

ORDINANCE NO. 2161

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS AMENDING CHAPTER 27, "ZONING" SECTION 27-21(m) PROVIDING THAT SPECIFIC USE PERMIT REQUIRED FOR GAS WELL USES; CHAPTER 12 LICENSE AND BUSINESS REGULATIONS, ARTICLE XI GAS DRILLING AND PRODUCTION BY PROVIDING FOR INTRODUCTORY PROVISIONS; PROVIDING FOR DRILLING AND PRODUCTION LAND USE REQUIREMENTS; PROVIDING FOR DRILLING AND PRODUCTION PERMITTING REQUIREMENTS; PROVIDING FOR INSURANCE, BOND AND INDEMNITY REQUIREMENTS, PROVIDING FOR PRODUCTION ONGOING REQUIREMENTS, PROVIDING FOR EMERGENCY MANAGEMENT, CATASTROPHIC RESPONSE, PROVIDING FOR GENERAL REQUIREMENTS, PROVIDING FOR PIPELINES, PROVIDING FOR APPEALS AND PENALTY, PROVIDING FOR A PENALTY, PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 25, 2006, the City Council of the City of Hurst adopted Ordinance Number 1990 regulating gas drilling within the city limits of the City of Hurst; and

WHEREAS, on January 12, 2010, the City Council of the City of Hurst adopted Ordinance Number 2133 which amended Ordinance No. 1990 regulating gas drilling within the city limits of the City of Hurst; and

WHEREAS, there has been a dramatic increase in gas well drilling in the Tarrant County area, including requests for drilling in the City of Hurst; and

WHEREAS, gas well drilling and gas production may potentially affect the quality of life and of the environment in the City of Hurst;

WHEREAS, state law provides authority for cities to work cooperatively with state government in addressing potential air and water quality issues, including but not limited to the Texas Clean Air Act, as found in the Health and Safety Code, particularly sections 382.111-382.115 and the Texas Water Code sections 26.171-26.173; and

WHEREAS, other environmental issues, including soil and noise issues occur due to gas well drilling and gas production; and

WHEREAS, many other issues may arise from gas well drilling, in addition to air, water, soil or noise, including visual clutter, vibration, fire safety and many other issues;

WHEREAS, it is vital to the health and safety and welfare of the citizens of the City of Hurst that all of these environmental quality and other life, health, safety, welfare, and aesthetic issues be addressed; and

WHEREAS, the City of Hurst held a public hearing to hear from all interested parties on February 8, 2011; and

WHEREAS, the City of Hurst finds it in the best interests of the citizens and all other interested parties that the ordinances regulating gas well drilling, production, maintenance, closings, and all other aspects of gas wells be improved by amending their current ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS THAT:

SECTION 1: All matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the current Chapter 27 “Zoning” is amended by adding Section 27-21(m) to read as follows:

27-21(m) Gas Wells – Specific Use Permit Required
Gas wells shall be allowed in the City of Hurst only when a Specific Use Permit is granted in accordance with the terms set out in Chapter 12, Article XI, or any successor sections.

SECTION 3: That the current Chapter 12, Article XI be amended by replacing the current Chapter 12, Article XI with the following:

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I. INTRODUCTORY PROVISIONS

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Sec. 12-335. Short title.

This chapter shall be known and cited as the Gas Drilling and Production Chapter.

Sec. 12-336. Purpose.

The exploration, development, and production of gas in the City is an activity which necessitates reasonable regulation to ensure that all property owners, mineral and otherwise, have the right to peaceably enjoy their property and its benefits and revenues.

It is hereby declared to be the purpose of this chapter to establish reasonable and uniform limitations, safeguards and regulations for present and future operations on private property 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, safety and general welfare of the public; minimize the potential impact to private property and mineral rights owners, protect the quality of the environment and encourage the orderly production of available mineral resources.

It is intended that any mention of a state or federal governmental agency means the agency or its successor.

To the extent that any provision of this chapter might be inconsistent or in conflict with the specific provisions of any other ordinance of the City, this chapter shall control with regard to the conflict.

Sec. 12-337 Gas Well Permitting Process Summary

Prior to drilling a gas well in the City of Hurst, a specific use permit must be approved by the City Council after a hearing by the Planning and Zoning Commission. The process requires that a site plan be submitted as part of the application for a specific use permit (SUP). The Site plan must show drawings, elevations and details relating to the proposed gas well pad site. The specific use permit is reviewed by the Development Review Committee, presented to the Planning and Zoning Commission for a recommendation and is considered for approval by the City Council. The specific use permit does not authorize construction; it only concerns the required zoning.

After the specific use permit is approved, an application may be made for a gas well permit for any of the following activities: drill site preparation, drilling or re-drilling a well, reworking a well, fracturing a well, refracturing a well, gas operations, workover of a well, or any gas production activities. Additional permits that may be required in certain cases include permits for seismic surveys utilizing the right-of-way, and

abandoned well permit. All such permits are approved or disapproved administratively by City staff.

Annual certifications are required for our wells. As a condition of maintaining an annual certification, inspections will be performed as set out in this chapter during the life of the well. Certifications must be maintained for all active wells.

Sec. 12-338. Definitions

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

Abandonment means "abandonment" as defined by the Texas Railroad Commission and includes the plugging of the well and the restoration of any well site as required by this chapter.

Administrative Permit means a permit for activities as set forth in this ordinance which are approved or disapproved by City staff.

Ambient Air Quality means the condition of the air in the surrounding environment.

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 except for those sources related to oil and gas drilling, exploration, and compression, constituting the normal or existing level of environmental noise at a given location.

Amended Gas Well Permit means an Administrative Permit which has been amended after a request for amendment was filed by the Applicant/Operator and reviewed and approved by City staff.

Amended SUP means a SUP that has been amended in accordance with the requirements of this Ordinance.

American Petroleum Institute (API) means the American Petroleum Institute.

Applicant/Operator means, for each well, the person listed on the appropriate Texas Railroad Commission forms 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 Chapter, 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 Chapter, the owner of the fee mineral estate in the premises shall be deemed an Operator.

Best Acceptable Practices (BAP) means practices that are designed to prevent or reduce impacts to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment.

Blanket Permit means a gas well permit for more than one (1) well, if multiple wells are located on the same tract of land.

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.

Building means any structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind including pools.

Building official means the officer or other designated authority charged with administration and enforcement of this chapter, or the building official's duly authorized representative.

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.

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.

City means the City of Hurst.

City Attorney means the City Attorney for the City of Hurst.

City Code means the Code of Municipal ordinances for the City of Hurst.

City Council means the City Council of the City of Hurst.

City Engineer means the City Engineer of the City of Hurst.

City Landscape Ordinance means the landscape ordinance of the City of Hurst.

City Manager means the City Manager of the City of Hurst or designee.

City Secretary means the City Secretary of the City of Hurst.

City Staff means the staff of the City of Hurst, including full time and part time employees and consultants, advisers or other persons hired on a temporary or long term basis by the City of Hurst.

Closed Loop Drilling Fluid System means a system in which the reserve pit is replaced with a series of storage tanks that separate liquids and solids. Equipment to separate out solids (e.g., screen shakers, hydrocyclones, centrifuges) and collection equipment (e.g., vacuum trucks, shale barges) minimize the amount of drilling waste mud and cuttings that require disposal, and maximize the amount of drilling fluid recycled and reused in the drilling process. The wastes created are typically transferred off-site for disposal at injection wells or oilfield waste disposal facilities.

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.

Church means a facility or area for people to gather together for public worship, religious training, or other religious activities including a temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

Completed Application means an application that meets all of the requirements of section 12-352 (or its successor section); however, an application may still be considered to be complete when distance requirements have not been met if the Applicant is requesting a waiver to the distance requirements.

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

Completion of Well means the date that gas is delivered to the sales line.

Compression Facility means a facility that takes gases and compresses them, usually for transportation purposes.

Daylight Hours means the hours of daylight. There shall be a presumption that it is daylight between the hours of 7:00 a.m. and 8:00 p.m. from April 1 to September 30 and between the hours of 7:00 a.m. to 6:00 p.m. from October 1 to March 30.

Decibel (db) means a unit of measurement of noise intensity. The measurements are based on the energy of the sound waves, and the units are logarithmic.

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

Development Review Committee or DRC means a committee of staff persons assigned by the City Manager or designee to review gas well SUP applications and other matters who can represent the various interests and concerns of the City of Hurst.

Director of Planning and Development means the Director of Planning and Development for the City of Hurst, or the Director's designated representative.

Director of Public Works means the Director of Public Works for the City of Hurst, or the Director's designated representative.

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

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

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

EPA means the Environmental Protection Agency or successor.

Erosion Control and Grading Plan means a plan using grading of soil or other techniques to minimize soil erosion

Excavation means any movement or alternation of the surface of the ground by machinery in conjunction with or anticipation of drilling activities or construction of a pipeline, including but not limited to scraping or grading a site.

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

FEMA means the Federal Emergency Management Agency.

Fire Chief means the Fire Chief of the City of Hurst.

Fire Code means the current edition of the International Fire Code, as adopted by the City.

Fire Department means the fire department of the City of Hurst.

Filling means any addition of rock, dirt, soil, or other earthen material in conjunction with or anticipation of drilling activities or construction of a pipeline, including but not limited to, disposal of excavated materials.

Floodplain means any land area susceptible to a general and temporary condition of partial or complete base flood inundation of normally dry land areas from overflow of inland waters or from the unusual and rapid accumulation or runoff of surface waters from any source as depicted on current FEMA flood maps.

Floodplain Development Permit means a permit from a federal agency which allows development in the floodplain.

Floodway means the area in which a channel of water will travel in certain flooding conditions, as set out in federal regulations.

Frac or Fracturing means the process of fracture stimulation of a rock formation, including but not limited to the process of pumping sand laden fluids down well site to stimulate a rock formation.

Gas means (1) the gaseous components or vapors occurring in or derived from petroleum or natural gas or (2) 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.

Gas Operation means the process of exploring for or producing gas, or both, or the storage of natural hydrocarbons or liquefied petroleum gas, including but not limited to the following activities in connection with exploring or producing gas:

- a. producing or pumping;
- b. processing;
- c. gathering;
- d. compressing;
- e. treating;
- f. transporting;
- g. conditioning;
- h. removing or disposing of produced water or brine;
- i. separating;
- j. storing;
- k. injecting;
- l. testing;
- m. reporting
- n. maintaining or using surface facilities; or
- o. secondary recovery.

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

Gas Well Permit means a permit for the exploration, development and production of gas wells pursuant to the rules and regulations of this Chapter.

Habitable Structures means structures suitable for human habitation or occupation, including but not limited to single or multifamily residences, hotels, condominium buildings, public buildings, buildings for commercial or industrial purposes and enclosed spaces in which individuals congregate or education, worship, amusement, or similar purposes, or in which occupants are engaged at labor, which is equipped with means of egress, light and ventilation facilities. Each building or a condominium regime is considered a separate habitable structure, but if a building is divided into apartments, then the entire building, not the individual apartments, is considered a single habitable structure. A habitable structure shall not include accessory buildings, garages and sheds. Any structure for which a certificate of occupancy is required shall be deemed to be a habitable structure.

Hazardous Liquid means any liquid identified as hazardous by any federal or state law or regulation, including but not limited to those liquids defined by state or federal law, including the Texas Railroad Commission at 16 Texas Administrative Code, Section 7.80, Definitions, as amended, specifically including but not limited to, petroleum or any petroleum product, and any substance or materials which is in a liquid state when transported by pipeline facilities and which has been determined by the U. S. Secretary of Transportation to pose an unreasonable risk of life or property when transported by pipeline facilities. The term shall be enlarged to include any liquefied natural gas and anhydrous ammonia should such materials at any time be introduced into any pipeline subject to this chapter. It shall also include carbon dioxide.

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

Hospital means a facility or area for providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Idled Pipeline means a pipeline not currently being used.

Inactive Pipeline means a pipeline not currently being used and for which there are no future plans to restore to use.

Inspection Services Provider(s) means the City Manager's designee to provide gas well inspection services.

Inspector means a person designated by the City Manager to inspect gas well sites.

Lift Compressor means a method of raising certain minerals to the surface by using the energy of compressed natural gas or air injected into the well by a compressor.

Material Safety Data Sheets or *MSDS* means a form with data regarding the properties of a particular substance.

National Fire Protection Association or *NFPA* means the organization which creates and maintains minimum standards and requirements for fire prevention and suppression activities, training, and equipment, as well as other life-safety codes and standards.

