitals, detoxification facilities, and alcohol and drug centers.
- II.** *Inspector* means the Gas Inspector(s) or other Inspectors as needed and as designated by the City.
- JJ.** *Lift Compressor* means a device that raises the pressure of a compressible fluid (gas) in order to lift gas from the well.
- KK.** *Line Compressor* means a device that raises the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.
- LL.** *Mobilization* means those activities when the drilling rig and related equipment and personnel arrive at the well site and are conducting activities to rig up or position the rig equipment at the well and prepare for drilling. This includes all activities and services prior to the drill bit being lowered below the rotary table and entering the conductor pipe in an attempt to make hole (“spud in”) for the first time at the pad site.

- MM.** *Multiple Well Site Permit* means that permit issued for the sole purpose of allowing future wells to be drilled on an existing pad site and within six hundred (600) of Protected Uses without obtaining waivers and/or variances.
- NN.** *Nighttime* means the period between 7:00 p.m. and 6:00 a.m.
- OO.** *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 Ordinance, 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 Ordinance, the owner of the fee mineral estate in the premises shall be deemed an Operator.
- PP.** *Outer Boundary Surface Property Line* means the outer boundary of any property for which a preliminary plat or concept plan has been filed with the City of Fort Worth.
- QQ.** *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.
- RR.** *Pipeline* means all parts of those physical facilities through which gas, hazardous liquids, Fresh Water, salt water, or chemicals move in transportation, including but limited to, pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private Right-of-way within the City, including but not limited to gathering lines, production lines and transmission lines. This definition does not include pipelines associated with franchise utilities.
- SS.** *Pipeline Construction* means the initiation of any excavation or other disturbance of property for the purpose of installation, construction, maintenance, repair, replacement, modification or removal of a pipeline.
- TT.** *Pipeline or Well Emergency* means a pipeline or well incident that is required to be reported to the Railroad Commission, the Texas Commission on Environmental Quality, or any federal, state, or local regulatory agency.
- UU.** *Pipeline Permit* means a permit for the movement of gas, oil, water or other products.
- VV.** *Pipeline Operator* means any person owning, operating or responsible for operating a pipeline.
- WW.** *Private Residential Area* means any area within the territorial limits of the City zoned and used as single or multi-family residential.
- XX.** *Property Owner* means the owner of the surface property.

- YY.** *Protected Use* means a Residence, Religious Institution, Hospital Building, School or Public Park.
- ZZ.** *Public Building* means all buildings with occupancies of 50 or more persons and more than 750 square feet used or designed to and intended to be used for motion picture theaters, symphony and concert halls, television and radio studios admitting an audience, theaters, banquet halls, night clubs, restaurants, taverns and bars, amusement arcades, art galleries, bowling alleys, community halls, courtrooms, dance halls, exhibition halls, funeral parlors, gymnasiums without spectator seating, indoor swimming pools and tennis courts without spectator seating, lecture halls, libraries, museums, waiting areas in transportation terminals, pool and billiard parlors, arenas with spectator seating, skating rinks with spectator seating, swimming pools with spectator seating, tennis courts with spectator seating and amusement park structures, bleachers, grandstands and stadiums used for viewing outdoor activities.
- AAA.** *Public Park* means any land area dedicated to the City for traditional park-like recreational purposes.
- BBB.** *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.
- CCC.** *Reduced Emission Completion (Green Completion)* means 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.
- DDD.** *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.
- EEE.** *Residence* means a house, duplex, apartment, townhouse, condominium, city-inspected 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 with the Gas Inspector. Residence shall include assisted living facilities, nursing homes (both intermediate care facilities and skilled nursing facilities), residential board and care facilities, group homes, 24-hour shelters, half-way houses, hotels, motels and jails.
- FFF.** *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.
- GGG.** *Right-of-way* means public rights-of-way including streets, easements and other property within the City and which is dedicated to the use and benefit of the public.
- HHH.** *School* means any public and private, primary and secondary educational facilities providing education or off-site related School sports venues up through and including the twelfth grade level and any licensed day care centers, meaning a facility licensed by



the State of Texas or by the City of Fort Worth that provides care, training, education, custody, treatment or supervision for more than six children under 14 years of age, and for less than 24 hours per day.

- III.** *Site* means the area used for drilling, development and production and all operational activities associated with gas production.
- JJJ.** *Site Preparation* means any grading, tree removal, construction of access roads, delivery of fill material, staging of equipment or any other activity that would disturb the surface of the property.
- KKK.** *State or Federal Regulated Pipelines* means those pipelines within the City that under state and federal rules and regulations are exempt from City regulations and ordinances regarding mapping, inventorying, locating and relocating of pipelines.
- LLL.** *Street* means any street, highway, sidewalk, alley, avenue, recessed parking area or other public Right-of-way, including the entire Right-of-way.
- MMM.** *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.
- NNN.** *Technical Advisor* means such person(s) familiar with and educated in the gas industry or the law as it relates to gas matters that may be retained from time to time by the City.
- OOO.** *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.
- PPP.** *Workover Operation* means 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.

### **DIVISION III. GAS INSPECTOR**

#### **SEC. 15-32. GAS INSPECTOR.**

- A.** The City Manager shall designate a Gas Inspector who shall enforce the provisions of this Ordinance. The Gas Inspector shall have a degree in petroleum engineering with a background in drilling and production or demonstrate a proven background in the drilling, production, and operation of Gas Wells. The Gas Inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this Ordinance 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 Gas Inspector shall have the authority to enter and inspect any premises covered by the provisions of this Ordinance to determine compliance with the provisions of this

Ordinance and all applicable laws, rules, regulations, standards or directives of the State and to issue citations for violations of this ordinance. Failure of any person to permit access to the Gas Inspector shall constitute a violation of this Ordinance. The Gas Inspector shall conduct periodic inspections at least once a year of all permitted wells in the City to determine that the wells are operating in accordance within proper parameters as set out in this Ordinance and all regulations of the Commission.

- C. The Gas 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 and Pipeline Permits or other permits as required by this Ordinance. Failure of any person to provide any such requested material shall be deemed a violation of this Ordinance.
- D. The Gas Inspector shall have the authority to allow alternatives to the technical standards of this ordinance such as new technology, if the Operator has demonstrated to the Gas Inspector's satisfaction that the alternatives provide equal or greater protection of the environment or public.

#### **DIVISION IV. AGENT**

##### **SEC. 15-33. 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 Ordinance 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 and Gas Well Division in writing of any change in such agent or such mailing address unless operations within the City are discontinued.

#### **DIVISION V. GAS WELL PERMITS**

##### **SEC. 15-34. GAS WELL PERMIT REQUIRED.**

- A. A person wanting to engage in and operate in Gas production activities shall apply for and obtain a Gas Well Permit under this Ordinance 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 Ordinance. 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 unless the survey is conducted on City owned property or City rights-of-ways unless such requirement is waived by the City.
- 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.

- 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 Ordinance 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 Gas Inspector and post a sign as described below 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 24-hour phone number of the person conducting the activities. The person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address and 24-hour phone number of the person conducting the activities. If the Gas Inspector determines that an inspection by the Gas Inspector is necessary, the Operator will pay the City for the inspection.
- F.** A Gas Well Permit shall automatically terminate if drilling of the well bore has not commenced within three hundred sixty five (365) days from the date of the issuance of the Gas Well Permit.

A Gas Well Permit may be extended one time by the Gas Inspector for an additional three hundred sixty five (365) days upon request by the Operator if:

1. Operator provides proof that there are no additional Protected Uses within six hundred (600) feet from the time of the filing of the original permit applications; and
2. The request is submitted prior to the expiration of the original permit.

No permit shall be extended beyond the expiration date of the current Railroad Commission permit.

- G.** The Gas Well Permits required by this Ordinance 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 that are existing, previously permitted or approved by the City, within the corporate limits of the City on the effective date of the 2001 Gas Drilling Ordinance (Ordinance Number 14880); or
2. any wells where drilling has commenced on the effective date of the 2001 Ordinance; or
3. any wells in existence or on any wells on which drilling has commenced on land annexed into the City after the effective date of the 2001 Ordinance; or
4. any well that was planned for the land before the 90<sup>th</sup> day before the effective date of its annexation and one 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.

A person shall have forty-five (45) days after annexation into the City to designate a Gas operation as a pre-existing operation by filing a site plan drawn to scale that shows the proposed location of the well or pad site with respect to survey lines and the proposed associated production facilities, if any, or designate an existing pad site as a Multiple Well Site with the Gas Inspector.

An Operator or Property Owner shall have forty-five days after the effective date of this Ordinance to notify the City of well sites existing prior to January 1, 2009, that have a Protected Use (permitted or built), as defined in the 2006 Gas Drilling Ordinance (Ordinance Number 16986), or a residential lot that is located between three hundred (300) feet and two hundred (200) feet from an existing well site. Sites that meet the above notice and distance requirements will be grandfathered to the setback requirements existing prior to January 1, 2009. For residential lots only, if the above required notice is not received by the City within forty-five (45) days, the minimum setback distance may be reduced by the City Council to two hundred (200) feet.

- 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 floodplain or floodway identified by FEMA on the most current FIRM without obtaining a floodplain development permit from the Transportation and Public Works Department.
- K.** No Gas Well Permit shall be issued without an approved erosion control and grading plan as required by the City to prevent any off site migration of silt and sediment.
- L.** 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.
- M.** **Multiple Gas Well Pad Site Permit.** At the time the Operator submits an application for the issuance for a single well permit, the Operator, at his option, may also request the

issuance of a Multiple Well Site Permit for drilling future wells. Applications for Gas wells drilled on a Multiple Well Site shall comply with the following:

1. For all purposes, the measurement shall be from the boundary line of the pad site.
2. If the pad site is located within six hundred (600) feet of a Protected Use at the time of the filing of a Multiple Well Site Permit application, the applicant must obtain a variance granted by the City Council or waivers from all Protected Uses within a six hundred (600) foot radius before the Multiple Well Site Permit may be issued.
3. Notice that a Multiple Well Site Permit application has been filed with the City must be included in any notice to Property Owners and in the published newspaper notice as required by Section 15-36 for the initial Gas Well permit.
4. All Multiple Well Site Permits must be filed of record by the Operator, at his expense in the applicable county deed records and indicated on all applicable plats filed in the deed records. Each filed Multiple Well Site Permit shall contain the address, lot and block, subdivision name and plat volume and page of each lot, tract or parcel located within one thousand (1000) feet of the Multiple Well Site Permit.
5. Prior to the issuance of a Multiple Well Site Permit by the City, the Operator must place at least one sign on the property located in a conspicuous place or places upon the property at a point or points visible from the nearest Right-of-way, street, roadway, public thoroughfare or Protected Use adjacent to such property. The Gas Inspector may require additional signage if the pad site fronts on more than one Right-of-way, street, roadway, or public thoroughfare. The sign shall indicate that a Multiple Well Site Permit to drill multiple wells for gas on this site has been applied for, and shall further set forth that additional information can be acquired by telephoning the applicant/Operator at the number indicated on the sign. A permanent sign approved by the Gas Inspector indicating that a Multiple Well Site Permit has been issued shall remain posted at the pad site location for the duration of the Multiple Well Site Permit.
6. Prior to the commencement of drilling of each additional Gas Well on a permitted Multiple Well Site Permit pad site, the Operator must submit an application for the issuance of a Gas Well permit, for each such future well, in accordance with this ordinance.
7. All subsequent Gas Wells drilled on a permitted Gas Well pad site permit shall comply with all regulations, including the notice and landscape provisions, and all other provisions of this ordinance, except for the distance setback requirements related to drilling a well from a Protected Use. No variance or waiver for a distance setback from a Protected Use shall be required for subsequent wells; however no well shall be drilled closer than three hundred (300) feet from any Protected Use or Public Building.
8. No Multiple Well Site Permit shall be issued for a Gas Well pad site greater than five (5) acres in surface area or the amount of surface area acreage included in the surface use agreement, whichever is larger.
9. All wells will be set back a minimum of seventy-five (75) feet from the outer pad site boundary.
10. The Multiple Well Site Permit shall automatically terminate if drilling of the initial well bore has not commenced within three hundred sixty-five (365) days from the date of the issuance of the Gas Well Permit unless the initial Gas Well Permit is extended by the Gas Inspector.
11. The issuance of a multiple well site permit is for the sole purpose of allowing future wells to be drilled on an existing pad site and within six hundred (600) feet of Protected Uses without obtaining waivers and/or variances as set forth in Section 15-36

of this Ordinance. All Gas Wells drilled upon a permitted Gas Well pad site must otherwise comply with any drilling distance regulations from a Protected Use or other structure as required by state law and applicable fire code regulations and all other provisions of this Ordinance.

