

Beverly Hills, California

Article 3. Oil Wells

10-5-301: PURPOSES OF ARTICLE:

- A. The purposes of the provisions of this article are to prohibit the drilling either on the surface or in the subsurface of the city for oil and gas, to prohibit the production of oil and gas, and to prohibit the storing and transportation of oil and gas in the city, except as permitted by the provisions of this article.
- B. The council hereby declares that it is also the object and purpose of this article to establish reasonable and uniform limitations, safeguards, and controls for the drilling for and production of oil, gas, and other hydrocarbon substances within and under the city. Such limitations, safeguards, and controls are found to be necessary in order to protect the citizens, their property rights, and the general public of the city and to put into effect practices which will provide a plan for the orderly drilling for and production of oil and gas, which substances are important to the national economy. Such orderly development is necessary and will protect the surface uses and the value and character of residential, commercial, and other real property in the city as such uses are set forth in and regulated by chapter 3 of this title. The council recognizes that many of its citizens and property owners have made substantial investments in real property. Therefore, in order to protect such citizens and their property rights, to protect the owners of mineral rights, and to provide for the orderly exploration, development, and production of oil and gas, it is necessary to regulate the drilling for and production of oil and gas in the manner set forth in this article.
- C. The council hereby finds and determines that the uncontrolled drilling in the subsurface for oil, gas and other hydrocarbon substances, and the uncontrolled production thereof, would be detrimental to the general welfare of the citizens and residents of the city and detrimental to the general public peace, health, safety, comfort, convenience, and prosperity. The council finds and determines that subsurface areas within the city may be explored for oil and gas, and, if such substances are found, they may be produced by directional or slant drilling methods from surface locations outside the city. Such operations must comply with the regulations of the city or county having local control of the drill site area, as well as the limitations and regulations set forth in this article to protect the citizens and residents of the city from odors, noise, dust, and the spreading of oil, dirt, and debris upon the public streets of the city, and to protect buildings and structures from vibrations, sinking, or other damages caused by the drilling for and production of oil and gas in an unrestricted location and manner.
- D. Except as otherwise provided in this article, no person shall drill, produce, or extract oil, gas or other hydrocarbon substances from any surface location in the city. (Ord. 79-O-1720, eff. 2-15-1979; amd. Ord. 11-O-2603, eff. 1-25-2011; Ord. 11-O-2614, eff. 11-18-2011)

10-5-302: DRILLING AND PRODUCTION RESTRICTED:

- A. No person shall drill for or produce oil, gas, or other hydrocarbon substances from any surface location within the city, including any controlled drill site, whether the subsurface operation from such well is within or outside the city except that production of oil, gas and other hydrocarbon substances may continue from controlled drill site no. 1, as defined in subsection 10-5-306B of this chapter, until the date specified in section 10-5-323 of this chapter for cessation of such activity.
- B. The council hereby finds and determines that it is, and it is hereby declared to be unlawful and a public nuisance for any person hereafter to erect any derrick or drilling equipment and hereafter to drill a well in order to produce oil, gas or other hydrocarbon substances from drill sites that are located in the city.
- C. No person shall drill for or produce oil, gas or other hydrocarbon substances from the subsurface of the city from drill sites located outside the city, except as permitted by this article.
- D. The council hereby finds and determines that it is, and it is hereby declared to be, unlawful and a public nuisance for any person hereafter to drill an oil well or produce oil, gas or other hydrocarbon substances by directional or

slant drilling methods from surface locations or sites outside the city which said wells pass through or bottom in the subsurface of any property located within the city, except in the manner provided in this article.

E. No person shall drill or redrill or deepen below its present bottom any oil well for the production of or exploration for oil, gas or other hydrocarbon substances where any portion of the surface operation or the subsurface operation of such well is located within the city, except as authorized by this article. (Ord. 11-O-2614, eff. 11-18-2011)

10-5-303: DEFINITIONS:

ACIDIZING: Any well stimulation treatment that uses, in whole or in part, the application of one or more acids, at any pressure, to an underground geologic formation with the intent to cause or enhance the production of oil, gas or other hydrocarbon substances from a well. Acidizing may be used in conjunction with hydraulic fracturing or any other well stimulation treatment. Acidizing may include, but is not limited to, processes known as acid fracturing and acid matrix stimulation. Acidizing does not include standard maintenance work or other routine activities that do not affect the integrity of the well or the natural porosity or permeability of an underground geologic formation.

APPLICANT: Any person who seeks a permit pursuant to the provisions of this article.

CONTROLLED DRILL SITE: A surface location in the city set forth in section 10-5-306 of this chapter upon which surface operations incident to oil well drilling or deepening and the production of oil and gas and other hydrocarbon substances from beneath the surface of real property, within or outside the city, may be permitted under the terms and conditions of this article and as prescribed by the terms and conditions of the permit of the council.

DEVELOPED AREA: That subsurface area under real property in the city under which there are proven oil and gas reserves and on which and from which real property there is a currently producing oil and gas or oil or gas well being operated and produced under and by virtue of an oil and gas lease in full force and effect and which lease was executed and delivered prior to February 20, 1968, in which subsurface area the drilling for and production of oil and gas is permitted as provided in this article. Such area shall contain not less than one acre.

DIRECTIONAL DRILLING: The whipstocking or slant drilling of an oil and gas well more than five degrees (5°) off vertical.

DRILLING EQUIPMENT: All temporary structures, tanks, equipment, and facilities necessary or convenient for the drilling of a well or well hole, including, but not limited to, wood or steel derricks, portable masts, engines, pumps, temporary fuel and water tanks, and other like facilities ordinarily used in connection with the drilling of an oil and gas well.

EXPLORATORY AREA: A described area established by the council containing not less than forty (40) acres, the boundaries of which shall follow property lines, public streets, highways, or alleys so far as practicable in which subsurface area the drilling for oil and gas or oil or gas and the production of oil and gas are permitted only by the person upon whose application the exploratory area is established, or his successor in interest. It shall be the subsurface portion of real property in which there is likely to be found deposits of oil and gas or oil or gas in which drilling and production operations may be carried on and oil and gas or oil or gas wells bottomed for the production of such substances.

HYDRAULIC FRACTURING: Any well stimulation treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids, which may include a mixture of water, chemicals and sand, into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil, gas or other hydrocarbon substances from a well.