New Pipelines means pipelines constructed after the effective date of this Chapter, provided that the following shall not be included; (a) the replacement or repair of any existing pipeline; (b) the realignment of a portion of an existing pipeline to a position that is not greater than 50 feet from its original position; or (c) surface appurtenances added to existing pipelines.

New Well means wells constructed after the effective date of this Chapter.

Nighttime Hours means the hours of darkness. It shall be presumed to be the period commencing at 8:01 p.m. and ending at 6:59 a.m. from April 1 to September 30 and from 6:01 p.m. to 6:59 a.m. are hours of darkness from October 1 to March 30.

Non-Radioactive Tagging Additives means a chemical marker that can be added to fracturing liquids to identify flow materials from fracturing or other well operations.

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

Operator means, for each well, the person listed on the appropriate Texas Railroad Commission forms 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 chapter, 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 chapter, the owner of the fee mineral estate in the premises shall be deemed an Operator.

Pad Site means the area around a well that serves as a foundation for the drilling rig.

Permit means any written license granted by the City for the exploration, development, and production of gas wells issued pursuant to the rules and regulations of this Chapter.

Parcel means a tract of land which is defined by a legal description which is filed of record, and which may be subdivided.

Permit Holder means any person, corporation or other legal entity that has successfully completed the application process and has acquired a permit to conduct gas operations.

Person means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Persons means every person, firm, co-partnership, association, partnership, corporation or society; and shall include both singular and plural and the masculine shall include the feminine gender.

Pipeline means all parts of those physical facilities through which gas, hazardous liquids or chemicals move in transportation, including but not 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.

Pipeline Route or *Corridor* means the physical path of the pipeline, whether in right-of-way or not.

Pipeline or *Well Emergency* means a pipeline or well incident in which any of the following has occurred or is occurring:

(1) Fire or explosion not intentionally initiated by the Operator as part of its normal and customary operations (in accordance with accepted safety practices.)

(2) Release of a gas, hazardous liquid or chemical that could adversely impact the environment or health of individuals, livestock domestic animals and/or wildlife within the City.

(3) Death of a person or individual directly attributable to the operations of the pipeline or well.

(4) Bodily harm to any person that result in any of the following: loss of consciousness, the need to assist a person from the scene of the incident, or the necessity of medical treatment in excess of first aid.

(5) Damage to private property now owned by the well Operator or the pipeline Operator, as the case may be, in excess of \$5,000.00 in combined values, as determined by the administrator.

(6) The rerouting of traffic or the evacuation of buildings.

(7) Any other event requiring emergency response personnel.

Pipeline Operator means any person owning, operating or responsible for operating a pipeline.

Planning and Development Department means the Planning and Development Department of the City of Hurst.

Planning and Zoning Commission means the Planning and Zoning Commission of the City of Hurst.

Potable means fit or suitable for drinking, as in “potable water.”

Production means the period between completion and abandonment of a well and the activities performed during such period.

Protected Use means a residence, religious institution, hospital building, school or public park.

Public Building means all buildings with occupancies of twenty (20) or more persons and more than seven hundred fifty (750) square feet used or designed or 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 with or without spectator seating, indoor swimming pools and tennis courts with or without spectator seating, lecture halls, libraries, museums, waiting area in transportation terminals, pool and billiard parlors, arenas with spectator seating, skating rinks with or without spectator seating, swimming pools with or without spectator seating, tennis courts with or without spectator seating, amusement park structures, bleachers, grandstands and stadiums used for viewing outdoor activities, government buildings, and buildings with similar uses.

Potable Water Well means any well appropriately registered with and regulated by the Texas Commission on Environmental Quality or the Texas Water Development Board and the Northern Trinity Groundwater Conservation District as required by state law.

Public parks or playgrounds mean a facility or area for recreational, cultural or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses.

Public or private school means an educational institution, attendance at which satisfies the compulsory education laws of the State of Texas. A facility or area for pre-kindergartens, kindergartens, elementary or secondary education supported by a public, church or parish organization. This definition may include after public or private school and summer programs which coincide with the age brackets for public and private public or private schools.

Railroad Commission means the Texas Railroad Commission or successor agency or appointee.

Reduced Emission Completion (Green Completion) means techniques or methods that minimize the release of natural gas and vapors into the environment when a well is being flowed during the completion or re-completion phase of a Barnett Shale well.

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.

Residence means a house, duplex, apartment, townhouse, condominium, mobile home or other building designed for dwelling purposes, including those for which a building

permit has been issued on the date the application for a gas well permit is filed with the City.

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

Right-of-way means any area of land within the City that is acquired by, dedicated to, or claimed by the City in fee simple, by easement, by prescriptive right or other interest and that is expressly or impliedly [implicitly] accepted or used in fact or by operation of law as a public roadway, sidewalk, alley, utility, drainage, or public access easement or used for the provision of governmental services or functions. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved.

Risk Manager means a person designated by the City Manager to determine insurance requirements and needs, review insurance or other financial information, to determine the risk or liability of certain operations or to do other similar functions.

Road Repair Agreement means an agreement between the Operator/Applicant and the City of Hurst regarding road repair operations required due to gas well operations and transportation of materials.

Salt Water Disposal well means a well designed used for the purpose of injecting produced water back into the ground.

Seismic Survey means an exploration method in which low frequency sound waves are generated on the surface to find subsurface rock structures that may contain hydrocarbons.

Specific Use Permit or “*SUP*” means a permit authorized by City Council after public hearings, with conditions allowing an approved use on a site outside the normal zoning district and granting the privilege (with conditions specified) of conducting activity on land not specifically zoned for that purpose.

Storm Water Pollution Prevention Plan means a document that addresses water pollution control.

Street means any public thoroughfare dedicated to the public use and not designated as an alley or private access easement.

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.

Tank Battery means the point of collection (tanks) and disbursement (tank), meter, lease automated custody transfer (LCCT) unit of gas from producing wells.

Technical Advisor means such person(s) familiar with and educated in the gas industry or the law as it relates to gas matters who may be retained from time to time by the City.

TCEQ means the Texas Commission on Environmental Quality or successor agency.

Tracers means non-radioactive tagging additives added to fracturing fluids.

Transmission Pipeline means pipelines designed to transmit gas over long distances.

TRC means the Texas Railroad Commission or successor agency.

Unified Development Code means the City of Hurst Code of Ordinances concerning development, including, but not limited to the Zoning Code and the Subdivision Code.

Watchman means security personnel charged with guarding a gas well site.

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.

Well Development Site means the site upon which drilling, fracturing, completion and other activities associated with the development of a gas well are conducted. The area of the well development site includes the area within an operation site.

Work Hours means the period between 7:00 a.m. and 8:00 p.m.

Workover Operation means work performed on a well after its completion in an effort to secure production where there has been none, restore production that has ceased or increase production.

12-338 through 12-350

RESERVED

II. DRILLING AND PRODUCTION – LAND USE REQUIREMENTS

Sec. 12-351. Gas Well Specific Use Permit Required.

(a) A gas well Specific Use Permit issued under the process set out in this Chapter shall be required for any proposed well to be located within the City on public or private property.

(b) No gas well shall be installed or constructed except with approval of a Specific Use Permit with conditions established at public hearings by the Planning and Zoning Commission and the City Council.

(c) A person wanting to engage in and operate gas production activities on private property shall apply for and obtain a gas well Specific Use Permit under this chapter. 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, reworking, fracturing or operation of any such well or to conduct any activity related to the production of gas without first obtaining a gas well specific use permit.

Sec. 12-352 Issuance of Gas Well Specific Use Permit – Application and Fees

(a) *In writing; Applicant / Operator Authorized to Act.* Every application for a gas well Specific Use Permit issued pursuant to this chapter shall be in writing signed by the Operator, or some person duly authorized to sign on his behalf, and filed with the planning and development department.

(b) *Fee.* Every application shall be accompanied by a non-refundable permit fee of \$10,000 per well as approved by this article. The applicant/Operator, in addition to the usual application fee, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information supplement.

(c) *Application Information.* The application shall include the following information:

(1) A copy of the approved Texas Railroad Commission and other applicable agencies permit to drill, if available, together with attachments and survey plats which are applicable to the drill and operation sites. If the Applicant is applying for the SUP prior to receiving the approved permits, the Applicant/Operator will furnished the approved permits from state agencies once those permits are available.

(2) The date of the application.

(3) 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 Texas Railroad Commission. The property shall be platted and the property shall be recorded by plat and reference subdivision, block and lot numbers.

(4) Map showing proposed transportation route and road for equipment, chemicals or waste products used or produced by the gas operation.

(5) Proposed well name.

(6) Surface owner name(s), telephone numbers, and mailing address(es), and address of the lease property and e-mail address if available.

(7) Mineral lessee name telephone numbers, and mailing address(es), and address of the lease property and e-mail address if available.

(8) Applicant/Operator name telephone numbers, and mailing address(es), and address of the lease property and e-mail address if available and if the Operator is a corporation, the state of incorporation, address, officers' names and addresses, registered agent and address and divisions of incorporation; and if the Operator is a partnership, the names and addresses of the general and limited partners. Copies of any assumed name filings.

(9) Name, address, telephone numbers, fax number, and e-mail address, if available, of individual designated to receive notice.

(10) Name of representative with supervisory authority over all gas operation site activities and a 24-hour phone number.

(11) Owner and address of each parcel of property within one thousand (1,000) feet of the proposed drill site.

(12) A detailed site plan that includes the proposed operation site showing the location and providing a description of all improvements and structures within six hundred (600) feet of the well, including the location of the proposed well(s) and other facilities and equipment, including, but not limited to, tanks, pipelines, compressors, separators tank batteries, well facilities, equipment and storage sheds and that all such equipment meets the set back requirements of this Chapter. The site plan shall also show the location and description of all signs required by this Chapter.

(13) A detailed site plan that includes specific details to the projected location of the major components of the drilling site, impacted vegetation, creeks and other topographic features, adjacent building and other structures and the measured distance from the well site to these buildings and structures, temporary and permanent fencing and landscaping.

(14) The name, address and 24-hour phone number of the person to be notified in case of an emergency.

(15) The exact and correct acreage and number of wells included in the gas well permit application.

(16) A signed road repair contract supplied by the City that provides that the Operator shall repair, at his own expense, any damage to roads, streets, or highways caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production, and operation of gas wells.

(17) A description of public utilities required during drilling and operation.

(18) A description of the water source to be used during drilling.

(19) 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 engineer, three (3) days prior to the commencement of any onsite activity.

(20) A copy of the determination by the Texas Commission on Environmental Quality (TCEQ) of the depth of useable quality ground water.

(21) An Emergency Action 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 Texas Railroad Commission, Texas Commission on Environmental Quality, Department of Transportation, and/or the

Environmental Protection Agency. The Plan should include drive-to-maps from public rights-of-way to the drill site.

(22) A Hazardous Materials Management Plan shall be submitted and be on file with the City Fire Department and the City.

(23) A copy of the pre-drilling ambient noise level report.

(24) A copy of the pre-drilling soil report

(25) An erosion control plan that identifies and indicates the proposed methods of erosion control and complies with all local, State and Federal requirements.

(26) A restoration plan prepared by a team of restoration professionals, to include but not limited to, a professional engineer, hydrologist, and biologist; and submitted to the City for approval.

(27) The insurance and security requirement documents under this chapter, and an agreement to indemnify the City, as set out in this Chapter.

(28) A notarized statement signed by the Operator, or designated representative, that the information submitted with the application is, within the personal knowledge of the Operator or designated representative, true and correct.

(29) 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 route.

(30) 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. No gas well permit shall be issued without an approved erosion control and grading plan as required by the City to prevent any site migration of silt, sediment, or dirt.

(31) Upon request, records of any past or current violations of federal, state or local law at other well locations.

(32) An emissions control plan upon request.

(33) A description of how water used during the operations will be stored, removed and disposed.

(34) A description of the security and monitoring system that demonstrates that Applicant will meet the requirements of this Chapter.

(35) All required application and gas well permit fees.

(36) A permit will expire 180 days after issuance if no work on the site has commenced, unless an extension has been approved.

(37) The Applicant will show how the well setback requirements of this Chapter are to be met.

(38) The applicant will show how the gate and fencing requirements of this Chapter will be met.

(39) Applicant will show how the landscaping requirements will be met. The City shall make recommendations regarding the specific landscaping requirements as deemed appropriate to the drill site location. It shall be the responsibility of the Operator to maintain the landscaping in accordance with the City landscaping ordinance.

(40) Applicant will show vehicle routes for gas well permit and will provide all required road remediation agreements.

(41) Applicant will note work hours for site on application. Work hours will be in accordance with the requirements of this Chapter.

(42) Applicant will show the techniques to be used to meet the requirements of the City of Hurst noise ordinances.