N. By acceptance of any Gas Well Permit issued pursuant to this Ordinance, the Operator expressly stipulates and agrees to be bound by and comply with the provisions of this Ordinance. The terms of this Ordinance shall be deemed to be incorporated in any Gas Well Permit issued pursuant to this Ordinance with the same force and effect as if this Ordinance was set forth verbatim in such Gas Well Permit.

**O. Gas Drilling Review Committee (GDRC).**

1. All applications where a City Council waiver is required, all applications that involve non commercial truck routes and all applications for gas Pipelines or gas Pipeline facilities located in a Private Residential Area shall be reviewed by the Gas Drilling Review Committee (GDRC) prior to the application being presented to the City Council or administratively issued by the City staff, where applicable.

2. The GDRC shall be composed of City staff representatives from the Transportation and Public Works, Gas Inspectors, Water, Planning and Development, Law, Community Relations and Parks and Community Services Departments. A representative from the City's Parks Advisory Board shall sit as a committee member when the application involves drilling within six hundred (600) feet of a Public Park, drilling on a Public Park or a Pipeline through a Public Park. The committee shall be chaired by the Assistant Director of Planning and Development - Gas Well Division.

3. Notice of GDRC meeting shall be mailed ten (10) days after receipt of the application to:

- a. All neighborhood associations within ½ mile of drill site;
- b. All Property Owners within one thousand (1,000) feet of the proposed well;
- c. All Property Owners fronting or along the non-commercial truck route; and
- d. All Property Owners along the proposed Private Residential Area Pipeline route.

Notices shall follow the same format used for adoption of zoning regulations and district boundary changes and shall include a description of the application, the proposed truck route, distance setbacks, a location map and the GDRC meeting date and time. Notices shall include the email and phone contact information for the Operator and the street address for the well location.

All notices and applications shall be placed on the City's webpage in an electronic format.

4. The GDRC meeting shall be conducted in the following manner:
- a. The Operator (or Pipeline Operator, where applicable) shall present overview of the application.
  - b. Staff shall present the staff report including applicable ordinance regulations.

- c. Following the presentations, a total of fifteen (15) minutes shall be allotted for citizen comments from the notified persons listed in number 3 above.
- 5. If the application involves a Public Park issue, the Parks Advisory Board representative shall report the recommendation of the GDRC to the Park Advisory Board at their next meeting.
- 6. No continuance shall be allowed unless requested by the Operator/applicant. If a continuance is requested, the Operator must submit new revisions within two weeks of the initial GDRC hearing date. Notices to neighborhood associations and Property Owners as outlined in Number 3 above will be resent with revised information.
- 7. The GDRC shall submit a written report with the Mayor and Council Communication permit request on all applications involving Gas Wells or Multiple Well Site Permit without waivers and Pipelines within the City's rights-of-way. The report shall include the staff and citizen concerns and any unresolved issues. The GDRC shall submit a recommendation to the Gas Well Division on all applications that involve non-commercial truck routes and all applications for Pipelines or Pipeline facilities located in a Private Residential Area.
- 8. The results and recommendations of the GDRC shall be sent to the Operator or Pipeline Operator and shall be posted on the City's webpage within two weeks following the GDRC meeting.

**SEC. 15-35. GAS WELL PERMIT APPLICATION AND FILING FEES.**

- A. Every application for a Gas Well Permit issued pursuant to this Ordinance shall be in writing signed by the Operator, or some person duly authorized to sign on his behalf, and filed with the Gas Inspector.
- B. Every application shall be accompanied by a permit fee as set forth in the City Code of Ordinances for Gas Drilling and Production Fees.
- 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 indicating commercial and non-commercial routes.
  - 4. Proposed well name.
  - 5. Surface owner name(s) and address(es) of the pad site property.
  - 6. 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.

7. Name and address of individual designated to receive notice.
8. Name of representative with regulatory response and supervisory authority over all gas operation site activities and a phone number that is answered on a 24-hour basis.
9. Location and description of all improvements and structures within six hundred (600) feet of the well.
10. Owner and address of each parcel of property within six hundred (600) feet of the proposed drill site.
11. A surveyed site plan of the proposed operation site shall display a Registered Professional Land Surveyor seal, a legend with scale for measurements and a complete legal description. The site plan shall include specific details to the projected location of the major components of the drilling site, the location of all improvements and equipment, including the location of the proposed well(s) and other facilities, including, but not limited to, tanks, City Regulated Pipelines, compressors, separators, lights, storage sheds, fencing, driveway approaches and any access roads. Surveyed site plan shall show the location of specific wells, pipelines, tanks and reservoir(s) in relationship to existing and proposed water and sanitary sewer lines and any other utility easements. The site plan shall also indicate floodway, floodplain or City recognized drainage ways and the elevation and slope of the pad site which indicates compliance with the then current Fill Ordinance, impacted vegetation, tree survey, creeks and other topographic features, compliance with the landscaping requirements as set out in Section 15-43 of this Ordinance, adjacent Buildings and other structures and the measured distance from the well site to these Buildings and structures, temporary and permanent fencing and landscaping.
12. The name, address and a phone number that is answered on a 24-hour basis of the person to be notified in case of an emergency.
13. The exact and correct acreage and number of wells, if applicable, included in the Gas Well Permit application.
14. Copies of all reports submitted to the Commission as required by the Gas Inspector.
15. An original executed City-wide Road Maintenance Agreement signed and approved by the City must be filed with the City Secretary 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.
16. Copies of erosion control and grading plans.
17. A description of the water source to be used during drilling.
18. A copy of the Stormwater Pollution Prevention Plan as required by the Environmental Protection Agency. A copy of the notice of intent shall be submitted to the City of Fort Worth, Department of Environmental Management, Stormwater Division, three (3) days prior to the commencement of any onsite activity.
19. A copy of the determination by the Texas Commission on Environmental Quality (TCEQ) of the depth of useable quality ground water.
20. Evidence of insurance and security requirements under this Ordinance.



21. 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.
22. All applicable City departmental reviews and approvals.
23. Fracture pond permit/approval.
24. A Surface Reclamation Plan.
25. The proposed gathering Pipeline route from the well to the transmission Pipeline, including all existing and proposed City rights-of-way and public or private property crossed by the proposed gathering Pipeline.
26. Noise Management Plan as outlined in Section 15-42.B.
27. All required application and Gas Well Permit fees.
28. A copy of the approved Commission permit to drill together with attachments and survey plats which are applicable to the drill site.

No permit shall be issued until a copy of the approved Railroad Commission permit to drill together with all submitted attachments and survey plats which are applicable to the drill and operation sites are submitted to the Gas Inspector.

**SEC. 15-36. GAS WELL PERMITTING PROCEDURE.**

**A. WELLS LOCATED WITHIN SIX HUNDRED (600) FEET OF A PROTECTED USE.**

A Gas Well Permit shall not be issued for any well to be drilled within six hundred (600) feet of a Residence, Religious Institution, Hospital Building, School or Public Park without:

1. Waiver granted by the City Council; or
2. Written notarized waiver granted by all the Protected Use Property Owners within a six hundred (600) foot radius around the proposed well pursuant to this Section. All waivers must identify the property address, block and lot number, subdivision name (if applicable) and plat volume and page and be filed, at the expense of the Operator, in the applicable county records prior to the application of a Gas Well Permit.

This setback distance may be reduced, but never less than three hundred (300) feet, from any Residence, Religious Institution, Hospital Building, School or Public Park.

This provision applies to any existing Residence, Religious Institution, Hospital Building, School or Public Park or where a building permit has been issued for a Protected Use on the date the application for a permit is filed with the Gas Inspector.

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 or boundary line of a Public Park or property line of a School.

**B. Application Requirements.**

In addition to the requirements of Section 15-35, an application for a Gas Well Permit to drill a well within six hundred (600) feet of a Protected Use shall include a letter to the Assistant Director of Planning and Development – Gas Well Division requesting a public hearing to obtain a Gas Well Permit from City Council or a copy of the written notarized waivers from the Protected Uses within six hundred (600) feet of the proposed well and evidence of filing of each waiver in the applicable county deed records.

**C. Permitting Procedure for Request of a Waiver by the City Council.**

1. Within forty-five (45) days of receipt of a complete application, a site plan and a request for a waiver to drill a Gas Well within six hundred (600) feet of a Protected Use, the Gas Inspector shall schedule the matter on a City Council night 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 Gas 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 waiver and the issuance of a Gas Well Permit within six hundred (600) feet of a Protected Use, the City shall notify, at Operator's expense, each surface owner of property, as shown by the current City of Fort Worth Fire Department address system and the current tax rolls within one thousand (1000) feet of the proposed well or boundary of a Multiple Well Site not owned by or under lease to the Operator of the hearing date and time. The notice shall contain an internet link for information on gas drilling, the number of wells requested by the applicant, that drilling may commence within three hundred sixty-five (365) days from the date of issuance of the permit, and contact telephone numbers for City staff and the Operator/applicant. Such notice shall be deposited properly addressed and postage paid, in the United States mail. Notice shall be sent by the City to all registered neighborhood associations within one-half 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 within six hundred (600) feet of a Protected Use under this Ordinance, Operator shall publish a notice at Operator's expense, in one issue of the local section of a newspaper of general circulation in the City, 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. All notices shall follow a format required by the City.

4. At least twenty (20) days prior to the date of the public hearing before City Council for a Gas Well Permit within six hundred (600) feet of a Protected Use under this Ordinance the Operator shall, at Operator's expense, erect at least one sign, as approved by the Gas Inspector, no less than three (3) feet by three (3) feet, upon the premises upon which a Gas Well Permit within six hundred (600) feet of a Protected Use 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 to any Right-of-way, street, roadway or public thoroughfare adjacent to such property. The Gas Inspector may require additional signage if the premise fronts on more than one Right-of-way, street, roadway, or public thoroughfare.

a. The sign(s) shall substantially indicate that a Gas Well Permit to drill for gas within six hundred (600) feet of a Protected Use 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 Operator/applicant 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 Ordinance.

c. The sign shall remain posted at the pad site for the duration of the Gas Well Permit to drill within six hundred (600) feet of a Protected Use.

5. All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this Section.

6. After a Permit application and site plan is submitted to drill within six hundred (600) feet of a Protected Use, the Gas Inspector shall evaluate the public impact of the proposed activity. The Gas Inspector shall consider the proposed site and the proposed operations or drilling program and shall draft recommended restrictions or conditions, including minimum separation distance for drilling or other operations, special equipment and procedures, recommended noise reduction levels, screening and any other requirements the Gas Inspector deems appropriate. The recommendation shall be submitted to the City Council for consideration prior to the public hearing along with evidence that timely actual notice of the hearing was given to all persons as required by this Ordinance

7. At the public hearing and before the City Council considers the merits of the application and the recommendations of the Gas Inspector, the Operator/applicant shall provide evidence of a certificate of publication establishing timely publication of the notice of the hearing, and that the Operator/applicant has otherwise complied with or satisfied all other requirements of this Ordinance, including full and complete compliance with the insurance and security requirements.

8. The burden of proof on all matters, except notice, 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 a waiver and authorize the issuance of a Gas Well Permit to drill within six hundred (600) feet of a Protected Use:

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 thereon;

- b. Whether the drilling of such wells would conflict with the orderly growth and development of the City;
- c. Whether there are other alternative well site locations that would allow reasonable access to explore, develop and produce the mineral estate without creating mineral waste;
- d. Whether the operations proposed are consistent with the health and welfare of the public when and if conducted in accordance with the Gas Well Permit conditions to be imposed;
- e. Whether there is approved access for the City fire personnel and fire fighting equipment;
- f. Whether there is reasonable access to the Gas Well site that minimizes the impact to residential properties if the use of non-designated commercial or truck routes are required;
- g. 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, both presently and at other times during the lease term; and
- h. The recommendations of the Gas Inspector.

10. The City Council may require an increase in the Operator/applicant's proposed distance that the well is to be set back from any Residence, Religious Institution, public Building, Hospital Building, School or Public Park or require any change in operation, plan, design, layout or any change in the on-site and technical regulations in Sections 15-42 and 15-43 of this Ordinance, including fencing, screening, lighting, delivery times, noise levels, tank height, or any other matters reasonably required by public interest.

11. The City Council may accept, reject or modify the application in the interest of securing compliance with this Ordinance, the City Code and/or to protect the health and welfare of the community.

