

ORDINANCE NO. 92

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**AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS,  
RESTRICTING AND REGULATING THE DRILLING,  
CONSTRUCTION, OPERATION, MAINTENANCE AND  
REWORKING OF OIL AND GAS WELLS; REQUIRING PERMITS;  
ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY;  
AND FOR PUBLICATION.**

**WHEREAS,** the Town Council finds that the safety and welfare of its inhabitants and persons who travel on its public streets or who may be within its limits require the regulation and restriction of oil and gas drilling and operations; and

**WHEREAS,** the Town Council finds that the regulations and restrictions herein established are reasonable and necessary police power regulations for the protection of life, safety, peace and tranquility; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:**

**Section 1: Title.**

This ordinance shall be known as the Annetta Oil and Gas Well Ordinance.

**Section 2: Intent.**

The Town Council finds that there has been and there is a likelihood of oil and gas development activities in and near the corporate limits of the Town, requiring that construction, operation and maintenance of drilling and production of oil and gas be regulated because of the potential danger, from improper construction, operation and maintenance to the lives, property, health, safety and welfare of the public.

**Section 3: Definitions.**

For the purpose of this ordinance, the following words and terms wherever and whenever used or appearing in this ordinance shall have the scope and meaning defined in this section and set out in connection with each. All technical or oil and gas industry words or phrases used in this ordinance and not specifically defined shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry; and when the title of any Town official is used in this ordinance, such shall include any duly authorized representative.

*Curbline* means the line established by the Town for the particular street.

2            *Lease* means any tract of land subject to an oil, gas, and mineral lease or other oil  
4            and gas development contract, or any unit composed of several tracts and leases, but  
6            operated as one lease and any tract of land in which the minerals are owned by an  
             operator or someone holding under it or him, but, which due to the royalty  
             ownership, is developed and operated as a separate tract.

8            *Operator* means each and every person who operates any well and each and every  
10           person who is an owner of a well, other than a well that has been plugged and  
             abandoned in the Town.

12           *Permittee* means the person to whom a permit is issued for the drilling, completion  
14           and operation of a well, and his or its heirs, legal representatives, successors and  
             assigns.

16           *Person* means an individual, firm, company or corporation.

18           *Rework* means any operation in which a drilling or rework rig is brought onto land to  
20           service an existing rig or where a well is reperforated.

22           *Right-of-way* means a phrase expressly limited to all public rights-of-way or streets  
             or other public property within the Town.

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

28           *Well* means any hole(s) or bore(s) to any sand, formation, strata, or depth for the  
30           purpose of producing any oil, gas or liquid hydrocarbon, or used as an injection well  
             for secondary recovery for any of them. The term "oil and gas well" means the  
             same.

32           **Section 4:     Landowner's rights.**

34           Neither this ordinance nor any permit issued hereunder shall be interpreted to grant  
36           any right or license to the permittee to enter upon, use, or occupy for drilling or  
38           other purposes, any surface land except by contract with the owner, nor shall it limit  
40           or prevent the free right of any owner to contract for the amount of damages, rights  
             or privileges with respect to his own land and property, nor to authorize drilling or  
             other activities in violation of legally enforceable deed restrictions or subdivision  
             restrictions.

42           **Section 5:     Permit Required; Supplemental Permits.**

44           (a)    *Required.* It shall be unlawful for any person, acting either for himself or as  
46           agent, employee, independent contractor or servant for any other person, to drill or  
             commence to drill or to operate any well within the Town limits without a permit

2           having first been issued by the Town Council in accordance with the terms of this  
subdivision.

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6           (b)    *Authority; supplemental and separate permits.* When a permit has been  
issued for the drilling of a well, such permit shall constitute sufficient authority for  
drilling, operation, production, maintenance, repair, reworking, testing, plugging and  
8           abandonment of the well, and for the construction and use of all facilities reasonably  
necessary or convenient in connection therewith by the permittee and its employees,  
10          agents and contractors, provided any such activities so authorized shall be in  
compliance with all applicable provisions of this ordinance, and provided that such  
12          activities are not in conflict with any of the conditions and provisions contained in  
such permit. However, a new or supplemental permit shall be obtained before such  
14          well may be deepened below the geological formation in which it was originally  
completed and before it may be used for repressurizing or injection of water and/or  
16          gas. A separate permit shall be necessary for the drilling or operation of each well.