(43) Applicant will meet all tank specifications required and will show the methods by which such requirements are to be met on the SUP application.

(44) Applicant will demonstrate its ability to meet all federal and state air quality standards on an ongoing basis. Applicant will provide a “pre-drilling” air analysis at the time the application is submitted. Applicant will provide additional air analysis as required by this Chapter

(45) Applicant will demonstrate its ability to meet all federal and state water quality standards on an ongoing basis. Applicant will provide a “pre-drilling” water analysis at the time the application is submitted. Applicant will provide additional water analysis as required by this Chapter

(46) A description or explanation concerning how the applicant will meet the requirements of this Chapter, if requested.

(d) In addition to other requirements, the application shall state that the applicant agrees to be bound by the indemnification provision of this chapter.

Sec. 12-353 Gas Well Specific Use Permit – Permitting Procedure

(a) It is the responsibility of the Development Director, after meetings with the Development Review Committee (DRC), to review and recommend approval or denial of all applications for gas well Specific Use Permits based on the criteria established by this chapter. The City, within sixty (60) days after the filing of a completed application and remittance of all fees, insurance and security per the requirements of this chapter for a gas well Specific Use Permit, shall determine whether or not the application complies in all respects with the provisions of this chapter and shall 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 Specific Use Permit, unless a waiver to the distance requirement is sought by Applicant.

(b) The Development Review Committee shall have the authority to allow or not allow an application to proceed with equivalent alternatives to the technical standards of this Chapter related to public safety and welfare, such as new technology, if the Operator has demonstrated to the City’s satisfaction that the alternatives provide equal or greater protection of the environment and the public. To determine the acceptability of equivalent technologies, processes, products, facilities, materials and uses as they pertain to gas matters, the City is authorized to require the Operator to provide without charge to the City, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the City. The opinion and report shall analyze the properties of the technology, process, product, facility, material or use and provide a recommendation as to its applicability in the Operator’s particular set of circumstances. The City is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional. If the proposed alternative is untested or cannot be shown to be safe or equivalent or better to the requirements of this ordinance, the DRC may reject the proposed alternative and require the applicant to meet the terms of this Ordinance.

(c) A request for a Specific Use Permit for a gas well shall be processed in accordance with the same review and hearing procedures as a proposal for a zoning district change except as follows. After the Development Director's determination that the application complies with all requirements, the director shall coordinate placing the matter on the Planning and Zoning Commission's agenda for a public hearing and consideration of a Specific Use Permit. Prior to the date of the public hearing before the Planning and Zoning Commission for a gas well permit, the City shall notify, at applicant's expense, at least ten (10) days before the hearing, each surface owner of property, as shown by the current tax roll, within 1,000 feet of the proposed well, by giving notice by mail of the time, place, and purpose of the hearing. The Planning and Zoning Commission shall conduct the public hearing and issue a recommendation to City Council regarding the applications.

(d) Prior to the date of the public hearing before the City Council, the City shall notify, at Operator's expense, not less than ten (10) days before the hearing, each surface owner of property, as shown by the current tax roll, within one thousand (1,000) feet of the proposed well, not owned by or under lease to the Operator and the hearing date and time. Depositing the same, in the United States mail, properly addressed and postage paid, as outlined below, shall constitute such notice.

(e) In accordance with state law requirements as set forth in section 211.006(a) of the Local Government Code, the City shall publish a copy of the notice as outlined below, at Operator's expense, in one (1) issue of a daily newspaper of the City before the 15th day of the date of the hearing.

The notice shall read as follows:

"Notice is hereby given that, acting under and pursuant to the ordinances of the City of Hurst, Texas, on the _____ day of _____, 20_____, filed with the City of Hurst, an application for a gas well permit to drill, complete and operate a well for gas upon property located at Hurst, Tarrant County, Texas, more particularly shown on the map of record in volume _____ page _____, plat records of Tarrant County, Texas or per tax tract number _____, Tarrant County, Texas. The City Council will conduct a public hearing on the request for said permit on the _____ day of _____ 20 at _____ o'clock p.m. at _____, Hurst, Texas.

(f) At least ten (10) days prior to the date of the public hearing before City Council for a gas well Specific Use Permit the Operator shall, at Operator's expense, erect at least one (1) City-provided sign, no less than two (2) feet by three (3) feet, upon the premises upon which a gas well permit has been requested. Where possible, the sign or signs shall be located in a conspicuous place or places upon the property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property.

(1) The sign(s) shall substantially indicate that a gas well permit to drill for gas has been requested and state the time and place of the public hearing, and shall further set forth that additional information can be acquired by telephoning the applicant/Operator at the number indicated on the sign.

(2) 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 chapter.

(3) Any sign(s) shall be removed within seven (7) days after final action by the City Council.

(g) All notice provisions contained herein shall be deemed sufficient upon substantial compliance with this section.

(h) After a Specific Use Permit application is submitted, the City shall evaluate the public impact of the proposed activity. The City 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 safety equipment and procedures, recommended noise reduction levels, screening and any other requirements the City deems appropriate. The recommendation shall be submitted to the City Council for consideration prior to the public hearing.

(i) At the public hearing and before the City Council considers the merits of the application and the recommendations of the Planning and Zoning Commission, the Applicant/Operator shall provide evidence of having otherwise complied with or satisfied all other requirements of this chapter, including full and complete compliance with the insurance and security requirements.

(j) The burden of proof on all matters considered in the hearing shall be upon the applicant/Operator.

(k) 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 gas well permit:

(1) Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the area considering the particular location and the character of the improvements located there;

(2) Whether the drilling of such wells would conflict with the orderly growth and development of the City;

(3) Whether there are other alternative well site locations;

(4) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the gas well permit conditions to be imposed;

(5) Whether there is adequate access for emergency personnel and equipment;

(6) 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:

(A) The right of the owner(s) of the mineral estate to explore, develop, and produce the minerals; and

(B) The availability of alternative drill sites.

(7) The recommendations of the Planning and Zoning Commission, DRC and other City staff.

(l) The City Council may require an increase in the distance the well is set back from any residence, church, public building, hospital, public or private school, or

public park, playground, or require any change in operation, plan, design, layout or any change in the on-site and technical regulations in this Chapter, including fencing, screening, lighting, delivery times, noise levels, tank height, or any other matters reasonably required by public interest.

Sec. 12-354 Gas Well Permit Specific Use Permit - Inadequate or Incomplete Application; Failure to Meet Requirements

(a) If the City staff finds that an application for a gas well Specific Use Permit application is incomplete or lacks information or clarity or does not meet the requirements of this Chapter, for reasons other than lack of required distance as set out in this chapter for the requested gas well permit, the City shall notify the Operator in writing of the problems with the application. Notification of an incomplete or unsatisfactory application stops the time period for review. The sixty (60) day period for review does not begin until the application is complete. An application shall not be considered filed until it is complete and adequate. Within ninety (90) days of the date of the written notification from the City concerning the gas well Specific Use Permit, the Operator/Applicant may:

(1) Complete and resubmit the application to the City for review and recommendation and further processing in accordance with the procedures in this Ordinance; or

(2) File an appeal to the City Council under the provisions outlined in this Chapter.

(c) The application fee shall be retained by the City, even if the applicant does not comply with this section.

(d) If an application for a gas well permit is deemed to be incomplete or unsatisfactory by the City, nothing herein contained shall prevent a new permit application from being submitted to the City for the same well.

Sec. 12-355 Gas Well Specific Use Permit - Issuance

(a) The final decision as to the issuance of a gas well Specific Use Permit rests with the Hurst City Council.

(b) In making its decision, the City Council shall have the power and authority to refuse any gas well Specific Use Permit to drill any well at any particular location within the City, when by reason of such particular location and other characteristics, the drilling of such wells at such particular location would be injurious to the health, safety or welfare of the inhabitants in the immediate area of the City.

(c) The City Council may accept, reject or modify the application in the interest of securing compliance with this chapter, the City Code and/or to protect the health, safety and welfare of the community.

(d) If the Operator elects not to accept the gas well Specific Use Permit under the terms and conditions imposed by the City Council and wishes to withdraw his application, the Operator must notify the planning and development department in writing of his decision.

Sec. 12-356 Gas Well Specific Use Permit – Amendment

In order to amend a gas well specific use permit, the Applicant/Operator shall file a new application for a Specific Use Permit and follow the requirements for new applications. Specific Use Permits shall only be amended by the City Council, with recommendations from the Planning and Zoning Commission, under the same process as required for an original application.

Sec. 12-357 Gas Well Specific Use Permit – Noncompliance

(a) If an Operator (or its officers, employees, agents, contractors, or representatives) fails to comply with any requirement of a gas well SUP (including any requirement incorporated by reference as part of the gas well SUP), the City 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, safety, and welfare of the community. The City may allow a cure period of 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 chapter or the Operator has failed to maintain the required insurance, letter of credit, bond, or any other required financial instrument required.

(b) If the Operator fails to correct the noncompliance within the time frame given for correction in the date of the notice, the City may take all necessary actions to bring the Operator into compliance, including issuing citations, pursuing injunctive remedies or the City suspend or revoke any gas well administrative permits issued pursuant to the provisions of this chapter.

(c) No person shall carry on any operations under the terms of the gas well SUP issued under this chapter during any period of noncompliance pending a review of the decision or order of the City in suspending or revoking any gas well administrative permits or other police power or judicial remedies. 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 Texas Railroad Commission.

(d) If the Operator does not cure the noncompliance within the time specified in this chapter, the City, upon written notice to the Operator, may notify the appropriate state or federal agencies and request that those agencies take any appropriate action.

(e) Operator may, within thirty (30) days of the date of the decision of the City in writing to suspend or revoke a gas well administrative permit, file an appeal to the City Council under the provisions outlined in this Chapter.

12-358 THROUGH 12-375 RESERVED

III. DRILLING AND PRODUCTION – REQUIREMENTS – PERMITS; LICENSE; ANNUAL CERTIFICATIONS; INSPECTIONS

Sec. 12-376 Administrative Permit - Required for Gas Well Activities

(a) Activities Requiring a Permit. A person wishing to engage in one or more of the following activities shall apply for and obtain a gas well permit from the City.

- (1) Drill site preparation;
- (2) Drilling or re-drilling a well;
- (3) Reworking a well;
- (4) Fracturing a well;
- (5) Refracturing a well;
- (6) Gas operations;
- (7) Workover of a well;
- (8) Flaring for up to 144 hours with a flare screening device; or
- (9) Any gas production activities.

(b) *New or amended permit.* 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.

(c) The gas well permits required by this chapter are in addition to, and are not in lieu of, any permit which may be required by the Unified Development Code or any other provision of this Code or by any other governmental agency.

(d) Unless an exception is granted at the time an applicant applies for a SUP, no explosive charges shall be used.

(e) *Requirements for fracture stimulation operations.* The Operator conducting the fracture stimulation shall provide notice to the City not less than three (3) business days prior to the commencement of any fracture stimulation operations on any site. The Operator shall provide notification to all residences within 1000 feet of the well site of the upcoming fracture operations by mail, door hangers or other acceptable notification procedure not less than three (3) business days prior to the commencement of any fracture stimulation operations on any site. Notice to the City of fracture stimulation operations will not be considered notice that drilling or other gas operations or activities will occur. The following requirements shall apply to all fracture stimulation operations performed on a well within six hundred (600) feet of an occupied residence:

- (1) At least three business days before operations are commenced, the Operator shall post a sign at the entrance of the well site advising the public of the date the operations will commence;
 - (2) Flowback operations to recover fluids used during fracture stimulation shall be performed during daylight hours only unless the City approves such operations during non-daylight hours;
 - (3) A watchman shall be required at all times during such operations; and
 - (4) At no time shall the well be allowed to flow or vent directly to the atmosphere without first directing the flow through separation equipment or into a portable tank.
- (5) Tracers

(A) An Operator shall incorporate non-radioactive tagging additives into fracturing fluids.

(B) An Operator shall provide the City with a written formula identifying the non-radioactive tagging additive.

(C) An Operator shall allow the City to take an on-site sample of the fracture fluid which may be kept on file at the City.

(f) Floodway. No gas well permit shall be issued for any well to be drilled within any floodway.

Sec. 12-377 Administrative Permit – Application; Information Required; Affirmation and Compliance with Requirements

In order to receive a required Administrative Permit, an Applicant/Operator must show the following:

(a) Every application for a gas well permit issued pursuant to this chapter shall be in writing signed by the Operator, or some person duly authorized to sign on his behalf, and filed with the planning and development department. In addition to other requirements, the application shall state that the applicant agrees to be bound by the indemnification provision of this chapter.