OIL WELL: Any well or hole already drilled, being drilled, or to be drilled from the surface into the earth, which well or hole is used or intended to be used in connection with the drilling for, prospecting for, or production of oil, natural gas, or other hydrocarbon substances. "Oil well" shall also include a well or hole used for the subsurface injection into the earth of oil field waste, gases, water, or liquid substances, including any well or hole which has not been abandoned and is now in existence.

PERMITTEE: Any person who receives a permit pursuant to the provisions of this article.

WELL STIMULATION TREATMENT: Any treatment or process of a well designed to enhance oil, gas or other hydrocarbon substance production or recovery by increasing the permeability of the underground geologic formation. Well stimulation treatments include, but are not limited to, hydraulic fracturing and acidizing. Well stimulation treatments do not include standard maintenance work or other routine activities that do not affect the integrity of a well or the natural porosity or permeability of an underground geologic formation. (Ord. 79-O-1720, eff. 2-15-1979; amd. Ord. 14-O-2660, eff. 6-6-2014)

10-5-304: EXISTING WELLS:

The right to maintain and operate oil and gas wells lawfully drilled into the subsurface of the city prior to February 20, 1968, which wells are still being drilled or are producing oil or gas or other hydrocarbon substances at the time this article becomes effective, shall not be prohibited; provided, however, any such wells shall be maintained and operated in accordance with law and in full compliance with the terms and conditions of the permits pursuant to which they were drilled. Any such well shall hereafter be referred to as an "existing well". No existing well shall be drilled, redrilled, or deepened below its present bottom without first complying with or having complied with all the terms, conditions, and provisions of this article, including, but not limited to, the payment of the application fee and permit fee, the securing from the council of a permit as required by sections 10-5-311 through 10-5-316 of this chapter, and the approval of the exploratory area as required by sections 10-5-308 and 10-5-309 of this chapter; provided, however, no existing well, drilled from a surface site within the city, shall be drilled or redrilled or deepened below its present bottom. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-305: DRILLING FROM OUTSIDE THE CITY LIMITS:

Subject to the approval of the exploratory area as required by section 10-5-308 of this chapter and the issuance of a council permit as required by section 10-5-311 of this chapter, the drilling of an oil and gas or oil or gas well and the production of oil, gas, and other hydrocarbon substances may be conducted from drill sites located outside the city limits where such oil and gas wells are drilled into the subsurface of real property in the city by directional or slant drilling in accordance with the requirements of this article. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-306: DRILLING AND PRODUCTION WITHIN THE CITY LIMITS:

A. The council finds and determines that the location of drill sites on real property within the city is contrary to the public health, safety, and general welfare of the citizens and inhabitants of the city. Drilling from or producing oil, gas or other hydrocarbon substances from surface locations within the city is hereby prohibited except that production of oil, gas and other hydrocarbon substances may continue from controlled drill site no. 1 until the date specified in section 10-5-323 of this chapter for cessation of such activity.

B. Controlled drill site no. 1 shall be and embrace the real property in the city of Beverly Hills, county of Los Angeles, state of California, described as follows:

That portion of Lots 843 and 844, Tract No. 7710, in the city of Beverly Hills, County of Los Angeles, State of California, as recorded in Book 83, pages 94 and 95 of Maps in the office of the Recorder of said County, described as follows:

Beginning at the most southerly corner of said Lot 843; thence along the southwesterly line of said lot north 30 (30°) degrees 53'05" west 120.00 feet; thence north 59 (59°) degrees 13'04" east 233.00 feet; thence south 30 (30°) degrees 46'56" east 22.50 feet; thence north 59°13'04" east 30.50 feet; thence south 30 (30°) degrees 46'56" east 102.76 feet to a point on the northwesterly line of Olympic Boulevard, which is a curve concave to the southeast and having a radius of 593.11 feet; thence southwesterly along said curve a distance of 79.07 feet to the end of said curve; thence continuing southwesterly along said northwesterly line of Olympic Boulevard south 59 (59°) degrees 13'04" west 184.45 feet to the point of beginning.
(Ord. 11-O-2614, eff. 11-18-2011)

10-5-307: WHIPSTOCKING; EASEMENTS REQUIRED; COMPLIANCE WITH REQUIREMENTS OF OTHER JURISDICTIONS:

No oil or gas well may be drilled unless the applicant holds and presents to the council evidence that such applicant has the right to enter or pass through each parcel of property such drilling will take the well through between the

drilling site and the well bottom, including the right to take oil and gas from the property in which the well will be bottomed. Slant drilling or whipstocking of any well into, out of, or through the city is hereby prohibited, unless the applicant for any such permit meets and fully complies with all the requirements of every city, or, in the case of unincorporated territory, of every county in which such well or any part thereof is or will be located and meets and fully complies with all applicable state and federal laws and regulations. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-308: APPLICATIONS FOR EXPLORATORY AREAS:

- A. No council permit shall be granted or considered by the council or set for hearing until the council has approved the boundaries of the exploratory area into which such a well or wells may be drilled. An application for the approval of the boundaries of the proposed exploratory area shall be required, and in such application the applicant shall set forth and describe with a proper legal description the real property in the city which the applicant proposes to explore for oil and gas purposes. A map shall also be attached to the application, which map shall clearly show and outline the proposed exploratory area. Such area shall be known and designated as the "exploratory area". Such exploratory area shall contain not less than forty (40) acres. The exploratory area may include property within and property outside the city. Each such application shall have attached thereto geological information and the opinion of a geologist or petroleum engineer indicating that the boundaries proposed for the exploratory area include the subsurface portion of real property in which there is likely to be found deposits of oil and gas.
- B. Each application for the approval of the boundaries of an exploratory area shall be accompanied by an application fee of ten thousand dollars (\$10,000.00). The application fee shall be to defray the costs to the city of studies, investigations, and hearings by the city manager and other officers and employees of the city, by consultants employed by the council, and by the council concerning the proposed exploratory area set forth in the application. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-309: EXPLORATORY AREA BOUNDARIES AND POOLING OF PROPERTY; HEARINGS AND APPROVAL:

- A. Each applicant requesting the approval of an exploratory area shall have the contractual or proprietary right and authority to drill for oil and gas under the surface of at least seventy five percent (75%) of the area of the real property in the city described and included in any exploratory area. The council may require the applicant to prove any such authority by submitting a lease agreement or evidence of ownership thereof.
- B. In order to determine the proper boundaries of any exploratory area, the council may employ such engineers or consultants as it deems necessary to advise the council in such matter, and the cost of such services shall be paid by the city.
- C. The council, in consultation with the applicant, shall determine the nature and probable extent of the exploratory area. Having determined the probable extent of the exploratory area, the council shall delineate and describe the approved exploratory area.
- D. The council, as a condition to granting its approval, may require each applicant or permittee to pool all real property which it controls within the exploratory area as approved. After such pool is created, the property included therein shall thereafter be referred to as the "pooled area" or the "community lease". The applicant shall not be required to obtain leases or contractual rights to explore all of the real property within such exploratory area, but the applicant shall agree, in writing, that the owners of any oil and gas rights within the exploratory area may join in any leasing arrangement covering the pooled area or any community lease for the production of oil and gas from the exploratory area. The owners of oil and gas rights within the exploratory area shall have the right to join in any such lease and to share in the rental or royalty payments for oil and gas produced from the approved exploratory area. The shares of royalty to be paid shall be computed on the same basis as that of the average of the real property owners, by surface area, who have by lease or other document agreed to the drilling for and production of oil and gas by the applicant from the subsurface of the exploratory area.
- E. The owner of any oil and gas rights within the exploratory area shall be granted the right to join in any such pooled area or community lease on the basis set forth in this section. The permittee or lessee shall accept the

owner of such rights into the pooled area or community lease as provided in this section upon receiving written notice that such owner will join in and become a part of such pooled area or community lease covering the exploratory area and upon the execution of the same form of lease executed by other owners provided the oil and gas rights are appurtenant to real property included in the exploratory area. The owners of oil and gas rights within the exploratory area may join such pooled area or community lease and be included in the right to receive his pro rata share of oil and gas royalty the same as if he joined such lease by giving notice to the permittee at any time after the exploratory area is approved; provided, however, such owner shall waive any right to oil and gas royalties, rentals, or proceeds on or for any and all production from the exploratory area up to the first day of the following month after the time such notice is given to the permittee, unless such notice is given to the permittee within five (5) years of the effective date of the first council permit issued in the exploratory area. The permittee shall be required to impound the oil and gas royalty for all property within the exploratory area (in which the permittee does not have a contractual or proprietary right to drill for oil and gas beneath the surface) for a period of five (5) years from and after the effective date of the said first council permit and, during such five (5) year period, to pay such royalty, as they are entitled, to the owners of oil and gas rights who give written notice and execute the same form of lease or agreement executed by other owners. Upon the expiration of five (5) years from the effective date of the said first council permit, the permittee shall distribute the remainder of the funds impounded to the owners of oil and gas rights who have executed the lease in the same manner as shares of royalty are apportioned. No such owner of oil and gas rights shall be entitled to a council permit or the right to drill an oil and gas well because he has failed to join any community lease or pooled area or because he does not participate in an oil and gas royalty from real property located within the exploratory area.

- F. The pooling or unitizing of oil and gas rights within the exploratory area as between owners, lessees, or others having rights therein may be made a condition to the approval of the exploratory area.
- G. The council may modify the restrictions and conditions required by section 10-5-308 of this article and this section and impose such other conditions as it may deem necessary to carry out the purpose and intention of these sections and to fairly and equitably protect the oil and gas rights of the owners in any exploratory area.
- H. Upon the receipt of an application for the approval of an exploratory area, the council shall set such application for a hearing not sooner than sixty (60) days and not later than ninety (90) days after the filing of such application and shall refer such application to the city manager for study and investigation. The city manager, not later than ten (10) days before the hearing by the council, shall file a report upon his study and investigation with the council and with the city clerk. The council, at the request of the city manager, or on its own motion, may retain engineers, geologists, or other persons to assist the city manager in his study and investigation. Notice of the hearing shall be given by publication in the official newspaper by two (2) publications not more than thirty (30) days nor less than ten (10) days prior to the date of such hearing and by mailing a written notice of such hearing to the applicant.
- I. In its action upon the application, if the council shall find that the boundaries of the proposed exploratory area include all of the subsurface portion of real property in which there is likely to be found deposits of oil and gas from a probable single pool, the council shall approve the boundaries of the proposed exploratory area, or, if such boundaries can be modified to justify such a finding, the council shall approve the boundaries of the exploratory area as modified. In all other cases, the council shall disapprove the boundaries. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-310: PRODUCTION OF OIL AND GAS; DEVELOPED AREAS LESS THAN FORTY ACRES:

- A. Notwithstanding the provisions of this article requiring that the exploratory or producing area contain not less than forty (40) acres, the holder of a valid council permit, as hereinafter required, may drill and produce an oil and gas well where such well is bottomed and produced from a "developed area" as defined in section 10-5-303 of this article; provided however, in no event shall any person hereafter erect any derrick or drilling equipment or drill an oil and gas well or an oil well or a gas well from surface drilling sites or locations within the city other than on a controlled drill site.
- B. The council hereby declares that the following described real property is a developed area and shall hereafter be entitled to be treated, for the purposes of this article, as if it were a "developed area" as that term is defined in section 10-5-303 of this article:

Lots 838 through 844, inclusive, of tract 7710, in the city of Beverly Hills, county of Los Angeles, state of California, as per map recorded in book 83, pages 94 and 95 of maps, in the office of the county recorder of said county, together with such portions of the subsurface of adjoining streets as will pass with a conveyance of the aforesaid lots. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-311: PERMITS REQUIRED FOR ALL DRILLING AND PRODUCING OPERATIONS:

It shall be unlawful and a nuisance for any person to conduct any drilling operation for a well hole or to drill and produce any oil and gas well or well hole in the surface or subsurface of the city from any drill site without first having applied for and obtained from the council a permit so to do. Such permit shall be designated and thereafter referred to as the council permit. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-312: APPLICATIONS FOR PERMITS FOR DIRECTIONAL DRILLING:

A. Each application for a council permit shall be made in writing and shall include:

1. The legal description of the proposed drill site;
2. The legal description of all properties, both within and outside the city, through which such well is proposed to pass;
3. A statement that the applicant has the right, by reason of ownership or the permission of the owner, to pass through and enter all property through which such well is proposed to pass;
4. The proposed location, the type, kind, size, and amount of equipment, and the method of operation of the proposed well;
5. The proposed method of handling and using any product proposed to be developed;
6. In all cases where the well is proposed to be bottomed in the city, a statement that the applicant has the contractual or proprietary right and authority to drill for oil and gas under the surface of at least seventy five percent (75%) of the real property described and included in the approved exploratory area in accordance with the requirements of sections 10-5-308 and 10-5-309 of this article or a statement bringing the application within the requirements of section 10-5-311 of this article; and
7. In all cases where the well is proposed to be drilled from a controlled drill site within the city, a statement that the applicant has complied or will comply, before spudding in the well, with all the requirements of the city (or in the case of unincorporated territory, the county) in which the well is to be bottomed.