18          (c)    *Preliminary notice.* No application for water flooding operations, nor gas or  
other repressurization operations shall be granted unless, at least 90 days prior to  
20          submission of the application, a preliminary notice of the intention of applicant shall  
have been delivered to the Town Secretary. This provision is included for the reason  
22          that no such operations are now being conducted in this area, and to permit the  
Town to better study the matter if or when it does become appropriate or desirable.

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26          (d)    *Previous violations.* No permit shall be granted to a person who has  
previously violated the provisions of this ordinance, or other Town ordinances  
dealing with wells, unless and until such person has fully corrected such violation,  
28          complied with the ordinances, paid all fees and fines applicable to such violation,  
and has given assurance of future compliance with the applicable ordinances and  
30          other laws.

32        Section 6:    **Application.**

34           Any person desiring to drill or operate a well within the Town shall present an  
application to the Town Secretary, which application shall set forth in writing the  
36           following facts:

- 38           (1)    Name of applicant(s);
- 40           (2)    Legal status of applicant(s), such as corporation, partnership, individual, etc.;
- 42           (3)    Address of applicant(s);
- 44           (4)    Detailed description of what is proposed to be constructed, drilled, or  
operated by applicant(s), including description of equipment to be used, including a  
46           plat which shows the distances to property lines and to residences, structures,

2 commercial buildings, pipelines, and other underground utilities situated within 400  
4 feet of the proposed location of the well; and, for each separate parcel or tract of  
land, the name and address of the principal landowner;

6 (5) The proposed depth of the well; proposed casing program; a detailed  
8 explanation of drilling procedure, including whether done by the use of drilling mud,  
air pressure, etc.; location and description of drilling equipment, air compressor,  
10 pressure control or safety devices, storage facilities for water, drilling mud; and  
expected date of completion; and

12 (6) The application must be signed by the applicant, or, if signed by his agent,  
14 accompanied by written authorization executed by applicant.

16 **Section 7: Fees.**

18 (a) The fees for a permit for drilling or reworking any one well in the Town shall  
20 be \$500.00. Such fee shall be deposited, in cash, with the Town Secretary at the  
time the application for the permit is filed, and it shall be held until the permit is  
22 issued. When the permit is issued, such fee shall be non-refundable. This fee shall  
not be deemed to include any fees otherwise imposed by the Town by any other  
24 ordinance. Nothing in this section shall, however, relieve the permittee from the  
obligation to properly repair the streets, alleys, and public properties in case they are  
used in such drilling or production operations.

26 (b) If the application is refused and no permit is issued, the fee shall be refunded.

28 (c) As to all wells and water and/or gas repressurizing or injection facilities, and  
30 such other facilities as may be covered by this ordinance existing within areas  
annexed into the Town after the adoption of this ordinance which are in existence at  
32 the time the land upon which wells or facilities are situated, is annexed to the Town,  
no permit or filing fee will be required, but the Mayor or his designee shall inspect  
34 wells or shall inspect wells or facilities and, if satisfied that such facilities can be  
operated in a manner that will ensure public safety, shall issue a certificate in writing  
36 that such facilities conform with the provisions of such sections within a reasonable  
time, not to exceed six months. It is further provided that, in the event any such  
38 existing facilities coming within the provisions of this subsection are abandoned or  
relocated for any reason, or reworked, any reworking and any new facilities  
40 constructed or established to replace such facilities must comply with all provisions  
of this ordinance.

42 **Section 8. Hearing – Notice.**

44 (a) When the application described in Section 6 is filed with the Town Secretary,  
the filing fee paid, and evidence of appropriate bond or other security agreement and  
46 insurance as required in Section 7 is filed, the Town Secretary shall cause to be

2 placed on a regular or special meeting agenda of the Town Council appropriate  
notice of the application, and the Town Council may then consider and approve the  
4 application at such meeting.