**D. Permitting Procedure for a Waiver from Protected Use Property Owners.**

1. No application for a Gas Well permit within six hundred (600) feet of a Protected Use by Waiver of Protected Uses shall be accepted unless the written notarized waivers are obtained from all Protected Use Property Owners within six hundred (600) feet of the proposed well site. Written notarized waivers granted by the all the Protected Use Property Owners within a six hundred (600) foot radius around the proposed well or boundary of Multiple Well Site must be filed, at the expense of the Operator, in the applicable county records. All waivers must identify the property address, block and lot number, subdivision name and plat volume and page number. Copies of filed Protected Use Property Owner waivers must be submitted with the filing of a completed application for a Gas Well permit within six hundred (600) feet of a Protected Use.

If the Operator fails to obtain written waivers from all Property Owners within a six hundred (600) foot radius around the proposed well, or boundary of Multiple Well Site

the Operator must submit a request for a waiver to drill a Gas Well within six hundred (600) feet of a Protected Use from City Council pursuant to the requirements of Subsection C of this Section or modify the well location to comply with the six hundred (600) foot setback from all Protected Uses. Waivers from new Protected Use Property Owners shall not be required for an approved or existing Multiple Well Site Permit.

2. Upon receipt of copies of all Protected Use waivers filed in the applicable county deed records and a completed application by the Operator, the City shall notify, at Operator's expense, each surface owner of property as shown by the current City of Fort Worth Fire Department addresses within one thousand (1000) feet of the proposed well or boundary of Multiple Well Site not owned by or under lease to the Operator.

The notice shall contain the information as outlined below, an internet link for information on gas drilling, the number of wells requested by the applicant and contact telephone numbers for the City staff and Operator/applicant. Notice shall be sent by the City to all registered neighborhood associations within one-half mile of the proposed drill site.

3. At least ten (10) days prior to the date of filing of an application for a Gas Well permit within six hundred (600) feet of a Protected Use by Protected Use Waiver under this Ordinance with the Gas Inspector, Operator shall publish the notice at the expense of the Operator, in one issue of the local section of a newspaper of general circulation in the City 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. All notices shall follow a format required by the City.

4. At least ten (10) days prior to, but not more than thirty (30) days, the date of filing of an application for a Gas Well Permit within six hundred (600) feet of a Protected Use under this Section with the Gas Inspector, the Operator, at Operator's expense, shall erect at least one sign, as approved by the Gas Inspector, no less than three (3) feet by three (3) feet, upon the premises upon which a Gas Well permit within six hundred (600) feet of a Protected Use by Protected Use Waiver 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 Right-of-way, street, roadway or public thoroughfare adjacent to such property. The Gas Inspector may require additional signage if the premise fronts on more than one Right-of-way, street, roadway, or public thoroughfare.

- a. The sign(s) shall substantially indicate that a Gas Well Permit within six hundred (600) feet of a Protected Use by Protected Use Waiver 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 Ordinance.
- c. Any sign(s) shall be removed subsequent to final action by the Gas Inspector or the City Council.

5. All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this Section.

**E. PERMITTING PROCEDURE FOR GAS WELLS LOCATED GREATER THAN SIX HUNDRED (600) FEET FROM A PROTECTED USE.**

**Notice for Gas Well Permit.**

1. At least ten (10) days after the date of filing of an application for a Gas Well Permit with the Gas Inspector under this Ordinance, City shall notify, at the expense of the Operator, each surface owner of property, as shown by the current City of Fort Worth Fire Department address system and current tax roll within one thousand (1000) 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 notice shall contain the information as outlined below and shall also include the date and time of the next monthly informational meeting at City Hall, an internet link for information on gas drilling, the number of wells requested by the applicant, that drilling may commence within one hundred eighty (180) days from the issuance of the permit, and contact telephone numbers for City staff and Operator/applicant. Notice shall be sent to all registered neighborhood associations within one-half mile of the proposed drill site.

2. At least ten (10) days prior to the date of filing of an application for a Gas Well Permit under this Ordinance with the Gas Inspector, Operator shall publish a notice at the expense of the Operator, in one issue of the local section of a newspaper of general circulation in the City 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. All notices shall follow a format required by the City.

3. At least ten (10) days prior to, but not more than thirty (30) days, the date of filing of an application for a Gas Well Permit under this Ordinance with the Gas Inspector, the Operator, at Operator's expense, shall erect at least one sign, as approved by the Gas Inspector, 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 Right-of-way, street, roadway or public thoroughfare adjacent to such property. The Gas Inspector may require additional signage if the premise fronts on more than one Right-of-way, street, roadway, or public thoroughfare.

- a. The sign(s) shall substantially indicate that a 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 Ordinance.
  - c. The sign shall remain posted at the pad site for the duration of the Gas Well Permit.
4. All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this Section.

**SEC. 15-37. ISSUANCE OF GAS WELL PERMITS.**

- A.** It is the responsibility of the Gas Inspector to review and approve or disapprove all applications for Gas Well drilling permits based on the criteria established by this Ordinance. The Gas Inspector, after the filing of a completed application and remittance of all fees, insurance and security per the requirements of this Ordinance for a Gas Well Permit, shall determine whether or not the application complies in all respects with the provisions of this Ordinance 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 is received by the Gas Inspector.
- B.** The provisions of this Ordinance 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 Gas Inspector.
- C.** If all the requirements of this Ordinance are met, the Gas Inspector shall issue a Gas Well Permit for the drilling of the well or the installation of the facilities applied for.
- D.** If the Gas Inspector denies a Gas Well Permit application for reasons other than lack of required distance as set out in this Ordinance for the requested Gas Well Permit, he 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 Gas Inspector to deny the Gas Well Permit, the Operator may: 1) cure those conditions that caused the denial and resubmit the application to the Gas Inspector for approval and issuance of the Gas Well Permit; or 2) file an appeal to the City Council under the provisions outlined in this Ordinance pursuant to Section 15-49 “Appeals” of this Ordinance.
- E.** If the Gas Inspector determines that the Operator has complied with all of the provisions of this Ordinance but that the proposed drill site does not comply with the distance requirements of this Ordinance the Gas Inspector shall notify the Operator. The Operator may modify the well location or resubmit the application for a Gas Well Permit within six hundred (600) feet of a Protected Use. Operator must comply with all the application requirements for a Gas Well Permit within six hundred (600) feet of a Protected Use.

**SEC. 15-38. AMENDED GAS WELL PERMIT APPLICATION.**

An Operator may request to amend a Gas Well Permit Application without re-noticing, to relocate a drill site or operation site that is shown on (or incorporated by reference as part of) the Application, provided that the distance to Protected Uses is not decreased.

**SEC. 15-39. SUSPENSION OR REVOCATION OF GAS WELL PERMIT;  
ISSUANCE OF A CITATION, 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 Gas Inspector shall 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 and welfare of the community. In no event, however, shall the cure period be less than ten (10) days unless the failure presents a violation of the noise provisions, 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 Ordinance.
- B.** If the Operator fails to correct the noncompliance within ten (10) days from the date of the notice, the Gas Inspector may suspend or revoke the Gas Well Permit or issue a citation pursuant to the provisions of this Ordinance. A citation may be immediately issued for failure to comply with the provisions of Section 15-42.B "Noise". However, if the Operator is in compliance with the approved noise management plan, and a violation still occurs, the Operator will be given twenty-four (24) hours from notice of non-compliance to correct the violation from an identified source before a citation is issued. Additional extensions of the twenty-four (24) hour period may be granted in the event that the source of the violation can not be identified after reasonable diligence by the Operator.
- C.** No person shall carry on any operations performed under the terms of the Gas Well Permit issued under this Ordinance 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 Ordinance, the Gas 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 Gas Inspector in writing to suspend or revoke a Gas Well Permit, file an appeal to the City Council under the provisions outlined in this Ordinance pursuant to Section 15-49, "Appeals" of this Ordinance.



- F. If an application for a Gas Well Permit is denied by the Gas Inspector, nothing herein contained shall prevent a new permit application from being submitted to the Gas Inspector for the same well.

**SEC. 15-40. PERIODIC REPORTS.**

- A. The Operator shall notify the Gas Inspector of any changes to the following information within one 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 be a resident of Texas that can be served in person or by registered or certified mail); and
  - 3. The Operator’s Emergency Response Plan (including “drive-to-maps” from public rights-of-way to each drill site).
- B. The Operator shall notify the Gas Inspector of any change to the name, address, and 24-hour phone number of the person(s) with supervisory authority over drilling or operations activities within one business day.
- C. The Operator shall provide a copy of any “incident reports” or written complaints submitted to the 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 Gas Inspector that the well has been abandoned and the site restored, the Operator shall submit a written report to the Gas 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.
- E. Beginning on December 31st after each well is permitted by the City, the Operator shall provide an operational status report for every well permitted to the Operator within the City. The report shall include the Well Name, API Number, Lease Name, City Case Number, Commission Permit Number, Commission Lease ID Number and Current Status whether pending, drilling, completing, producing, plugged or abandoned.

**DIVISION VI. INSURANCE, BOND AND INDEMNITY**

**SEC. 15-41. BOND, LETTERS OF CREDIT, INDEMNITY, INSURANCE.**

**A. General Requirements.**

The Operator shall be required to:

- 1. Comply with the terms and conditions of this Ordinance 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 Gas Inspector with a security instrument in the form of a bond or an irrevocable letter of credit in accordance with this Subsection B. Evidence of the execution of a letter of credit shall be submitted to the Gas Inspector by submitting an original signed letter of credit from the banking institution, with a copy of the same provided to the City Secretary.
  - a. *During Drilling.*

An Operator drilling between one (1) and five (5) wells in the City at any time shall provide a blanket bond or letter of credit that meets the requirements of this Subsection B in the principal minimum amount of One Hundred Fifty Thousand Dollars (\$150,000.00). Such blanket bond or letter of credit shall be increased by Fifty Thousand Dollars (\$50,000.00) for the sixth (6<sup>th</sup>) and each additional well being drilled in the City.
  - b. *During Production.*

An Operator with wells that are producing and for which all Drilling Operations have ceased shall provide a blanket bond or letter of credit that meets the requirements of this Subsection B in the principal minimum amounts as follows:

    1. Up to 75 wells: One Hundred Thousand Dollars (\$100,000.00);
    2. Between 76 and 150 wells: One Hundred Fifty Thousand Dollars (\$150,000.00); and

3. More than 150 wells: Two Hundred Fifty Thousand Dollars (\$250,000.00).
2. The City shall be authorized to draw upon such bond or letter of credit to (i) recover any fines or penalties assessed under this ordinance or (ii) to pay the City for the cost of doing any work required to remedy any default by the Operator under any provision of this ordinance. If the City determines that a default has occurred in the performance of any requirement or condition imposed by this Ordinance, 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 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 Ordinance.

The City shall be authorized to draw against the bond or letter of credit provided hereunder to recover such amount due from the Operator. Upon receipt of such monies, the City shall proceed by such mode as deemed convenient and necessary 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 Ordinance. 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.

3. *Requirements for Bonds.*

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 Ordinance and the City. The original bond shall be submitted to the Gas Inspector with a copy of the same provided to the City Secretary.

4. *Requirements for Letters of Credit.*

A letter of credit shall be issued by a reliable bank 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 Ordinance, the Operator must agree to either renew the Letter of Credit or replace the Letter of Credit with a bond in the amount required by this Ordinance, on or before sixty (60) days prior to the expiration date of the Letter of Credit. If the Operator fails to deliver to the City either the renewal Letter of Credit or replacement bond in the appropriate amount on or before sixty (60) days prior to the expiration date of the Letter of Credit, the City may draw the entire face amount of the attached Letter of Credit to be held by the City of Fort Worth as security for Operator's performance of its obligations under this Ordinance.
5. 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 Ordinance, 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 cancelled.

**C. Insurance.** In addition to the bond or letter of credit required pursuant to this Ordinance, 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 cancelled, 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 Employers Liability coverage under the Operator's Workers Compensation policy.
- b. All policies shall be written on an occurrence basis except for Environmental Pollution Liability (Seepage and Pollution coverage) and Excess or Umbrella Liability, which may be on a claims-made 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 Fort Worth, Planning and Development Department, 1000 Throckmorton Street, Fort worth, Texas 76102, evidencing all the required coverage, 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 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 Gas 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 and equipment hazard damage, broad form property damage, independent contractors' protective liability and personal injury. This coverage shall be a minimum Combined Single Limit of \$1,000,000 per occurrence for Bodily Injury and Property Damage.

**3. Excess or Umbrella Liability.**

Five Million Dollar (\$5,000,000) Excess 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 five million dollars (\$5,000,000) per loss.
- b. Coverage shall apply to sudden and accidental, as well as gradual 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.

