

Footnotes:

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State Law reference— *Oil and gas wells, A.C.A. § 15-72-101 et seq.; authority to legislate on matters pertaining to municipal affairs, A.C.A. § 14-43-601 et seq.*

ARTICLE I. - IN GENERAL

Sec. 17-1. - Odorization of natural gas being transported by pipeline; required.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Odorized means that status of natural gas wherein there has been mixed with the natural gas such chemical substances so as to cause the gas to be readily detectable by a person of normal sense of smell when the odorized gas is at a concentration in air of one-fifth of the lower explosive limit.

Operator means that person or entity, normally having an ownership interest in a gas production unit or gas transmission pipeline, who is charged with the duties of producing natural gas or transporting natural gas in a pipeline subject to the provisions of this section.

(b) It is hereby determined to be unlawful for any public service utility, natural gas pipeline operator, person or other entity to cause or permit natural gas to be transported in any pipeline for the purpose of gathering, transmitting or distributing such natural gas within the city, unless the gas so being gathered, transmitted or distributed has been odorized. It is further determined to be unlawful to submit a false certification pursuant to subsection (c) of this section. A violation of this subsection shall be deemed to be a misdemeanor and shall be punishable as provided in section 1-9.

(c) As a condition to continuation of franchise and permit rights to operate within the city, the city administrator shall, at such periodic intervals as determined reasonable by the city administrator, require certification to be supplied by every public service utility, operator of a gas production unit located within the city, operator of every natural gas pipeline used for the purpose of gathering, transmitting or distributing natural gas located within the city, and every holder of a permit of any nature granted by the city for the use of public rights-of-way for pipelines for the gathering, transmitting or distributing of natural gas to submit a certification that all gas which any such entity causes to be placed in a pipeline, or which such entity actually gathers, transmits or distributes by pipeline in the city has been odorized to the level required by this section. The certification shall be made:

- (1) By the operator of a natural gas pipeline determined to be subject to the jurisdiction of the state public service commission or the state transportation commission;
- (2) By a governmental agency having jurisdictional control over the pipeline in question; or
- (3) By a testing laboratory which is a person or entity not in the full-time employ of the entity owning or operating the pipeline in which is located the gas being tested.

(Code 1976, § 23-11; Code 1992, § 17-1)

Secs. 17-2—17-25. - Reserved.

ARTICLE II. - SPECIAL USE PERMIT FOR WELLS

Sec. 17-26. - Purpose; required.

(a) This article is hereby adopted for the purpose of prescribing regulations governing conditions for the drilling of oil and gas wells.

(b) A special use permit is established to set standards used in approving oil and gas well operations and to establish procedures for processing the special use permits. Certain uses are defined as special uses because of the potential harmful effects the use can cause to nearby property and public streets, and because the requirements needed to eliminate those harmful effects vary from site

to site. Thus, the city administrator, or his designated agent, in considering each special use request, will review the overall compatibility of the planned use with surrounding property as well as such specific items as streets standards, traffic patterns, compliance with the adopted fire prevention code of the city, amount of dust or spillage created by the operation, traffic control, etc., to make sure no harmful effects occur to nearby property or existing public property. However, nothing herein shall be interpreted and/or applied so as to effectively prevent or eliminate oil and/or gas drilling within the city.

(Code 1976, § 19.5-1; Code 1992, § 17-26)

Sec. 17-27. - Application for permit—Submission; fee; contents of required survey and site plan.

- (a) The application for a special use permit shall be made to the office of the city administrator, or his designated agent, by the owner or agent of the oil and gas well operations. The application shall include four copies of the required site plan. The fee for processing a special use application is as established by the board of directors.
- (b) The required survey and site plan shall be submitted on paper no larger than 24 inches by 36 inches and no smaller than 12 inches by 24 inches. The site plan shall be drawn to a scale of no less than one inch equals 20 feet, unless the city administrator, or his designated agent, approves a different scale.
- (c) The survey and site plan shall, at a minimum, contain the following information:
 - (1) The land to be included in the proposed use, along with a written legal description of the land.
 - (2) The location and dimensions of all public rights-of-way on or abutting the planned area.
 - (3) Existing and proposed finished grade on the site, with particular attention to drainage.
 - (4) The location of all points of vehicular entrance and exit to the site. The location and dimensions of all existing easements and public improvements within the site.
 - (5) The location of permanent or temporary structures or proposed structures to be located on the site.
 - (6) The location of any reserve pit.
 - (7) The location of closest available water to the site.
 - (8) The exact location of the proposed drilling rig.
 - (9) The location of an all-weather roadway (shale, SB-2 et seq.) capable of supporting fire apparatus on the site.
 - (10) The location of all security fencing around the site (if applicable).

(Code 1976, § 19.5-2; Code 1992, § 17-27)

Sec. 17-28. - Application for permit—Contents; due date.