6 (b) If the Town Council at such meeting deems necessary, a further notice and  
hearing may be ordered prior to approval of the application. In such case, the Town  
8 Secretary shall publish in a newspaper of general circulation in the Town a notice  
which shall state as follows:

10 "This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, notice is hereby given that  
12 \_\_\_\_\_ has filed with the Town Secretary of the Town  
of Annetta an application for a permit to drill an oil or gas well, pursuant to  
14 the provisions of the Town's ordinances regulating the drilling of oil and gas  
wells within the Town limits. A hearing will be held upon such application  
16 before the Mayor and Town Council at the Town Hall on the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m."

18 **Section 9: Decision on application; provisions of permit.**

20 (a) *Postponement.* At the time fixed under the foregoing provisions, a hearing  
22 on such application for permit shall be held. At the discretion of the members of the  
Town Council, such hearing may be continued or postponed from time to time until  
24 final disposition of the application provided that in no event shall final decision on  
the application be postponed for a period longer than 30 days from the original date  
26 of application.

28 (b) *Issuance.* The Town Council shall determine whether or not the application  
complies in all respects with the provisions of this ordinance, and if it does, will  
30 authorize issuance of a permit for the drilling of the well applied for provided,  
however, the Town Council may deny a permit for the drilling of the well whereby  
32 reason of such particular location and the character and value of the permanent  
improvements already erected on or adjacent to the particular location in question,  
34 for school, hospital, residential, park, civic purposes, health reasons, safety reasons,  
or any of them where the drilling of such well on such particular location might be  
36 injurious or be a disadvantage to the Town or its inhabitants as a whole or to a  
substantial number of its inhabitants or would not promote orderly growth and  
38 development to the Town.

40 (c) *Requirements.* Each permit shall:

42 (1) Incorporate by reference therein all the provisions of this  
ordinance with the same force and effect as if this ordinance were copied  
44 verbatim in such permit;

46 (2) Specify that all work shall be carried out according to law;

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(3) Specify the location of the proposed well with particularity to lot number, block number, name of addition or subdivision, survey section line or other correct legal description;

(4) Specify that the term of the permit shall be for a period of six months from the date of the permit and until such time as the permittee has permanently abandoned the operation of such well or facility for which the permit was issued;

(5) Contain and specify such other terms and provisions, as may be necessary in a particular case to accomplish the purposes of this ordinance, as approved and enacted by the Town Council;

(6) Specify the total depth to which the well may be drilled, not exceeding the proposed depth; and

(7) Contain and specify that no actual operation shall be commenced until the permittee shall file and have approved a bond or other security and insurance policy in the designated principal amount as so determined by the Town Council.

Such permit, in duplicate originals, shall be signed by the permittee and, prior to delivery to the permittee, shall be signed by the Town Secretary, with one original to be retained by the Town and one by the permittee; and when so signed, shall constitute the permittee's permission to begin work, as well as the contractual obligation of the permittee to comply with the terms of such permit of this ordinance.

**Section 10: Bond and insurance required.**

If a permit is issued for well or other operations under this ordinance, no actual operation shall commence until the permittee files with the Town Secretary bond or other security, along with a Certificate of Insurance as follows:

(1) No person shall begin the drilling, construction or operation of any well until he has filed with the Town Secretary a duly executed bond executed by the applicant as principal and some good and reliable surety company authorized to do business in the State as surety, payable to the Town, conditional that the applicant, his heirs, assigns, and successors will do the following:

(a) Comply with the terms and conditions of the application and of this ordinance in the drilling, construction, operation and maintenance of the well or other structure;

- 2 (b) Restore all streets and sidewalks and other public places which may  
be injured in the operation to their former condition;
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- 6 (c) Remove all litter, machinery, derricks, buildings, trash and waste  
used, accumulated or allowed in such operation within a reasonable time;  
and
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- 10 (d) Promptly upon the abandonment or cessation of production, or  
completion as a dry hole, plug it in the manner required by law.