\$5,000,000 per occurrence/combined single limit.

\$500,000 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 \$500,000 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 \$1,000,000 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:
  - 1. 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;
  - 2. Set forth all endorsements and insurance coverage according to requirements and instructions contained herein; and
  - 3. 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 CANCELLED OR NON-RENEWED WITHOUT 30 DAYS ADVANCED WRITTEN NOTICE TO THE OWNER AND THE CITY EXCEPT WHEN THIS POLICY IS BEING CANCELLED FOR NONPAYMENT OF PREMIUM, IN WHICH CASE 10 DAYS ADVANCE WRITTEN NOTICE IS REQUIRED".
- c. 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 Gas Inspector shall include the following language: Operator does hereby expressly release and 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 Fort Worth, 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 by the Operator under a Gas Well Permit. The Operator shall fully defend, protect, indemnify, and hold harmless the City of Fort Worth, 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 Fort Worth, Texas, its departments, agents, officers, servants, or employees, including, without limitation, personal injuries and death in connection therewith which may be made 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 the performance of the work performed by the Operator under a Gas Well Permit. THE OPERATOR AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY OF FORT WORTH, 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, ITS DEPARTMENTS, ITS OFFICERS, AGENTS, SERVANTS, OR EMPLOYEES, CREATED BY, OR ARISING OUT OF THE ACTS OR OMISSIONS OF THE CITY OF FORT WORTH OCCURRING ON THE DRILL SITE OR 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 FORT WORTH OCCURRING ON THE DRILL SITE OR IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE CITY OF FORT WORTH, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY OF FORT WORTH, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, 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 Ordinance may be served in person or by registered or certified mail. Every Operator shall within ten (10) days notify the Gas

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 fifty million dollars (\$50,000,000), 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 Ordinance, provided that such acceptance and indemnity agreement shall be in a form acceptable to, and approved by, the City Attorney and the City's Director of Risk Management. The Gas Inspector may request an annual review of the Operator's most recent audited financial statements to assure compliance with this Section.

## **DIVISION VII. ON SITE AND TECHNICAL REGULATIONS**

### **SEC. 15-42. TECHNICAL REGULATIONS.**

#### **A. On Site Requirements.**

- 1. Abandoned Wells.** All wells shall be abandoned in accordance with the rules of the Railroad Commission and pursuant to Section 15-45 of this ordinance.
- 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 Preventers, flow lines and valves commensurate with the working pressures involved as required by the Commission.
- 3. Closed Loop Mud Systems.** A Closed Loop Mud System shall be required for all drilling and reworking operations for all Gas Wells. Gas Wells located on an open space of not less than twenty-five acres with no operations to be conducted within one thousand (1,000) feet of a Protected Use may use a lined earthen pit instead of a closed loop mud system.
- 4. Compliance.** Operator shall comply with all applicable federal, state and City requirements at all times.
- 5. 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 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 or upon any body of water or any private property in the City or in or upon any public Right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain without permits from the appropriate City departments.



- 6. Drilling Notice.** The Operator shall provide forty-eight (48) hour notice to the Gas Inspector before the start of Drilling Operations, fracture stimulation, work over or servicing operations.
- 7. Drill Stem Testing.** All open hole formation or 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.
- 8. Dust, Vibration, Odors.** All drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious 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. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects are minimized by the operations carried on at any drilling or production site or from anything incident thereto to avoid injury to or annoyance of persons living in the vicinity. The site or structures shall not 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.
- 9. 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.
- 10. 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.
- 11. Emergency Response Plan.** Prior to the commencement of any gas or other hydrocarbons production activities, Operator shall submit to the Gas 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, Texas Natural Resource Conservation Commission, Department of Transportation and/or the Environmental Protection Agency and City Fire Code. A copy of the Emergency Response Plan shall be kept on site.
- 12. Equipment Painted.** All production equipment on the site shall be painted and maintained at all times, including pumping units, storage tanks, Buildings and structures. No company logos or advertisement shall be allowed.
- 13. Explosives.** Use of explosive charges within the City limits shall require a permit issued by the Bomb & Arson Section of the City of Fort Worth Fire Department.
- 14. Fire Notice.** In the event of a fire or discovery of a fire, smoke, or unauthorized release of flammable or hazardous materials on any property, the Operator shall immediately report such condition to the fire department in accordance with the City of

Fort Worth Fire Code. The reporting limits for hazardous materials release shall conform to the requirements of the Railroad Commission and not exceed any state or federal permitting limit. A copy of the hazardous materials release records required by Texas Commission on Environmental Quality (TCEQ) shall be forwarded to the Fire Marshal on an annual basis.

**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 appropriately labeled emergency shut off valve to the well distribution line.

**16. Fracturing Operations.**

- a. All formation fracture stimulation operations shall be conducted during daytime hours.
- b. At least forty-eight (48) hours before operations are commenced, the Operator shall notify the Gas Inspector and post a sign at the entrance of the well site advising the public of the date the operations will commence.
- c. "Flowback" operations to recover fluids used during fracture stimulation shall be exempt from work hour restrictions, subject to noise restrictions of Section 15-42.
- d. A watchman shall be required at all times during such operations.
- e. 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.

**17. Fresh Water Fracture Ponds.**

- a. Permit Required. The construction of a Fresh Water Fracture Pit shall require a permit from the City after approval from the following City Departments:
  - i. Fire Department in order to address the location of the Fresh Water Fracture Pit;
  - ii. Water Department for sewer line and water line review;
  - iii. Transportation and Public Works for master thoroughfare and floodplain review;
  - iv. Planning and Development for forestry review; and
  - v. Any other applicable City Department as determined by the City.
- b. No construction of the fracture pond shall commence until review and approval from all City Departments are received and a permit is issued by the Gas Inspector.
- c. No Fresh Water Fracture Pit may be placed in any City recognized drainage way, FEMA floodplain or floodway, existing City Rights-of-way or City easements.

- d. Construction and maintenance of the Fresh Water Fracture Pit must comply with all city, state and federal regulations.
- e. All fracture ponds located on a tract of land not adjacent to a gas drilling pad site shall be located in “AG” Agricultural, “I” Light Industrial, “J” Medium Industrial and “K” Heavy Industrial zoning districts unless otherwise authorized by the Gas Inspector for the purpose of reducing total number of fracture ponds.
- f. The permit or authorization issued by the City shall be maintained on the location at all times during construction of the Fresh Water Fracture Pit.
- g. All pits shall meet the following requirements:
  - i. Fresh Water Fracture Pits shall not be lined with a synthetic impervious liner unless approved by the Gas Inspector. Existing liners shall be removed at the time any pit is reworked, enlarged, restored or altered unless otherwise authorized by the Gas Inspector;
  - ii. The Fresh Water Fracture Pit shall be enclosed with open design chain link black or dark green fencing on all four sides;
  - iii. Pits shall be maintained in a manner utilizing Best Management Practices to ensure the integrity of pit walls and liners. For purposes of this subsection, “Best Management Practices” shall mean structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to control water storage in open pits in an urban or rural setting;
  - iv. No oil and gas waste by-products or salt water shall be allowed in the Fresh Water Fracture Pit; and
  - v. A sign at a conspicuous place or places on the property near any right of way, street, road, or public thoroughfare. The sign shall provide the Operator’s phone number for additional information.
- h. The Operator shall enter into a specific surface use agreement with the surface owner that provides for the maintenance and operation of the fracture pond when the pond is no longer under the control or use of the Operator or that the Operator will restore the property to its condition prior to the construction of the fracture pond. The agreement shall be provided to the City.
- i. Periodic tests may be required by the City’s Gas Well Inspector. All costs for testing shall be borne by the Operator or permittee of the Fresh Water Fracture Pit. All samples collected for testing shall be witnessed by the Gas Inspector or other designated City personnel.

**18. Fresh Water Wells.** 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 existing Fresh Water well unless a waiver is obtained from the Property Owner. The measurement shall be in a direct line from the closest well bore to the Fresh Water well bore.

- a. The Operator of a Gas Well shall provide the Gas Inspector with a “pre-drilling” and “post-drilling” water analysis and flow rate from any existing Fresh Water well within five hundred (500) feet of the Gas Well.
- b. An Operator may drill a Fresh Water well in compliance with state law within two hundred (200) feet of the wellbore to use for drilling and completion operations. A Fresh Water well that is used for drilling and production operations

is excluded from the two hundred (200) foot setback for future Gas Wells drilled on the permitted pad site.

c. A copy of the Texas Water Development Board permit shall be provided to the Gas Inspector along with the geographic coordinates of every water well within five hundred (500) feet of the well bore.

d. A copy of all plugging and Abandonment reports filed with the state and/or transfer of ownership notice shall be provided to the Gas Inspector and the Water Department.

e. The Operator of a Gas Well shall provide the Gas Inspector with a “pre-drilling” and “post-drilling” water analysis from the Fresh Water well if the well is transferred to private or public use.

**19. Gas Lift Compressor.** Any on-site compressor used to ‘lift gas’ shall be designed to comply with the noise requirements of this Ordinance.

**20. Gas Processing Onsite.** Except for a conventional gas separator or line heater, no refinery, processing, treating or absorption plant of any kind shall be constructed, established or maintained on the premises without appropriate City permits and a Certificate of Occupancy.

**21. Grass, Weeds, Trash.** All drill 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.

**22. Hazardous Plan.** Hazardous Materials Management Plan (HMMP) and all Material Safety Data Sheets (MSDS) for all hazardous materials that will be located, stored, transported and/or temporarily used on the operations site shall be submitted to the Gas Inspector for distribution to the Director of the Emergency Management Office.

**23. Lights.** No person shall permit any lights located on any 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 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.

**24. Mobilization and Demobilization.** Mobilization and demobilization shall be prohibited before 9 am and after 6 pm on Sundays. Other than mobilization and demobilization and advancing the bore hole, no other activities shall be allowed on the site on Sundays.

**25. Muffling Exhaust.** Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of obnoxious gases, fumes or ignited carbon or soot.

**26. Pits.** The following applies for pits used for drilling and completion operations:

- a. Lined earthen mud or circulating pits or a Closed Loop Mud System may be used for Gas Wells permitted prior to January, 2009.
- b. All pits shall be approved by the applicable City department.
- c. All pits and contents shall be de-watered, back-filled and compacted following the schedule established by the statewide rules of the Railroad Commission.
- d. No drill cuttings, rotary mud or wastewater generated during Drilling Operations may be buried on site unless permitted by the Commission and approved by the City after submission of an acceptable pre-burial test.
- e. No pit shall be placed in a floodplain without obtaining a floodplain development permit from the Transportation and Public Works Department.
- f. Every drill pit used for Drilling Operations shall be fenced on all open sides during Drilling Operations and enclosed on all four sides with a chain link fence in compliance with Section 15-43 after Drilling Operations have ceased.
- g. No flowback water produced by fracture operations shall be placed in any open pit without a copy of a valid state permit submitted to the Gas Inspector.

**27. 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 site itself shall be at least fifteen (15) feet wide, drain appropriately, have an overhead clearance of fourteen (14) feet and shall be surfaced with a crushed rock, gravel or ore and maintained to prevent dust and mud. All temporary driveway approaches must be approved by the City prior to the commencement of any Drilling Operations. In particular cases these requirements governing surfacing of private roads may be altered at the discretion of the Gas Inspector and the City Director of Transportation and Public Works after consideration of all circumstances including, but not limited to, 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 purpose for which the property of such owners is or may be used; topographical features; nature of the soil; and exposure to wind. Watering, wetting or other methods or materials must be used to control the dust on all roads adjacent to residential property.

A gated permanent approach meeting the City design requirements shall be constructed at the entrance of the access road onto a public street within sixty (60) days after Drilling Operations have ceased or at the request of the Gas Inspector.

**28. Reduced Emission Completion.** After fracturing or re-fracturing, Operators shall employ appropriate equipment and processes as soon as practicable to minimize natural gas and associated vapor releases to the environment. All salable gas shall be directed to the sales line as soon as practicable or shut in and conserved. All wells that have a sales line shall be required to employ Reduced Emission Completion techniques and methods, but Operators may request a variance from the Gas Inspector if they believe that Reduced Emission Completion techniques or methods are not feasible or would endanger the safety of personnel or the public.

Reduced Emission Completion techniques and methods shall not be required for well(s) that do not have a sales line and:

- a. were permitted prior to July 1, 2009; or
- b. is the first permitted well on a pad site.

Flaring may be allowed in some instances as an alternative to venting as allowed by the Gas Inspector. If burning of gases by open flame is authorized by the Gas Inspector then such 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 open flame shall be screened in such a way as to minimize detrimental effects to adjacent Property Owners.

