



# City of Tuttle

A SMALL COMMUNITY, WELL CONNECTED.

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## OIL AND GAS ORDINANCES AND REGULATIONS Current as of Ordinance 2018-23

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### FROM THE TUTTLE CODE OF ORDINANCES

#### CHAPTER 14 OIL AND GAS DRILLING

#### Article 1. General Provisions

##### **Section 14-1. Definitions.**

The following words, terms and phrases shall have the following meanings.

1. Abandoned well shall mean: (1) each well in which no production casing has been run, and for which drilling or testing operations have ceased for thirty (30) consecutive days, or; (2) any other well for which there is no current city permit; (3) any capped oil or gas well that has not been in production for a period of three (3) years;
2. Artificial production shall mean the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas;
3. City shall mean the City of Tuttle, Oklahoma;
4. City Council shall mean the governing body of the City;
5. City Manager shall mean the chief administrative officer of the City;
6. Corporation Commission shall mean the Oklahoma Corporation Commission;
7. Deleterious Substance shall mean any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of nil gas or condensate.
8. Enhanced Recovery shall mean an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom;
9. Mayor shall mean the chief elected official of the City;
10. Natural Production shall mean the raising to the surface of the earth, by natural flow, petroleum or natural gas;
11. Oil and Gas Inspector shall mean that person, firm or corporation employee by the City to enforce the provisions of this ordinance, or by his/her authorize representatives;
12. Permittee shall mean the person to whom is issued a permit or permits under the terms of this chapter,
13. Person shall mean and include any person, firm, partnership, association corporation, trust, cooperative, or other type of organization;

14. Pollution shall mean the contamination or other alteration of the physical chemical, or biological properties of any land or natural waters of the City, or such discharge of any liquid, gaseous or solid substance into any water of the City as will or is likely to create a nuisance or public health, safety, or welfare to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or to livestock, animals or aquatic life;
15. Pressure maintenance shall mean an operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery therefrom, and which has been approved by the Corporation Commission after notice and hearing;
16. Salt water as used in this ordinance shall mean any water containing more than 500 mg/1 chlorides;
17. State shall mean the State of Oklahoma, its branches, departments, agencies boards or the officers thereof,
18. Treatable water shall mean surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption and contains less than 10,000 ppm total dissolved solids and/or 5,000 ppm chlorides;
19. Water, Waters of the City or City water shall mean all streams, lake ponds, marshes, watercourses, waterways, wells, springs, irrigation system drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the City or any portion thereof,
20. Well shall mean, unless specifically qualified, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter;
21. All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.
22. Oil and Gas Site shall mean the area used for drilling, development and production and all operational activities associated with oil & gas production.

#### **Section 14-2. Municipal Drilling Permit.**

1. No person shall drill, re-enter, maintain an oil or gas well, or otherwise mine or produce other minerals without having previously obtained a permit as provided in this code.
2. Each permit shall cover only a single site and applicants desiring a permit to drill, re-enter, maintain or operate an oil or gas well shall submit:
  - a. A description of the location of the well, specifying and identifying the well location within a particular forty (40) acre tract within a specific quarter, section, township and range, including thereon the distance to all existing dwelling houses, buildings or other structures designed for the occupancy of human beings or animals within one thousand (1000) feet of any such well, and the location of all known existing oil, gas or fresh water wells within said ten (10) acre tract,
  - b. A copy of the approved drilling permit from the Corporation Commission and a copy of the staking plat;
  - c. The size, depth and quality of surface and production casing,
  - d. The name of the surface and surface lease owners;
3. An application for the permit to drill or re-enter a well for enhanced recovery of gas or oil shall be in the same form as required for a permit to drill an original well and shall contain the following additional information:
  - a. A block map of the well site, showing all equipment to be used at the site, location of pipelines, access road, and distances from the well to any and all fences, public roadways and buildings within a radius of one thousand (1000) feet;
  - b. A block map of the project, showing the location of:
    1. All public water supply wells, disposal wells, injection wells, producing wells, and plugged and abandoned wells within the project area and those sections immediately adjacent;
    2. All conduits; and
    3. Tank battery, pumping station and appurtenant equipment,
  - c. All existing wells within the project area and those sections immediately adjacent shall be indicated by status (e.g. plugged and abandoned, injection, salt water, oil, etc.) and show the following additional information:

1. Footage location (surface casing);
  2. Derrick floor and ground level elevation,
  3. Drilled total depth;
  4. Packer total depth;
  5. Size, depth and A.P.I. grade of surface and production casing, including zones from which casing has been removed;
  6. Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;
  7. Depth and nature of all cement squeeze jobs;
  8. Formation name and depth of all perforations in a producing open hole;
  9. Volume and type of cement used on surface and production strings; and
  10. Top cement (measured or calculated);
- d. Operation name for each well;
  - e. One copy of all cement bond logs and production logs,
  - f. One copy of all work performed on the well;
  - g. Copies of all information supplied to the Corporation Commission, and said Commission's approval of the project;
  - h. All operators, contractors, drillers, service companies, pipe pulling and salvaging contractors, or other persons, shall be knowledgeable of and prepared to implement, if necessary emergency procedures as detailed in the Oklahoma Corporation commission's "Guidelines for Petroleum Emergency Field Situations in the State of Oklahoma"

#### **Section 14-3. Public Health and Safety.**

Whereas the imprudent operation of an oil and gas facility can constitute a menace to the public health, safety and welfare of the City of Tuttle, it is the intent and purpose of this ordinance, that oil and gas operations be reasonably regulated for the public good.

#### **Section 14-4. Application for Permit.**

Prior to the submittal of any permit application for drilling a new well or re-entry to an existing well, the applicant shall pay a new well drilling fee or well re-entry fee, in an amount set by motion or resolution of the City Council, to the Community Development Department to cover the administrative overhead and inspection enforcement during the first year's operation. The application shall be in writing, signed by the applicant or by some duly authorized representative and contain the information required in this Chapter and requested by the Community Development Department, and accompanied with the applicable bond and insurance documents outlined in Section 14-5. Each permit shall cover only a single well bore or re-entry of an existing bore, regardless of how many well bores located at any given site.

#### **Section 14-5. Permittees Insurance and Bond.**

No actual operations shall be commenced until the permittee shall file with the City, bonds and a certificate of insurance as follows:

1. A bond executed by a reliable insurance company authorized to do business in the State of Oklahoma, as surety and with the applicant as principal, running to the City of Tuttle for the benefit of the City of Tuttle and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this Chapter and the terms, conditions and regulations of the Oklahoma Corporation commission and the Oklahoma Department of Environmental Quality in the operation of the oil or gas well for either natural or artificial production. Said bond shall become effective on or before the date the same is filed with the City and remain in force and effect for at least twelve (12) months subsequent to the operation of the permitted well as a producing well, and in addition the bond will conditioned that the permittee will promptly pay fines, penalties and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions and conditions of this Chapter, and that the permittee will promptly restore the streets, sidewalks and other public property of the City which may be disturbed

or damaged in permittee's operations, to their former condition; and that the permittee will promptly clear all premises of all litter, trash, waste and other substances, and will after abandonment, grade, level and restore said property to the same surface condition, as practicable as is possible, as existed prior to commencing operation; and further that the permittee shall indemnify and hold harmless the City for any and all liability attributable to granting the permit.

The amount of the bond shall be \$25,000 per well. If the permittee operates multiple wells within the City of Tuttle, the permittee shall post a single bond that will cover all operations of the permittee at all wells located in the City of Tuttle. The amount of the bond posted to cover all operations of the permittee at all wells within the City of Tuttle, Oklahoma, shall be \$25,000 per well, regardless of the number of wells within the City of Tuttle.