12 Such bond shall be in the sum of \$25,000.00, and, before the permit shall be issued,  
the bond shall be approved by the Town Attorney and filed with the Town Secretary.  
14 In lieu of bond, a person may deposit cash or other assets in escrow under such  
terms and conditions that will enable the Town to attach the assets for the purposes  
16 of satisfying the above conditions. One bond in the amount of \$25,000.00 shall be  
sufficient for all permitted wells drilled within the corporate limits by a permittee  
18 provided that, should the bond be enforced or payment be demanded from the  
surety, and the permittee have one or more other permits which are in force and  
20 effect, the permittee shall then be required to obtain a new bond in the amount of  
\$25,000.00 to cover the obligations relating to such other well locations.  
22 Notwithstanding anything in this ordinance to the contrary, should a well be  
completed as a producer and the obligations set forth in subsections (1)(a), (b), and  
24 (c) of this section be satisfied, the bond or escrow deposit required hereunder may be  
terminated or released.

26 (2) Each person drilling an oil or gas well shall carry public liability insurance in  
28 the minimum amount of \$250,000.00 for one person, \$500,000.00 for one accident,  
and property damage insurance in the minimum amount of \$1,000,000.00 for one  
30 accident, with a company authorized to do business in the State, which shall be in  
force and effect during the drilling of such well and until the completion thereof as a  
32 producing well or the abandonment and plugging as a dry hole. A Certificate of  
Insurance shall be delivered to and approved by the Town Secretary before any  
34 permit for drilling shall be delivered. A Certificate of Insurance shall be furnished  
annually by the permittee, or the subsequent owner and operator of such well,  
36 showing that such insurance is and continues to be in effect.

38 **Section 11: Annual reports; filing with Town Secretary.**

- 40 (a) Each permittee and each operator shall annually, on or before January 31,  
file the following reports with the Town Secretary:
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- 44 (1) An annual report listing each oil or gas well owned or operated in the  
Town, along with adequate information to describe its status as producing,  
shut-in, plugged, etc. A permittee having no wells of any sort need not file  
46 this report;

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(2) An annual report, with attached map or plat, showing all pipelines owned or operated and their status as operating or not. A permittee having no pipelines need not file this report; and

(3) An annual report giving either all changes in ownership of his wells and pipelines including correct names, legal status and addresses, or a report listing the names, legal status and addresses of all owners.

(b) If there has been no change since the prior annual report, it shall be sufficient to deliver to the Town Secretary a letter stating that fact.

**Section 12: Completion and potential report; filing with railroad commission and Town Secretary.**

Each operator and each permittee shall file with the Town Secretary, within 60 days from the completion of each well, a completion and potential report. So long as the railroad commission requires a similar report, it shall be sufficient to file with the Town Secretary the same form as used by the railroad commission, provided such form is filed within 60 days from completion of the well. If the railroad commission shall cease requiring such a report, the Town Secretary shall prepare and make available a blank report form providing for the same information, which shall be completed and filed by the permittees and operators.

**Section 13: Single report filed on behalf of more than one person.**

A single report form, of any reports required by this ordinance, may be filed on behalf of more than one person in order to satisfy the requirements applicable to all such persons.

**Section 14: Failure to file report.**

(a) Failure of any operator or permittee to file one or more of the above reports shall be a violation punishable under the penal provisions of this ordinance.

(b) Upon the failure of a permittee or operator to file a report as provided for in this ordinance, the Town Secretary or Mayor may further, by written notice, require each owner of any well, including all mineral interests produced or capable of being produced by such well, to file a report reflecting and showing the correct name, legal status and address of the owner and the fractional or percentage ownership of such person. Failure of any person to comply with this requirement within a reasonable time shall be a violation punished as provided in Section 32, the penalty clause of this ordinance.

**Section 15: Attorneys fees.**



2 The issuance of a permit pursuant to the provisions of this ordinance constitutes a  
4 contract between the Town and the permittee that the permittee shall be liable and  
6 shall pay all reasonable and necessary attorneys fees and costs incurred by the Town  
in the enforcement of the provisions of this ordinance.