(b) Every application shall be accompanied by a non-refundable permit fee as approved by the City Council as part of the fee ordinance. The Applicant/Operator, in addition to the usual application fee, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information supplement.

(c) The application shall include the following information:

(1) The date of the application.

(2) That the Applicant/Operator has received a Specific Use Permit for the site.

(3) That the Applicant/Operator is in compliance with all conditions and requirements of the SUP.

(4) That the Applicant/Operator has all required insurance policies, letters of credit, bonds or other security instruments and that such instruments are in full force and effect, up to date and meet all the requirements of this Chapter. Applicant/Operator will produce all requested documents evidencing such insurance, bonds, letters of credit or other security instruments.

(5) That the Applicant/Operator has fully paid all required permit fees.

(6) That the Applicant/Operator has provided information in regard to notification for Operators.

(7) That the Applicant/Operator has up dated any information in regard to ownership of the surface or mineral property rights or other ownership information, including information concerning Applicant/Operator.

(8) Name, address, telephone numbers, fax number, and e-mail address if available of individual designated to receive notice.

(9) Name of representative with supervisory authority over all gas operation site activities and a 24-hour phone number.

Sec. 12-378 Administrative Permit – Fees

Each permit shall be accompanied by a non-refundable fee as set out in the Fee Schedule approved by the City Manager.

Sec. 12-379 Notification Required – Gas Well Activity - Requirements for notification of drilling related activities.

(a) Any person who intends to rework 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 City no less than three (3) days before the activities begin. All required notifications for residents (as set out in 12-376) shall be followed.

(b) The notice must identify where the activities will be conducted and must describe the activities in detail, 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.

(c) If requested by the City, 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.

(d) If the City determines that an inspection is necessary, the Operator will pay the City for the inspection.

Sec. 12-380 Requirements – Seismic Surveys on Private Property

(a) *Seismic Surveys.* A permit shall not be required for seismic surveys on private property, which are done with the permission of the property owner. The Operator conducting the seismic survey, however, shall provide notice to the Inspector no less than seventy-two hours prior to the commencement of any seismic survey activities on site. Notice to the Inspector of a seismic survey only provides the City with fair notice that a seismic survey will be performed, and shall not constitute fair notice that drilling, or other gas operations or activities will occur. Under no circumstances may explosive charges, including, but not limited to, the use of dynamite, be used in any way related to the preparation and/or operation of conducting a seismic survey. All such tests are to be safe and environmentally friendly.

(b) The Operator conducting the seismic survey shall provide the following information:

1. Operator/applicant name, phone number, address, and, if possible, e-mail address; 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 shall be provided.
2. Location(s) of seismic survey.
3. Date(s) and time(s) the seismic survey will be conducted.
4. Detailed explanation of the seismic survey method to be used on site.
5. Date(s) and time(s) the seismic survey will be completed.
6. Verification that all property owners in the area(s) to be affected by the seismic survey have received appropriate notification of the survey, including dates and times of the survey.

Sec. 12-381 Seismic Surveys in the Right-of-Way – License Required

(a) An administrative permit shall be required for seismic surveys conducted in the right-of-way or any City-owned land. A permit for use of the right-of-way may be issued by the City Manager or designee so long as the following criteria are met:

(1) Term is limited to one month, with one renewal for an additional month;

(2) The license cannot be assigned to a third party;

(3) The person receiving the permit must abide by all City ordinances and regulations, as well as all state and federal regulations, including, but not limited to all traffic laws;

(4) All such tests are to be safe and environmentally friendly and are not to damage property.

(5) Under no circumstances may explosive charges, including, but not limited to the use of dynamite, be used in any way related to the preparation or operation of conducting a seismic survey.

(6) All equipment shall be removed from the right-of-way within fifteen (15) days after testing;

(7) An application fee of \$2500.00 shall accompany the application and the permit holder shall pay \$500.00 per linear mile, with a minimum payment of \$1000.00.

(8) Permit holder shall have insurance in the amounts required by the City, with a minimum of \$100,000.00 of general liability, naming the City as an additional named insured and all automobile insurance of at least the state required minimums.

(9) Permit holder shall agree to indemnify the City for all seismic testing activities in writing at the time of filing an application for a permit. The language used to indemnify the City shall be the language provided for in this Chapter.

(10) All work must be pre-approved by the Public Works Director.

(11) Permit holder shall be responsible for any additional costs incurred, including but not limited to costs for traffic direction, such as additional police officers or traffic control devices.

(12) Permit holder shall comply with all additional requirements of their permit.

(b) A Permit term shall not be longer than thirty calendar days. The City Manager or designee may issue one extension.

Sec. 12-382 Closed or Abandoned Wells – Permit Required

Gas well permit shall not constitute authority for the reentering and drilling of an abandoned well. An Operator shall obtain a new gas well permit in accordance with the provisions of this chapter if the Operator is reentering and drilling an abandoned well.

Sec. 12-383 Blanket Permit

The Operator may apply for and obtain a "blanket" gas well permit for more than one (1) well, if multiple wells are located on the same tract of land; however, the permit fee shall apply on a per-well basis.

Sec. 12-384 Termination and Extension of Permits.

(a) A gas well permit shall automatically terminate, unless extended, if drilling is not commenced within one hundred eighty (180) days from the date of the issuance of the gas well permit. Drilling must commence within one hundred eighty (180) days from the date of the issuance of the gas well permit on at least one (1) well under a "blanket permit," as described in subsection (c) above in order to maintain the validity of the gas well permit for the multiple wells.

(b) A gas well permit may be extended by the inspector for an additional one hundred eighty (180) days upon request by the Operator and proof that the classification of the requested gas well permit for such location has not changed.

Sec. 12-385 Annual Certifications and Inspections; 180 Day Expiration; Extension

Upon approval of an SUP issued by the City, and after other required permits are issued, the Operator shall be required to maintain an annual certification of the facility as required by this Chapter.

Sec. 12-386 Administrative Permit – Amendment or Transfer

(a) Applications to amend or transfer a gas well permit shall be in writing, shall be signed by the Operator, and shall include the following:

(1) A nonrefundable permit fee as set out in the fee schedule of the City of Hurst. The Applicant/Operator, in addition to the usual application fee, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information supplement;

(2) A description of the proposed amendments;

(3) Any changes to the information submitted with the application for the existing gas well permit (if such information has not previously been provided to the City);

(4) Such additional information as is reasonably required by the City to demonstrate compliance with the applicable gas well permit; and

(5) Such additional information as is reasonably required by the City to prevent imminent destruction of property or injury to persons.

(b) All applications for amended or transferred gas well permits shall be filed with the planning and development department of the City for review. Incomplete applications may be returned to the applicant, in which case the City shall provide a written explanation of the deficiencies; however, the City shall retain the application fee. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the Operator.

(c) If the activities proposed by the amendment or transfer are not materially different from the activities covered by the existing gas well permit, and if the proposed activities are in conformance with the applicable gas well permit, then the City may approve the amendment after the application is filed.

(d) If the activities proposed by the amendment or transfer are materially different from the activities covered by the existing gas well permit, and if the proposed activities are in conformance with the applicable gas well permit, then the City may approve the amendment or transfer after the application is filed. If, however, the activities proposed by the amendment or transfer are materially different and, in the judgment of

the City, might create a risk of imminent destruction of property or injury to persons that was not associated with the activities covered by the existing gas well permit or that was not otherwise taken into consideration by the existing gas well permit, the inspection services of the City may require the amendment or transfer to be processed as a new gas well permit application.

(e) The failure of the City to review and issue an amended or transferred gas well permit within any set period of time shall not cause the application for the amended gas well permit to be deemed approved.

(f) The decision of the City to deny an amendment or transfer to a gas well permit shall be provided to the Operator in writing within ten (10) days after the decision, including an explanation of the basis for the decision. The Operator may appeal any such denial to the City Council pursuant to this Chapter.

(g) An Operator must submit an application for a permit to commence drilling from a new drill site that is not shown on (or incorporated by reference as part of) an existing gas well permit.

Sec. 12-387 Administrative Permit – Suspension or Revocation

(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 City 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, safety, and welfare of the community. The City may allow a cure period of 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 chapter or the Operator has failed to maintain the required insurance, letter of credit, bond, or any other required financial instrument required.

(b) If the Operator fails to correct the noncompliance within the time frame given for correction in the date of the notice, the City may suspend or revoke any administrative gas well permit pursuant to the provisions of this chapter.

(c) No person shall carry on any operations under the terms of any gas well permit issued under this chapter 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 Texas Railroad Commission.

(d) If the Operator does not cure the noncompliance within the time specified in this chapter, the City, upon written notice to the Operator, may notify the appropriate state or federal agencies and request that those agencies take any appropriate action.

(e) Operator may, within thirty (30) days of the date of the decision of the City in writing to suspend or revoke a gas well permit, file an appeal to the City Council under the provisions outlined in this Chapter.

12-388 through 12-400 RESERVED

IV. INSURANCE, BOND, AND INDEMNITY

Sec. 12-401. Bonds; Letters of Credit; Indemnity; Insurance - General Requirements.

The Applicant/Operator shall be required to:

(a) Comply with the terms and conditions of this chapter and the gas well permit issued hereunder.

(b) 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.

(c) 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 regardless of whether such injuries, death or damages are caused in whole or in part by the negligence of Operator.

(d) Promptly pay all fines, penalties and other assessments imposed due to breach of any terms of the gas well permit.

(e) Promptly restore to its former condition any roadway, right-of-way, or other public property damaged by the gas operation (See road repair contract).

Sec. 12-402 Bond; Irrevocable Letter of Credit.

Prior to the issuance of a gas well permit, the Applicant/Operator shall provide the City with a security instrument in the form of a surety bond or an irrevocable letter of credit as follows:

(a) *Bond.*

A bond shall be executed by a reliable bonding or insurance institution authorized to do business in Texas and 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 and perform in accordance with the terms and regulations of this chapter, other applicable City ordinances and the road repair contract. The original bond shall be submitted to the City with a copy of the same provided to the City Secretary and the Risk Manager.

(b) *Letter of credit.*

A letter of credit shall be issued by a reliable bank authorized to do business in Texas, acceptable to the City in its sole discretion, 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 or until the well is plugged and abandoned and the site is restored, whichever occurs first. If the letter of credit is for a time period less than the life of the well as required by this chapter, the Applicant/Operator must either renew the letter of credit or replace the

letter of credit with a bond in the amount required by this chapter, on or before forty-five (45) days prior to the expiration date of the letter of credit. If the Operator fails to deliver to the City either the renewal letter of credit or replacement bond in the appropriate amount on or before forty-five (45) days prior to the expiration date of the letter of credit, the City may draw the entire face amount of the attached letter of credit to be held by the City as security for Operator's performance of its obligations under this chapter.

In any event, the City may draw upon the letter of credit upon a signed statement by its City Manager that the terms of this chapter have not been complied with, in any respect. The City shall be authorized to draw upon such letter of credit to recover any fines, penalties, defaults or violations assessed under this chapter or the road repair contract. Evidence of the execution of a letter of credit shall be submitted to the City by submitting an original signed letter of credit from the banking institution, with a copy of the same provided to the City Secretary and the Risk Manager.

Sec. 12-403 Principal Amount of Security Instrument.

The principal amount of any security instrument shall be fifty thousand dollars (\$50,000.00) for any single well. If, after completion of a well, the applicant/Operator, who initially posted a fifty thousand-dollar (\$50,000.00) bond, has complied with all of the provisions of this chapter and whose well is in the producing state and all drilling operations have ceased, may submit a request to the City to reduce the existing bond to ten thousand dollars (\$10,000.00) for the remainder of the time the well produces without reworking. During reworking operations, the amount of the bond or letter of credit shall be maintained at fifty thousand dollars (\$50,000.00).

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

TABLE INSET:

Number of Producing Wells	Blanket Bond/Letter of Credit Amount Required
Up to 75 wells	\$100,000.00
75 to 150 wells	150,000.00
More than 150 wells	200,000.00

If at any time after no less than a 15-day written notice to the Operator and a public hearing, the City Council shall deem any Operator's bond or letter of credit to be insufficient, it may require the Operator to increase the amount of the bond or letter of credit up to a maximum of two hundred fifty thousand dollars (\$250,000.00) per well.

Sec. 12-404 Default.

(a) *Notice; City May Complete*

Whenever the City finds that a default has occurred in the performance of any requirement or condition imposed by this chapter, a written notice shall be given to the Operator. Such notice shall specify the work to be done, the estimated cost and the period of time deemed by the City 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 chapter.