2. In addition to the bond required in paragraph one (1) of this Section, the permittee shall carry a policy or policies of standard comprehensive public liability insurance written by a reliable insurance company authorized to do business within the State of Oklahoma. Said policy or policies shall provide for the following minimum coverages:

- a. Bodily injury, two hundred thousand (\$200,000.00) dollars per person; five hundred thousand (\$500,000.00) dollars per occurrence.
- b. Property damage and pollution damage, one Million (\$1,000,000.00) dollars.

Said policy or policies shall provide full coverage in the event of pollution and shall not include any pollution exclusion whatsoever. The permittee shall file with the City Manager certificates of insurance as above stated, and shall obtain the written approval thereof of the Oil and Gas Inspector who shall act thereon promptly after the date of such filing. Said insurance policy or policies shall not be canceled without written notice to the City Manager at least ten (10) days prior to the effective date of such cancellation. In the event said policy or policies are canceled, the permit granted shall immediately thereupon terminate without any action on the part of the City, and the permittee's rights to operate under said permit shall immediately cease until permittee files with the City Manager an additional certificate of insurance as required above.

If, after completion of a producing well, the permittee has complied with all of the provisions of this Chapter, such as removing derricks, clearing premises, etc., the permittee shall apply to the Oil and Gas Inspector to have the insurance policy or policies reduced as follows:

- a. Bodily injury, One Hundred Thousand (\$100,000.00) dollars per person; Two Hundred Thousand (\$200,000.00) dollars per occurrence.
- b. Property damage, Five Hundred Thousand (\$500,000.00) dollars.

c. Pollution damage, One Million (\$1,000,000.00) dollars (full coverage with no exclusion whatsoever).3. The bond required in paragraph one of this Section and the insurance policy or policies required in paragraph two of this Section, shall assure that the permittee shall comply with all applicable Federal and State laws, rules, regulations, standards and directives relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters located within or under the City; that Permittee shall obtain the necessary permits from the City and State with regard to any operations which have the potential of rendering such waters harmful or detrimental or injurious to the public health, safety and welfare; that Permittee shall bear all the cost necessary and incidental to the correction of any pollution to said waters caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors; that Permittee shall pay all fines, penalties, assessments or judgment resulting directly or incidentally from the Permittee's activities and which result in pollution of any waters located within or under the City; that Permittee shall indemnify and hold harmless the City from any and all liability resulting from the pollution of any waters located within or under the City.

3. The bond required in paragraph one of this Section and the insurance policy or policies required in paragraph two of this Section, shall assure that the permittee shall comply with all applicable Federal and State laws, rules, regulations, standards and directives relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters located within or under the City; that Permittee shall obtain the necessary permits from the City and State with regard to any operations which have the potential of rendering such waters harmful or detrimental or injurious to the public health, safety and welfare; that Permittee shall bear all the cost necessary and incidental to the correction of any pollution to said waters caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors; that Permittee shall pay all fines, penalties, assessments or judgment resulting directly or incidentally from the Permittee's activities and which result in pollution of any waters located within or under the City; that Permittee shall indemnify and hold harmless the City from any and all liability resulting from the pollution of any waters located within or under the City.

#### **Section 14-6. Enhanced Recovery, and Saltwater or Deleterious Substance Disposal Wells.**

No person shall re-enter any well or drill an original well to be used for disposal of saltwater or other deleterious substance.

#### **Section 14-7. Permit approvals.**

1. All requests for permits required in this chapter will be reviewed and approved by the Planning Commission, with input from the Community Development Department, unless otherwise specified in this section or chapter. The applicant may appeal a decision of the Planning Commission to the City Council by filing a request with the City Clerk within ten business days after the decision of the Planning Commission has been rendered.
2. All requests to drill a new well or re-drill an existing well will require a Special Use Permit (also referred to as a Use on Review Permit) as outlined in and in accordance with the Tuttle Zoning Code. The fee for a Special Use Permit shall be assessed in addition to all other application and permit fees required by the City of Tuttle.