8 **Section 16: Damage to Town property and streets.**

10 In the event of damage to Town property or streets, or failure to correct damage after  
12 initial permission was granted for some construction or operation, or damage to any  
14 property in violation of this ordinance, or creation of a hazard to public safety and  
16 property in violation of this ordinance, after notice to the permittee, the Town may  
18 correct and repair such damage and remove such hazard, charging for such  
20 correction, repair or removal a reasonable amount for labor and materials, and the  
permittee shall promptly pay such charges. If not paid, the Town may enforce such  
debt in any lawful manner. As further security, the permittee does, by application  
for and acceptance of a permit, unless specially excepted and deleted by the Town  
Council in the terms of the permit, grant to the Town a security interest and lien on  
all of permittee's property within the Town, and which shall be later located within  
the Town, to secure payment of all sums which shall be owed to the Town.

22 **Section 17: Drainage: Culverts.**

24 No private road accessing well sites shall be constructed in such a manner as to  
26 interfere with drainage or cause flooding to public roads or private property.  
Culverts shall be installed where such private roads connect to public streets.

28 **Section 18: Quality and safety.**

30 Each and every well shall be drilled, constructed, operated and maintained in a good  
32 and workmanlike manner with due regard for the safety of persons and property,  
34 prevention of fires, protection of freshwater sands, and maintenance of the  
appearance of residential areas. Each and every well, the materials used in each and  
every well, and all related equipment shall, at a minimum, conform to the  
36 requirements of state and federal law and the requirements of the railroad  
commission of the state.

38 **Section 19: Location.**

40 (a) *Streets or alleys.* It shall be unlawful to drill or construct any well within  
42 any of the streets or alleys of the Town. It shall be unlawful to block, encumber or  
close up any street or alley in the drilling or producing operations, except by special  
temporary permission of the Town Council.

44 (b) *Residential or commercial buildings.* No well shall be drilled, constructed or  
46 operated, nor a permit issued to drill any such well, within 300 feet of any residence

2 or commercial building without first obtaining the written consent of such property  
owner.

4 (c) *Churches, schools, or public buildings.* No well shall be drilled, constructed  
or operated nor a permit issued to drill any such well within 400 feet of any school  
6 building, church or publicly owned building, except with the written consent of the  
governing body of such school, church or public property.

8 (d) *Slanted wells.* This section shall not prohibit a permittee, from a properly  
10 located surface location, from drilling a slanted hole which would thereby locate the  
underground portion of the well beneath a street, school, church, etc. This  
12 subsection does not create any affirmative right or privilege to drill slanted wells; the  
drilling of slanted wells shall be governed by the provisions of state and federal law.

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**Section 20: Inspections and tests.**

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Those in control of the drilling or operation of any oil or gas well in the Town shall  
18 permit the Mayor or his designee to come upon the premises and make inspection  
and tests at all reasonable hours.

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**Section 21: Fencing.**

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After completion, all oil or gas wells shall be enclosed by a good and substantial  
24 fence which is sufficiently high and properly built so as to enclose the oil or gas  
wells. The gate to the enclosure shall be kept locked when the permittee, his  
26 subcontractors, or employees are not on the premises.

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**Section 22: Earthen slush or mud pits prohibited.**

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Drilling mud, water and other liquid or semi-liquid materials used or produced in  
drilling operations shall be stored in steel containers. Earthen slush and mud pits are  
32 prohibited.

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**Section 23: Waste, refuse and trash prohibited.**

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No waste, refuse, trash, waste oil, or wastewater shall be permitted to remain on the  
premises where an oil and/or gas well is being drilled or being produced.

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**Section 24: Flaring and burning of escaping gas.**

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No persons engaged in drilling or operating any well shall permit gas to escape or be  
42 vented into the air unless the gas is flared and burned. All gas flared or burned from  
a torch, pipe, or any other burning device within the Town limits, must be done in  
44 such a manner so as not to constitute a fire hazard to any property at the location of  
the torch, pipe, or other burning device; and the construction, maintenance and

2 operation thereof shall at all times be in full compliance with such regulations as  
3 may, from time to time, be issued by the Town.

