

**ORDINANCE NO. 02019-19**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 4.300, REGULATING DRILLING FOR NATURAL RESOURCES AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Dayton currently has an ordinance regulating drilling for natural resources; and

**WHEREAS**, the City Council of the City of Dayton, Texas, finds it to be in the public interest to amend the regulations in order to protect property owners in platted subdivisions.

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

Section 1: Article 4.300 of the Code of ordinances shall be amended to read as follows:

**ARTICLE 4.300 DRILLING**

**Sec. 4.301 Permit**

It shall be unlawful and an offense for any person, association of persons, or corporation to commence to drill or operate any well for the purpose of production and recovering any oil, gas, or liquid hydrocarbon, within the city limits of the City of Dayton without a permit for the drilling and operation of such well having first been issued by the authority of the city council of the City of Dayton in accordance with the terms of this article.

**Sec 4.302 Well Location**

No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is nearer than three hundred (300) feet to a structure intended for residential, commercial or public use or which is closer than three hundred (300) feet to a residential, commercial or public building site for which a building permit has been issued by the city, or for which a plat has been recorded. However, the three hundred (300) foot set back requirement shall not apply if the applicant for a drilling permit first obtains the written, sworn permission of all surface estate owners and any lienholders of any interest in the surface estate of any real property lying within such three hundred (300) foot setback distance. The applicant for a drilling permit shall have the burden of reasonably satisfying the city that all such surface estate owners and lienholders have been identified.

**Sec. 4.303 Application and Filing Fee**

Every application for a permit to drill and operate a well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the city secretary and be accompanied with a filing fee as provided for in the fee schedule found in the appendix of this code. An application to drill or operate a well shall include the following:

- (1) The date of said application;
- (2) Name of applicant;

- (3) Address of the applicant;
- (4) Proposed site of the well, including:
  - (A) Name of fee owner;
  - (B) Name of lessee owner;
  - (C) Brief description of the land.

- (5) Type of derrick to be used;
- (6) The proposed depth of the well.

**Sec. 4.304 Issuance or Refusal of Permit**

The city council, within thirty (30) days after the filing of the application for a permit to drill and operate a well shall determine the provisions for issuance of such permit. Upon compliance with these provisions permit shall be issued.

**Sec. 4.305 Penalty**

Any person who violates this article, or any part of the provisions of a drilling and operating permit issued pursuant thereto, or who shall fail to comply with the terms thereof, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined in any sum in accordance with the general penalty provision found in Section 1.106 of this code; and each day that a violation exists shall be considered a separate offense.

Section 2: This Ordinance shall be in full force and effect from and after the date that it is published in the newspaper on two separate dates.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Dayton, this 17 day of June, 2019.

ATTEST:

[Signature]