B. At the time such application for a permit is made, the application fee hereinafter required shall be paid to the city controller.

C. Each application shall be accompanied by a detailed written report of a geologist, or other person experienced in the field of subsidence as a result of petroleum extraction, indicating the nature and extent of the subsidence, if any, that can reasonably be expected to occur as a result of the proposed drilling and production or drilling or production, as the case may be, and indicating the nature and extent of the damages to property, if any, that could reasonably be expected to occur as a result of the drilling and production or drilling or production, as the case may be, and setting forth the qualifications and experience in the field of land subsidence as a result of petroleum extraction of the person making the report. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-313: CITY CONTROLLER RELOCATION PERMITS; LIMITATIONS:

A. Any permittee holding a council permit issued pursuant to an application filed under the provisions of section 10-5-311 of this article and having drilled or commenced drilling any well may make an application to the city controller for a relocation permit.

B. Such application shall be in writing, shall be accompanied by a permit fee of two thousand dollars (\$2,000.00), and shall set forth the following:

1. The description of the well proposed to be relocated;
 2. The legal description of all properties, both within and outside the city, through which such relocated well is proposed to pass and a statement that all such properties are not more than one thousand three hundred twenty feet (1,320') from the properties through which the original well was proposed to pass;
 3. A statement that the permittee has the right, by reason of ownership or the permission of the owner, to pass through and enter all property through which such relocated well is proposed to pass;
 4. A statement that the permittee will use such relocated well for exploratory purposes only and will not produce oil and gas or oil or gas from such well without first applying for, paying the necessary application and permit fees, and receiving a council permit for such relocated well as required by the provisions of sections 10-5-311, 10-5-312, 10-5-315, and 10-5-319 of this article;
 5. A statement that the permittee shall be bound as to such relocated well by all of the conditions imposed by the council in the council permit issued for the well proposed to be relocated; and
 6. A statement that the bottom hole location of the relocated well will be within the same exploratory area and not more than one thousand three hundred twenty feet (1,320') from the bottom hole location approved for the original well.
- C. The city controller, upon the receipt of an application meeting the requirements of this section, shall issue a relocation permit to the permittee without first verifying the information contained in the application and shall report such issuance to the council within thirty (30) days.
- D. It shall be unlawful to drill or redrill any well or well hole pursuant to a permit issued pursuant to the provisions of this section through any property located more than one thousand three hundred twenty feet (1,320') from property approved by the council as the property through which the original well was proposed to pass.
- E. It shall be unlawful to produce any oil and gas or oil or gas through any well or well hole drilled pursuant to a relocation permit issued pursuant to the provisions of this section unless the permittee first applies for and receives a council permit for such relocated well.
- F. The fee paid for a relocation permit shall be credited toward the application fees required by section 10-5-315 of this article if an application is made for a council permit for the same well within one hundred eighty (180) days after the date the relocation permit is issued by the city controller. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-314: APPLICATIONS FOR PERMITS FOR VARIABLE DIRECTIONAL DRILLING:

- A. As an alternative to the provisions of section 10-5-312 of this article, an application for a council permit may be made pursuant to the provisions of this section. When an application is made pursuant to the provisions of this section, a permit issued shall not be subject to the relocation provisions of section 10-5-313 of this article. Each application for a council permit pursuant to the provisions of this section shall be made in writing and shall include:
1. The legal description of the proposed drill site;
 2. The legal description of a bottom area location entirely within a single exploratory area not exceeding one thousand three hundred twenty feet (1,320') in diameter and the legal description of a corridor connecting such bottom area location with the drill site;
 3. A statement of what property the applicant has the right, by reason of ownership or permission of the owner, to pass through and enter and a further statement that the applicant agrees, in finally locating the well, not to pass through or enter any property where he does not have such right;

4. The proposed location, type, kind, size, and amount of equipment and the method of operation of the proposed well;
 5. The proposed method of handling and using any product proposed to be developed;
 6. In all cases where the well is proposed to be bottomed in the city, a statement that the applicant has the contractual or proprietary right and authority to drill for oil and gas under the surface of at least seventy five percent (75%) of the real property described and included in the approved exploratory area in accordance with the requirements of sections 10-5-308 and 10-5-309 of this article or a statement bringing the application within the requirements of section 10-5-311 of this article;
 7. In all cases where the well is proposed to be drilled from a controlled drill site within the city, a statement that the applicant has complied or will comply, before spudding in the well, with all requirements of the city (or, in the case of unincorporated territory, the county) in which the well is to be bottomed; and
 8. A statement of the exploratory area within which such well will be bottomed.
- B. At the time such application for a permit is made the applicant shall pay to the city clerk a fee in the sum of two thousand dollars (\$2,000.00) as provided in section 10-5-315 of this article and a supplemental fee in the sum of three thousand dollars (\$3,000.00) to cover the additional costs to the city of evaluating the wider well hole corridor permitted pursuant to the provisions of this section.
- C. Each application shall be accompanied by a detailed written report of a geologist, or other person experienced in the field of subsidence as a result of petroleum extraction, indicating the nature and extent of the subsidence, if any, that can reasonably be expected to occur as a result of the proposed drilling and production or drilling or production, as the case may be, and indicating the nature and extent of the damages to property, if any, that could reasonably be expected to occur as a result of the drilling and production or drilling or production, as the case may be, and setting forth the qualifications and experience in the field of land subsidence as a result of petroleum extraction of the person making the report.
- D. Notwithstanding the provisions of section 10-5-319 of this article, when the council has granted any council permit pursuant to the provisions of this section, the council permit shall be of no virtue, force, or effect until it is issued by the city controller. The city controller shall issue a council permit granted by the council pursuant to an application under this section, in a form contemplated in this article, and upon written acceptance of the council permit being received from the permittee, accompanied by a statement by the permittee of the well corridor finally selected by the permittee through which the well shall pass, a statement that the permittee has the right by reason of ownership or permission of the owner to pass through and enter all property through which such well is proposed to pass, and a permit fee in the sum of two thousand dollars (\$2,000.00).
- E. The application for a permit pursuant to this section shall be processed in the manner provided in section 10-5-316 of this article, except that the condition contained in subsection C10 of said section shall be modified as follows for the purpose of this section: "The oil and gas or oil or gas well drilled pursuant to any council permit issued pursuant to the provisions of section 10-5-312 of this article shall be drilled only within the properties which the permittee shall hereafter before the final issuance of the permit by the city controller, set forth, in conjunction with his acceptance of the permit, with the city controller as the property through which such well is proposed to pass, unless the permittee secures the subsequent approval of the council to cause such well to pass through other properties". (Ord. 79-O-1720, eff. 2-15-1979)

