

ORDINANCE NO. 05122020-2

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS PROHIBITING THE DRILLING, RE-DRILLING, DEEPENING, ENTERING, ACTIVATING OR CONVERSION OF ANY OIL OR GAS WELL WITHIN A CERTAIN DISTANCE OF VARIOUS FACILITIES, STRUCTURES, HAZARDS AND PROPERTY USES AND PROVIDING DEFINITIONS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON,
TEXAS AS FOLLOWS:**

Section 1. It shall be unlawful to drill, re-drill, deepen, re-enter, activate or convert any oil or natural gas well, for which the closest edge or construction or surface disturbance is located

- a. Within 500 feet (500') from any public park; or
- b. Within 500 feet (500') from any residence; or
- c. Within 500 feet (500') from the property line upon which any religious institution, public building, hospital building or school is located or for which a building permit has been issued on or before the date of the application for a drilling permit is filed with the oil and gas inspector; or
- d. Within 500 feet (500') from any habitable structure; or
- e. Within 500 feet (500') from any recorded property, lot or tract line, except where otherwise referenced in this section. Further, where common surface and mineral estate ownership exists for adjacent and abutting tracts, no variance shall be required for such property, lot or tract lines; or
- f. Within 500 feet (500') from any existing storage tank, or source of potential ignition;
- g. Within 500 feet (500') of any public street, road, highway, or right-of-way line; or
- h. Within 500 feet (500') from any existing fresh water well.
- i. All distances shall be measured from the closest edge of construction or surface disturbance in a straight line, without regard to intervening structures, or objects to the closest exterior point of any object, structure, or recorded property, lot or tract line, listed in subparagraphs (a) through (h), above.

Section 2. The distances set out in Section (1) may be reduced and documented as variances to the requested permit prior to issuance by decision of the city council based upon consideration of health, safety, nuisance and public welfare.

Section 3. Definitions. All technical industry words or phrases related to the drilling and production of oil and gas wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Building means any structure used or intended for supporting or sheltering any use or occupancy. The term “building” shall be construed as if followed by the words “or portions thereof.”

Closest edge of construction or surface disturbance means and refers to the nearest point or location of the drill site or pad site.

Drilling means digging or boring a new well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons, or for the purpose of injecting gas, water, or any other fluid or substance into the earth to develop, produce or improve the production of oil and/or natural gas or other hydrocarbons.

Gas means 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 and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

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

Habitable structure means any structure suitable for human habitation or occupation, including but not limited to a single or multifamily residence(s), hotel, condominium building, building for commercial purposes and enclosed spaces in which individuals congregate for education, worship, amusement or similar purposes, or in which occupants are engaged at or in labor, and which is equipped with means of egress, light and ventilation facilities. Each building of 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 habitable structure.

Oil well means any well drilled, to be drilled, or used for the intended or actual production of oil.

Public building means all buildings used or designed or intended to be used for the purpose of assembly of persons for such purposes as deliberation, entertainment, amusement, or health care. Public buildings include, but shall not be limited to, theaters, assembly halls,

auditoriums, armories, mortuary chapels, dance halls, exhibition halls, museums, gymnasiums, bowling lanes, libraries, skating rinks, courtrooms, restaurants, churches, and hospitals.

Public park means any land area dedicated to and/or maintained by the town for traditional park-like recreational purposes, but shall not include equestrian trails, trailheads, trails, and privately-owned or privately-managed golf courses.

Re-drill means re-completion of an existing well by deepening or sidetrack operations extending more than one hundred fifty feet (150') from the existing well bore.

Religious institution means any building in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

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 an oil, gas, or combined well permit is filed with the oil and gas inspector. The term also includes structures attached to the residence, including but not limited to garages, porches, carports and similar structures.

Right-of-way means public rights-of-way including streets, easements, and other property within the town and which is dedicated to the use and benefit of the public.

School means any public or private primary, secondary and post-secondary educational facilities providing education up through and including college or university level courses or instruction; and any licensed day care centers, meaning a facility licensed by the State of Texas or by the City of Frankston, Texas, that provides care, training, education, custody, treatment or supervision for more than six (6) children under fourteen (14) years of age, and for less than twenty-four (24) hours per day.

Storage tank means any vessel, having a liquid capacity that exceeds 230 L (60 gal) containing a flammable or combustible product that is intended for fixed installation.

Street means any street, highway, sidewalk, alley, avenue, recessed parking area, or other public right-of-way, including the entire right-of-way.

Tank means a container, covered or uncovered, used in conjunction with the drilling or production of oil and gas or other hydrocarbons for holding or storing fluids.

Well means a hole or holes, bore or bores, to any horizon, formation, or strata used for the purpose of producing oil, gas, liquid hydrocarbon, brine water, or sulphur water, or used as an injection well for secondary recovery, disposal or production of oil, gas, or other hydrocarbons from the earth.

PASSED on this the 12th day of May, 2020.

CITY OF FRANKSTON, TEXAS

By: Donald M. Hall
Mayor

ATTEST:

Helli Landroth-Smith
City Secretary