#### **Section 14-8. Right to Suspend.**

The City Manager is hereby granted authority to suspend the oil well permit issued under this Chapter where any of the provisions of this Chapter or any amendments thereto, are violated, which suspension shall be effective until such time as such person shall comply with the provisions of this Chapter. Before suspending any such permit the City manager shall cause written notice to be served upon the licensee advising such licensee that a hearing will be had at a time and place fixed in such notice to determine whether the permit held by such permittee shall be suspended. Five (5) days notice of the time of the hearing shall be given. It shall be unlawful and an offense for any person to operate any well during -any period in which the permit covering the operation of such well is so suspended. The provisions of this section shall in no way limit or interfere with the enforcement of the penalties for the violation of ordinances generally, but shall cumulative and in addition to such penalties.

### **Article 2. Regulatory Provisions**

#### **Section 14-9. Drilling and Operation Regulations.**

In the drilling, operation or maintenance of any oil or gas well in the city, all of such operations shall be subject to the following regulations, and violations thereof are hereby declared unlawful and offense.

1. No oil or liquid with oil content, gasoline or other oil product, surface mud or rotary mud, sand or salt water shall be disposed of draining or diverting the same into or upon any public highway, street, or alley, drainage ditch, storm sewer, sanitary sewer, gutter or paving; nor shall any of such substances be permitted to escape from the property owned, leased or controlled by the person carrying on such operations by seepage or overflow.
2. No steam engine, gasoline, natural gas, diesel or other internal combustion engine, shall be operated within the corporate limits of the city without being muffled to 110 dBA or less.
3. No earthen pits other excavations shall be constructed for the handling of drilling fluids. All working pits are restricted to steel vessels or 20mil lining for circulation of drilling fluids.
4. All storage tanks or other tanks intended to contain inflammable substances shall be protected by earthen embankments in such manner as to adequately contain 1.5 times the contents or intended contents of such tanks.
5. DELETED.
6. Approved equipment, devices and methods for the safety of life and property, such as are commonly known in the oil drilling producing business, must be used in the City in the carrying on of all the operations covered by this article, and failure to use any of such equipment, devices or methods in, any substantially important question, shall be a ground for immediately stopping further work until such failure has been corrected.
7. Surface pipe shall be set according to state requirements.
8. The premises upon which any oil well is drilled, operated or maintained shall be kept free from accumulations of rubbish, litter, unused materials or equipment, excessive rotary mud and waste oil or oily substances or other waste oil products, so far as such premises may be reasonably kept free of the same in the carrying on the operations covered by this article.
9. All piping, pipeline, connection and fixtures shall be equivalent, both as to installation as well as material used, to the specifications of the National Gas Safety Code as adopted and approved by the United States Department of Commerce as the same is now in force and effect.
10. All derricks erected must be carried on in compliance with the rules, regulations and specifications promulgated by the Corporation Commission of the State, and the various departments of such commission. Failure to abide by such rules,

regulations and specifications in case of any substantially important operation shall, in addition to the other penalties provided in this article, automatically operate as a forfeiture and cancellation of all permits obtained in the case of the particular well where such violations occur, and automatically terminate the right to continue such work or any part thereof excepting such as may be necessary for safety or to prevent serious loss; and such operation shall not be continued until a new permit has been obtained and paid for on the same basis as a new and original permit.

11. Full and accurate drilling floor information, and any and all other full and accurate information pertaining to operations under permits procured under this article, shall be furnished to the City manager or any of his/her duly authorized agents at any time. Such information shall be supplied upon demand and without unnecessary delay.

12. Full police authority for the purpose of enforcing the provisions of this article and hereby given to the Oil and Gas Inspector or to any other duly authorized agent of the City Council.

13. DELETED.

#### **Section 14-10. Annual Inspection & Reporting Fees.**

A. The City Council is hereby authorized to levy a fee for the permitting, annual licensing, and annual inspection for each well drilled, operated or maintained in the city, along with pipelines, gas processing facilities and other oil & gas-related activity. The initial permit fee paid with and accompanying the application in the first instance, shall also include the granting of the remaining of the first year's license. Each such successive annual license fee paid after the first one, shall also cover and include that year's inspection and permission to continue such permitted activity.