**29. Salt Water Wells.** No commercial salt water disposal wells shall be located within the City.

A city permit for a non-commercial saltwater disposal wells for lease use may be issued for wells as identified on the Railroad Commission form W-14 if:

- a. Well is located in an “I” Light Industrial, “J” Medium Industrial, or “K” Heavy Industrial Zoned Districts;
- b. All permit and notification requirements to obtain a state permit are reviewed by the Gas inspector prior to obtaining the state permit;
- c. A state permit is obtained from the Commission to dispose of non-hazardous oil and gas waste by injection into a porous formation not productive of oil and gas;
- d. The saltwater disposal well waste is injected into the Ellenberger Formation;
- e. The saltwater disposal well is cased and cemented to the surface;
- f. The disposal well permit must be approved by the City Council if the well is located within one thousand (1,000) feet of a Protected Use;
- g. The disposal well is in compliance with all conditions of the state permit; and
- h. The disposal well is in compliance with any restrictions placed on the city permit.

The City shall have the right to terminate the saltwater disposal permit and required the well to be plugged and abandoned within thirty (30) days after notice of noncompliance.

**30. Signs.**

- a. A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing erected pursuant to Section 15-43 of this Ordinance. Such sign shall be made from 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:
  - i. Well name and number;
  - ii. Name of Operator;
  - iii. The emergency 911 number; and

iv. 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 OR OPEN FLAME ALLOWED IN THIS AREA” “PELIGRO NO FUMAR O INICIAR LLAMA EN ESTA AREA” 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.

c. In accordance with the Fort Worth Fire Code, Sections 2703.5 and 2703.6, a National Fire Prevention Association (NFPA) 704 diamond hazard identification signs are required on each tank and at the entrance to the site adjacent to the Operator’s sign. A label must be located on each tank indicating exact chemicals that may be contained in the tank. Text shall be a minimum of six (6) inches in height, contrasting with the background color.

**31. Storage of Equipment.** On-site storage is prohibited. 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 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 any equipment on the site shall constitute a fire hazard.

**32. 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. The top of the tanks shall be no higher than ten (10) feet above the terrain surrounding the tanks. All storage tanks shall be equipped with a secondary containment system including lining with an impervious synthetic material. The secondary containment system shall be a minimum of three (3) feet in height and one and one-half (1 ½) times the contents of the largest tank in accordance with the Fire Code, and buried at least one (1) foot deep. Drip pots shall be provided at the pump out connections to contain the liquids from the storage tanks.

a. Secondary containment shall be required for all equipment. Secondary containment shall be capable of containing a release of 150% of the largest storage container within the containment and have adequate freeboard to contain an average annual rain event.

b. Temporary flowback tanks shall be removed within ninety (90) days after completion of the Gas Well(s) at the pad site unless permission is obtained from the Gas Inspector to extend the time period for no more than thirty (30) days.

- c. 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.
- d. No meters, storage tanks, separation facilities, or other aboveground facilities, other than the well head and flow lines, shall be placed in a floodway identified by FEMA on the most current FIRM or the 100-year floodplain without a floodplain development permit obtained from the Department of Transportation and Public Works.
- e. All tanks shall be set back at least seventy-five (75) feet from any public street, road, highway or future street, or Right-of-way or the nearest rail of an operating railway.
- f. Tank batteries, separators and equipment shall be set back at least two hundred (200) feet from the Protected Use, Public Building or Habitable Structure or one hundred (100) feet from the property line, whichever is greater. The setback shall apply for any Protected Use, Public Building or Habitable Structure for which a building permit has been issued on the date of the application for a drilling permit. 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.

**33. Tank Battery Facilities.** Tank battery facilities shall be equipped with a lightning arrestor system.

**34. Surface Casing.** Surface casing shall be run and set in full compliance with the applicable rules and regulations of the Commission.

**35. Valves.** Each well must have a shutoff valve to terminate the well's production. The Fire Department shall have access to the well site and the shut-off valve in an emergency. Each well shall be equipped with an automated valve that closes the well in the event of any abnormal increase in operating pressure.

**36. Vapor Recovery for Storage Tanks.** Vapor recovery equipment shall be required for tank batteries that have an estimated rolling annual aggregate emissions rate of 25 tons or greater of total volatile organic hydrocarbons per year per well head. Vapor recovery equipment must be operated and maintained in such a way to ensure a 95% recovery efficiency between the internal and external atmospheres of the tank(s).

**37. Vehicle Truck Routes.** Vehicles associated with drilling and/or production in excess of three tons shall be restricted to such streets designated as either truck routes or commercial delivery routes designated 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. All vehicle truck routes must be approved by the Gas Inspector before the Gas Well permit is issued. The Gas Inspector shall have the authority to require an alternate route to minimize the impact to surrounding uses.



**38. Waste Disposal.** Unless otherwise directed by the Commission, all tanks used for storage shall conform to the following:

- a. 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.
- b. Except as provided in Subsection 3. above, 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 a Closed Loop Mud System. All disposals must be in accordance with the rules of the Commission and any other appropriate local, state or federal agency.
- c. 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.
- d. 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 Ordinance and any other applicable Ordinance of the City.

**39. Watchman.** The Operator must keep a watchman or security personnel on site during the drilling or Re-working of a well when other workmen are not on the premises.

**40. Wellhead Status** Wellbores, Mouse Holes, Rat Holes, Cellars and Conduit Casings shall be:

- a. Covered at all times when not in use by ½” steel plating, adequately covering the entire bore hole annulus to prevent accidental entrapment of persons or animals;
- b. Completed through the production casing flange with a metal plate or blind flange bolted across the head; and
- c. Surrounded with a six (6) feet tall chain link fence having a gate and lock.

The cellar shall be filled or closed. The Braden head shall be piped to the surface and open to the atmosphere or have an observable and adequate pressure gauge with operable test valve.

**41. Work Hours.** No construction activities involving excavation of, alteration to, or repair work on any access road or pad site shall occur during nighttime hours or at any time on Sunday. 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 hours 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. Other than mobilization and demobilization and advancing the bore hole, no other activities shall be allowed on the wells site on Sundays.

**B. Noise – Gas Wells.**

1. Prior to the issuance of a Gas Well permit and the commencement of operations, the Operator shall submit a noise management plan, approved by the gas inspector, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of this Section. The noise management plan must:

- a. Identify operation noise impacts;
- b. Provide documentation establishing the Ambient Noise Level prior to construction of any wellhead, compressor or compression facility; and
- c. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
  - i. Nature and proximity of adjacent development, location, and type;
  - ii. Seasonal and prevailing weather patterns, including wind directions;
  - iii. Vegetative cover on or adjacent to the site; and
  - iv. Topography.

The Operator shall be responsible for verifying compliance with this Section and the noise management plan after the installation of the noise generation equipment

2. No well shall be drilled, re-drilled 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 Protected Use receiver's/receptor's property line or from the closest exterior point of the Protected Use structure or inside the Protected Use structure if access to the property is granted by the receiver/receptor, that:

- a. Exceeds the Ambient Noise Level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours;
- b. Exceeds the Ambient Noise Level by more than 10 decibels over the daytime average Ambient Noise Level during fracturing operations during daytime hours. No fracturing shall be allowed during nighttime hours except for Flowback operations related to fracturing as provided in c. below;
- c. Exceeds the Ambient Noise Level by more than three (3) decibels during flowback operations during nighttime hours;
- d. Creates pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five (5) dB for center frequencies of 500 Hertz and above, and by eight (8) dB for center frequencies between 160 and 400 Hertz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hertz; or
- e. Creates low-frequency outdoor noise levels that exceed the following dB levels:

- 16 Hz octave band: 65 dB
- 32 Hz octave band: 65 dB
- 64 Hz octave band: 65 dB

3. The Operator shall be responsible for establishing and reporting to the City a continuous seventy-two (72) hour pre-drilling Ambient Noise Level prior to the issuance of a Gas Well permit. The seventy-two hour time span shall include at least one twenty-four (24) hour reading during either a Saturday or Sunday. The Operator shall use the prior established Ambient Noise Level for the installation of any new noise generation equipment unless the Operator can demonstrate that the increase in the Ambient Noise Level is not associated with drilling and production activities located either on or off-site.

4. Adjustments to the noise standards as set forth above in subsection 1. a, b and c of this section may be permitted intermittently in accordance with the following:

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

\*Cumulative minutes during any one hour

5. All Workover Operations shall be restricted to daytime hours.

6. The exterior noise level generated by the drilling, redrilling or other operations of all Gas Wells located within six hundred (600) feet of a Protected Use shall be continuously monitored, to ensure compliance. The cost of such monitoring shall be borne by the Operator. If a complaint is received by either the Operator or the Gas Inspector from any Protected Use the Operator shall, within twenty-four (24) hours of notice of the complaint, continuously monitor for a seventy-two (72) hour period the exterior noise level generated by the drilling, redrilling or other operations to ensure compliance. At the request of the Gas Inspector, the Operator shall monitor the exterior noise level at the source of the complaint.

7. Acoustical blankets, sound walls, mufflers or other alternative methods as approved by the Gas Inspector may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and be subject to approval by the City's Fire Department.

8. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

9. A citation may be immediately issued for failure to comply with the provisions of this Section. However, if the Operator is in compliance with the approved noise management plan, and a violation still occurs, the Operator will be given twenty-four (24) hours from notice of non-compliance to correct the violation from an identified source before a citation is issued. Additional extensions of the twenty-four (24) hour

period may be granted in the event that the source of the violation can not be identified after reasonable diligence by the Operator.

**C. Setbacks.**

1. It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located:

- a. Within twenty-five (25) feet from any storage tank, or source of ignition;
- b. Within seventy-five (75) feet of any public street, road, highway, future street, Right-of-way, property line or the nearest rail of an operating railway;
- c. Within six hundred (600) feet from any Protected Use;
- d. Within three hundred (300) feet from any Public Building;
- e. Within two hundred (200) feet from any Habitable Structure;
- f. Within one hundred (100) feet of any Building accessory to, but not necessary to the operation of the well;
- g. Within two hundred (200) feet to any Fresh Water well not drilled by the Operator as a specific source of water used for drilling or completion operations without the express written permission of the owner of the water well; or
- h. Within three hundred (300) feet from an Outer Boundary Surface Property Line or a distance minus the required zoning setback of the adjacent property at the time of permitting the first Gas Well unless one of the following conditions exist:
  - i. the oil, gas and mineral lease precedes the formation of an outer boundary surface property line; or
  - ii. the adjacent property is owned or under lease by the operator.

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 a. through f. and h. above, except that the measurement from a well bore to a School not located within another Protected Use shall be from the property line of the School to the well bore, in a straight line, without regard to intervening structures or objects.

The measurement for g. above shall be in a direct line from the closest well bore to the Fresh Water well bore. The distance requirement for Fresh Water wells is subject to the Railroad Commission regulations and any other state or federal requirements.

2. Distance Reduction for Protected Uses

The distance set out in Subsection c. of this Section may be reduced to three hundred (300) feet from any Protected Use, with a:

- a. Waiver granted by the City Council; or
- b. Written notarized waivers granted by all the Protected Use Property Owners within a six hundred (600) foot radius around the proposed well pursuant to Section 15-36 of this Ordinance.

**D. Compressor Stations - Natural Gas Facilities.**

**1. Compressor Noise Regulations.**

For purposes of this Subsection, “Operator” shall refer to either the Pipeline Operator or the Gas Well Operator, as applicable.

a. Maximum permitted sound levels for all permanent Lift or Line Compressors shall be limited by the following zoning classifications:

Industrial: 75 dBA day / 65 dBA night  
Commercial: 65 dBA day / 55 dBA night  
Residential: 55 dBA day / 50 dBA night

If the measurement location is on a boundary between two (2) different land use classifications, the lower noise level standard applicable to the noise zone shall apply.

b. Operators shall be allowed to demonstrate that the current actual ambient is greater than allowed which will become the new ambient for that location (measured at the property line of the noise creator), except if located in residential zoning, a special exception granted by the Board of Adjustment shall be required.

c. Noise measurement will be taken at the property line of the compressor station to determine ambient. To determine compliance with the noise requirements all measurements will be taken at the property line of the receiver/receptor.

d. Compressors shall meet the low and high frequency requirements/standards as required for Gas Wells cited above.

