ORDINANCE # 18
DRILLING AND OPERATION OF OIL AND GAS WELLS

REAFFIRMED BY # 36

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ORDINANCE NUMBER 18

AN ORDINANCE DECLARING A PUBLIC POLICY OF THE CITY OF DANBURY, TEXAS: FINDING CERTAIN FACTS CONCERNING THE DRILLING AND OPERATION OF OIL AND GAS WELLS WITHIN THE CITY OF DANBURY, TEXAS: REQUIRING OPERATORS OF WELLS TO FILE REPORT SHOWING LOCATIONS THEREOF WITHIN THIRTY (30) DAYS: RESTRICTING FUTURE DRILLING; RESTRICTING CONSTRUCTION OF NEW PIPE LINES; MAKING IT UNLAWFUL TO TRESPASS ON PROPERTY TO REACH OIL OR GAS WELL DRILLING SITES; MAKING IT UNLAWFUL TO DRILL A WELL WITHOUT A PERMIT; REQUIRING APPLICATION FOR A PERMIT TO DRILL TO BE FILED; REQUIRING OF THE CITY COUNCIL OR THEIR AUTHORIZED AGENT TO MAKE INVESTIGATION AND APPLICANT TO FILE PUBLIC LIABILITY INSURANCE POLICY; REQUIRING CERTAIN RULES TO BE FOLLOWED IN OPERATING OIL AND GAS WELLS; FORBIDDING DRILLING WITHIN 200 FEET OF A RESIDENCE WITHOUT PERMISSION; DEFINING THE WORD "PERSON"; THE TERMS OF THIS ORDINANCE SHALL BE A MISDEMEANOR AND UPON CONVICTION SUCH VIOLATOR SHALL BE FINED IN A SUM NOT EXCEEDING $200.00; DISPENSING WITH THE PARLIAMENTARY REQUIREMENT OF READING THIS ORDINANCE ON THREE SEPARATE MEETINGS; PROVIDING AN EFFECTIVE DATE; DECLARING AN EMERGENCY AND PROVIDING FOR PUBLICATION BY CAPTION ONLY.

WHEREAS, it is a recognized fact that certain risks to life and property are inherent in the drilling and producing of oil and gas wells;

NOW THEREFOR BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS:

Section 1. City Policy: The City Council hereby declares it to be the policy of said City and its governing body to protect the health, safety, welfare and comfort of the resident citizens and all other persons that might at any time be in said City, and at the same time to permit the development of industry and natural resources within said city for the general benefit of the public.

Section 2. Findings of Fact: The City Council finds it to be a fact that there are no producing oil and/or gas wells within the City of Danbury, Texas; that no wells are being drilled at the present; but that certain risks are incident to the drilling and operation of wells for the production of said minerals, and that wells can with reasonable safety be drilled and operated for the production thereof with proper precaution and under proper regulation; and that in order to permit the drilling for and production of said minerals and also to protect the health, safety, comfort and welfare to the citizenship, the provisions of this ordinance are necessary and proper.

Section 3. Operators to file report: Within thirty (30) days of the effective date of this ordinance, each operator of a producing oil and/or gas well or wells within the City of Danbury, Texas; shall file a written report with the City Secretary of the City of Danbury, Texas, containing the following information: Name and address of the operator; names and addresses of all owners of interests; including royalty and working interest; and a plat showing the tract upon which the well or wells is located; location of the well thereon and location of battery tanks.

Section 4. Drilling Restricted: No oil or gas well shall be drilled within said city except at specified and designated location to be determined by the City Council at the time on application for a permit is filed.

Section 5. Pipe lines to be constructed only in certain locations: No pipe lines for the transportation of oil and/or gas from such wells to be drilled in the future shall be constructed or laid except on rights of way owned by the operators of or upon designated drilling tracts and upon rights of way necessary to connect future well sites to present lines.

Section 6. Unlawful to trespass: It shall hereafter be unlawful for any person, firm or corporation to trespass on any properties to enter onto the oil or gas well drilling sites or their flow line rights of way, other than from an existing street or dedicated highway used by the public and for the convenience of the public.

Section 7. Unlawful to drill without a permit: It shall be unlawful for any person to drill or commence to drill a well for oil or gas within the limits of the City of Danbury, Texas, or to work upon or assist in any way in the prosecution of the drilling of any such well without a permit for the drilling, completion and operation of such well without first having been issued a permit therefor by the City of Danbury, Texas, in accordance with the provisions of this ordinance.