B. The Annual Inspection & Reporting Period shall be from July 1 to June 30.

C. All fees shall be levied and collected by the City Manager.

D. Said fees shall be in addition to any other one-time or annual fee required.

E. In the event that the Oil & Gas Inspector finds during the course of an inspection that any inspection point is in poor quality, there will be a re-inspection of the facility after 60 days, or sooner if warranted, in order to ensure compliance. The City Council is hereby authorized to levy a fee for re-inspection.

F. Said annual license shall be in lieu of the annual business license required elsewhere in the Tuttle Code of Ordinances.

*G. No new additional oil & gas permits shall be processed for or on behalf of a particular applicant who has outstanding annual inspection and road usage fees obligations to the City of Tuttle as required or authorized in this Chapter.*

#### **Section 14-11. Pooling of City Lots or Blocks.**

Nothing in this article shall prevent or be construed to prevent the pooling of City lots or blocks of the City with land adjacent to and outside the corporate limits of the City for oil wells drilled, maintained or operated on any such City blocks or lots so pooled without compliance with this article.

#### **Section 14-12. Wells to be Enclosed by Fence.**

All wells are defined by section 14-1 of this Code or any of its related equipment used or capable of being used in connections with the drilling, maintaining or operation of oil or gas wells shall be enclosed in a fence, but one fence will suffice if a group of wells is enclosed in one tract or parcel of land. Such fence shall be supported by steel posts or other nonflammable material and shall be woven wire of not less than fourteen (14) gauge wire with mesh of not less than two (2) inches nor more than four (4) inches and be at least six (6) feet high.

#### **Section 14-13. Slush Pits Prohibited.**

It shall be unlawful for any person, firm or corporation to build, excavate, construct or maintain any earthen excavation commonly known as a slush pit for the deposit of oil, liquid with oil content, gasoline or other oil product, surface or rotary mud, sand or salt water, or any other waste in connection with oil wells.

#### **Section 14-14. Repealer.**

Any section, subsection or any part of CHAPTER 14, OIL AND GAS DRILLING, OF THE CODE OF ORDINANCES OF THE CITY OF TUTTLE, of this ordinance, or any other part of, said code that is contrary to or inconsistent with any of the parts of this ordinance are hereby repealed.

#### **Section 14-15. Impact on Streets.**

1. Senate Bill 809, adopted in 2015 by the Oklahoma Legislature and codified as 52 O.S. 2011 Section 137.1 specifically grants municipalities police power to regulate oil and gas operations regarding road use and traffic.

All roads leading from existing public or private roads to the drilling, pumping or tank area shall be graveled or otherwise hard surfaced and maintained in a manner to prevent rutting during severe rains, snow or other inclement weather. The driveway apron connecting to the public or private shall be paved in accordance with the Zoning Code. Driveways serving drilling, pumping or tank areas that do not have a paved apron and were installed prior to July 1, 2015 may be assessed a street maintenance fee, to be set by motion or resolution of the City Council, to help offset the municipality's increased cost of maintaining the road due to gravel and mud. Said fee shall be deposited into the Street and Alley Fund.

3. An initial and annual street usage fee may be assessed as authorized in Section 18-51 of this Code. Said fee shall be in addition to any other required fees and charges assessed.

4. Where, in installation, erection or construction work by virtue of permits issued under this chapter, sidewalks or the surface of streets, alleys or right of ways or any other public property is disturbed, damaged or destroyed, the same must be replaced, or restored to its original condition, or better, in as short a period of time thereafter as the same may be reasonably done.

#### **Section 14-16. Setbacks.**

A. No new oil & gas site shall be located closer than the specified minimum setbacks established in the Tuttle Zoning Code.

#### **Section 14-17. Noise Restrictions for Oil and Gas Activity.**

A. No drilling, fracking, producing, or other operations shall produce a sound level greater than:

1. Seventy decibels using the "A weighting filter" ("dB(a)") when measured at a distance of 500 feet from the drilling, producing, or operating equipment in question during the daytime.