**2. Lift Compressors.**

a. Lift Compressors shall be allowed in all zoning districts, but shall be restricted to the gas drilling pad site.

b. Except as outlined below, Lift Compressors shall be required to meet all the noise standards of subsection A, “On-Site Requirements.”

i. Temporary Lift Compressor for each well shall be classified as temporary for six (6) months for noise regulations purposes and shall be allowed five (5) dBA over ambient during the day and three (3) dBA over ambient at night.

ii. No compressor shall be considered temporary if installed within six (6) months of removal of the initial compressor for that well.

iii. Permanent Lift Compressors shall be required to meet the zoning noise requirements for their zoning location as outlined in Subsection 1. above.

iv. Sound blankets shall be permitted for noise abatement on temporary Lift Compressors.

v. No sound blankets shall be permitted for permanent Lift Compressors. All acoustical structures for permanent compressors must be constructed of permanent material constructed of metal, masonry or other structurally sound material as approved by the Director of Planning and Development that significantly screens the equipment, is painted in a non-contrasting soft earth tone color to match the nearby surroundings as nearly as possible and meets all applicable building and fire codes.

c. All Lift Compressors shall be set back a minimum of three hundred (300) feet from any Protected Use, Public Building or Habitable Structure property line not necessary to the operation of the compressor. Equipment and Buildings not part of the operation of the compressor shall be set back a minimum of two hundred (200) feet from the Protected Use, Public Building or Habitable Structure or one hundred (100) feet from the property line, whichever is greater.

d. All compressor and associated equipment and Buildings shall be enclosed by a six-foot security fence constructed per Section 15-43 "Fences and Landscaping" of this Ordinance.

e. One three-inch caliper tree shall be planted every forty (40) linear feet along the property line abutting a public Right-of-way. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the critical root zone of any protected tree on any compressor site without the specific approval of the City Forester. This requirement shall supersede other landscaping requirements, except for the tree preservation and/or planting percentage requirements in Section 15-43.

f. All equipment or Buildings associated with the operation of the compressor located in or within six hundred (600) feet of residentially used property or from the public Right-of-way shall be screened from public view by appropriate landscaping, berming, structure or wall constructed of metal, masonry or other structurally sound material as approved by the Director of Planning and Development or his/her designee that significantly screens the equipment and is painted in a non-contrasting soft earth tone color to match the nearby surroundings as nearly as possible.

g. Secondary Containment

Secondary containment shall be required around all compressor stations. All secondary containment must meet the requirements of Subsection 32 of Section 15-42, "Technical Regulations."

h. Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers or an exhaust muffler box

constructed of non-combustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot.

i. All facilities shall be inspected by the fire marshal for compliance with relative fire codes and the gas inspector prior to operation of the compressor.

### **3. Line Compressors.**

a. Line Compressors shall be permitted only in “AG” Agricultural District, “I” Light Industrial, “J” Medium Industrial and “K” Heavy Industrial zoning districts.

b. All Line Compressors shall be set back a minimum of six hundred (600) feet from any Protected Use and three hundred (300) feet from all Public Buildings and Habitable Structures not necessary to the operation of the compressor. Equipment and Buildings not part of the operation of the compressor shall be set back a minimum of two hundred (200) feet from the Protected Use, Public Building or Habitable Structure or one hundred (100) feet from the property line, whichever is greater.

c. Line Compressors located in “AG” Agricultural, “J” Medium Industrial and “K” Heavy Industrial zoning districts shall be required to meet the following standards:

i. Line Compressor stations located in “AG” Agricultural, “J” Medium Industrial and “K” Heavy Industrial zoning districts shall meet the applicable noise standards for that zoning classification as set out in Subsection 1.a. above. Landscaping, buffering or acoustical structures shall be required as required by this Section and as required by the zoning regulations for the applicable zoning district.

ii. No sound blankets shall be allowed.

iii. All acoustical structures must be constructed of permanent material constructed of metal, masonry or other structurally sound material as approved by the Director of Planning and Development that significantly screens the equipment is a non-contrasting soft earth tone color to match the nearby surroundings as nearly as possible and meets all applicable building and fire codes.

iv. All facilities shall be inspected by the fire marshal for compliance with relative fire codes, and the gas inspector prior to operation of the compressor.

v. Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels 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 disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot.

d. Line Compressors shall be permitted in all other zoning districts only by a special exception granted by the Zoning Board of Adjustment. In order for the Zoning Board of Adjustment to grant a special exception, the Line Compressor must meet the minimum standards of "I" Light Industrial District and a site plan must be submitted and approved by the Board. The Zoning Board of Adjustment shall grant the application only when the Board determines that the location of the compressor is clearly defined on the site plan by the applicant; and the exception will be compatible with the existing uses and the development of adjacent properties either as filed, or subject to such requirements as the Board finds necessary to protect and maintain the stability of adjacent properties.

e. All compressor and associated equipment and Buildings shall be enclosed by a six (6) foot security fence constructed per Section 15-43 "Fences and Landscaping" of this Ordinance.

f. One three-inch caliper tree shall be planted every forty (40) linear feet along the property line abutting a public Right-of-way. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the critical root zone of any protected tree on any compressor site without the specific approval of the City Forester. This requirement shall supersede other landscaping requirements, except for the tree preservation and/or planting percentage requirements in Section 15-43.

g. All equipment, that is located in or within six hundred (600) feet of residentially used property or from the public Right-of-way shall be screened from public view by appropriate landscaping, berming, structure or wall constructed of metal, masonry or other structurally sound material as approved by the Director of Planning and Development that significantly screens the equipment and is painted in a non-contrasting soft earth tone color to match the nearby surroundings as nearly as possible.

h. Secondary containment shall be required around all compressor stations. All secondary containment must meet the requirements of Subsection 32 of Section 15-42, Technical Regulations."

i. In addition to the regulations set out above, Line Compressors located in "I" Light Industrial zoning district adjacent to residential zoning shall be required to meet the following standards:

i. The six foot security fence constructed per Section 15-43 "Fences and Landscaping" shall be set back a minimum of ten (10) feet from the residential property line and a minimum of twenty (20) feet from the public right of way.

ii. A ten (10) foot landscaped bufferyard along the entire length of the boundary line between any compressor station site and the residential zoning shall be required and maintained. The bufferyard shall consist of an open space of grass and other landscaping that screens or blocks vision, noise pollutants and other negative by products. The bufferyard shall be



required even when an alley is located between the compressor site and the residential district.

iii. A minimum twenty (20) foot landscaped bufferyard shall be required along all street frontages across the street from residential zoning to screen the view of the property from the public rights of way.

iv. A minimum of one three-inch caliper large canopy tree, as defined in Chapter 6 of the Zoning Ordinance, with a mature height of twenty-five (25) feet shall be required every forty (40) feet and screening shall be provided using hedges, berms or mass planting to a height of not less than twenty-four (24) inches with live groundcover.

v. The bufferyard is intended to serve as a buffer between the compressor station and the residential zoned property. Structures and equipment or any type of storage shall not be permitted in the bufferyard.

### **SEC. 15-43. FENCES AND LANDSCAPING.**

**A. Fences.** All pad sites and off-site fracture ponds shall be secured with a permanent fence with a secured gate and Knox box as follows:

1. The fence shall be at least six (6) feet in height;
2. 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;
3. The site shall be completely enclosed by a permanent dark green or black steel chain link or wrought iron fence on at least two sides of the pad site, one of which will face the City's Right-of-way, if applicable. A solid masonry fence may be constructed on the remaining two sides of the pad site;
4. The chain link fence shall have a minimum thickness of eleven (11) gauge;
5. Posts and rails shall be standard black or dark green welded pipe;
6. 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 by three-fourths inch; and
7. Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as twenty-four (24) hour on-site supervision is provided. A secured entrance gate on the access road containing a Knox box shall be required and all gates are to be kept locked when the Operator or his employees are not on the premises.

**B. Gate specifications.** All chain link fences 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 black or dark green chain link construction that meets the applicable specifications, or of other approved material that are at least as secure as a chain link fence and shall be included in the chain link or wrought iron portion of the 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;
4. Gates shall be designed so that they do not interfere or obstruct the public rights-of-way; and
5. Operator must provide the 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.

**C. Landscaping.**

1. All Gas Well, Compressor and Fracture Pond Permits will require tree preservation and/or planting measures. A tree canopy requirement through preservation and/or planting will apply as follows:
  - a. A 40% requirement in one- and two-family residential zoned areas;
  - b. A 30% tree canopy requirement in multi-family, institutional and commercial zoned areas; and
  - c. A 20% tree canopy requirement in industrial zoned areas.
  - d. Payment to the tree fund of \$200.00 per diameter inch will be required for 25% of the removed trees greater than six (6) inches on pad sites located in Agricultural (AG) zoned areas. The Operator may chose to plant a 20% tree canopy in lieu of payment into the tree fund.

The following requirements shall apply to all wells, including wells located along City rights-of-way. Wells located in Agricultural (AG) zoned areas are exempted from the requirements:

- a. A minimum retention of 25% of the existing trees will be required as with other land uses unless removal necessary for location of equipment as determined by the Gas Inspector.
- b. No more than 25% of the same species may be planted at one site.
- c. A minimum of 25% of the planted trees must be an evergreen species.
- d. A minimum of 75% of the planted trees must be located between the Gas Well site and Protected Uses or public Right-of-way. An administrative waiver of the 75% placement can be approved by the City Forester with proof that the proposed planting will screen the views into the well site from the Protected Uses.
- e. The percent coverage is established by the actual canopy coverage area retained and tree plantings. For planted trees, 2000 square feet will be credited for large canopy trees, 700 square feet will be credited for medium canopy trees and 100 square feet will be credited for small canopy trees at normal grow out.
- f. The minimum size of tree planted will be three (3) inches in diameter measured one foot above ground level. If the tree is multi trunk, the main stem will be given full credit for its diameter and all other stems will receive ½ credit. The

total of all must be three (3) inches or greater. All planted trees will be credited its canopy coverage at normal grow out.

- g. All trees that die within two (2) years of the date of project completion will be replaced by another replacement tree. The replacement tree carries the same two (2) year replacement requirement. A replacement of any tree that dies within two (2) years of planting will be replaced by the Operator or agent and a new two (2) year guarantee will begin at the time of replacement.
- h. All other interpretations of the tree canopy coverage and regulations will be made by the City Forester and/or the designated City board or commission.
- i. Landscaping shall be installed no later than one hundred eighty (180) days after completion of the first well.

2. Except as allowed in Subsection 3 below, fracture ponds established for the intent of storing and supplying water for fracturing operations are required to comply with the City's Tree Preservation Ordinance. The document shall identify the delineated scope of work area of any surface disruption related to the "fracture pond" installation, operations and shall exhibit any existing tree canopy coverage based on the applicable zoning classification.

3. Upon approval of the Assistant Director of Planning and Development - Gas Well Division, payment may be made into the City's tree fund at an amount of \$600.00 per required tree in lieu of planting requirements for Gas Well sites and fracture ponds.

4. The following list of trees is considered desirable and adapted trees for the Fort Worth area. Planting of trees from this list is acceptable. Other trees will be considered by the City Forester and granted on a case-by-case basis. The approval of additional species will be judged on adaptability, long-term health and growing characteristic of the tree type.

<b>Common Name</b>	<b>Scientific Name</b>	<b>Canopy Size</b>
Redbud	<i>Cercis Canadensis</i>	Small
Mexican Plum	<i>Prunus mexicana</i>	Small
Cherry Laurel	<i>Prunus caroliniana</i>	Medium
Eve's Necklace	<i>Sophora affinis</i>	Medium
Crab Apple	<i>Malus angustifolia</i>	Medium
Bradford Pear	<i>Pyrus calleryana var. Bradford</i>	Medium
Golden Raintree	<i>Koelrueteria paniculata</i>	Medium
Cado Maple	<i>Acer saccharum</i>	Large
Red Maple	<i>Acer rubrum</i>	Large
Bigtooth Maple	<i>Acer grandidentatum</i>	Large
Bur Oak	<i>Quercus macrocarpa</i>	Large
Chinquapin Oak	<i>Quercus muhlenbergii</i>	Large
Live Oak	<i>Quercus virginiana</i>	Large
Shumard Red Oak	<i>Quercus shumardii</i>	Large
Texas Red Oak	<i>Quercus texana</i>	Large
Post oak	<i>Quercus stallata</i>	Large
Blackjack Oak	<i>Quercus marilandica</i>	Large
Pecan	<i>Carya Illinoensis</i>	Large
Lacebark Elm	<i>Ulmas parvifolia</i>	Large
Cedar Elm	<i>Ulmas crassifolia</i>	Large
American Elm	<i>Ulmas americana</i>	Large
Bald Cypress	<i>Taxodium distichum</i>	Large
Black Walnut	<i>Carya nigra</i>	Large
Green Ash	<i>Fraxinus pennsylvanica</i>	Large
Texas Ash	<i>Fraxinus</i>	Large
Southern Magnolia	<i>Magnolia grandiflora</i>	Large

**SEC. 15-44. CLEANUP AND MAINTENANCE.**

- A. Cleanup after well servicing.** After the well has been completed or plugged and abandoned, the Operator shall clean the 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.** After any spill, leak or malfunction, the Operator shall remove or cause to be removed to the satisfaction of the Fire Chief and the Gas 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 immediately the Gas Inspector may then employ any cleanup expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material which the Gas Inspector deems necessary to clean-up such spill, leak or malfunction.
- C. Free from debris.** The public street entrance and property on which a well site is located shall at all times be kept free of mud, 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, secondary containment and Buildings or structures. When requiring painting of such facilities, the Gas 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 and unobtrusive shades of black or dark green. No company logos or advertisement shall be allowed.
- 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 Ordinance and shall notify the Gas Inspector as soon as practicable. The Gas Inspector shall certify in writing, briefly describing the same, to the City Manager. If the Gas 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 Gas 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 Gas 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 Gas Inspector in gaining control of said well.