(b) *Draw Against Security Instrument*

The City shall be authorized to draw against any irrevocable letter of credit or bond to recover such amount due from the Operator. Upon receipt of such monies, the City shall proceed by such mode as deemed convenient to cause the required work to be performed and completed, but no liability shall be incurred other than for the expenditure of said sum in hand. In the event that the well has not been properly abandoned under the regulations of the Railroad 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 chapter.

(c) *Failure to do Work; City May Do Work; Civil Action*

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. In addition, the City may summarily suspend or revoke the gas well permit and require that all operations on the well site immediately cease.

(d) *Termination*

After a minimum of one year after the well or wells covered by said irrevocable letters of credit or bond have been properly abandoned in conformity with all regulations of this chapter, and in conformity with all regulations of the Railroad 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.

Sec. 12-405 Insurance Required.

In addition to the bond or letter of credit required by this chapter, 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.

Sec. 12-406 Insurance - 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.
- (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 Hurst, Department of Planning and Development, 1505 Precinct Line Road, Hurst, Texas 76054, evidencing all the required coverages, including endorsements, prior to the issuance of a gas well permit.
- (f) All policies shall be endorsed with a waiver of subrogation providing rights of recovery in favor of the City.
- (g) Any failure on part of the City to request required insurance documentation shall not constitute a waiver of the insurance requirement specified herein.
- (h) Each policy shall be endorsed to provide the City a minimum 30-day notice of cancellation, nonrenewal, and/or material change in policy terms or coverage. A ten-day notice shall be acceptable in the event of nonpayment of premium.
- (i) During the term of the gas well permit, the Operator shall report to the City, in a timely manner, 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.

Sec. 12-407 Insurance - Standard Commercial General Liability Policy

This coverage must include premises, operations, blowout or explosion, products, completed operations, sudden and accidental pollution, blanket contractual liability, underground resources damage, broad form property damage, independent contractors protective liability and personal injury. This coverage shall be a minimum combined single limit of one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage.

Sec. 12-408 Insurance - Excess or Umbrella Liability

Five million dollars (\$5,000,000.00) excess, if the Operator has a stand-alone environmental pollution liability (EPL) policy.

Ten million dollars (\$10,000,000.00) excess, if the Operator does not have a stand-alone EPL policy. Coverage must include an endorsement for sudden or accidental pollution.

Sec. 12-409 Insurance - Environmental Pollution Liability Coverage.

(a) Operator shall purchase and maintain in force for the duration of the gas well permit, insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least one million dollars (\$1,000,000.00) per loss, with an annual aggregate of at least ten million dollars (\$10,000,000.00).

(b) Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.

Sec. 12-410 Insurance - Control of Well.

The policy shall 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.

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

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

Sec. 12-411 Insurance - Workers Compensation and Employers Liability Insurance.

(a) Workers Compensation benefits shall be Texas Statutory Limits.

(b) Employers liability shall be a minimum of five hundred thousand dollars (\$500,000.00) per accident.

(c) Such coverage shall include a waiver of subrogation in favor of the City and provide coverage in accordance with applicable state and federal laws.

Sec. 12-412 Insurance - Automobile Liability Insurance.

(a) Combined single limit of one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage.

(b) Coverage must include all owned, hired and not-owned automobiles.

Sec. 12-413 Insurance - Certificates of Insurance.

(a) The insurance company to be used by the Operator/Applicant 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 policies must be underwritten on forms that have been approved by the Texas State Board of Insurance or ISO, or an equivalent policy form acceptable to the City, with the exception of environmental pollution liability and control of well coverage.

(c) Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.

(d) Shall specifically set forth the notice of cancellation, termination, or change in coverage provisions to the City. All policies shall be endorsed and have policy terms to read "THIS POLICY WILL NOT BE CANCELLED OR NONRENEWED WITHOUT THIRTY (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 TEN (10) DAYS ADVANCE WRITTEN NOTICE IS REQUIRED". Said provision shall be included as a term of the policy.

(e) Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.

Sec. 12-414 Indemnification and Express Negligence Provisions.

Each gas well permit issued by the City and each application signed by the Applicant/Operator shall include the following language:

"Applicant/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 Hurst, 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 Applicant/Operator under a gas well permit. The Applicant/Operator shall fully defend, protect, indemnify, and hold harmless the City of Hurst, Texas, its departments, agents, officers, servants, employees, successors, assigns, or 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 Hurst, 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 Applicant/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 Applicant/Operator under a gas well permit. The Applicant/Operator agrees to indemnify and hold harmless the City of Hurst, 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 Hurst occurring on the drill site or operation site in the course and scope of inspecting and permitting the gas wells including, but not limited to, claims and damages arising in whole or in part from the negligence of the City of Hurst occurring on the drill site or operation site 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 Applicant/Operator to indemnify and protect the City of Hurst, Texas, and/or its departments, agents, officers, servants, or employees from the consequences of the negligence of the City of Hurst, 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.

/s/ _____

Applicant's/Operator's Authorized Representative"

The Applicant/Operator shall sign this release and indemnity agreement before issuance of a gas well permit.

Sec. 12-415 Notice.

The individual designated by Applicant/Operator to receive notice shall be a resident of Texas upon whom all orders and notices provided in this chapter may be served in person or by registered or certified mail or other adequate means of notification, such as a delivery service). Every Applicant/Operator shall within ten (10) days notify the City in writing of any change in such agent or mailing address unless operations in the City are discontinued and abandonment is complete. The return of mail as undeliverable or the failure of the agent to collect certified or registered mail shall be sufficient evidence of the Applicant's/Operator's failure to abide by this requirement. Failure to abide by this requirement releases the City from any obligation to notify the Applicant/Operator of any matter under this Ordinance and may result in immediate revocation of the Applicant's/Operator's permit

12-416 through 12-430

RESERVED

V. PRODUCTION – ONGOING OPERATIONS– REQUIREMENTS

Sec. 12-431 Abandoned Wells.

- (a) All wells shall be abandoned in accordance with state and federal regulations.
- (b) All well casings shall be cut and removed to a depth as set by federal or state law or federal or state agencies.
- (c) No structures shall be built over an abandoned well.

Sec. 12-432 Blowout Prevention.

- (a) Blowout prevention equipment shall be used on all wells being drilled, worked over or in which tubing is being changed.
- (b) Protection to prevent blowout during gas operations shall meet the requirements of the applicable state and federal agencies and the American Petroleum Institute.
- (c) The Operator must equip all drilling wells with adequate blowout preventers, flow lines, valves or other necessary equipment commensurate with the working pressures involved as required by the appropriate state and federal agencies.

Sec. 12-433 Compliance

Operator shall comply with all applicable federal, state and City requirements at all times.

Sec. 12-434 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, into, or upon any public rights-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain or any body of water or any public or private property in the City.

Sec. 12-435 Drill Stem Testing

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

Sec. 12-436 Dust, Vibration, Odors.

- (a) 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.

- (b) All equipment used shall be so constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incident thereto, to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe.
- (c) 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.

Sec. 12-437 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

Sec. 12-438 Electric Motors/Generators

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.

Sec.12-439 Equipment Painted

All production equipment on the site shall be painted and maintained at all times, including pumping units, storage tanks, buildings and structures.

Sec. 12-440 Fire Prevention; Sources of Ignition

Firefighting apparatus and supplies as approved by the fire marshal 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 wellheads shall contain an emergency shut-off valve to the well distribution line.

Sec. 12-441 Gas Emissions or Burning Restricted

No person shall allow, cause or permit gases to be vented into the atmosphere or to be burned by open flame unless a flaring permit has first been obtained from the City. Green completion techniques shall be used whenever possible.

Sec. 12-442 Grass, Weeds, Trash

All drill and operation sites shall be kept clear of high grass, weeds, and combustible trash within a radius of one hundred (100) feet around any gas tank or tanks or producing wells.

Sec. 12-443 Lights

- (a) No person shall permit any lights located on any drill or operation site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the operation site.

- (b) To the extent practicable, and taking into account safety considerations, site lighting shall be shielded and directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within one thousand (1,000) feet.

Sec. 12- 444 Muffling Exhaust

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

Sec. 12-445 Pits; Tanks to Remove Waste

- (a) Lined earthen mud or circulating pits are not allowed.
- (b) No open Pits are permitted.
- (c) Tanks shall be used to remove waste.

Sec. 12-446 Private Roads and Drill Sites

- (a) Prior to the commencement of any drilling operations, all private roads and driveways used for access to the drill site and the operation site itself shall be:
 - (1) at least twenty-four (24) feet wide;
 - (2) have an overhead clearance of fourteen (14) feet; and
 - (3) shall be surfaced with asphalt or concrete if visible from a public road.

If not visible from a public road and allowed by the SUP, a different material may be used.

- (b) In particular cases these requirements governing surfacing of private roads may be altered at the discretion of the City and the director of 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 operations; the purpose for which the property of such owners is or may be used; topographical features; nature of the soil; and exposure to wind.

Sec. 12-447 Salt Water Wells.

No salt water disposal wells shall be located within the City.

Sec. 12-448 Permanent Signs.

(a) A sign shall be immediately and prominently displayed at the gate and at all other locations that may be required by City Council on the fencing erected pursuant to this chapter. Such sign shall be durable material, maintained in good condition and, unless otherwise required by the Railroad Commission, shall have a surface area of not less than two (2) square feet nor more than four (4) square feet, unless a larger size is required by the City Council and shall be lettered with the following:

- (1) Well name and number;
- (2) Name of Operator;
- (3) The emergency 9-1-1 number; and

(4) Telephone numbers of two (2) persons responsible for the well who may be contacted in case of emergency.

(b) Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" shall be posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the fire chief/marshal 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 Railroad Commission.

(c) No other signs shall be permitted on the site, except as may be required by the City Council.

(d) All sign locations shall be shown on the diagrams accompanying the request for permit and on the approved final permit

(e) All signs shall be in good repair.

Sec. 12-449 Storage of Equipment

(a) On site storage. On-site storage is prohibited on the operation site. No equipment shall be stored on the drilling or production operation site, unless it is necessary to the everyday operation of the well. Lumber, pipes, tubing and casing shall not be left on the operation site except when drilling or well servicing operations are being conducted on the site.

(b) Street and right-of-way. No vehicle or item of machinery shall be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site. The fire marshal shall be the person that determines whether equipment on the site shall constitute a fire hazard.

(c) No refinery, processing, treating, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises. This shall not be deemed to exclude a conventional gas separator or dehydrator.

Sec. 12-450 Storage Tanks.

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

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

No meters, storage tanks, separation facilities, or other above-ground facilities, other than the well head and flow lines, shall be placed in a floodway or the 100-year floodplain. Tanks must be at least one hundred (100) feet from any church, public building, hospital, public or private school, or combustible structure.

Sec. 12-451 Tank Battery Facilities.

Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system.

Sec. 12-452 Surface Casing.

(a) Surface casing shall be run and set in full compliance with the applicable rules and regulations of the Railroad Commission.

(b) Copies of reports detailing any testing data, logs, or similar quality standards required by the state or federal government or conducted on site to verify integrity of cementing and casing standards shall be submitted to the City on the date submitted to the Texas Railroad Commission.

Sec. 12-453 Valves.

Each well must have a shutoff valve to terminate the well's production. The City emergency personnel or inspectors shall have access to the well site to enable it to close the shut-off valve in an emergency.

Sec. 12-454 Waste Disposal.

Unless otherwise directed by state or federal government, 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.

(b) All tanks must have a vent line, flame arrester and pressure relief valve.

(c) All tanks must be enclosed by a fence applicable to the issued permit classification.

(d) No tank battery shall be within on hundred (100) feet of any dwelling or other combustible structure.

(e) All disposals must be in accordance with the rules of the Railroad Commission and any other appropriate local, state or federal agency.

(f) Unless otherwise directed by the Railroad 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.

(g) Water stored in on-site tanks shall be removed as necessary.

(h) 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 chapter and any other applicable ordinance of the City.

Sec. 12-455 Watchman and Security Monitoring System.

(a) *Watchman.* The Operator must keep a watchman or security personnel on site during the drilling or reworking of a well when other workmen are not on the premises.

(b) *Security Monitoring System.* Within ten (10) days of completion of the perimeter fencing, the Operator shall install a fully operational security system that meets the following requirements:

(1) *Monitoring.* The system shall be monitored by central monitoring facility capable of monitoring security related alarm systems and meeting all required state and federal guidelines. The central monitoring facility shall be staffed and operational at all times.

(2) *Access control.* Gate access shall be secured by an access control system with an unlocking and re-locking mechanism that requires a card, numeric code or other identification device for gate operation. The system shall record the identity of the entering party and the date and time of such entry.

(3) *Intrusion detection system.* The system shall include a gate closure contact sensor that will be activated when the gate closure sensor is violated in any manner by non-identified access. The system shall be equipped to signal a control panel which activates an on-site audible signal and registers at the monitoring facility when an access breach is detected.

