

ORDINANCE NO. 2008- 3

AN ORDINANCE AMENDING ORDINANCE NO. 2004-1, THE ANNETTA NORTH OIL AND GAS SUPPLEMENTAL REGULATIONS, BY AMENDING SECTIONS 10.1 AND 12.1 OF THE ANNETTA NORTH ZONING ORDINANCE (ORDINANCE 2003-1, AS AMENDED) REGARDING CONDITIONS FOR GRANTING A SPECIFIC USE PERMIT FOR OIL OR GAS DRILLING AND PRODUCTION, CONDITIONS FOR GRANTING A SPECIFIC USE PERMIT FOR PIPELINE OPERATIONS AND THE DEPTH OF WELL CASING REQUIRED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta North, Texas is a Type B general law municipality located in Parker County, and created in accordance with the provisions of Chapter 7 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Board of Aldermen of the Town of Annetta North heretofore adopted Ordinance No. 2003-1, as amended, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residents and other purposes and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Board of Aldermen of the Town of Annetta North heretofore adopted Ordinance No. 2004-1, as amended, which regulates and restricts the location and manner of oil and gas drilling within the Town; and

WHEREAS, the Board of Aldermen of the Town of Annetta North finds and determines that the zoning regulations established herein are for the purpose and are designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air;

prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; and

WHEREAS, the Board of Aldermen held a public hearing in accordance with law with respect to the zoning changes described herein; and

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

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF ANNETTA NORTH, TEXAS:

SECTION 1.

Ordinance No. 2004-1, as it amends Ordinance 2003-1, is hereby amended by amending Section 10.1, Petroleum and Natural Gas Drilling and Pipelines – Supplemental Regulations by specifically amending subpart G.3 to read as follows:

In no case shall a well or tank battery be located within one thousand feet (1,000') of a school or park, or one thousand feet (1,000') from a residence unless an SUP meeting all the requirements of Sections 12.1.C.5 and 6 has been granted by the Board of Alderman. In no case shall a school, park, or residence be located within 200 feet of an existing well or tank battery.

SECTION 2.

Ordinance No. 2004-1, as it amends Ordinance 2003-1, is hereby amended by amending Section 10.1, Petroleum and Natural Gas Drilling and Pipelines – Supplemental Regulations by specifically amending subpart O.1.(g) to read as follows:

Use a minimum of 750 ft. of surface casing

SECTION 3.

Ordinance No. 2004-1, as it amends Ordinance 2003-1, is hereby amended by amending Section 12.1.C. - SUP, Specific Use Permit, by specifically amending subpart 5. (8) to read as follows:

That the well and drilling site, including all equipment and temporary

improvements are not within one thousand feet (1,000') of a habitable structure, unless each owner of a habitable structure within 1,000' of the drill site voluntarily signs a waiver allowing the drilling and producing operation. Waivers signed by each affected owner, along with a list identifying each affected owner shall be presented by the applicant for an SUP at the time of original application. If waivers are not obtained from every affected owner, the Board of Aldermen shall have the authority to issue an SUP only after a second public hearing to be held not later than 45 days after the public hearing required in Section 4, above.

SECTION 4.

Ordinance No. 2004-1, as it amends Ordinance 2003-1, is hereby amended by amending Section 12.1.C – SUP, Specific Use Permit by specifically amending subpart 6. (1) to read as follows:

The Planning and Zoning Commission may recommend to the Board of Aldermen that certain safeguards and conditions concerning the operation, setbacks, ingress and egress, off-street parking and loading arrangements, landscaping and screening, location and construction of buildings and uses, term limits, tank specifications, and other safeguards and conditions be required.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta North, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6.

Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or

ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

SECTION 7.

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 each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the Town of Annetta North are expressly saved as to any and all violations of the provisions of any ordinance related to oil and gas drilling or

production regulations as they may have been amended or any other ordinance or code provision 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 9.

The City Secretary of the Town of Annetta North is hereby directed to publish the caption and penalty clause of this ordinance at least once in the official newspaper of the Town of Annetta North.

SECTION 10.

This ordinance shall be in full force and effect after its passage and publication

as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 12th DAY OF AUGUST 2008.

MAYOR

ATTEST:

CITY SECRETARY

DATE: _____

ADOPTED: _____

EFFECTIVE: _____