

ORDINANCE NUMBER 18474-02-2009

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT WORTH, BY AMENDING “GAS WELL FEES” OF ARTICLE III OF CHAPTER 15, “GAS”, ENTITLED, “GAS DRILLING AND PRODUCTION FEES” TO INCREASE THE FEES FOR NEW GAS WELL PERMITS AND THE ANNUAL FEES PER WELL AND RENUMBER THE SECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

WHEREAS, between 2001 and 2006, gas drilling and production moved from sparsely populated areas in the northern part of the City to more densely urbanized areas in the southern, western and eastern portions of the City; and

WHEREAS, in 2006, the City Council appointed a task force composed of gas industry, developers and neighborhood representatives to study revisions to the Gas Drilling Ordinance that would improve the quality of life for those citizens working and living near the drilling sites; and

WHEREAS, the 2006 task force recommended an increase to the permitted distance requirements for high impact permits, increased notification to the citizens of Fort Worth, additional noise abatement procedures, site security, signage, and other revisions to provide additional protections of surface property rights but continue to allow access to the minerals; and

WHEREAS, in June of 2006, the City Council amended the Gas Drilling Ordinance for the drilling, production and re-drilling of gas so that these activities may be conducted in a manner that protects the public health and welfare of the citizens of Fort Worth, conforms with established codes and regulations while minimizing the potential impact to surface property and of mineral rights owners; and

WHEREAS, in 2008, the City Council appointed a third task force of gas industry, developer and neighborhood representatives to study revisions to the Gas Drilling Ordinance, including revisions to the current regulations for compressors, noise, public notice, Protected Use definitions, setbacks, roads, and other revisions that will improve the quality of life while allowing the continued access to the minerals; and

WHEREAS, the City Council also directed staff to study the continued impact of the use of city roads, pipelines and environmental issues and recommend revisions to the ordinance to address these concerns; and

WHEREAS, on December 9, 2008, the City Council amended the Gas Drilling Ordinance, including revisions for new environmental provisions to reduce emissions from wells and trucks, new salt water piping standards, the requirement for the submission of noise management plans; mitigation and enforcement of low-frequency and pure tone noise, compressor setback and noise standards, permits and standards for certain pipeline routes, the creation of a gas drilling review committee to provide problem-solving venue for high-impact wells, pipelines through residential areas, and non-commercial truck routes, clarification of definitions and language for clearer enforcement; the establishment of landscaping deadlines, the creation of permitting and regulations for fracture ponds and a requirement for surface reclamation plans (Ordinance Number 18399-12-2008); and

WHEREAS, on December 9th, the City Council did not adopt proposed provisions related to the definition of a public building and the requirements of a multiple well site permit in order to study the two issues further at the next City Council meeting; and

WHEREAS, on December 16, 2008 the City Council adopted Ordinance Number 18412-12-2008 related to the definition of a public building and the requirements of a multiple well site permit; and

WHEREAS, in order to improve the staff, industry and public's understanding and to facilitate the application of the gas drilling regulations, both ordinances, Ordinance Numbers 18399-12-2008 and 18412-12-2008, were combined into one ordinance; and

WHEREAS, the addition of new language in the ordinance changed the numbering of the sections in the previously adopted ordinances, including the numbering in Article III related to gas well fees;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

The Code of Ordinances of Fort Worth, Texas is hereby amended by amending Section 15-49, "Gas Well Fees", of Article III, "Gas Well Drilling and Production Fees" of Chapter 15, "Gas", to change the section number from Section 15-49 to Section 15-51; clarify the amount of the gas well permit for each well, increase the compressor facilities fee to \$500 per application, increase the city regulated pipeline route to \$1500 per application and increase the fresh water fracture ponds fee to \$500 to read as follows:

Section 15-51 Gas Well Fees

For services rendered, the following schedule of fees and charges is hereby adopted:

Gas Well Permit (per well)	\$3,000.00
Amended Permit	\$540.00
Extended Permit	\$270.00
Supplemental Permit	\$180.00
Operator Transfer	\$720.00
Seismic Site Inspection	\$360.00
Annual Fee (per well)	\$500.00
Compressor Facility	\$500.00
Regulated Pipeline	\$1500.00
Fresh water Fracture Pond	\$500.00

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or 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 City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7.

This ordinance shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: 
Assistant City Attorney

Adopted: February 10, 2009

Effective: February 20, 2009

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 2/10/2009 - Ord. No. 18474-02-2009

DATE: Tuesday, February 10, 2009

REFERENCE NO.: G-16460

LOG NAME: 0609GASFEE

SUBJECT:

Adoption of an Ordinance Amending Article III of Chapter 15 of the City Code to Amend the Gas Well and Associated Permit and Filing Fees

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Article III of Chapter 15 of the City Code, to amend the gas well and associated permit and filing fees.

DISCUSSION:

On September 26, 2006, (M&C G-15419) the City Council authorized the increase of gas well permit and filing fees. The purpose was to fund staff to address the significant increase in the number of permitted and producing gas wells in the City of Fort Worth.

On December 9, 2008, (M&C G-16391) and December 16, 2008, (M&C G-16407) City Council adopted Ordinances 18399 and 18412 respectively. The ordinances provided additional regulations for review of compressor facilities, fresh water fracture ponds and City regulated pipelines. The two ordinances were consolidated into one on February 3, 2009 (M&C G-16439).

City staff recommends that the Gas Well Permit fee of \$3,000.00 be clarified to mean \$3,000.00 per individual well permit. In addition, the Compressor Facilities fee is recommended to be \$500.00 per application, the City regulated pipeline route to be \$1,500.00 per application and fresh water fracture ponds to be \$500.00.

These fees are intended to offset the operating costs of the City's Gas Well Management Division and other City personnel including staff salaries, equipment and records management.

The recommended changes to the fees are as shown in the table below:

Fee	Current	Recommended
Gas Well Permit	\$3,000.00	\$3,000.00 (per well)
Compressor Facilities	N.A.	\$500.00
City Regulated Pipeline	N.A.	\$1,500.00
Fresh Water Frac Pond	N.A.	\$500.00

These fees are intended to offset the operating costs of the City's Gas Well Management Division and other City personnel including staff salaries, equipment, and records management.

FISCAL INFORMATION / CERTIFICATION:

The Financial Management Services Director certifies that this action will have no material effect on City funds.

FUND CENTERS:

TO Fund/Account/Centers

FROM Fund/Account/Centers

CERTIFICATIONS:

Submitted for City Manager's Office by:

Fernando Costa (6122)

Originating Department Head:

Susan Alanis (8180)

Rick Trice (7959)

Additional Information Contact:

Tom Edwards (2314)