2. Fifty-six dB(a) when measured to the nearest residence, public building, or habitable structure from the drilling, producing, or operating equipment in question during the nighttime.

B. No person shall operate or permit to be operated in connection with the operation of a producing well(s) any compression facility which creates a sound level that exceeds the ambient noise level by more than three dB(a) when measured at the nearest property line, residence, habitable structure, or public building, whichever is closer.

C. Low frequency noise standards. No drilling, production, or other operations shall produce a low frequency sound level that exceeds the following decibel levels:

- 16 Hz octave band: 65 decibels
- 32 Hz octave band: 65 decibels
- 64 Hz octave band: 65 decibels

D. A noise management plan, to be submitted with all oil & gas permits applications, shall detail how the equipment used in the drilling, fracking, completion, transportation, or production oil & gas operations with the maximum permissible noise levels.

**Sections 14-18 through 14-49. Reserved for future use.**

### **Article 3. Penalty**

#### **Section 14-50. Penalty.**

Any person, firm or corporation who violates any of the provisions of this chapter, shall be guilty of an offense, and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day such violation is committed or continues to exist shall constitute a separate offense and be punishable as such. In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suit of the City of Tuttle, or at the suite of any person, firm or corporation adversely affected thereby.

It shall be unlawful for any person, firm or corporation to build, excavate, construct or maintain any earthen excavation commonly known as a slush pit for the deposit of oil, liquid with oil content, gasoline or other oil product, surface or rotary mud, sand or salt water, or any other waste in connection with oil wells.

**Sections 14-51 through 14-99. Reserved for future use.**

#### **Article 4. Oil & Gas Pipelines**

##### **Section 14-100. Oil and Gas Pipelines – General Regulations.**

- A. As determined in the sole, but reasonable, discretion of the city, pipelines may not interfere with or damage existing utilities, including but not limited to: water, sewer or gas lines, storm drains, electric lines or the facilities of any public utilities located in public rights-of-way, utility easements or other city-owned property or in private residential areas.
- B. The pipeline operator shall be required to comply with all regulations regarding noise.
- C. The pipeline operator shall be responsible to grade, level and restore the property affected by pipeline construction to the same surface condition, as nearly practicable, as existed before operations were first commenced within 30 days after completion of the pipeline.
- D. The pipeline operator shall construct, repair and/or maintain all pipelines so as to meet or exceed the applicable minimum criteria established by the statutory or regulatory requirements of the state and federal governments for such pipeline.
- E. A pipeline operator that transports gas, oil, liquids or hydrocarbons through a pipeline located in the city shall be a member in good standing with the one call system or other approved excavation monitoring system as required by state law.
- F. At the time of permitting and each year thereafter that the pipeline remains active, each pipeline operator shall provide to the Oil & Gas Inspector the names, mailing addresses and telephone numbers of at least two primary persons, officers or contacts available on a 24-hour basis who can initiate appropriate actions to respond to an emergency; and have access to information on the location of the closest shutoff valve to any specific point in the city. Any change in the above information must be provided to the city by contacting the Oil & Gas Inspector prior to such change.
- G. Each pipeline operator shall file a copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the Oklahoma Corporation Commission on unsafe pipeline conditions, pipeline emergencies or pipeline incidents within the city concurrently with the city. In addition, such pipeline operator shall file any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to pipeline releases within the city concurrently with the city.

