

**TOWN OF BARTONVILLE**

**ORDINANCE NO. 462-08**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 10, ARTICLE 10.100, DEVELOPMENT ORDINANCE FOR THE TOWN OF BARTONVILLE, EXHIBIT "A", ARTICLE II PROCEDURES BY AMENDING SUBSECTION 2.8 J. OIL AND GAS WELL DEVELOPMENT PLAT REQUIREMENTS, TO CLARIFY, ADD ADDITIONAL REQUIREMENTS AND STREAMLINE THE APPLICATION PROCESS OF OIL AND GAS WELL DEVELOPMENT PLATS WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTIONAL LIMITS OF THE TOWN OF BARTONVILLE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

**WHEREAS**, the Town Council of the Town of Bartonville adopted Ordinance 336-03, Development Regulations inclusive of Oil and Gas Well Development Plat requirements, in the belief that oil and gas drilling activity, without proper regulations within the corporate limits of Bartonville or within Town's Extraterritorial Jurisdiction, can pose health and safety hazards to the citizens of Bartonville; and

**WHEREAS**, the Town Council deems it necessary to amend said Oil and Gas Well Development Plat procedures to clarify certain provisions and streamline the plat process; and

**WHEREAS**, Pursuant to its authority to regulate subdivision development, Tex. Loc. Gov't Code §212.001, utility service, Tex. Loc. Gov't Code §402.001, watersheds, Tex. Loc. Gov't Code §401.002, and water pollution control and abatement Tex. Utility Code §26.117, the Town Council of Bartonville, Texas, deems it necessary to amend Ordinance 336-03, Development Ordinance for the Town of Bartonville, as amended, by clarifying and adding additional provisions for oil and gas well development plats to govern the development of oil and gas wells within the corporate limits of Bartonville or within Town's Extraterritorial Jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, THAT:**

**SECTION 1.**  
**(INCORPORATION OF PREMISES)**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.**  
**Code of Ordinances Amended**

The Town Of Bartonville Code Of Ordinances, Chapter 10, Article 10.100, The Development Ordinance for the Town Of Bartonville, Exhibit “A”, Article II Procedures, Subsection 2.8 J., Oil and Gas Well Development Plat Requirements is hereby amended to read as follows:

“2.8 J. Oil and Gas Well Development Plats – Prior to the issuance of an oil/gas drilling permit, any person who proposes drilling and/or the production of oil or gas on a tract of land located within the Town limits or within the Town’s Extraterritorial Jurisdiction shall prepare and file an Oil/Gas Well Development Plat Application with the Town.

1. Oil/Gas Well Development Plats shall be processed and approved in accordance with Tex. Loc. Gov’t Code Ann. §212.041 through §212.050 (Vernon 2003), Section 2.8 of this Ordinance, and no new oil or natural gas development may begin on property until the Oil/Gas Well Development Plat is filed and approved by the Planning and Zoning Commission in accordance with the provisions of this Subsection and a drilling permit has been approved and issued by the Town Council.
2. Erosion control is required and shall comply with all local, state and federal requirements. The operator shall file a copy of the Stormwater Pollution Plan if required by the EPA.
3. With the exception of vehicular access, no development shall be allowed in a floodplain.
4. General Requirements – An application for the approval of an Oil and Gas Well Development Plat, together with ten (10) copies of the application including copies of all submitted documents and prints (folded), shall be filed with the Town Secretary no less thirty (30) consecutive calendar days, or in accordance with the official submittal schedule, prior to the meeting of the Planning and Zoning Commission at which the plat is to be considered. No plat will be considered filed until a complete application, inclusive of all the required items and information listed herein have been provided by the due date, and the appropriate filing fees have been paid. In addition, original tax certificates (indicating that all taxes on the land covered by the plat have been paid to the current year) must be submitted with an application for approval of an Oil and Gas Well Development Plat for the surface property on which the pad site is located.