10-5-315: DEVELOPMENT OF OIL, GAS, AND MINERALS; APPLICATION FEES:

The filing of any application referred to in section 10-5-312 or 10-5-314 of this article shall be accompanied by an application fee of two thousand dollars (\$2,000.00). The application fee shall be to defray the costs to the city of studies and investigations by the city manager, other staff members, consultants employed by the council, and the council concerning the proposal set forth in the application. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-316: HEARINGS AND DECISIONS:

- A. Upon the receipt of an application for a council permit, as provided in section 10-5-312 of this article, or an application for a variable directional drilling permit, as provided in section 10-5-314 of this article, the city clerk shall refer such application to the city manager. Upon the receipt of any such application, the city manager shall undertake such studies and investigations as he may consider appropriate to enable him to make a report to the council concerning such permit.
- B. The city manager shall file a report with the council and the city clerk not later than forty five (45) days after the filing of the application.
- C. The council, at the request of the city manager or on its own motion, may retain engineers or other persons to assist the city manager in his investigation of the application. In its action upon the application, if the council finds that the terms and conditions of this article have been complied with, and that persons and property within the city will not be adversely affected by the granting of the application, and that there is no reasonable probability of danger or damage to any real or personal property or injury to any person within the city by reason of the subsidence of the surface of the earth or other reason due to the extraction of oil or gas or oil and gas, and if, in a case where the proposed drill site is located within the city, the council shall find that there is no reasonable probability of danger or damage to any real or personal property or injury to any person by reason of the production and extraction of oil or gas or oil and gas or other hydrocarbon substances, the council shall grant the application and the council permit upon such terms and conditions as the council may set and fix in granting such permit in order to protect persons and property within the city from injury or damage or hazard of injury or damage, and, when the drill site is in the city, such further conditions as the council may impose in order to eliminate or minimize the adverse effect of such drill site on persons and property in the vicinity. In all other cases, the council shall deny the application. No permit shall be granted without the following standard conditions being required and made a part and condition of such permit:
1. Drilling operations for any well shall commence within ninety (90) days after the effective date of the permit and thereafter be prosecuted diligently to completion, and, if a producing well is not secured within one year after the effective date of the permit, the well shall be abandoned. The council, for good cause, may allow additional time for the commencement of the well.
 2. The permittee shall comply with all ordinances, rules, and regulations of the city and of any other city through which the well, or any part thereof, is located or to be drilled, and the permittee shall comply with all ordinances of the county when the well, or any part thereof, is located or is to be drilled partly within the unincorporated territory of the county. The permittee shall comply with all the rules and regulations of the South Coast air quality management district.
 3. A copy of the complete record of any such well furnished to the division of oil and gas of the state shall be concurrently filed by the permittee with the city clerk. The permittee, within thirty (30) days after any oil and gas or oil or gas well is placed on production, shall file with the city clerk a plat showing the location of the producing interval and the route of the well hole between the producing interval and the drill site. All records submitted pursuant to the provisions of this subsection shall be confidential and privileged to the extent permitted by law.
 4. All well holes and oil and gas wells passing through or bottomed in or under any real property in the city, which wells are drilled from drilling sites outside the city, shall be below five hundred feet (500') upon entering any real property within the city.
 5. All well holes and oil and gas wells passing through or bottomed in the city shall be bottomed in an exploratory area approved pursuant to the provisions of section 10-5-309 of this chapter or in a developed area pursuant to the provisions of section 10-5-310 of this chapter.
 6. The mayor, members of the council, city manager, public services administrator, building official, and their authorized assistants or deputies, and other officers, employees, agents, and independent contractors designated from time to time by the council, shall be permitted at all reasonable times to review and inspect the drill site and any operation or method used in the drilling for and producing of oil and gas.
 7. The permittee shall hold the city, the council and its members, and its officers and employees harmless from any claim by third parties arising out of or resulting from the permittee's operation under any council permit. The permittee, at all times during the existence of any council permit, shall be insured for not less than one million dollars

(\$1,000,000.00) against liability in tort arising from the drilling or production activities or operations incident to the drilling and production of an oil and gas well pursuant to any council permit, and such policy shall name as additional insureds the city, its mayor, members of its council, members of its boards and commissions, and its officers, agents and employees, while acting as such, for liability arising out of the permittee's operation pursuant to such permit. Such policy of insurance shall be issued by a good and responsible insurance company and shall be subject to the approval of the city attorney. A certificate of such insurance shall be filed with the city clerk before drilling is commenced. Drilling and production shall be suspended at any time when the required insurance is not in full force and effect.

8. The council permit shall become null and void unless the permit is accepted by the applicant in its entirety in writing and filed with the city clerk within thirty (30) days after the effective date thereof, together with the payment of the permit fee required by section 10-5-319 of this chapter, and no work on such drill site shall be commenced until such permit is accepted and issued.
9. The operation of any oil and gas well and production therefrom drilled pursuant to a council permit shall be in accordance with the rules and regulations of the division of oil and gas of the state, or any successor agency or body thereto.
10. Any oil and gas or oil or gas well drilled pursuant to any council permit shall be drilled only within the properties which the permittee set forth in its application as the properties through which such well was proposed to pass, unless the permittee secures the approval of the council to cause such well to pass through other properties.
11. Any and all above surface equipment and extraction activities associated with any oil and gas or oil or gas well drilled pursuant to any council permit shall be located at least five hundred feet (500') from any school or park site located in the city of Beverly Hills.

D. No permittee shall drill, operate, or maintain any oil and gas well except in conformity with the terms and conditions of the permit pursuant to which such well is being drilled. After a council permit has been granted, the council may alter, amend, or add to the conditions of such permit in order to protect the citizens and property rights within the city. Such new, amended, or added conditions shall be made only after ten (10) days' notice to the applicant or permittee and after a hearing before the council.