Section 8. Application for permit required: Every application for a permit to drill, complete and operate a well for oil or gas shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf. It shall be filed with the City Secretary and accompanied with a deposit of $500.00 in cash as a fee to the City. The application shall state whether the well shall be drilled as an oil or gas well, the proposed depth, the drilling block and the location of the proposed well (which will include name of the fee owner, name of the lease owner, brief description of the land, detailed plat showing the location of all battery tanks). The application shall be accompanied by a plat showing the exact location of the well. A copy of the plat (Form 1) furnished to the State Railroad Commission will be acceptable. The well location shall be staked out before the City permit may be issued. No location shall ever be changed without filing with the City Secretary an amended application showing the proposed change.

Section 9. City Secretary to investigate; public liability insurance: Upon receipt of such application for a permit, the City Secretary shall forthwith make, or cause to be made, an investigation of the proposed well site. After completion of such investigation he shall file a report with the City Council stating whether or not the proposed drilling and producing of the well will be in conformity with the provisions of this ordinance. If the report of the City Secretary is to the effect that the proposed drilling and producing of the well will be in conformity with the provisions of this ordinance, then the City Secretary shall issue a permit to the applicant; provided, however, the applicant shall first post with the City, at his own expense, a public liability insurance certificate covering all of his operations in the city limits of the City of Danbury, Texas, in bodily injury limits not less than $100,000.00 for each person, and $300,000.00 for each accident and property damage limits of not less than $25,000.00 for each accident. Such coverage shall also include protection for the acts of independent contractors of applicant for let or sublet. The public liability insurance hereunder shall be carried in companies acceptable to the City. Said insurance shall be continued in force so long as applicant remains engaged in operations for the drilling or production of oil and gas within the City of Danbury, Texas

Section 10. Rules to be observed: In operation under a permit the permittee or his assigns must observe the following rules, and the failure to observe same shall be unlawful, to-wit:

(a) All permanent oil tanks or battery of tanks must be surrounded by a dike or ditch of at least the capacity of the tank or battery of tanks.

(b) No flow tank, unless it is entirely buried, or other oil tank of any size, shall hereafter be placed nearer than one hundred fifty (150) feet to any derrick, rig, building, power plant or biler of any description.

(c) No field working tank having a capacity of ten thousand (10,000) barrels or more shall hereafter be built nearer than two hundred (200) feet (Measured from shell to shell) to any other like tank or tanks.

(d) Printed signs reading: "DANGEROUS, NO SMOKING ALLOWED," or similar words, shall be posted in conspicuous places on each producing drilling unit.

(e) All permittees' shall be kept clear of high grass, weeds and combustible trash, within a radius of fifty (50) feet around an oil tank, tanks or producing wells.

(f) Open earthen storage for oil is prohibited.

(g) All oil tanks, where there is a gas hazard, shall be gas-tight and provided with proper gas vents.

(h) No forge or open light shall be placed inside the derrick of a well showing oil or gas.

(i) Boilers must be equipped with steam lines for fighting fire and must be not nearer than one hundred (100) feet to any producing well.

(j) All oil and gas pipe lines laid upon or across a public road or highway must be buried to a reasonable safe depth, encased in conduit and properly vented.

(k) Wherever available and practicable, electric light and power shall be installed in congested drilling area.

(l) A blow-out preventer, control head and other connections for keeping the well under control at all times shall be installed as soon as surface casing is set. Blow-out preventer shall be tested against pump pressure at least once every twenty-four (24) hours. All control equipment shall be in good working order and condition at all times.

(m) No biler or electric lighting generator shall be placed or remain nearer than one hundred fifty (150) feet to any producing well or oil tank.

(n) Any rubbish or debris that might constitute a fire hazard shall be removed to a distance of at least one hundred (100) feet from the vicinity of wells, tanks and pump stations. All waste shall be burned or disposed of in such a manner as to avoid creating a fire hazard or polluting streams and fresh water strata.

(o) All well heads, pits and tank batteries shall be adequately protected with (manproof) fencing. However, this provision shall not apply:

(1) Where the well head, pits or tanks are located on acreage which has not been platted into one acre or lesser size homesite tracts, with the plat filed for record in the office of the County Clerk of Brazoria County, Texas, if the dwelling house density surrounding the well head, pits and tanks is less than 100 dwellings per square mile. To determine this density, all dwellings within one square mile with the well head as the center shall be counted; and

(2) Where the well head, pits or tanks are located within such a platted subdivision, duly filed for record in the office of the County Clerk of Brazoria County, Texas, but at a greater distance than 5-0 feet from any existing dwelling, such provision shall apply. Where the well, pits or tanks are located outside such a subdivision, but within 500 feet of a dwelling within the subdivision, such provision shall apply.