##### **Section 14-101. Pipelines Regulated – Permit Required.**

- A. Oil & gas pipelines shall adhere to all required standards. Prior to the transport of gas, oil, liquids or hydrocarbons, the operator shall provide to the city certification from a professional engineer registered with the State of Oklahoma that the design and installation of the pipelines meet all state and federal requirements.
- B. Prior to pipeline construction, a pipeline operator shall obtain a pipeline permit from the city. Exceptions to this permitting requirement are for construction necessary to respond to a pipeline emergency.
- C. At the same time the operator submits an oil & gas well drilling permit application, the operator shall require the pipeline operator to submit a proposed pipeline route from the well bore to the transmission line.
- D. The pipeline operator shall be required to submit an application for a pipeline permit to the city prior to making any offer or initiating any negotiation or action to acquire any easement or other property right to construct, install, maintain, repair, replace, modify, remove or operate a pipeline within the city limits.
- E. The pipeline operator shall backfill all trenches and compact such trenches to 95% standard density proctor in eight-inch lifts and construct the pipeline so as to maintain a minimum depth of ten feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe shall be at the discretion of the city based on existing or planned utilities. During the backfill of any pipeline excavations in open cut sections, the pipeline operator shall bury “buried pipeline” warning tape one foot above any such pipeline to warn future excavators of the presence of a buried pipeline. The Oil & Gas Inspector may also require that a proposed or existing pipeline be relocated should it conflict with the proposed alignment and depth of a gravity dependent utility.
- f. A pipeline permit application shall be required. The pipeline operator shall provide the city pertinent information needed, including owner and contact information, the substance to be transported (including substance material safety data



sheets), a description of the consideration given to matters of public safety and the avoidance, as far as practicable, of existing habitable structures and private residential areas; the proposed method or methods to be used for the installation of the pipeline; and a copy of all required bonds and insurance

Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the proposed subject pipeline shall be submitted for review, along with erosion control and grading plans. To the extent that information can be obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within 100 feet of the proposed subject pipeline right-of-way, along with all other easements, rights-of-way, roads, and utilities. This information, including GPS data, shall be submitted to the city in a format compatible with the city's own GIS system.

g. The Community Development Director and Public Works Director shall review all applications for pipelines to ensure said pipelines shall not interfere with rights-of-way, easements, utilities, streets, drainage ways, known and planned developments, etc. Pipelines shall not conflict with the goals Comprehensive Plan and other applicable plans and policies of the city.

**Section 14-102. Abandoned Pipelines.**

All pipelines shall be maintained in an active condition unless abandoned according to applicable state and federal regulations. The pipeline operator shall notify the city within 30 days of abandonment of any pipeline.

**Section 14-103. Emergency Response Plans and Emergency Incident Reporting.**

A. Each pipeline operator shall maintain written procedures to minimize the hazards resulting from an emergency. These written procedures shall be shared with the Oil & Gas Inspector and the Emergency Management Director.

B. Upon discovery of a pipeline emergency or incident, any affected pipeline operator shall immediately contact the city's 911 system.

**Section 14-104. No Implied Grant of Use of Public Rights-of-Way, Utility Easements or Other City-Owned Property.**

Nothing in this Article grants permission for the use of any street, public rights-of-way, utility easements or city-owned property. In the event a pipeline operator wishes to undertake any pipeline construction on, over, under, along or across any public rights-of-way, utility easements or other city-owned property, the pipeline operator shall apply for and execute a written agreement with the city governing the terms and conditions for such use; obtain all required permits and comply with any other applicable provisions of the city code.

**Section 14-105. Expiration of Pipeline Permit.**

If construction of a pipeline has not commenced within one year of the date of issuance of the pipeline permit, or if the pipeline has not been completed and the surface restored within two years, the pipeline permit shall expire; provided, however, that the Oil & Gas Inspector may grant an extension of time not to exceed an additional one year if the inspector determines that weather or other unexpected physical conditions justify such an extension.

**Section 14-106. No Assumption of Responsibility by City.**

Nothing in this Article shall be construed as an assumption by the city of any responsibility of a pipeline operator of a pipeline not owned by the city.

**Section 14-107. Existing or Annexed Pipelines – Grandfathering Process.**

Pipeline operators shall notify the inspector of existing pipelines within 120 days of the effective date of the ordinance adopting this regulation (or 120 days after the effective annexation date) in order to designate those sites as “grandfathered” to prior ordinance requirements. Notification shall include all relevant paperwork and permits from the OCC, including notices of violations; contact information; verification of all required bonds/irrevocable letters of credit and insurance; and maps detailing the location, type, and size of pipelines, along with the product transported, and the location of valves and apparatuses.