**SEC 15-45. PLUGGED AND ABANDONED WELLS.**

- A. Surface requirements for plugged and abandoned well.** Whenever Abandonment occurs pursuant to the requirements of the Commission, the Operator 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 Ordinance.
- B.** Abandonment shall be approved by the Gas Inspector after restoration of the drill site has been accomplished in conformity with the following requirements at the discretion of the Gas 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, compactible soil;
  - 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 Ordinance.

7. A five (5) foot no-build easement around the center of the plugged and abandoned well bore shall be required and recorded in the applicable county deed records.

**C. Abandoned well requirement.** The Operator shall furnish the following to the Gas Inspector:

1. A copy of the W-3A 'Notice of Intention to Plug & Abandon' and 'W-3 Plugging Record' forms on the same date these forms are submitted to the Commission; and
2. A 48-hour 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.

All wells shall be abandoned in accordance with the rules of the Commission; however, all well casings and cellars shall be cut and removed to a depth of at least three (3) feet below the surface. A permanent Abandonment marker pipe, with the well identity and location permanently inscribed, shall be welded to the casing and shall be at least four (4) inches in diameter with a length of four (4) feet visible above the ground level.

**D. Surface Reclamation Plan Requirements.** Each Operator must submit as part of the Gas Well Permit application a surface reclamation plan that must include information outlined in this Subsection, in the degree of detail necessary to demonstrate that full site reclamation can be accomplished.

The reclamation plan must include:

1. Measures to be taken to restore property to allow use under the City Comprehensive Plan;
2. The control of surface water drainage and of water accumulation and measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and groundwater systems;
3. Cleaning up polluted surface and ground water;
4. Backfilling, soil stabilization, compacting, grading, and appropriate re-vegetation;
5. Soil reconstructions, replacement, and stabilization;
6. Configuration of the reshaped topography;
7. Waste disposal;
8. A plan for re-vegetation of affected lands;
9. Road reclamation; and
10. Other practices necessary to ensure all disturbed areas will be reclaimed.

**E. Abandonment requirements prior to new construction.** All abandoned or deserted wells or drill sites shall meet the most current Abandonment requirements of the Commission and this ordinance prior to the issuance of any building permit for development of the property. No structure shall be built over an abandoned well.

## **DIVISION VIII. PIPELINES**

### **Sec. 15-46. OIL AND GAS PIPELINES TECHNICAL AND PERMITTING REGULATIONS.**

#### **A. General Regulations.**

1. As determined in the sole, but reasonable, discretion of the City, Pipelines may not interfere with or damage existing utilities, including but not limited to: water, sewer or gas lines, storm drains, electric lines or the facilities of any public utilities located in public rights-of-way, utility easements or other City-owned property or in Private Residential Areas.
2. The Pipeline Operator shall be required to comply with all regulations regarding noise in Section 15-42.B. of this Ordinance.
3. The Pipeline Operator shall be responsible to grade, level and restore the property affected by Pipeline Construction to the same surface condition, as nearly practicable, as existed before operations were first commenced within thirty (30) days after completion of the Pipeline.
4. The Pipeline Operator shall construct, repair and/or maintain all Pipelines so as to meet or exceed the applicable minimum criteria established by the statutory or regulatory requirements of the state and federal governments for such Pipeline.
5. At least ten (10) days prior to the commencement of any Pipeline Construction, the Pipeline Operator shall give written mailed notice to all residents, tenants and Property Owners that are located adjacent to the proposed Pipeline. The mailing shall include the Operator's publication on Pipeline safety.
6. At the time the required Pipeline records are submitted to the Railroad Commission, the Pipeline Operator shall provide the City the following information, including GPS information sufficient to locate the Pipelines in the future, including the beginning and end points of the Pipeline and sufficient points in between the Pipeline route and the depth of cover information. This information shall be submitted to the City in a format compatible with the City's own GIS system.
  - a. As-built or record drawings of the Pipelines. Accuracy of the record drawings shall meet a survey level of one foot (1') to fifty thousand feet (50,000'). The scale of the record drawings shall be a minimum of one inch (1") to forty feet (40'). The drawings shall also be supplied in a DFF digital file format with the location tied to at least one (1) nearby GPS (global positioning system) City monument. If the new Pipeline length exceeds one thousand feet (1,000') within the City, the Pipeline shall be tied to at least two (2) GPS City monuments;
  - b. The origin point and the destination of the Pipeline;
  - c. The substance to be transported;
  - d. A copy of the substance material safety data sheet (MSDS);
  - e. Engineering plans, drawings and/or maps with summarized specifications

showing the horizontal location, covering depths, and location of shutoff valves of the subject Pipeline. Drawings shall show the location of other Pipelines and utilities that are crossed or paralleled within fifteen (15') feet of the Pipeline Right-of-way;

f. Detailed cross-section drawings for all public rights-of-ways and easement crossings on City property as permitted by the City; and

g. A list of the names and mailing addresses of all the Property Owners, residents and tenants adjacent to the Pipeline Construction.

7. A Pipeline Operator that transports gas, oil, liquids or hydrocarbons through a Pipeline located in the City shall be a member in good standing with the One Call system or other approved excavation monitoring system as required by state law. The Pipeline Operator that transports gas, oil, liquids or hydrocarbons through a Pipeline shall contract for service with the selected underground utility coordinating system for a minimum of five (5) years unless there is an agreement to change to an alternate system between the City and the Pipeline Operator. Said Pipeline Operator shall maintain such services without interruption for the life of the Pipeline Permit and as required under this Section.

8. At the time of permitting and each year thereafter that the Pipeline remains active, each Pipeline Operator shall provide to the Gas Inspector, the Fire Marshal and the Chief of Police the names, mailing addresses and telephone numbers of at least two (2) primary persons, officers or contacts available on a twenty-four (24) hour basis and at least two (2) alternative persons, officers or contacts to be reached in the event that the primary contacts are unavailable who:

a. Can initiate appropriate actions to respond to an emergency;

b. Have access to information on the location of the closest shutoff valve to any specific point in the City; and

c. Can furnish the common name of the material then being carried by the Pipeline.

Any change in the above information must be provided to the City by contacting the Gas Inspector prior to such change.

9. Each Pipeline Operator shall file a copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the Railroad Commission of Texas on unsafe Pipeline conditions, Pipeline emergencies or Pipeline incidents within the City concurrently with the City. In addition, such Pipeline Operator shall file any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to Pipeline releases within the City concurrently with the City.

10. Every Pipeline Operator shall be required to file with the City an annual verified report in letter form on or before June 30 of each year to cover a reporting period of the previous June 1 through May 31. Said written report shall contain a statement that the Pipeline has no outstanding safety violations within the City of Fort Worth as determined in an inspection or audit by either the Railroad Commission of Texas and/or the U.S. Department of Transportation with regard to any Pipeline operating within the City. Alternatively, if there are any safety violations as determined by the Railroad Commission and/or the U.S. Department of Transportation that have not been corrected,



these shall be described to the City with an action plan to correct the safety violations. Said action plan shall include a timeline for corrective action and the individual or firm responsible for each action.

**B. City Regulated Pipelines – Permit Required.**

1. City Regulated Pipelines shall adhere to all standards outlined in Section A. Federal and state statutory or regulatory requirements shall apply to Pipelines between the well and the point of custody transfer. Prior to the transport of gas, oil, liquids or hydrocarbons, the Operator shall provide to the City certification from a professional engineer registered with the State of Texas that the design and installation of the Pipelines meet all state and federal requirements.

2. Prior to Pipeline Construction and the issuance of notice required in Section A.5, a Pipeline Operator shall obtain a Pipeline Permit from the City for all City Regulated Pipelines. Exceptions to this permitting requirement are those Pipelines from the well to the first point of custody transfer and for construction necessary to respond to a Pipeline Emergency.

3. At the same time the Operator submits a Gas Well drilling permit application, the Operator shall require the Pipeline Operator to submit a proposed Pipeline route from the well bore to the transmission line, for all City Regulated Pipelines.

4. The Pipeline Operator shall be required to submit an application for a Pipeline Permit to the City prior to making any offer or initiating any negotiation or action to acquire any easement or other property right to construct, install, maintain, repair, replace, modify, remove or operate a Pipeline in Private Residential Areas.

5. The Pipeline Operator shall backfill all trenches and compact such trenches to ninety five percent (95%) standard density proctor in eight inch (8") lifts and construct the Pipeline so as to maintain a minimum depth of ten feet (10') below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe shall be at the discretion of the City based on existing or planned utilities. During the backfill of any Pipeline excavations in open cut sections, the Pipeline Operator shall bury "Buried Pipeline" warning tape one foot (1') above any such Pipeline to warn future excavators of the presence of a buried Pipeline. The Gas Inspector may also require that a proposed or existing Pipeline be relocated should it conflict with the proposed alignment and depth of a gravity dependent utility.

6. The Pipeline Operator shall equip all City Regulated Pipelines with an automated pressure monitoring system that detects leaks and shuts off any line or any section of line that develops a leak. In lieu of such system, the Pipeline Operator may have twenty-four (24) hour pressure monitoring of the Pipeline system which provides monitoring of the Pipeline within the City limits.

7. Review by the Gas Drilling Review Committee for all proposed Pipelines through Private Residential Areas shall be required prior to the issuance of a permit for the

commencement of Pipeline Construction.

8. A Pipeline Permit application shall be required as follows:

a. Applications for a City Regulated Pipeline or other activities regulated by this Subsection shall be submitted to the City in a form prescribed by the City.

b. Plans submitted with each application for a Pipeline Permit shall be in a format approved by the City showing the dimensions and locations of the Pipeline and related items or facilities, as well as all proposed lift stations, pumps or other service structures related to such Pipeline and the location, type and size of all existing utilities, drainage, Right-of-way and roadway improvements. The plans must additionally show the elevation and location of all known public utilities within fifteen (15) feet of the centerline of the proposed Pipeline. Any application that fails to meet these requirements will be returned unfiled to the applicant.

c. The following information shall be provided in the application:

- i. The name, business addresses and telephone numbers of the Pipeline Operator;
- ii. The names, titles and telephone numbers of the following:
  - a. The person signing the application on behalf of the Pipeline Operator;
  - b. The person designated as the principal contact for the submittal; and
  - c. The person designated as the twenty-four (24) hour emergency contact;
- iii. The origin point and the destination of the proposed subject Pipeline;
- iv. A text description of the general location of the proposed subject Pipeline
- v. A description of the substance to be transported through the proposed subject Pipeline;
- vi. A copy of the substance material safety data sheet (MSDS);
- vii. Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the proposed subject Pipeline. To the extent that information can be obtained, drawings shall show the location of other Pipelines and utilities that will be crossed or paralleled within fifteen (15) feet of the proposed subject Pipeline Right-of-way;
- viii. A description of the consideration given to matters of public safety and the avoidance, as far as practicable, of existing Habitable Structures and Private Residential Areas;
- ix. Detailed cross section drawings for all public street Right-of-way and easement crossings;
- x. The proposed method or methods to be used for the installation of the Pipeline;
- xi. Methods to be used to prevent both internal and external corrosion;
- xii. A binder or certificates of all bonds and insurance; and
- xiii. A proposed alignment strip map showing name and address of all affected Property Owners.