E. Any council permit may be suspended or revoked by the council for any material violation of the conditions of the permit by the permittee or for the persistent violation of any law by the permittee in the operation of any such well. The council shall not revoke any council permit without first giving the permittee ten (10) days' written notice of the nature of the violations and the council's intention to revoke such permit. If, within such ten (10) day period, the permittee requests a hearing before the council, the council shall grant such hearing within fifteen (15) days after the date of such request. At such hearing evidence shall be presented to establish to the satisfaction of the council the extent and nature of the violation which constitutes grounds for the revocation, and the permittee shall be given an opportunity to cross examine all witnesses testifying at such hearing. The permittee shall thereafter be permitted at that hearing, or at a continued hearing (if a continuance is requested by the permittee), to present evidence to disprove or explain such alleged violations. The council thereupon, after hearing all the evidence, shall determine whether or not the permit should be revoked, and the council determination thereon shall be final. If the council determines that the permit should be revoked, the council shall order the revocation, and the permittee shall thereafter abandon the well in strict conformity with the requirements of law. (Ord. 79-O-1720, eff. 2-15-1979; amd. Ord. 11-O-2614, eff. 11-18-2011; Ord. 13-O-2637, eff. 2-24-2013)

10-5-317: APPLICATIONS FOR EXTENSIONS OF TIME WITHIN WHICH TO COMMENCE DRILLING WELLS:

A. Whenever a person holding a permit pursuant to the provisions of section 10-5-316 of this article wishes to request an extension of the time within which drilling operations are required to be commenced to a period beyond ninety (90) days after the effective date of the permit, a request for such extension shall be filed with the city clerk in writing and be accompanied by a fee in the amount of five hundred dollars (\$500.00) for each well for which an extension is requested.

- B. Such request for an extension shall set forth facts showing good cause for the council to allow additional time for the commencement of the well.
- C. Upon the receipt of such written request, the city clerk shall forward such written request to the city manager who shall investigate the request and secure such reports from staff members and consultants as he deems appropriate.
- D. The city manager shall forward the written request to the council, together with his report and recommendation.
- E. The council, upon the receipt of such report and recommendation, may allow additional time for the commencement of the well. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-318: PERMITS; FURTHER CONDITIONS:

- A. No council permit shall be issued where all or any part of the proposed drill site is located within the city without the following additional conditions being required and made a part and condition of such permit:
 - 1. All buildings, structures, equipment, systems, and operations located on a controlled drill site, and all pipelines in connection therewith, shall comply with all laws, including, without limitation, the provisions of this code, the statutes of the state, the ordinances of the city of Los Angeles where any portion of the well or pipeline will be within the city of Los Angeles, and all applicable governmental administrative regulations.
 - 2. All drilling operations on a controlled drill site shall be conducted within closed buildings or structures in compliance with the standards of title 9, "Building And Property Health And Safety Regulations", of this code. To the extent permitted by law, temporary drilling derricks and temporary foundations may be installed and used. Not more than one drilling derrick shall be in use at any one time.
 - 3. All buildings, structures, equipment, systems, and operations located on a controlled drill site shall comply with title 5, chapter 1, "Noise Regulations", of this code. The method and equipment to be used for moving the drilling derrick from one conductor to another shall be described in writing by the applicant and shall not be implemented by the applicant until approved in writing by the council.
 - 4. Buildings, structures, drill site enclosures, derrick enclosures, derricks, drill collars, dampers, landscaping, and the surrounding wall on a controlled drill site shall be completed in accordance with plans reviewed by the architectural commission and approved by the council.
 - 5. No pump for the production of oil may be installed above the surface of the earth.
 - 6. All tanks located on a controlled drill site shall have been approved by the American Petroleum Institute.
 - 7. Any drilling derrick shall be completely covered inside and out with a fire retardant, soundproofing material in a manner and with materials approved by the fire chief. Drilling shall not be commenced until the covering of the drilling derrick, as installed, has been approved by the building official and shall be discontinued at any time the building official determines that the derrick is not covered in accordance with such standards.
 - 8. Soundproofing shall be installed around the drilling floor and work platform of any drilling derrick in a manner approved by the building official.
 - 9. Any drilling derrick shall be mounted on vibration isolators or springs to minimize the transmission of drilling vibrations to the ground and to surrounding areas. No drilling shall be commenced until the building official has approved the vibration isolators or springs. Drilling shall be discontinued at any time the building official determines that the vibration isolators or springs are not effectively isolating the vibrations from transmission to the ground.
 - 10. The exterior surface of the drilling derrick shall be constructed of a solid material to prevent noise levels emitted from the interior of the derrick structure from feeding the noise levels specified in subsection A19 of this section.

11. All access doors to any drilling derrick shall be constructed to "seal" close. At all times when drilling is underway, the access doors shall be closed. Any vee door to a drilling derrick shall be constructed to "seal" close. Any vee door shall be closed at all times between six o'clock (6:00) P.M. of one day and eight o'clock (8:00) A.M. of the next day.
12. a. Within thirty (30) days after commercial production has been established, there shall be commenced and prosecuted diligently to completion on each controlled drill site adequate landscaping and screening, either with shrubbery, masonry, or concrete walls or their equal, so that the same shall not be unsightly nor hazardous. All tanks shall be depressed so that the top of any tank and other equipment and appurtenances shall not extend more than five feet (5') above the surface of any controlled drill site, unless otherwise permitted by the council.
b. Within six (6) months after the completion of the drilling and the removal of the drilling derrick, any controlled drill site shall be landscaped with suitable shrubbery and trees in accordance with a plan approved by the architectural commission.
13. After the removal of any temporary derrick housing, the servicing and repair necessitating the use of a portable derrick shall not be undertaken by any permittee except in the manner and at the times approved in writing by the council.
14. At all times after any drilling is started on a controlled drill site, parking facilities shall be provided for use by vehicles employed in the drilling and maintaining of wells on the controlled drill site. Parking for automobiles of employees or workers engaged in a drilling activity shall be provided by the permittee at parking lots or in parking facilities, other than public streets, at locations other than the controlled drill site. If the parking lot or parking facilities are not located within a reasonable walking distance of the controlled drill site, the permittee shall provide transportation to and from the parking site for employees and workers.
15. At all times vehicular access to a controlled drill site shall be provided in accordance with the plans for vehicular access reviewed by the department of community development and approved by the council.
16. All entrances to a controlled drill site shall be equipped with sliding gates which shall be kept closed at all times except when authorized vehicles are entering or leaving the drill site.
17. When traffic lanes on any public street are closed or impaired by the permittee's operations, flagmen, and safety officers as required by the police chief shall be provided by the permittee at all such times to aid traffic and maintain traffic flow.
18. Trucking for the delivery of equipment and supplies and for the removal of materials from a controlled drill site shall be limited to the hours between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., Monday through Friday; provided, however, the council may further restrict the hours and days as a condition of issuing a permit if such trucking may interfere with traffic or be detrimental to the surrounding area.
19. No permittee shall produce from any well or combination of wells in any manner so as to create any noise which would cause the noise level at any point on the exterior boundary of any controlled drill site to exceed the ambient noise level by more than five (5) decibels based upon a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands (all pass). The permittee shall shut down and discontinue production from as many wells as is necessary to reduce the noise to such limits at any time the building division notifies the permittee that its operation exceeds such noise limits.
20. In addition to the other provisions of this section regulating noise, the following specific measures shall be taken to reduce noise being transmitted from any controlled drill site:
 - a. All equipment, such as cathead motors, mud pump motors, and shakers, and all equipment used for the production of oil and gas or the operation of the production units, such as hydraulic pumps, shipping pumps, and compressors, shall be housed in substantial buildings which have been acoustically treated so as to be substantially soundproof in order not to permit any sound to be emitted which would exceed the noise levels set forth in subsection A19 of this

