

**CITY OF HASLET
ORDINANCE NO. 019-2016**

AN ORDINANCE AMENDING CHAPTER 14 – ZONING, ARTICLE VIII, SECTION 8.3 – PETROLEUM AND NATURAL GAS OPERATIONS AND PIPELINES – SUPPLEMENTAL REGULATIONS, TO ADD REQUIREMENTS FOR EMERGENCY RESPONSE PLANS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haslet, Texas, is a Type A general law municipality located in Tarrant and Denton counties, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has determined that it is appropriate and in the best interest of the City to promote the public health, safety and general welfare of its residents and to promote the economic benefits of oil and gas development by regulating the drilling of oil and gas wells and pipelines within the corporate city limits, and has previously adopted such regulations as contained in Section 8.3 of the City’s zoning ordinance; and

WHEREAS, the City Council desires to amend such regulations to require an operator to provide an emergency response plan as part of the Specific Use Permit application process, and to add specific requirements for such emergency response plan; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on July 25, 2016, and a public hearing was held by the City Council on August 15, 2016, with respect to the proposed changes to the zoning regulations; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for amendments to the zoning ordinance.

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

SECTION 1.

That the Haslet Code of Ordinances, Chapter 14 – Zoning, Article VIII, Section 8.3 "Petroleum and Natural Gas Operations and Pipelines — Supplemental Regulations", Subsection F. "Application for Specific Use Permit" is hereby amended to add a new Subsection 27 to read as follows:

F. Application for Specific Use Permit.

...

“27. An emergency response plan in accordance with Subsection Z of this Section.”

The remaining subsections of Subsection F. "Application for Specific Use Permit" are not amended hereby and shall remain in full force and effect.

SECTION 2.

That the Haslet Code of Ordinances, Chapter 14 – Zoning, Article VIII, Section 8.3 "Petroleum and Natural Gas Operations and Pipelines — Supplemental Regulations" is hereby amended by adding a new Subsection Z to read as follows:

“Z. Emergency Response Plan. The operator shall submit an emergency response plan using existing guidelines established by the Railroad Commission, the Texas Commission on Environmental Quality, Texas Department of Transportation, and the United States Environmental Protection Agency. The emergency response plan shall be kept current with any additions, modifications and amendments concerning all oil and gas operations and production. A copy of the emergency response plan shall be kept on-site. At a minimum, the plan shall provide for:

1. Prompt and effective response by the operator to emergencies regarding leaks or releases that can affect public health, safety and welfare; fire or explosions at or near a gas well; and natural disasters and severe weather;
2. Effective means to notify and communicate required and pertinent information to local fire, police and public officials during an emergency;
3. The availability of personnel, equipment, tools and materials as necessary at the scene of an emergency;
4. Measures to be taken to reduce public exposure to injury, accidental death or exposure;
5. Emergency shutdown of a gas well and related site;
6. The safe restoration of service and operations following an emergency or incident;
7. A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures;
8. An emergency notifications page that indicates all emergencies must be reported to the Fire Department at 911 and to the Gas Well Inspector;
9. Drive-to-maps from public rights-of-way to the drill site;

10. The name, address, and 24-hour phone number of the operator's representative with supervisory authority over drilling or operations activities; and

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

SECTION 3.

This ordinance shall be cumulative of all provisions of the zoning ordinance and of the Code of Ordinances of the City of Haslet, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

All rights and remedies of the City of Haslet are expressly saved as to any and all violations of the provisions of the zoning ordinance of the City of Haslet, Texas, as amended, or any other ordinances relating to petroleum and natural gas operations and pipelines which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

The City Secretary of the City of Haslet is hereby directed to publish in the official newspaper of the City of Haslet, the caption, penalty clause, publication clause, and effective date clause of this ordinance as authorized by Section 52.011 of the Local Government Code.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 15TH DAY OF AUGUST, 2016.



Attest:

Dianna Buchanan
Dianna Buchanan, City Secretary

Bob Golden
Bob Golden, Mayor