

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 29 OF THE CODE OF THE CITY OF DENTON, TEXAS, REGARDING THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2009 EDITION BY ADDING SUBSECTIONS 105.6.47 AND 3406.3.9 THEREIN, RELATING TO PERMITS FOR DRILLING AND OPERATING GAS WELLS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2012-228 (“Original Ordinance”), the City of Denton adopted the International Fire Code, 2009 Edition, providing certain amendments thereto; and

WHEREAS, the City Council amended the City of Denton Development Code, Subchapter 35.22 – Gas Well Drilling and Production - on July 21, 2010, on August 17, 2010, and on January 15, 2013; and

WHEREAS, the City of Denton created the Gas Well Division under the supervision of the Planning and Development Department to provide oversight of gas well drilling and operations in the City, intending that the Gas Well Division be solely authorized to issue gas well drilling permits within the corporate limits of the City of Denton, while fire safety permits associated with gas well operations be issued by the City of Denton Fire Department; and

WHEREAS, the City Council wishes to clarify the technical requirements relating to the form and content of the multiple applications for gas well drilling and production activities, including but not limited to the sequencing of gas well permits and fire code safety permits; and

WHEREAS, certain amendments to the Original Ordinance are advisable to remove the lack of certainty regarding application requirements; and

WHEREAS, Chapter 245.003 of the Local Government Code does not prohibit a regulatory agency from requiring compliance with technical requirements relating to the form and content of an application in effect at the time the application was filed; and

WHEREAS, such amendments do not affect the substantive standards governing approval of permits administered by the Gas Well Division or the Fire Department; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The preamble and recitations to this ordinance are hereby adopted as express findings of the City Council and are incorporated herein for all purposes.

SECTION 2. Subsection 105.6.47 and subsection 3406.3.9 are added by amending Chapter 29 of the Code of Ordinances, Denton, Texas, as follows:

****Subsection 105.6.47: added to read as follows:**

Subsection 105.6.47 Gas and Oil Wells. An operational permit is required to operate gas and oil wells in the incorporated city limits of Denton following the issuance of a gas well permit by the City of Denton in accordance and compliance with all ordinances of the City of Denton, Texas, including without limitation, Subchapter 22 of the Denton Development Code of the City of Denton, Texas.

****Subsection 3406.3.9: added to read as follows:**

Subsection 3406.3.9 Permit required. An operational permit is required prior to drilling and operating a gas well. An operational permit related to a gas well located within the corporate limits of the City of Denton shall not be issued unless and until a gas well permit has been issued in accordance and compliance with all ordinances of the City of Denton, Texas, including without limitation, Subchapter 22 of the Denton Development Code of the City of Denton, Texas.

SECTION 3. Except as expressly amended by this ordinance, Ordinance No. 2012-228 shall remain valid and subsisting as originally provided.

SECTION 4. If any section, subsection, paragraph, sentence, phrase or word in this ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 5. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2013.

MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: Anita Burgess