section. Should valve noise occur in gas lines to the degree that it becomes a significant annoyance, pipes should be lagged by the permittee with commercially available materials.

- b. All equipment located on any controlled drill site which emits noise when operating shall be equipped with manufacturer supplied noise control devices or modifications of such devices that more effectively suppress noise levels, and all such noise attenuating features, including (without limiting the general provision) mufflers on construction equipment, shall be checked daily to ensure that they are in good repair.
21. No well may be maintained as a producing well unless it is equipped with safe and proper producing units which shall be placed in pits or cellars below the surface of the ground so that no visible pumping unit shall be above the ground adjacent to the surface location of the well, and such wells shall be serviced with only portable well servicing equipment. The equipment operating the production units shall be housed in substantial buildings which have been acoustically treated so as to be substantially soundproofed.
22. All workover operations where permitted shall be restricted to normal daylight working hours of eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.
- a. Workover rigs shall be equipped so that any noise emitted from any such operations shall not exceed the noise levels provided in subsection A19 of this section.
 - b. Workover rigs for redrilling and deepening wells shall be enclosed in the same manner as drilling derricks as required by subsection A7 of this section.
23. All oil and gas or oil or gas produced from any well on a controlled drill site shall be shipped and transported from a controlled drill site solely through pipelines.
- a. All pipelines outside of such drill site shall be laid to a depth of at least three feet (3') below the surface of the ground.
 - b. As soon as commercial production has been established in any new well, the acquisition of a right of way or the construction of a pipeline shall be started within ten (10) days and work thereon diligently prosecuted until such pipeline is completed.
 - c. Any and all water or brine produced shall be disposed of in reinjection wells or by other means approved in writing by the council.
 - d. The permittee shall not install any pipeline in the city without the prior written approval of the council.
24. Pipeline construction in the city shall be confined to normal daylight hours. The permittee, in the construction of any pipeline in the city, shall adhere to all excavation locations specified by the city. Excavations shall be covered with plating to permit traffic use during construction. The permittee shall comply with the regulations of the city concerning the stacking or removal of fill generated during excavating. All pipe, other material, or construction equipment used in the pipeline construction in the city shall be stored at a controlled drill site and not on any street during nonconstruction hours.
25. All draw-works and pumps shall be electric powered.
26. All drill cuttings, rotary mud, and wastewater generated during drilling operations on a controlled drill site shall be disposed of by vacuum trucks. Any wastewater reinjection shall be accomplished by approved American Petroleum Institute methods. No sump hole shall be permitted. All drill cuttings, rotary mud, and waste materials shall be removed from the controlled drill site upon the completion of drilling operations.
27. Private roads for ingress and egress to and from the drill site shall be surfaced with gravel, oiled and maintained in good condition at all times during drilling and production operations. No sign shall be erected on the drill site, except those required by law or permitted by this code.

28. The permittee shall require proven competence and knowledge of emergency procedures from drilling and workover personnel and shall also require or provide full training and testing of production personnel in normal emergency operations.
29. The permittee shall ensure that at all times speeds within a controlled drill site are restricted to a maximum of ten (10) miles per hour.
30. The permittee shall not use volatile hydrocarbons for cleanup on a controlled drill site, except to the extent approved by the fire chief.
31. The permittee shall ensure that all petroleum storage containers on a controlled drill site have positive seals.
32. The permittee shall monitor drilling mud during drilling on any controlled drill site for odorous substances and take such measures to eliminate any odor which would be perceptible outside the drill site.
33. The permittee shall implement all procedures or directions required by the air pollution control board of the state, the South Coast air quality management district, and the city.
34. In addition to conventional design features incorporated in construction plans and guidelines, the permittee shall provide automatic vapor detection sensors for hydrocarbons coupled to automatic shutdown mechanisms on any controlled drill site.
35. All tools, pipes and other equipment in connection with the drilling and production activities at a controlled drill site shall be stored and kept on the drill site. The manner of stacking and storage shall be approved by the fire chief.
36. The permittee shall undertake no refining process or any process for the extraction of products from natural gas at a controlled drill site, except for such minor processes as necessary to make natural gas acceptable to city gas mains for domestic use.
37. The permittee shall protect the public water supply system on any controlled drill site against backflow in a manner approved in writing by the building official in conformity with the requirements of the Uniform Plumbing Code.
38. All utility services for any controlled drill site shall be provided underground.
39. All drilling operations shall be carried on diligently from the commencement of the drilling until the completion of the well or until such well is abandoned.
40. Within ninety (90) days after the completion of drilling operations or the abandonment of further drilling, the derrick and all drilling equipment, including temporary tanks, shall be removed from any controlled drill site.
41. Well abandonment shall be in accordance with the requirements of the division of oil and gas of the state. Upon such well abandonment, the permittee shall restore the property as nearly as possible to its original condition and shall remove all concrete foundations, oil soaked soil, and debris, and all holes or depressions shall be filled to the natural surface.
42. Unless otherwise permitted by the council, no permanent derrick shall be installed or maintained on any controlled drill site or used for the drilling or production of any oil or gas well.
43. Oil produced from such wells may be stored in steel tanks on a controlled drill site. Unless otherwise permitted by the council, the total amount of storage for production, recycling, and all storage and operational purposes shall not exceed two thousand (2,000) barrels, and no tank shall exceed one thousand (1,000) barrels capacity.
44. When required by the council, the applicant or permittee shall designate a competent representative who shall be responsible for the supervision of drilling operations and the carrying out of the conditions of any permit. Such representative shall be available at all times during drilling operations and shall be the responsible contact agent of the applicant or the permittee whom the council may require to carry out the provisions of the permit.