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5 **Section 25: Wells to be abandoned and plugged.**

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7 All wells within the Town which are not producing or cease to produce oil or gas on  
8 a regular basis will be plugged and abandoned. Whenever any well is abandoned, it  
9 shall be the obligation of the operator to plug such well in accordance with the laws  
10 of the state and its regulatory agencies and this ordinance. This provision shall not  
11 apply to wells that are being maintained under the provisions of a shut-in clause of  
12 an oil and gas lease.

13 **Section 26: Appeal; procedure.**

14 (a) Any person who may be aggrieved or injured by any ruling, order, or  
15 decision of the Mayor or Town Secretary, or their designees, shall have a right to  
16 appeal to the Town Council from such ruling, order or decision, in the following  
17 manner:

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19 (1) He shall first deliver to the Town Secretary, in writing, a statement of  
20 his complaint, setting out in detail the nature of the action complained of, the  
21 reason for his dissatisfaction with such action, and the action which he  
22 desires to be taken. A copy of the complaint shall be furnished to the Town  
23 Attorney. The Mayor shall have five (5) business days following the  
24 delivery of such statement in which to respond or take appropriate corrective  
25 action.

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27 (2) Thereafter, such person(s) may appeal to the Town Council by  
28 delivering to the Town Secretary a letter of appeal stating that he desires to  
29 appeal to the Town Council, the nature of the action complained of, the  
30 reason(s) for his dissatisfaction with such action, and the action which he  
31 desires to be taken. The Town Council may, at its discretion, consider such  
32 appeal at a regular session or at a special session, subject always to the notice  
33 requirements of the Open Meetings Act.

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35 (3) A person who has exhausted all administrative remedies available  
36 before the Town Council, and who is aggrieved by a final decision under this  
37 ordinance, may thereafter seek review and judicial relief through a Court of  
38 competent jurisdiction of the state.

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40 (b) A person wishing to appeal or protest a ruling, order, or decision of the  
41 Mayor or his representatives under the provisions of this ordinance shall do so in the  
42 manner set out in this section within 60 days after the ruling, order, or decision  
43 complained of, unless the time for such appeal shall be extended by authority of the  
44 governing body of the Town.

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**Section 27: Conflicting legislation.**

If ever in this ordinance restrictions, prohibitions, or provisions conflict with laws of the state or with regulations of the railroad commission of the state, the more restrictive restriction, prohibition, or provision shall apply. In case of inconsistency between this ordinance and any other ordinance of the Town, including but not limited to the Zoning Ordinance, the terms and conditions of this ordinance shall control.

**Section 28: Violation of federal and state laws.**

Any violation of the law of the state or the United States, or any rules, regulations or requirements of any state or federal regulatory body having jurisdiction with reference to drilling, construction, operation or maintenance of oil or gas wells or pipelines shall also be a violation of this ordinance, and shall be punishable in accordance with the provisions hereof.

**Section 29: Penalties.**

It shall be unlawful and an offense for any person to violate or fail to comply with any provision of this ordinance. Any person who shall violate any of the provisions of this ordinance or any of the provisions of a permit issued pursuant to this ordinance or who shall fail to comply with the terms hereof shall, on conviction thereof, be fined in an amount not exceeding Five Hundred Dollars (\$500.00), provided, however, the violation of any provision hereof which governs fire safety, public health and sanitation shall be punished by a fine not exceeding Two Thousand Dollars (\$2,000.00). Each and every day a violation continues shall constitute a separate offense punishable hereunder.

**Section 30: Civil enforcement.**

Upon the violation of any of the provisions of this ordinance, the Town, through its attorney, may bring an action in the name of the Town, against the person(s) engaged in or permitting the violation or reasonably believed about to engage in the violation of this ordinance, to restrain by temporary or permanent injunction such act or practice in violation of the ordinance. The Town may likewise, by civil suit, seek civil penalties of Five Hundred Dollars (\$500.00) per day, plus attorneys fees, and such other civil relief to which it may be entitled at law or by the terms of this ordinance and its contractual provisions.

