

TOWN OF FLOWER MOUND

ORDINANCE NO. 51-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 34 "ENVIRONMENT" BY THE AMENDMENT OF SECTION 34-420 ENTITLED "OIL AND GAS WELL PERMIT REQUIRED" BY AMENDING PARAGRAPH (a) THEREOF TO PROHIBIT SEISMIC SURVEYS ON TOWN PROPERTY OR IN THE RIGHT-OF-WAY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound adopted Ordinance No. 89-03 on or about December 15, 2003, relative to oil and natural gas well drilling and operations; and

WHEREAS, since the adoption of Ordinance No. 89-03, the Town has adopted several amendments to its oil and natural gas well drilling and operations ordinance; and

WHEREAS, the same matters and facts contained in the preamble of Ordinance No. 89-03 and the legislative findings that supported Ordinance No. 89-03, and all subsequent amendments thereto, are still pertinent today; and

WHEREAS, the Town Council desires to amend and update its oil and natural gas well drilling and operations ordinance to address the issue of seismic surveys on Town property or in the right-of-way to protect the Town's environment, infrastructure and related public health, welfare and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

The matters and facts recited in the preamble hereof are hereby found and determined to be true and correct and incorporated herein by reference as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Division 5 of the Town's Oil and Natural Gas Well Drilling and Operations regulations, entitled "Oil and Gas Well Permits," is amended by the amendment of Section 34-420 which is entitled "Oil And Gas Well Permit Required" by amending paragraph (a) to prohibit seismic surveys on Town property or in the right-of-way, as follows:

“Sec. 34-420. Oil And Gas Well Permit Required.

- (a) A person wanting to engage and/or operate in oil and/or gas production activities shall apply for and obtain an oil, gas, or combined well permit under this article. It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor, or servant for any person to drill any well, assist in any way in the site preparation, re-working, fracturing, or operation of any such well, or to conduct any activity related to the production of oil and/or gas without first obtaining an oil, gas, or combined well permit issued by the Town in accordance with this division. Such activities include, but are not limited to, reworking, initial site preparation, drilling, operation, construction of rigs or tank batteries, fracturing, and pressurizing.
 - (1) A permit shall not be required for seismic surveys. The operator conducting the seismic survey, however, shall provide notice to the oil and gas inspector in no less than seven (7) business days prior to the commencement of any seismic survey activities on site, and therein shall provide the following information:
 - a. Operator/applicant name, phone number, address, and, if possible, email 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.
 - b. Location of seismic survey.
 - c. Date and time the seismic survey will be conducted.
 - d. Detailed explanation of the seismic survey method to be used on site.
 - e. Date and time the seismic survey will be completed.
 - (2) 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 without the authorization of the Town fire marshal.
 - (3) Notwithstanding any provision contained herein, no seismic surveys shall be permitted on Town property or in the right-of-way, as defined in this article.”

SECTION 3

All ordinances, orders, or resolutions heretofore passed and adopted by the Town Council of the Town of Flower Mound, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

SECTION 5

This Ordinance shall take effect and be in full force from and after the date of its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 1, ON THIS THE 7th DAY OF DECEMBER, 2009.

APPROVED:



Jody A. Smith, MAYOR

ATTEST:



Paula J. Paschal, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, TOWN ATTORNEY

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