45. All of the operations at a controlled drill site shall be conducted in a careful and orderly manner, and the premises shall at all times be maintained in a neat, clean, and orderly manner.
46. All firefighting equipment as required and approved by the fire chief shall be installed and maintained on any controlled drill site at all times during the drilling and production operations.
47. The council may restrict the use of certain streets, alleys, or roadways in connection with the permittee's operations. In the event any street, alley, or roadway is damaged by the permittee's operations, such damages shall be paid for by the permittee upon demand by the city, and the failure to pay such damages, being the reasonable cost of the repair of any such damaged portions, shall be grounds for the revocation of the permit and the collection of such damages at law by the city.
48. The permittee shall not use or cause to be used hydraulic fracturing, acidizing, or any other well stimulation treatment. (Ord. 79-O-1720, eff. 2-15-1979; amd. Ord. 14-O-2660, eff. 6-6-2014; Ord. 14-O-2662, eff. 6-20-2014)

10-5-319: PERMIT FEES:

- A. When the council has granted any council permit, the council permit shall be of no virtue, force, or effect until it is issued by the city controller. The city controller shall issue a council permit granted by the council, in the form contemplated by this article, upon the receipt of written acceptance of the permit by the permittee and payment to the city of a permit fee for each well or well hole in the sum of two thousand dollars (\$2,000.00).
- B. Such permit fee shall be in addition to the application fee required by section 10-5-315 of this chapter. Such permit fee shall be to defray the costs to the city of assuring that the permittee complies with the requirements of this article and his council permit and to defray the expense of enforcing the provisions of sections 10-5-321 and 10-5-322 of this chapter. The permit, when issued by the city controller, shall show the effective date as the date upon which the council granted the permit and the date of issue as the date when the permit was actually issued by the city controller. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-320: ABANDONMENT OF WELLS:

Any well which has not been produced, or which has not been used for subsurface injection into the earth of oil, gas, oil field wastewater, or liquid substances for a period of one year preceding November 1, 1978, shall be permanently and finally abandoned in strict compliance with the rules and regulations of the division of oil and gas of the state or any regulatory authority having jurisdiction thereof. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-321: DIRECTOR OF PUBLIC WORKS; SUBSIDENCE AND MONITORING PUBLIC RECORDS OF DRILL SITE AND WELL INSPECTIONS:

The director of public works, from time to time as he deems appropriate but no less often than once every two (2) years, shall determine if any adverse effect upon the surface of the city is occasioned or is in danger of being occasioned by reason of the removal of oil, gas, or other hydrocarbon substances from the subsurface of the city pursuant to a well regulated by the provisions of this article or pursuant to a well, no part of which is located within the city but which drains a subterranean oil or gas pool, part of which is in the city. In the event the director of public works observes any such adverse effect or danger, the director may order the immediate suspension of further production from such well or wells as may be located entirely or partly within the city, and, in the event of such an order, production on such wells shall be suspended by the permittee or other operator immediately upon receiving notice of such order. The permittee or other person lawfully producing oil or gas or oil and gas or any other hydrocarbon substance from any such well may appeal to the council. The council, upon good cause being shown by the permittee or such other person, may vacate or modify the order of the director of public works, or, if no part of the well is in the city, the council may direct the city attorney to immediately commence such actions or proceedings as may be necessary for the abatement, removal, and enjoining of further drilling operations which adversely affect property within the city in the manner provided by law and to take such other action and to apply to any court having jurisdiction to grant such relief as will restrain or enjoin any person from drilling or producing any such well.

The director of public works shall annually request from those agencies that inspect oil wells drilled beneath the city, and from those agencies that inspect the sites from which such wells are drilled, all public records relating to inspections or notices of violation created within the previous year. Upon compiling the records each year, the

director shall provide to the city council a summary of their contents.

The city council may impose a regulatory fee on oil well operators to recover the cost of subsidence monitoring and the monitoring of public records pursuant to this section. (Ord. 13-O-2637, eff. 2-24-2013)

10-5-322: ENFORCEMENT:

Any well drilled or produced, and any building or structure erected, operated, or maintained, or any use of property contrary to the provisions of this article shall be and the same hereby are declared to be unlawful and a public nuisance, and the city attorney, upon an order of the council, shall immediately commence an action and proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law, and shall take such other action, and shall apply to any court having jurisdiction to grant such relief, as will restrain and enjoin any person from drilling or producing any such well, or from erecting, operating, or maintaining such building or structure, or from using any property contrary to the provisions of this article. (Ord. 79-O-1720, eff. 2-15-1979)

10-5-323: CESSATION OF ACTIVITY:

- A. Notwithstanding the provisions of chapter 3, article 41 of this title, all drilling, production, and extraction activities occurring from surface locations in the city, including controlled drill site no. 1, shall cease by December 31, 2016.
- B. The city council may extend the date set forth in subsection A of this section for controlled drill site no. 1 upon application of the property owner and upon finding that an extension of time would be in the public interest. (Ord. 11-O-2614, eff. 11-18-2011)

10-5-324: PROHIBITION AGAINST THE USE OF LAND FOR HYDRAULIC FRACTURING, ACIDIZING AND WELL STIMULATION TREATMENTS:

Notwithstanding any other provision of this article, it shall be unlawful to use or cause to be used any land within the city for the purpose of conducting or enabling hydraulic fracturing, acidizing, or any other well stimulation treatment in conjunction with the production or extraction of oil, gas or other hydrocarbon substance from any subsurface location within the city.

However, to the extent that any permittee demonstrates to the city engineer, or the city engineer's designee, that: a) well stimulation, other than hydraulic fracturing, is necessary to recover the permittee's reasonable investment backed expectation established through investment made before April 22, 2014, and b) that such well stimulation will not create a nuisance due to an adverse impact on persons or property within the city, then the city engineer may authorize such well stimulation pursuant to a permit issued pursuant to procedures adopted by the city engineer. (Ord. 14-O-2660, eff. 6-6-2014)