- (a) The complete application, including all supportive information, must be received by the city administrator, or his designated agent, at least seven working days before the date that work is to commence.
- (b) The special use application shall contain the following information:
 - (1) A survey and site plan of the property prepared by a certified land surveyor or registered civil engineer.
 - (2) The street address of the entire property.
 - (3) The present zoning classification of the property, using such words as "residential," "industrial," and "commercial," along with the numeral and letters in lieu of letters such as "R-2-MF."
 - (4) A description of the proposed special use, including the description of any construction of temporary structures to be erected on the property.
 - (5) The projected route of truck traffic to and from the operation site, including the projected number of trips. The number of trips and route may be regulated by the city administrator, or his designated agent.
 - (6) The name of subcontractor responsible for site preparation (a separate special use permit is required).
 - (7) Evidence that the applicant has given written notice by certified mail, return receipt requested, to the owners of all property situated within 400 feet of the well bore and all contiguous landowners to the drill site, setting forth the location of the well site and the anticipated date of commencement of operations on the well site.

(Code 1976, § 19.5-3; Code 1992, § 17-28)

Sec. 17-29. - Conditions and restrictions upon permit.

The city administrator, or his designee, may impose reasonable conditions and restrictions upon the application under consideration, with the intent of minimizing the impact of the special use permit operation upon nearby property or public property. The limitations placed upon a special use permit may include, but are not limited to:

- (1) The method for cleaning materials used in the operations that are dropped, shifted, leaked or otherwise escape onto a roadway from the vehicle transporting such materials, and such material shall be removed as necessary each day.
- (2) The method of controlling traffic (flagman or traffic control devices may be required at the contractor's expense).
- (3) Weight limits may be placed on all haulers to minimize damage to public facilities (reasonable weight limits to be determined by the city administrator, or designated agent).
- (4) The number of hours that site preparation work may be conducted on the premises may be regulated by the public works department to minimize harmful effects on nearby property owners.

However, nothing herein shall prevent the owner, its agent or any independent contractor from drilling, completing and operating the proposed well.

(Code 1976, § 19.5-4; Code 1992, § 17-29; Ord. No. 20-19, § 1, 3-5-2019)

Sec. 17-30. - Compliance with fire code, related safety precautions.

The applicant must be in compliance with the fire prevention code of the city and must also meet the following conditions:

- (1) The reserve pit shall be located a minimum of 100 feet from any structure.
- (2) All standing brush or trees shall be cleared for a radius of 50 feet from a reserve pit. Such steps shall be taken as are necessary to preserve vegetation and natural areas on the remainder of the well site.
- (3) The reserve pit shall be diked or otherwise constructed to protect public property and the environment.
- (4) Water must be available at the site (within 1,500 feet), by either fire hydrant or hoses which will fit fire department connections.
- (5) The drilling platform shall be a minimum 25 feet from any roadway.
- (6) An all-weather roadway capable of supporting fire apparatus shall be available at the site.
- (7) When surface blasting is required, the following precautions shall be taken:
 - a. Blasting shall be conducted by federally licensed technicians.
 - b. Authorities having jurisdiction shall monitor blasting (fire department).
 - c. Blasting shall be limited to the daylight hours, between the hours of 8:00 a.m. to 5:00 p.m.
- (8) The drilling site shall have security fencing around the entire site or personnel on the site 24 hours during the operations, to prohibit unauthorized access.
- (9) A list of trained personnel to be called in case of a blow-out shall be furnished to the fire department.
- (10) Temporary repairs to the city streets may be required by the city administrator, or his designated agent.
- (11) The drilling operations on the well site shall not create any unreasonably loud, disturbing or unnecessary noise in accordance with prudent drilling operations.
- (12) All necessary steps shall be taken in the operation of the well site to protect the health, safety and welfare of all persons and property.

(Code 1976, § 19.5-5; Code 1992, § 17-30)

Sec. 17-31. - Damages to public property; binding agreement of responsibility; bond.

All reasonable conditions required for a special use must be met before any operations may begin. The owner or applicant filing for a special use permit shall sign a binding agreement with the city that all damages to public property directly related to this operation, for which the owner or applicant is legally responsible, shall be repaired at the expense of the applicant. The city administrator or his designated agent shall determine the condition of public facilities (including photos and documentation) prior to the initiation of the operation. A bond, for a reasonable amount, shall be required for the amount determined by the city administrator, or his designated agent. Immediately after completion of the drilling of the well site, repairs will commence on the damage that has been done to the public property. Failure of the applicant to correctly repair all damaged public facilities, for which it has been determined responsible, may result in the revocation of all existing or future permits for such company, and the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111 through 2-113 is authorized to take what means are necessary to ensure that the public facilities are repaired.

(Code 1976, § 19.5-6; Code 1992, § 17-31; Ord. No. 3-02, § 5, 1-22-2002)

Sec. 17-32. - Time limit on commencement of drilling operations.

The drilling operation must begin within six months of the authorization, unless a special time limit less than six months has been imposed by the city administrator, or his designated agent.

(Code 1976, § 19.5-7; Code 1992, § 17-32)

Sec. 17-33. - Appeal of city administrator's decision to board of directors; time limit; fee.

The decision of the city administrator, or his designated agent, concerning a special use, may be appealed to the board of directors. Any interested party may file an appeal, provided that the appeal is filed with the city clerk by 5:00 p.m. on the tenth calendar day following the date of the decision by the city administrator, or his designated agent. A fee in the amount established by the board of directors is required for filing an appeal.

(Code 1976, § 19.5-8; Code 1992, § 17-33)