(4) *Open gate detection.* The security system shall include an open gate detection alarm to notify the monitoring facility if the gate closure sensors, once accessed, are not closed appropriately.

(5) *Exit sensor.* The Operator shall equip all gates with a motion sensor, weight sensor, or other device to unarm the gate for vehicles exiting the site.

(c) *Personnel exit gate.* The Operator shall install an exit only gate for personnel near the vehicular gate entrance.

(d) *Response to alarms.* The Operator shall obtain an alarm permit for the alarm system from the City in accordance with the City's alarm ordinance. The monitoring facility shall notify the Operator and the City's police department in case of security breach at the drill site. The City Manager may suspend the well permit of any Operator not abiding by the terms of the Alarm ordinance.

Sec. 12-456 Well, Tank Batteries, Well Facilities, and Equipment Setbacks.

(a) It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located:

(1) Within twenty-five (25) feet from any outer boundary line of the well site;

or

(2) Within twenty-five (25) feet from any storage tank, or source of ignition;

or

(3) Within seventy-five (75) feet of any public street, road, highway or future street, right-of-way or property line; or

(4) Within six hundred (600) feet from any public park (unless prior consent is obtained from the City Council) or from any residence, church, public building, hospital, commercial, or public or private school, licensed child care facility or building used, or designed and intended to be used, for human occupancy; or

(5) Within one hundred (100) feet of any building accessory to, but not necessary to the operation of the well; or

(6) Within three hundred (300) feet to any potable water well. The measurement shall be in a direct line from the closest well bore to the potable water well bore.

(b) 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, building or facility listed in subsections (1) through (6) above or from the property line of a park.

(c) Waiver procedure.

(1) The distances required in subsections (a) (1), (3), or (6), above, may be reduced by the City Council upon request of the applicant for good cause shown by the applicant. The reduction of the distance requirement for potable water wells is subject to the Railroad Commission regulations and any other state or federal requirements. Objection of a property owner within a 300-foot radius around said well shall be grounds for denial of the applicant's request.

(2) The distance for subsection (a)(4), above, which requires six hundred (600) feet from any public park or from any residence, church, public building, hospital, commercial, or public or private school or building used, or designed and intended to be used, for human occupancy may be waived only in accordance with the following procedures:

(i) A minimum of five (5) Council votes shall be required to allow a waiver. If less than six (6) Council members are voting, a unanimous vote is required;

(ii) The distance shall never be reduced below three hundred (300) feet;

(iii) The City Council may impose other requirements, in addition to those in this Ordinance, before granting a request for a reduction of the six hundred (600) feet requirement.

(d) Tank batteries, well facilities and equipment shall be located at least one hundred (100) feet from any public park (unless prior consent is obtained from the City Council) or from any residence, church, public building, hospital, commercial or public or private school for which a building permit has been issued on the date the application for a drilling permit is filed. The distance shall be calculated from the closest tank batteries, well facilities and/or equipment, in a straight line, without regard to intervening structures or objects, to the property line of any park or the closest point of the building referenced above.

Sec. 12-457 No Streets or Alleys to be Blocked Without City Consent

No gas well permit shall be issued for any well to be drilled within any of the streets or alleys of the City and/or projected streets or alleys, and no street or alley shall be blocked or encumbered or closed due to any exploration, drilling or production operations unless prior consent is obtained from the City pursuant to the process provided for in regard to blocking City streets. Any consent from the City shall be temporary in nature and state the number of hours and/or days that any street or alley may be blocked, encumbered or closed.

Sec. 12-458 Seismic Testing.

The City shall be notified prior to any seismic surveys being conducted in the City. No seismic survey shall be conducted in any right-of-way unless the applicant receives a

Permit to use the Right-of-Way from the City, as set out in this Chapter. No explosive charges shall be used.

Sec. 12-459 Green Completion

Reduced Emission Completion (Green Completion) techniques or methods shall be used whenever possible.

Sec. 12-460 Closed Loop Drilling Fluid Systems

An Operator shall utilize close-loop drilling fluid systems.

Sec. 12-461 Prohibited Solvents

Solvents, that are prohibited under federal or state law, shall not be used for cleaning any element, structure, or component of the drilling rig, platform, or associated equipment, tools, pipes.

Sec. 12-462 Storage Tanks, Tank Batteries

Unless otherwise directed by the Texas Railroad Commission, all tanks used for storage shall conform to the following:

(a) Operator must use portable closed steel storage tanks for storing liquid hydrocarbons.

(b) Tanks must meet the American Petroleum Institute (API) standards unless the Fire Marshal approves other specifications.

(c) The top of the tanks shall be no higher than eight (8) feet above the terrain surrounding the tanks.

(d) All tanks shall be set back pursuant to the standards of the Texas Railroad Commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line.

(e) All tanks must have a vent line, flame arrester and pressure relief valve.

(f) All tanks must be enclosed by the fence surrounding the drill site and the operations site..

(g) No tank battery shall be within on hundred (100) feet of any dwelling or other combustible structure.

(h) Drilling mud, cuttings, liquid hydrocarbons and all other field waste derived or resulting from or connected with the drilling, reworking or deepening of any well shall be discharged properly in accordance with this Chapter.

(i) All disposals must be in accordance with the rules of the Texas Railroad Commission and any other appropriate local, state or federal agency.

(10) Unless otherwise directed by the Texas Railroad 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.

(j) Water stored in on-site tanks shall be removed as necessary.

(k) All waste shall be disposed of in such a manner as to comply with the air and water pollution control regulations of the state and federal government, this Chapter and any other applicable ordinance of the City.

(l) Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system. All tank batteries shall comply with the National Fire

Protection Association (NFPA) requirements, including the Comprehensive Consensus Codes and Flammable and Combustible Liquids Code.

(14) All storage tanks shall be equipped with a secondary containment system including lining with an impervious material. The secondary containment system shall be a minimum of three (3) feet in height and one and one-half (1 1/2) times the contents of the largest tank in accordance with the fire code, and buried at least one (1) foot below the surface.

(m) Drip pots shall be provided at the pump out connection to contain the liquids from the storage tank.

(n) All tanks shall be set back pursuant to the standards of the Texas Railroad Commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line.

(o) 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.

(p) No meters, storage tanks, separation facilities, or other above-ground facilities, other than the well head and flow lines, shall be placed in a floodway or the 100-year floodplain.

(q) Tanks must be at least one hundred (100) feet from any church, public building, hospital, public or private school, or combustible structure.

Sec. 12-463 Chemical and Materials Storage

(a) The Operator shall store all chemicals and/or hazardous materials in such a manner as to prevent, contain and facilitate rapid remediation and cleanup or any accidental spill, leak or discharge of a hazardous material.

(b) The Operator shall maintain all material safety data sheets (MSDS's) for all hazardous materials on site.

(c) The Operator shall comply will all applicable federal and state regulatory requirements for the proper labeling of containers.

(d) The Operator shall take all appropriate pollution prevention actions including but not limited to raising chemical and materials and bulk storage (e.g., placing such materials on wooden pallets) and providing adequate protection from storm water and weather elements.

Sec. 12-464 Hours of Operation; Work Hours

(a) Site development, other than drilling, shall be conducted during daylight hours.

(b) All workover or re-working operations shall be restricted to daytime hours and are prohibited during nighttime hours.

(c) *Requirements for Permitted Nighttime Operations.* During permitted nighttime operations, the operation of the vehicle audible backup alarms shall be prohibited or replaced with approved non-auditory signaling systems, such as spotters or flagmen. Communications shall be by non-disruptive means. No loudspeakers shall be used. The Operator shall conduct onsite meetings to inform all personnel of nighttime operation noise control requirements.

(d) Truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation and other work related conducted on the well development site or operation shall be limited to daylight hours. Deliveries of pipe, casing, and heavy loads shall be limited to daytime hours unless prior permission has been given by the City due to unforeseen circumstances. The City Council may further restrict the timing of truck deliveries as a condition of the gas well permit.

(e) All open hole formation or drill stem testing shall be done during daylight hours.

(f) Notwithstanding subsections (a) through (d) above, in cases of fire, blowout, or explosion, there are no work hours limitations.

(g) Fracturing operations shall be limited to daylight hours, Monday through Friday and may not be conducted on federal holidays.

Sec. 12-465 Environment Quality Standards - General

(a) For protection of the public health, safety and welfare, gas operations shall not create man-made or man-induced contamination or other significant degradation of the physical, chemical, or radiological integrity of the air, water, soil or any biological resource.

(b) Tests required by the City to protect the public health, safety and welfare may be conducted by appropriate City staff or third party contractors chosen by the City. Operator will pay the costs of all testing, whether performed by City staff or a third party.

Sec. 12-466 Environmental Quality Standards – Water; Testing;

(a) Gas operations, including on-site containment and disposal of water associated with gas operations, shall be conducted in accordance with all applicable federal and state requirements for the protection of any localized or regional aquifers and surface water.

(c) Gas operations shall use environmentally benign, chemically inert, water-based (i.e., “green”) drilling fluids. Only non-toxic substances may be used in any hydraulic fracturing operations.

(d) It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located within three hundred (300) feet of any potable water well. The measurement shall be in a direct line from the closest well bore to the potable water well bore.

(e) The following tests shall be performed: (1) a “pre-drilling” or “baseline” test; (2) a test at the completion of fracing; and (3) annual tests. Applicant / Operator shall provide the City with a “pre-drilling” and “post-drilling” water analysis from the closest water well, regardless of distance and any potable water well within 1,000 feet of the oil or gas well or operations site and other tests as required by this Chapter, including post fracing tests and annual tests. The tests shall conform to the following testing requirements:

(1) Water samples must be collected and analyzed utilizing proper sampling and laboratory protocol from a U.S. Environmental Protection Agency or Texas Commission on Environmental Quality approved laboratory.

(2) Well samples shall be analyzed prior to any drilling activity to document baseline water quality data of the well. Subsequent testing shall occur as set forth in this section

(3) The testing will follow state and federal standards.

(4) Within one hundred eighty (180) days of its completion date, each gas well shall be equipped with a cathodic protection system to protect the production casing from external corrosion. The City may approve an alternative method of protecting the production casing from external corrosion.

(f) If it is found that the potable water well is no longer in use and without possibility of future use or if the potable water well owner objects to have the water well tested, the owner of the potable water well may waive the right to have the Operator test the water. In such instance, the owner must execute an agreement releasing and holding harmless and indemnifying the City, its officers and employees from any damages or if the owner refuses to sign or communicate with the City or the Operator, the owner will be deemed to have waived the right to have the well water tested.

(g) Applicant / Operator agrees to furnish the City with adequate proof that all water quality standards are being met during construction and after operations commence, at applicant's expense, upon request of the City, but, in any event, even if such a request is not made, such reports shall be furnished to the City at least annually.

(i) The annual inspection may be in conjunction with other annual City testing.

(j) The Operator shall be required to fund the testing of water quality.

(k) The Operator shall make all internal reports done on City of Hurst sites in regard to water quality available to the City of Hurst.

12-467 Environmental Quality – Air; Testing

(a) Gas operations shall be conducted in accordance with all applicable federal and state requirements for the protection of air quality.

(b) An Applicant shall submit a pre-drilling ambient air study with its application for a gas well permit. The study shall meet the following requirements:

(1) Air samples must be collected and analyzed utilizing proper sampling and laboratory protocol from a U.S. Environmental Protection Agency or Texas Commission on Environmental Quality approved laboratory.

(2) Air samples shall be analyzed prior to any drilling activity to document baseline air quality data of the well. A post-drilling air sample shall be analyzed within three months after the drilling begins.

(c) An Applicant shall submit a plan for controlling all airborne emissions and contaminants. The plan shall meet the following requirements:

(1) A detailed site plan showing the location of each emission source.

(2) For each source, composition of emissions and expected maximum daily emissions rate.

(3) For each source, detailed descriptions of the measures taken and equipment used to reduce emissions below the levels listed in all applicable federal and state requirements.

(d) Gas operations shall be operated in such a manner that odors and the release of gaseous compounds do not constitute a nuisance or hazard to the public health, safety, welfare, and the environment.

(1) Operators shall, to the extent technically and economically feasible, recycle VOC emissions from tanks, batteries, and separators.

(2) Operators shall further minimize emissions from gas operations by using all feasible “green completion” techniques to reduce flaring and venting of natural gas to the maximum extent feasible as well as implementing all other best management practices for reducing flaring and venting of natural gas.