**C. Gas Drilling Review Committee.**

1. After the filing of an administratively complete application, the Gas Drilling Review Committee shall review all applications for Pipelines located in a Private Residential Area. For other Pipeline locations, an administrative conference may be conducted to seek resolution of any substantive, non-resolvable technical issues. If deemed necessary by the City, a third-party Technical Advisor may be employed as set out in Section 15-48. The costs associated with the Technical Advisor shall be borne by the Pipeline Operator. Any recommendation by the Gas Drilling Review Committee to the Planning and Development Department - Gas Well Division is final.

2. If the Gas Drilling Review Committee determines that the City should obtain an independent study or analysis of an application to construct a new Pipeline, upon approval by the City Council, the City shall engage duly qualified independent consultant(s) or contractor(s) to conduct such special studies or analyses as required to fully evaluate and act upon an application for a new Pipeline as set forth in Section 15-48. The actual cost for said consultant or contractor, including the cost of any inspections deemed necessary by the Gas Drilling Review Committee or otherwise required, shall be paid by the Pipeline Operator.

**D. Pipeline Information Reporting Requirements.**

If the Pipeline Operator has no reporting responsibility to the Railroad Commission or the U.S. Department of Transportation and is otherwise exempt from the safety regulations of either of such agencies, the following documents pertaining to the preceding reporting period of June 1 through May 31 shall be furnished to the City:

1. Copies of internal reports of responses to Pipeline Emergencies;
2. Current operations and maintenance logs; and
3. Current emergency response plan.

**E. Abandoned Pipelines.**

1. All Pipelines shall be maintained in an active condition unless abandoned according to applicable state and federal regulations. The Pipeline Operator shall notify the City within thirty days of Abandonment of any Pipeline.

2. Reactivation of abandoned Pipelines shall require notification to the City pursuant to the standards and requirements specified in Section 15-46. Reactivation shall require pressure testing for integrity and compliance with Railroad Commission and/or United States Department of Transportation regulations.

**F. Emergency Response Plans and Emergency Incident Reporting.**

1. Each Pipeline Operator shall maintain written procedures to minimize the hazards resulting from an emergency. These procedures shall at a minimum provide for the following:

- a. Prompt and effective response to emergencies, including but not limited to the following:
  - i. Leaks or releases that can impact public health safety or welfare;
  - ii. Fire or explosions at or in the vicinity of a Pipeline or Pipeline easement; and
  - iii. Natural disaster;
  - iv. Effective means to notify and communicate required and pertinent information to local fire, police and public officials during an emergency;
  - v. The availability of personnel, equipment, tools and materials as necessary at the scene of an emergency;
  - vi. Measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment;
  - vii. Emergency shut down and pressure reduction of a Pipeline;
  - viii. The safe restoration of service following an emergency or incident; and
  - ix. A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures.

2. Upon discovery of a Pipeline emergency or incident, any affected Pipeline Operator shall as soon as practical communicate to the City's 911 system the following information:

- a. A general description of the emergency or incident;
- b. The location of the emergency or incident;
- c. The name and telephone number of the person reporting the emergency or incident;
- d. The name of the Pipeline Operator;
- e. Whether or not any hazardous material is involved and identification of the hazardous material so involved; and
- f. Any other information as requested by the emergency dispatcher or other such official at the time of reporting the emergency or incident.

**G. Pipeline Repairs and Maintenance.**

1. All repairs and maintenance of Pipelines are to be performed in accordance with U.S. Department of Transportation and Railroad Commission mechanical integrity requirements.

2. If non-emergency repairs necessitate excavation of a Pipeline, the Pipeline Operator shall send notification to occupants of business establishments and residential dwellings located adjacent to the Pipeline to be excavated at least five (5) days prior to commencing such repairs.

3. If above-ground non-emergency repairs that are not routine maintenance are required, the Pipeline Operator shall send notification to occupants of businesses and residential dwellings located within five hundred (500) feet from the centerline of the Pipeline section to be repaired at least five (5) days prior to commencing such repairs.

4. The notice required in Subsections (2) and (3) of this Section shall be sent by U.S. regular mail, postage prepaid mailed at least five (5) days prior to commencing any non-emergency repair; provided, however, that the Pipeline Operator may use hand delivery notice as an alternative, at the Pipeline Operator's discretion.

5. Inspection of the interior of all Regulated Pipelines shall comply with United States Department of Transportation and Railroad Commission rules.

**H. Protection and Painting of Structures.**

A Pipeline Operator shall keep protected and painted all Pipeline risers and all appurtenances related to Pipeline construction and operations which are composed of materials which are generally protected or painted. Such Operator shall repaint all such items at sufficiently frequent intervals to maintain same in good condition. It shall be a violation of this Ordinance for any Pipeline Operator to permit any Pipeline riser and/or appurtenances related to Pipeline Construction and operations to be in a state of disrepair or to have chipped, peeling or unpainted portions.

**I. No Implied Grant of Use of Public Rights-of-Way, Utility Easements or other City-owned Property.**

Nothing in this Subsection grants permission for the use of any street, public rights-of-way, utility easements, or City-owned property. In the event a Pipeline Operator wishes to undertake any Pipeline Construction on, over, under, along, or across any public rights-of-way, utility easements or other City-owned property, the Pipeline Operator shall apply for and execute a written agreement with the City governing the terms and conditions for such use; obtain all required permits and comply with any other applicable provisions of the City Code.

**J. Expiration of Pipeline Permit.**

If construction of a Pipeline has not commenced within one (1) year of the date of issuance of the Pipeline Permit, or if the Pipeline has not been completed and the surface restored within two (2) years, the Pipeline Permit shall expire; provided, however, that the Director of Planning and Development Services may grant an extension of time not to exceed an additional one (1) year if the Director of Planning and Development Services determines that weather or other unexpected physical conditions justify such an extension.

**K. No Assumption of Responsibility by City.**

Nothing in this Subsection shall be construed as an assumption by the City of any responsibility of a Pipeline Operator of a Pipeline not owned by the City.

**L. It is the joint and several responsibility of the owner and the Pipeline Operator of any and all Pipeline to maintain the markers in accordance with this Ordinance. The**

location of all new or replacement pipe and Pipelines shall be marked by the owner(s) thereof or by the person installing or operating such Pipelines as follows:

1. Marker signs shall be placed at all locations where pipe or Pipelines cross property boundary lines and at each side of a public street or road Right-of-way which the pipe or Pipeline crosses;
2. The top of all marker signs shall be a minimum of four (4) feet above ground level, and the support post must be sufficient to support the marker sign and shall be painted yellow or such other color as may be approved by the Director of Transportation and Public Works or his designee;
3. All marker signs shall be a minimum of twelve (12) inches square and shall be marked as "Gas Pipe Line;"
4. All marker signs shall contain the name of the owner and operator of the Pipeline and a twenty-four (24) hour local contact number;
5. Pipelines shall be marked along their entire length with a buried metal wire and metallic flag tape;
6. All signs shall also contain an 811 designation "Call Before You Dig" statement; and
7. The Pipeline Operator shall annually replace signage that has been lost, damaged or removed.

**M.** Annually, all Pipeline Operators will provide affected landowners, public official and emergency providers with appropriate Public Awareness information as outlined in API 1162.

**SEC. 15-47. SALT WATER PIPELINES.**

**A.** All references in this Subsection to "Pipe" or "Pipelines" shall mean "salt water Pipelines."

**B.** No Pipeline for the transportation of saltwater shall be constructed, installed, maintained, repaired, replaced, modified, removed or operated within the City without first obtaining a Pipeline Permit from the City.

**C.** Salt water pipe shall be installed beneath all City utilities, no seams shall be allowed within City Right-of-way and minimum cover to the top of the pipe shall be at the discretion of the City based on existing or planned utilities. The Pipeline crossings must pass through a casing of a design and constructed in accordance with the United States Department of Transportation standards set forth in 49 CFR 192.323 (Casing) as same exists on the date of the adoption of this ordinance.

**D.** All infrastructure included under this Section shall be designed and sealed by a Registered Professional Engineer in the State of Texas.

**E.** All new or replacement Pipe or Pipelines shall be installed in such a manner that the Pipelines clear the lowest City utility by a minimum of five (5) feet. In areas where no City Utilities are present, Pipelines shall be covered and must be not less than thirty six (36) inches below the existing ground level as verified and approved by the inspector.

Prior to installation, the owner of the Pipeline shall submit to the Director of Planning and Development and the Gas Inspector the Pipeline design criteria, including but not limited to, operating pressures, Pipeline gradient and elevation to sea level, location, pipe ASTM grade, pipe manufacturer, pipe wall thickness, Pipeline capacity and volume. Prior to and subsequent to installation of each segment of new or replacement Pipeline, the pipe and Pipeline must receive and pass an on-site inspection of the compliance with design criteria and the process of installation. The design submittal must be signed and sealed by a Professional Engineer registered in the State of Texas.

The depth requirements in this Subsection shall not apply to piping constructed or installed within the secondary containment perimeter of the tank battery, which piping may be placed at ground level.

**F.** Pipe location information shall be provided to the City in an electronic format acceptable to the Director of Planning and Development.

**G.** It is the joint and several responsibility of the owner and the operator of any and all Pipeline to maintain the markers in accordance with this Ordinance. The location of all new or replacement pipe and Pipelines shall be marked by the owner(s) thereof or by the person installing or operating such Pipelines as follows:

1. Marker signs shall be placed at all locations where pipe or Pipelines cross property boundary lines and at each side of a public street or road Right-of-way which the pipe or Pipeline crosses;
2. The top of all marker signs shall be a minimum of four (4) feet above ground level, and the support post must be sufficient to support the marker sign and shall be painted yellow or such other color as may be approved by the Director of Transportation and Public Works or his designee;
3. All marker signs shall be a minimum of twelve (12) inches square and shall be marked as "S.W. Pipe Line";
4. All marker signs shall contain the name of the owner and operator of the Pipeline and a 24-hour local contact number;
5. Pipelines shall be marked along their entire length with a buried metal wire and metallic flag tape; and
6. The Pipeline Operator shall annually replace signage that has been lost, damaged or removed.

**H.** General Pipeline Design Requirements.

All infrastructure included under this memorandum shall be designed and sealed by a Registered Professional Engineer in the State of Texas and all Pipelines shall:

1. Have a maximum inside diameter of twelve inches;
2. Consist of material approved by the City; and
3. Be monitored by a SCADA system that allows shutdown via automatic valves spaced at each well head, major Pipeline junctions, at the influent and effluent of the recycling unit(s), and prior to ultimate disposal.

## **DIVISION IX. TECHNICAL ADVISOR**

### **SEC. 15-48. 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 within the City as the City may want or require and the effect thereof, both present and future, on the health, welfare, comfort 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 Ordinance, 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 Ordinance. 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.

## **DIVISION X. APPEALS**

### **SEC. 15-49. APPEALS.**

- A.** The City Council shall have and exercise the power to hear and determine appeals where it is alleged there is error or abuse of discretion regarding the issuance of a Gas Well Permit or the revocation or suspension of any Gas Well Permit issued hereunder as provided by this Ordinance. Any person or entity whose application is denied by the Gas Inspector (other than for distance requirements set out in this Ordinance) or whose Gas Well Permit is suspended or revoked or whose well or equipment is deemed by the Gas Inspector to be abandoned may, within thirty (30) days of the date of the written decision of the Gas Inspector file an appeal to the City Council in accordance with the following procedure:
1. An appeal shall be in writing and shall be filed in triplicate with the City Secretary. The grounds for appeal must be set forth specifically, and the error described, by the appellant.
  2. Within forty-five (45) days of receipt of the records, the City Secretary shall transmit all papers involved in the proceeding, place the matter on the City Council agenda for hearing and give notice by mail of the time, place and purpose thereof to appellant and any other party who has requested in writing to be so notified. No other notice need be given.
- B.** Appeal fees shall be required for every appeal in the amount of three hundred (\$300) dollars.



## **DIVISION XI. PENALTY**

### **SEC. 15-50. PENALTY.**

- A.** It shall be unlawful and an offense for any person to do the following:
1. Engage in any activity not permitted by the terms of a Gas Well Permit issued under this Ordinance.
  2. Fail to comply with any condition set forth in a Gas Well Permit issued under this Ordinance; or
  3. Violate any provision or requirement set forth under this Ordinance.
- B.** Any violation of this Ordinance shall be punished by a fine of not more than \$2,000.00 per day, subject to applicable State law. Each day that a violation exists shall constitute a separate offense.

### **SECTION 2.**

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

### **SECTION 3.**

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 4.**

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases,

clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

That 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 (\$2000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

**SECTION 6.**

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

**SECTION 7.**

That Ordinance Numbers 18399-12-2008 and 18412-12-2008 are hereby repealed.

**SECTION 8.**

This ordinance shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Assistant City Attorney

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_