5. Existing Features – The Oil and Gas Well Development Plat shall be drawn at a scale of one hundred feet to the inch (1" = 100') or at a scale approved by the Town Engineer. The information to be included and the procedure for submittal are as follows:
  - a. Boundary lines of the entire lease area (may be referred to as production unit) covered by the Oil and Gas Well Development Plat, indicated by heavy lines, and the computed acreage of the subdivision shall be noted;
  - b. The widths and names of all existing or platted streets or other public rights-of-way or easements within one thousand (1,000) feet of the surface tract and within one thousand (1,000) feet of the well head site, shall be located together any existing permanent buildings, railroads, and other important features, such as abstract lines, political subdivisions or corporation boundaries, and school district boundaries;
  - c. Existing sewer mains, water mains, drainage culverts, or other underground structures within two hundred (200) feet of the surface tract and within two hundred (200) feet of the well head site, with pipe sizes and grades;
  - d. Contours with intervals of two (2) feet or less, with references to mean sea level datum;
  - e. The names and lot patterns of subdivisions and/or the names of record owners of un-subdivided land within six hundred (600) feet of the perimeter of the Oil and Gas Well Development Plat;
  - f. Permanent structures and land uses within the area covered by the Oil and Gas Well Development Plat and within six hundred (600) feet of the perimeter of the well head site. Said permanent structures and uses shall include houses, barns, walls, wells, tanks, and other significant features;
  - g. The exact location, dimension, description, and flow line of existing drainage structures and the locations, flow line of existing water courses, and the 100-year FEMA flood plain within the plat or within six hundred (600) feet of the wellhead site;
6. New Features – The following features must also be shown on the Oil and Gas Well Development Plat.
  - a. North point, scale, date, and approximate acreage of the lease area;
  - b. The addresses, and phone numbers of the applicant(s), engineer, surveyor, or planner;

- c. The tract designation and other description according to the real estate records of the Town, County, or Central Appraisal District for each tract of land contained within the Oil and Gas Well Development Plat;
- d. The layout, names, and widths of all existing and proposed interior roads, gates, and fencing;
- e. Identification of all truck routes and access points;
- f. A drainage and erosion control plan that is prepared by a professional engineer licensed to operate in the State of Texas must be submitted with an application for an Oil and Gas Well Development Plat. The drainage and erosion control plan must be approved by the Town Engineer and must include the following information:
  - i. Access crossings of floodplains, creeks, and/or streams shall be designed to a 25-year storm frequency. In addition, all development, including access roads and pad sites, must comply with the Town of Bartonville Flood Damage Prevention ordinance;
  - ii. The erosion control plan must provide references to Texas Commission on Environmental Quality (TCEQ) and federal standards and must indicate how these requirements are to be satisfied;
  - iii. Verification that all floodplain, creek, and stream crossings shall have no negative affects on other property. Gravel pad sites shall be evaluated assuming a runoff coefficient of not less than 0.70. Detention or other acceptable means must be provided to ensure there is no adverse impact on downstream properties.
- g. Identify the proposed source of water and any other public utilities required;
- h. Identify the location of proposed lease lines and well locations:
  - i. Label distance between well head site and property lines;
  - ii. Label distance between well head site and structures within 600 feet of well heads as measured from the property line;
  - iii. Label distance between temporary holding ponds and floodplains;
- i. Provide typical well site schematics showing layout during drilling and upon completion of drilling;
- j. Show location of all proposed underground pipelines;
- k. Identify pipelines connected with a Gas Distribution System;
- l. Identify the location of any fresh water wells;

- m. Identify the location of all reserve pits, structures, tanks and all areas where equipment is to be stored;
  - n. Identify all required screening and shrubs;
  - o. Legal description of the property included within the plat and a metes and bounds description of perimeter of the plat encompassing the entire lease area;
  - p. Primary control points or descriptions (property corners), and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;
  - q. Location of Town limits, ETJ, and zoning district boundaries, if they traverse the plat, or form any part of the boundary of the plat, or are contiguous to the boundary of the plat;
  - r. Any proposed changes in topography shown by contour lines, spot elevations and flow arrows using two (2) foot vertical intervals;
  - s. A copy of all existing protective covenants regulating the use of land shall be submitted with an application for an Oil or Gas Well Development Plat; and
  - t. Written agreement(s) with notarized signatures of the owner(s) of the surface property on which the pad site is located for an Oil and Gas Well Development Plat and any person owning a residential structure located within six hundred (600) feet of a proposed well head site that grants authorization to drill within six hundred (600) feet of said residential structure(s) must be submitted with an application for an Oil and Gas Well Development Plat.
  - u. Names, addresses and telephone numbers of all lease holders and surface owners for the entire production unit.
7. As built drawings shall be filed with the Town.”

#### **SECTION 4. CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, 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 5. SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville 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 should 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, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.  
SAVINGS**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting oil or gas drilling and/or production, 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 7.  
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8.  
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 9.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect immediately upon passage.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED by a vote of 4 to 0. This the 21<sup>st</sup> day of October, 2008.**

APPROVED:

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Ron Robertson, Mayor

(Seal)

ATTEST:

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Kristi Gilbert, TRMC, CMC  
Town Secretary