Section 11. Drilling forbidden with two hundred (200) feet: Not withstanding anything to the contrary herein contained, no permit shall be issued for any well to be drilled at any location, which is nearer than two hundred feet of any residence, building or structure, without the applicant having first secured the written permission of the owner or owners thereof.

Section 12. Definition: The word "person" whenever used in this ordinance means and includes any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator and a fiduciary or representative of any kind.

Section 13. Savings Clause: If any provision, exception, paragraph, sentence, clause or phrase of this ordinance shall for any reason be held invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance, and to this end, all provisions of this ordinance are declared to be severable.

Section 14. Penalty for violation: Any violation of any of the terms of this ordinance, whether herein denominated as unlawful or not, shall be deemed a misdemeanor; and any person convicted of any such violation shall be fined in a sum not exceeding $200.00. Each day of the continuance of such violation shall be considered a separate offense and be punished separately.

Section 15. The fact that there is not now in existence, within the City of Danbury, Texas, an Ordinance prescribing for the regulation of drilling or producing of oil, gas, sulphur or other minerals and that an imperative public necessity exists to protect the health and welfare of the citizens of Danbury, Texas, the parliamentary rule of procedure requiring that all ordinances be read at three separate meetings be, and the same is hereby dispensed with and

this ordinance shall become effective from and after its passage, adoption and publication by caption only.

PASSED AND APPROVED on this the 6th day of April, A.D., 1965.

CITY OF DANBURY, TEXAS

/s/ By: E. J. Filipp
Mayor

/s/ R. E. Brittain
Councilman

/s/ Paul D. Harvey
Councilman

/s/ D. J. Bulanek
Councilman

/s/ Clarence Zwahr
Councilman

/s/ H. W. Geissen
Councilman

I, Mrs. Eugene Wollam, hereby certify that the above is a true and correct copy of Ordinance No. 20 passed by the City Council of Danbury on the 6th day of April, 1965.

Mrs. Eugene Wollam
Mrs. Eugene Wollam

ORDINANCE NUMBER 187

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(b) No flow tank, unless it is entirely buried, or other oil tank of any size, shall hereafter be placed nearer than one hundred fifty (150) feet to any derrick, rig, building, power plant or boiler of any description.

(c) No field working tank having a capacity of ten thousand (10,000) barrels or more shall hereafter be built nearer than two hundred (200) feet (Measured from shell to shell) to any other like tank or tanks.

(d) Printed signs reading: "DANGEROUS, NO SMOKING ALLOWED," or similar words shall be posted in conspicuous places on each producing drilling unit.

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(g) All oil tanks, where there is a gas hazard, shall be gas-tight and provided with proper gas vents.

(h) No forge or open light shall be placed inside the derrick of a well showing oil or gas.

(i) Boilers must be equipped with steam lines for fighting fire and must be not nearer than one hundred (100) feet to any producing well.

(j) All oil and gas pipe lines laid upon or across a public road or highway must be buried to a reasonable safe depth, encased in conduit and properly vented.

(k) Wherever available and practicable, electric light and power shall be installed in congested drilling area.

(l) A blow-out preventer, control head and other connections for keeping the well under control at all times shall be install as soon as surface casing is set. Blow-out preventer shall be tested against pump pressure at least once every twenty-four (24) hours. All control equipment shall be in good working order and condition at all times.

(m) No boiler or electric lighting generator shall be placed or remain nearer than one hundred fifty (150) feet to any producing well or oil tank.

(n) Any rubbish or debris that might constitute a fire hazard shall be removed to a distance of at least one hundred (100) feet from the vicinity of wells, tanks and pump stations. All waste shall be burned or disposed of in such a manner as to avoid creating a fire hazard or polluting streams and fresh water strata.

(o) All well heads, pits, and tank batteries shall be adequately protected with (manproof)fencing. However, this provision shall not apply:

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PASSED AND APPROVED on this the 6th day of April, 1965.

CITY OF DANBURY, TEXAS

By _____
Mayor

ATTEST:

Betty B. Williams
City Secretary