(3) Operators shall comply with all federal and state regulations governing equipment emissions. To the maximum extent feasible, all fossil fuel-powered engines used on site shall employ the latest emission-reduction technologies (e.g., high pressure direct injection (HPDI) of fuel and exhaust gas recirculation (EGR).

(e) The City shall perform air sampling of an operation site on an annual and as needed basis to determine whether the maximum emission limits specified in accordance with all applicable federal and state requirements for the protection of air quality are being met. The City shall use testing techniques deemed appropriate by the City.

(f) Applicant / Operator agrees to furnish the City with adequate proof that all air quality standards are being met during construction and after operations commence, at applicant’s expense, upon request of City Manager or designee, but in any event, even if no request has been made, such report shall be furnished to the City at least annually. Applicant / Operator will also provide the City with a “pre-drilling” and “post – drilling” air analysis. All such air sampling and testing shall be done at such distances as the City finds appropriate. The distance at which testing occurred shall be reflected in City records.

(g) The Operator shall be required to fund the testing of air quality.

(h) The Operator shall make all internal reports done on City of Hurst sites in regard to air quality available to the City of Hurst.

12-468 Environmental Quality – Soil; Testing

(a) Gas operations shall be conducted in accordance with all applicable federal and state requirements for the protection of soil quality.

(b) An Applicant shall submit a pre-drilling soil report with its application for a gas well permit.

(c) An Applicant shall submit a plan for controlling all soil contamination and contaminants. The plan shall meet the following requirements:

(1) A detailed site plan showing the location of each contamination

(2) For each source, composition of any contaminants or expected contaminants.

(3) For each source, detailed descriptions of the measures taken and equipment used to reduce contaminants below the levels listed in all applicable federal and state requirements.

(e) The City shall perform soil testing of an operation site on an annual and as needed basis to determine whether contaminants on site in accordance with all applicable

federal and state requirements for the protection of soil quality are being met. The City shall use testing techniques deemed appropriate by the City.

(f) Applicant / Operator agrees to furnish the City with adequate proof that all soil quality standards are being met during construction and after operations commence, at Applicant/Operator's expense, upon request of City Manager or designee, but in any event, even if no request has been made, such report shall be furnished to the City at least annually. Applicant / Operator will also provide the City with a "pre-drilling" and "post – drilling" soil analysis. All such soil sampling and testing shall be at such distances as the City finds appropriate. The distance at which testing occurred shall be reflected in City records.

(g) The Operator shall be required to fund the testing of soil quality.

(h) The Operator shall make all internal reports done on City of Hurst sites in regard to soil quality available to the City of Hurst.

12-469 Waste Management Plan and Disposal of Waste

(a) Drilling mud, cuttings, liquid hydrocarbons and all other field waste derived or resulting from or connected with the drilling, re-drilling, re-working or deepening of any well shall be discharged into a closed loop mud system.

(b) Unless otherwise directed by the Texas Railroad 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.

(c) 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 Chapter and any other applicable ordinance of the City.

(d) The Operator shall make adequate provisions for the disposal of all salt water or other impurities which may be brought to the surface from the depth of the well. No salt water pits, vats or other open storage of salt water shall be permitted within the City. No salt water disposal wells shall be located within the City.

Sec. 12-470 Fences, Screening.

(a) *Fences/screening.* Fences shall be required on all drill sites. A secured entrance gate shall be required. All gates are to be kept locked when the Operator or his employees are not within the enclosure. All operation sites shall be completely enclosed by a masonry fence with slats according to the requirements of the gas well permit, as follows:

(b) *Fencing specifications.* The fence shall be at least eight (8) feet in height, but not greater than ten (10) feet, unless a greater height is required by the City Council. The fence shall be engineered and be made of masonry material.

(c) *Gate specifications.* All 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 provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and

(3) Operator must provide the fire marshal with a "Knox Padlock" or "Knox Box with a key" to access the well site to be used only in case of an emergency.

(d) All required fences shall be complete prior to drilling the first well.

Sec. 12-471 Landscaping

(a) The City shall make recommendations regarding specific landscaping requirements as deemed appropriate to the drill site location. It shall be the responsibility of the Operator to maintain the landscaping as identified per the City landscape ordinance.

(b) *Plantings Required.* Landscaping shall be required along all street frontages of the operation site with suitable screening shrubs that complement the architectural character of the surrounding neighborhood unless otherwise modified by the City Council.

(c) *Shrubs.* Screening shrubs shall be installed completely around the well site and all required fences and be sufficient to screen from view the structures sought to be screened unless otherwise modified by the City Council.

(d) *Size.* Screening shrubs shall be a minimum of three feet in height at planting, and have the potential to grow to a mature height of a minimum of six (6) feet

(e) *Plan Required.* All landscape plans shall be prepared by a landscape architect and submitted concurrently with the gas well application.

(f) *Tree Loss Mitigation.* The Operator shall comply with the requirements of the City's Tree Ordinance by submitting a tree survey and a mitigation plan, if proposed with the application.

(g) *Irrigation.* The Operator shall install an irrigation system for the landscaping area.

(h) *Time for Planting.* The Operator shall complete the landscaping and planting of the vegetation shown on the approved landscape plan prior to drilling the first well.

(i) *Maintenance.* The Operator shall cause the vegetation to be maintained and kept in an attractive state and in living, good condition at all times.

Sec. 12-472 Cleanup and Maintenance.

(a) *Cleanup after well servicing.* After the well has been completed or plugged and abandoned, the Operator shall clean the drill site or operation site, complete restoration activities and repair all damage to public property caused by such operations within sixty (60) days.

(b) *Cleanup 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 or fire marshal and the City all waste materials from any public or private property affected by such spill, leak or malfunction. Cleanup operations must begin immediately. If the owner fails to begin site cleanup within twenty-four (24) hours, the City shall have the right to contact the Railroad Commission in order to facilitate the

removal of all waste materials from the property affected by such spill, leak or malfunction.

(c) *Free from debris.* The property on which a well site is located shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash or other waste material within a radius of one hundred (100) feet around any separators, tanks and producing wells.

(d) *Painting.* All production equipment shall be painted and maintained at all times, including wellheads, pumping units, tanks, and buildings or structures. When requiring painting of such facilities, the City shall consider the deterioration of the quality of the material of which such facility or structure is constructed, the degree of rust, and its appearance. Paint shall be of a neutral color, compatible with surrounding uses. Neutral colors shall include sand, gray and unobtrusive shades of brown, or other neutral colors approved by the City.

(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 chapter and shall notify the City as soon as practicable. The City shall certify in writing, briefly describing the same, to the official designated by the City Manager. If the City, 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 City 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 City 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 City in gaining control of said well.

Sec. 12-473 Plugged and Abandoned Wells.

(a) *Surface requirements for plugged and abandoned well.* Whenever abandonment occurs pursuant to the requirements of the Railroad Commission, the Operator so abandoning shall be responsible for the restoration of the well site to its original condition as nearly as practicable, but in no event shall the restoration time exceed three (3) months, in conformity with the regulations of this chapter.

(b) Abandonment shall be approved by the City after restoration of the drill site has been accomplished in conformity with the following requirements at the discretion of the City.

(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 Railroad Commission;

(4) All holes and depressions shall be filled with clean, compactable 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 chapter.

(c) *Abandoned well requirement.* The Operator shall furnish the following at the discretion of the City:

(1) A copy of the approval of the Railroad Commission confirming compliance with all abandonment proceedings under the state law; and

(2) A notice of intention to abandon under the provisions of this section and stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.

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

Sec. 12-474 Vehicle Routes for Gas Well Activity; Road Remediation Agreements

(a) Vehicles associated with drilling and/or production in excess of three (3) tons shall be restricted to such streets designated as either truck routes or commercial delivery routes by the City Code wherever capable of being used. The vehicles shall be operated on a truck route wherever capable of being used; they shall be operated on a commercial delivery route only when it is not possible to use a truck route to fulfill the purpose for which such vehicle is then being operated. Commercial delivery route means any street or highway so designated by the City Council for the use by any commercial motor vehicle, truck-tractor, trailer, semi-trailer, or any combination thereof.

(b) Operators using vehicles which the City deems are destructive to the City streets shall be required to enter into a road remediation agreement

(c) Operators shall be responsible for all disrepair, disorder, or disarray, including leaving large amounts of mud, on roadways and shall be responsible for restoring the roads to the condition prior to Operator's use.

Sec. 12-475 Work Hours for Gas Well Activity

Site development, other than drilling, shall be conducted during the daylight hours as defined by this Ordinance. 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 daylight hours as defined by this Ordinance, 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.

Sec. 12-476 Noise Restrictions

(a) All City ordinance requirements in regard to noise restrictions shall be followed.

(b) Failure to follow noise requirements could be grounds for revocation of all permits.

(c) If testing is required to determine compliance with noise restrictions, the Operator will pay costs of testing.

(d) Prior to granting an SUP or Administrative Permit, if needed, an Applicant/Operator shall submit a plan for controlling noise during operations. The plan shall meet the following requirements:

(1) A detailed plan with documentation showing the location and source of the current ambient noise level prior to construction of any wellhead, compressor, compression facility or other equipment and indicating the site of any future possible noise.

(2) For each source, a detailed description of the measures to be taken and equipment to be used to reduce noise. The plan shall include a description of all proposed noise abatement measures. This requirement shall include product information and a location diagram, and should also show the nature and proximity of adjacent development, location and type, seasonal and prevailing weather patterns, including wind directions, vegetative cover on or adjacent to the site, and topography.

(3) The plan shall include a description of any continuous noise monitoring program if required to meet the noise limits.

(4) The plan shall include a site plan showing the location of the boundary noise reduction blankets and a rig layout diagram detailing the location of all other noise reduction blankets, "hospital" grade mufflers, and any other noise reduction equipment.

(5) The abatement measures set forth in the detailed noise abatement plan shall be installed prior to the commencement of any drilling, fracturing, or gas operation activities.

(6) The Operator shall cause a copy of the detailed noise abatement plan to be kept at the well development site or operation site and available upon request.

(7) After operations commence, Operator shall provide, if requested, reports with detailed descriptions of the measures taken and equipment used to reduce noise to acceptable levels, and any changes from the original plans, if applicable. The City may require use of additional equipment, including, but not limited to sound blankets or baffles, if deemed appropriate.

(e) Applicant / Operator agrees to furnish the City with adequate proof that all noise requirements are being met during construction and after operations commence, at Applicant/Operator's expense, upon request of City Manager or designee, but in any event, even if no request has been made, such report shall be furnished to the City at least annually.

(f) The Operator shall be responsible for verifying compliance with all noise requirements and the noise management plan at all stages of construction and operation and shall be required to fund the testing of noise levels.

(g) The Operator shall make all internal reports done on City of Hurst sites in regard to noise levels available to the City of Hurst.

(i) Standard for Measuring Equipment.

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

(2) Measurements shall be taken using the C weighted sound pressure intensity measurement scale.

(k) The exterior noise level generated by operations shall not exceed the pre-drilling ambient noise level by more than the levels shown in the following table:

Operation	Daytime Hours	Nighttime Hours
Drilling or re-drilling	Five (5) decibels	Three (3) decibels
Fracing	Seven (7) decibels	Seven (7) decibels
Flowback	Zero (0) decibels	Zero (0) decibels
Production	Zero (0) decibels	Zero (0) decibels

(l) An Operator shall not drill or re-drill a well or operate any equipment in such a manner so as to create 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 dB for center frequencies of 500 Hertz and above, and by eight dB for center frequencies between 160 and 400 Hertz, and by 15 dB for center frequencies less than or equal to 125 Hertz.

(m) An Operator shall not drill or re-drill a well or operate any equipment in such a manner so as to create low-frequency outdoor noise levels that exceed the following decibel levels:

16 Hertz octave band:	65 dB
32 Hertz octave band:	65 dB
64 Hertz octave band:	65 dB

(n) *Monitoring*

(1) The exterior noise level generated by the drilling, re-drilling or other operations of all gas wells located within six hundred (600) feet of a protected use or if a waiver has been granted, the distance set out in the waiver shall be continuously monitored to ensure compliance.

(2) The cost of such monitoring shall be borne by the Operator.

(3) Information from this monitoring shall be averaged over one-minute intervals and must be provided to the City in a format that is acceptable to the City.

(4) Failure to provide this information within two business days is considered a violation of this subsection.

(5) If a complaint is received by either the Operator or the City from the occupants of any Protected Use on property located more than six hundred (600) feet or if a waiver has been granted, the distance set out in the waiver from a Drill Site or Operation Site, the Operator shall, if required by the City, and within twenty-four (24) hours of notice of the complaint, continuously monitor the exterior noise level generated by the Drilling, Re-drilling or other operations for a

seventy-two (72) hour period to ensure compliance. At the request of the City, the Operator shall monitor the exterior noise level at the source of the complaint.