**Section 31: Severability.**

It is hereby declared to be the intention of the Town 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 unconstitutional or otherwise invalid by the final judgment or decree of any court of



**ORDINANCE NO. 92A**

**AN ORDINANCE AMENDING ORDINANCE #92 OF THE TOWN OF ANNETTA, TEXAS, REGULATING THE DRILLING, CONSTRUCTION, OPERATION, MAINTENANCE AND REWORKING OF OIL AND GAS WELLS; REQUIRING PERMITS; AND PROVIDING PUBLICATION.**

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

Section 1: THAT Ordinance 92 is amended to read as follows:

“Section 6:

(4) Detailed description of what is proposed to be constructed, drilled, or operated by applicant(s), including description of equipment to be used, including a plat which shows the distances to property lines and to residences, structures, commercial buildings, pipelines, and other underground utilities situated within **500** feet of the proposed location of the well; and, for each separate parcel or tract of land, the name and address of the principal landowner;

Section 8:

(a) When the application described in Section 6 is filed with the Town Secretary, the filing fee paid, and evidence of appropriate bond or other security agreement and insurance as required in Section 10 is filed, the Town Secretary shall cause to be placed on a regular or special meeting agenda of the Town Council appropriate notice of the application, and the Town Council may then consider and approve the application at such meeting.

Section 14:

(b) Upon the failure of a permittee or operator to file a report as provided for in this ordinance, the Town Secretary or Mayor may further, by written notice, require each owner of any well, including all mineral interests produced or capable of being produced by such well, to file a report reflecting and showing the correct name, legal status and address of the owner and the fractional or percentage ownership of such person. Failure of any person to comply with this requirement within a reasonable time shall be a violation punished as provided in Section 29, the penalty clause of this ordinance.

Section 18:

(a) *General.* Each and every well shall be drilled, constructed, operated and maintained in a good and workmanlike manner with due regard for the safety of persons and property, prevention of fires, protection of freshwater sands, and maintenance of the appearance of residential areas. Each and every well, the materials

used in each and every well, and all related equipment shall, at a minimum, conform to the requirements of state and federal law and the requirements of the railroad commission of the state.

(b) *Noise Abatement.* Upon completion of a well, measures must be taken to ensure that noise levels from pumps, compressors, and all other equipment installed for production must not exceed a noise level of 35 decibels at a distance of 50 feet from the noise source.

(c) *Ground Contamination.* Barriers required to prevent contamination from run-off, seepage, leaking or spill of contaminants from production, drilling, machinery, vehicles or any other source of contaminants shall be constructed and maintained and all retained contaminants (oil, diesel, lubricants, chemicals, etc.) shall be removed immediately and disposed of in accordance with regulations of the Environmental Protection Administration, the Texas Railroad Commission and any other federal or state law or regulation of a state or federal agency with jurisdiction over such issues.

Section 19:

(b) *Residential or commercial buildings.* No well shall be drilled, constructed or operated, nor a permit issued to drill any such well, within 500 feet of any residence or commercial building without first obtaining written consent of such property owner.

Section 2: **Publication.**

The Town Secretary is hereby authorized and directed to cause the publication of the descriptive caption of this Ordinance as an alternative method of publication as provide by law.

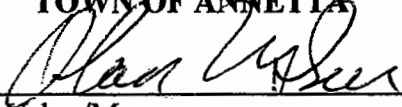
Section 3: **Effective Date.**

This amendment shall be in full force and effect immediately upon passage.

**AND IT IS SO ORDAINED.**

Passed on the 15th day of April, 2004, by a vote of 4 to 1. Council Member Mullens voted against.

TOWN OF ANNETTA

  
\_\_\_\_\_  
Olan Usher/Mayor

ATTEST:

  
\_\_\_\_\_  
Vickie White/City Secretary