(6) The monitoring will be conducted by the City or by an independent qualified noise consultant or engineer on a random basis by an independent qualified noise consultant/engineer. All costs will be borne by the Applicant/Operator.

(o) All workover operations shall be restricted to daytime hours.

(p) Acoustical blankets, sound walls, mufflers or other alternative methods may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and subject to approval by the Inspector.

(q) If a complaint is received after gas well drilling operations begin by either the Operator or the City, the Operator shall immediately, upon receipt of the complaint, notify the City and continuously monitor the exterior noise level generated by the gas well drilling or production for a seventy-two (72) hour period and take the action necessary to abate the violation, if a violation exists.

(r) A citation may be issued immediately 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 cannot be identified after reasonable diligence by the Operator.

(s) 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 unless equipped with a hospital grade exhaust muffler or mufflers.

(t) Operation and site noise management measures which may include but not be limited to: use of critical grade mufflers on generators and motors; use of structural noise curtains, walls, or enclosures; and best management practices by limiting or eliminating noisier operations, such as, tripping, deliveries of pipe, casing and heavy loads, use of horns for communication, and operation of vehicle audible back-up alarms at night. All soundproofing shall comply with accepted industry standards and subject to approval by the City's Fire Department.

(u) During nighttime operations, the operation of vehicle audible back-up alarms shall be prohibited or replaced with approved non-auditory signaling systems, such as spotters or flagmen. The Derrick Man and Driller shall communicate by walkie-talkie or other non disruptive means only when the Derrick Man is in the derrick. Horns may not be used to signal for connection or to summon crew (except that a horn may be used for emergency purposes only). The operator shall conduct onsite meetings to inform all personnel of nighttime operations noise control requirements.

(v) Once drilling and fracing processes are completed and such soundproofing equipment is no longer needed, the City has the authority to require the removal of such equipment. If no activity has occurred for ninety (90)

days, the City may require the soundproofing equipment be removed. The Operator may request an extension.

Sec. 12-477 Tank Specifications.

All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the fire chief. The top of the tanks shall be no higher than eight (8) feet above the terrain surrounding the tanks. All tanks shall be set back pursuant to the standards of the Railroad Commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way or property line.

Sec. 12-478 Use of City Right-of Way; Agreement Required.

Use of City Right-of-Way; Agreement Required. No Operator shall excavate or construct any facilities in the right-of-way, including but not limited to, lines for the conveyance of fuel, oil, gas, petroleum liquids, water or other materials on, under, or through the streets, alleys or other properties owned by the City without a right-of-way license from the City and then only in strict compliance with this Chapter, other City ordinances, the terms of the right-of-way agreement, and all requirements of the City.

12-479 through 12-550 RESERVED

VI. EMERGENCY MANAGEMENT, CATASTROPHIC RESPONSE

Sec. 12-551 Hazardous Materials Plan.

Hazardous materials management plan shall be on file with the fire marshal and the City inspector and shall be updated annually or upon any material deviation.

Sec. 12-552 Emergency Response Plan

Prior to the commencement of any gas to other hydrocarbons production activities, Operator shall submit to the City inspector and fire marshal an emergency response plan establishing written procedures

Sec. 12-553 Annual Meeting

Each Operator shall meet annually with representatives of the City of Hurst to review emergency response plans. The Operator shall:

- (a) Provide information concerning the Operator's conformance with state and federal requirements;
- (b) Furnish or update the Emergency Response Plan;
- (c) Review the responsibilities of each governmental organization in response to an emergency or incident;
- (d) Identify the types of emergencies or incidents that will result in or require contacting the City; and
- (e) Plan mutual activities that the City and the Operator can engage in to minimize the risks associated with oil and gas well operation.

12-554 through 12-565 RESERVED

VII. GENERAL REQUIREMENTS

Sec. 12-566 Annual Certification Required; Inspections and Fee Required

(a) Upon approval of an SUP issued by the City, the Operator shall be required to maintain an annual certification of the facility. In order to maintain the certification, the Operator shall:

(1) Comply with all the provisions of this Chapter and all state and federal laws and regulations;

(2) Maintain all required licenses and permits;

(3) Allow all inspections and testing as provided by this Chapter and any state or federal laws or regulations;

(4) Pay an annual certification fee to defray the City's costs of insuring compliance. The annual certification fee shall be the costs paid by the City.

(b) Upon completion of drilling activities and production, after final inspection and approval by the City of the restored site, and the fulfillment by the Operator of all Operator's obligations under this ordinance, the Operator shall be released from any further duty to maintain the certification.

Sec. 12-567. Inspection.

(a) The City Manager may designate an official enter into a contract for professional services, or enter into an interlocal agreement with a governmental unit, in order to enforce the provisions of this chapter. The official shall be known as the inspection services provider(s).

(b) The inspection services should be performed by an individual, preferably with 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.

(c) The inspection services provider(s) shall have the authority to issue any orders or directives required to carry out the intent and purpose of this chapter and its particular provisions.

(d) The City inspectors shall:

(1) Review applications for completion of all requirements and return applications to applicant if the application is not complete;

(2) Have the authority to enter and inspect any permitted premises covered by the provisions of this chapter to determine compliance with the provisions of this chapter and all applicable laws, rules, regulations, standards or directives of the state or federal government. Failure of any person to permit access to the inspection services provider(s) to the permitted premises shall constitute a violation of this chapter.

(3) The inspection services provider(s) may conduct periodic inspections of all permitted wells in the City to determine that the wells are operating in accordance within proper safety parameters as set out in this chapter and all regulations of the federal and state government and all federal and state agencies, including but not limited to the Texas Railroad Commission and the Texas Commission on Environmental Quality.

(4) Issue citations to obtain compliance with this Chapter and the terms of the gas well permit.

- (e) The City shall have the authority to request and receive any records, including any records sent to the Environmental Protection Agency, Texas Commission on Environmental Quality, the Railroad Commission or any other state or federal agency, including but not limited to any logs, reports and the like, relating to the status or condition of any permitted well necessary to establish and determine compliance with the applicable gas well permit.
- (f) The City is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.
- (g) The City shall prepare a written report regarding the application and shall forward a copy of each inspection report to the City Manager.
- (h) The City shall have the authority to require the use of soundproofing methods to ensure compliance with the noise restrictions required by this Chapter, the SUP, or any permits.
- (i) The City shall have the authority to require the removal of any previously installed soundproofing methods no longer needed to ensure compliance with the noise restrictions required by this Chapter, the SUP or any permits.
- (j) Appropriate City department may inspect the operation site if the City believes the Operator is violating a City Code provision not addressed in this Chapter.
- (k) The City may contact the appropriate state agency to inspect the operation site if the City believes the Operator is violating state law. The City may determine whether the state agency completed the inspection and shall document what actions, if any, were taken against the Operator.
- (l) The City shall photograph and document the proposed drilling site, leased property, and adjacent roads, public utilities and right-of-ways prior to any drilling, onsite activity, or disturbance of the land.

Sec. 12-568 Technical Advisor

- (a) 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 and safety of the citizens of the City.
- (b) In the event such technical advisor(s) is employed for the purpose of advising, counseling or representing the City relative to an Operator's case or request relating to this chapter, or subsequent to the receipt of an SUP by the Operator, if an advisor is retained in regard to compliance or any other issues at the Operator's site, 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 chapter.
- (c) 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.
- (d) The employment of a technical advisor shall be approved by the City Manager or designee.

Sec. 12-569. Operator's Agent.

(a) *Designation.* Every Operator of any well shall designate an agent to the City of Hurst in writing to be delivered to the City Secretary, who is a resident of the State of Texas, upon whom all orders and notices provided in this chapter may be served in person or by registered or certified mail.

(b) *Notice of change.* Every Operator so designating such agent shall within ten (10) days notify the inspector and City Secretary in writing of any change in such agent or such mailing address unless operations within the City are discontinued.

(c) The return of mail as undeliverable or the failure of the agent to collect certified or registered mail shall be sufficient evidence of the Company's failure to abide by this requirement. Failure to abide by this requirement releases the City from any obligation to notify the Company of any matter under this Ordinance and may result in immediate revocation of the Company's permit.

Sec. 12-570 Periodic Reports.

(a) *Changes.* The Operator shall notify the City of any changes to the following information within five (5) business days 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 or other adequate means of notification, such as a delivery service); and

(3) The Operator's emergency action response plan (including "drive-to-maps" from public rights-of-way to each drill site).

(4) Any other information required on the application or by this Chapter.

(b) *Phone numbers.* The Operator shall notify the inspection services provider(s) 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 (1) business day.

(c) *Incident Reports.* The Operator shall provide a copy of any "incident reports" or written complaints submitted to the Railroad Commission or any other state or federal agency within thirty (30) days after the Operator has notice of the existence of such reports or complaints for a well within the City limits of the City of Hurst, and upon request for any other well operated by the same Operator.

(d) *Annual Reports.* Beginning on December 31 after each well is completed, and continuing on each December 31 thereafter until the Operator notifies the inspector that the well has been abandoned and the site restored, the Operator shall submit a written report to the inspector identifying any changes to the information that was included in the application for the applicable gas well permit that have not been previously reported to the City.

(e) *Inspections.* During each inspection conducted by the City, pursuant to the Chapter, the City inspector shall insure that the Operator is conducting operations in compliance with the SUP, any administrative gas well permits and the provisions of this Chapter and to verify the accuracy of the information reported.

(f) Upon request, the Operator/Applicant shall provide the City with internally generated reports concerning City of Hurst wells concerning health, safety or welfare issues.

(g) Upon request of the City, the Operator/Applicant shall provide the City of Hurst with reports concerning wells in any Texas community.

Sec.12-571 through 12-600 RESERVED

VIII. PIPELINES

Sec. 12-601 Installation of Pipelines On, Under, or Across Public Property.

(a) The Operator shall apply to the City for a franchise or other City Council approved agreement on, over, under, along or across the City streets, sidewalks, alley, rights-of-way and other City property for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines so long as production or operations may be continued under any gas well permit issued pursuant to this chapter.

(b) Operator shall:

(1) Not interfere with or damage existing water, sewer or gas lines or the facilities of public utilities located on, under or across the course of such rights-of-way.

(2) Furnish to the director of planning and development a diagram showing the location of such pipelines.

(3) Construct such lines out of pipe in accordance with the City codes and federal and state regulations and applicable industry standards.

(4) Grade, level and restore such property to the same surface conditions, as nearly as practicable, as existed when operations for the drilling of the well were first commenced.

(5) Pipe dope, if used, shall be lead-free, biodegradable pipe dope. Sealant shall be used around pipe threads to ensure and maintain the integrity of the seal.

(c) The Operator shall comply with all City ordinances including without limitation, the right-of-way chapter of the City Code.

(d) The Operator shall install markers in compliance with state or federal law.

(e) The Operator shall follow all requirements of federal and state law.

12-602 through 12-630 RESERVED

IX. APPEALS AND PENALTY

Sec. 12-631. 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. Any person or entity whose application for an SUP is deemed incomplete or unsatisfactory or whose application for an administrative permit is denied by City staff or whose gas well administrative permit is suspended or revoked or whose well or equipment is deemed by the inspector to be abandoned may, within thirty (30) days of the date of the written decision of the inspection services provider(s) 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 official designated by the City Manager. 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 official designated by the City Manager 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 as approved by action of the City Council.

Sec. 12-632 Penalty.

It shall be unlawful and an offense for any person to do the following:

(a) Engage in any activity not permitted by the terms of a gas well permit issued under this chapter.

(b) Fail to comply with any condition set forth in a gas well permit issued under this chapter; or

(c) Violate any provision or requirement set forth in this chapter.

Sec. 12-633 Ordinance in Full Force and Effect

By acceptance of any gas well permit, SUP or other benefit issued pursuant to this chapter, the Applicant/Operator expressly stipulates and agrees to be bound by and comply with the provisions of this chapter. The terms of this chapter shall be deemed to be incorporated in any gas well permit issued pursuant to this chapter with the same force and effect as if this chapter was set forth verbatim in such gas well permit.

SECTION 3: That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4: If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5: That any person, firm or corporation violating any of the provisions of this Ordinance or the Code of Ordinances amended hereby shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Hurst, Texas, shall be fined in an amount not to exceed the sum of up to Two Thousand Dollars (\$2,000.00) for each offense. Each day the offense continues shall constitute a separate offense.

SECTION 6: This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

Passed on first reading this 8th day of February, 2011 by a vote of 6 to 0.

Passed and approved on second reading this 22nd day of February, 2011 by a vote to 6 to 0.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