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**FROM THE TUTTLE ZONING CODE**

**SECTION 30J. OIL & GAS SETBACKS.**

- A. All oil & gas activities shall comply with the regulations established in Chapter 14 of the Tuttle Code of Ordinances.
- B. Specific Use Permits. RESERVED.
- C. Setbacks. The following setbacks are established for oil & gas activity and structures located near oil & gas activity. The greater of the required setbacks established in this section and elsewhere in this Zoning Code shall prevail.

- 1. The location of any building and related structures, either temporary or permanent, on any oil & gas site must comply with the setback requirements established in this section and elsewhere in the Zoning Code unless an exception is granted as a part of the Specific Use Permit issued for the oil & gas site.
- 2. No new oil & gas site shall be located closer than the specified minimum setbacks established in the following table.

Feature	Minimum Setback	Note
Any residential structure, platted residential subdivisions, place of worship, hospital, public or private school building/facility, commercial or industrial building/facility, fire station, police station, primary city office, or public park.	500 feet	The Planning Commission may agree to reduce the setback of new oil & gas sites to 150 feet with the written permission of all affected property owners and tenants.
The edge of the right-of-way/easement of any public street, road, highway, future street right-of-way, or the property line or nearest rail of an operating railway.	75 feet	
The edge of the right-of-way/easement of SH-4 and SH-37.	1,250 feet	
The edge of the right-of-way/easement of all other State and Federal highways (except as otherwise noted in this chart) , and the intersection of all section lines	200 feet	
The edge of the right-of-way/easement of the intersections of section-line roadways.	300 feet	As measured for a distance of 300 feet along the roadway right-of-way /easement from the intersection
Any fresh water well (Public)	1,000 feet	
Any fresh water well (Private)	500 feet	

- 3. It shall be unlawful to drill any oil & gas well, the center of which, at the surface of the ground, is located:
  - a. Within 25 feet from any storage tank or source of ignition; and
  - b. Within 25 feet of the edge of the oil & gas site.
- 4. The measurement of the setback shall be made from edge of the oil & gas site or the well bore in a straight line, without regard to intervening structures or objects, to the closest exterior point of the building or boundary line.
- 5. No new residential building, place of worship, public or private school building/facility, commercial or industrial building/facility, or public or private water well shall be located within 150 feet of an existing oil or gas site.

Those structures legally located and operating within 150 feet of an oil or gas site prior to or annexed after January 1, 2018 shall be considered a legal non-conforming use. Said legal non-conforming structures shall not be enlarged or replaced within the established 150-foot buffer unless approved by the Planning Commission. A Special Exception may be granted by the Board of Adjustment.

6. Those oil & gas sites legally located within the setbacks established in paragraph A and operating prior to or annexed after January 1, 2018 shall be considered a legal non-conforming use. New wells shall not be drilled on legal non-conforming sites except as follows:

a. The Planning Commission may permit additional drilling on a non-conforming oil & gas drilling site when said non-conformance is due its location within 500 feet of a residential structure, platted residential subdivision, place of worship, hospital, public or private school building/facility, commercial or industrial building/facility, fire station, police station, primary city office, or public park only if:

i. The Planning Commission, after conducting a public hearing, finds that it is in the best interest of the area property owners, residents, and the oil & gas applicant to drill at the legal non-conforming site; and

ii. All affected property owners within the 500-foot setback grant permission for the drilling, in writing, on a form acceptable to the City Attorney.

b. The Planning Commission may permit additional drilling on a non-conforming oil & gas drilling site when said non-conformance is due its location adjacent to a roadway only if:

i. The Planning Commission, after conducting a public hearing, finds that it is in the best interest of the area property owners, residents, and the oil & gas applicant to drill at the legal non-conforming site; and

ii. Written notification of the public hearing has been mailed to all property owners within the respective setback area creating the non-conformity.

#### **SECTION 45B. SPECIAL EXEMPTIONS AND EXCEPTIONS.**

B. Upon appeal, the Board of Adjustment is empowered, in accordance with Title 11 Oklahoma Statutes, Section 44-106, to permit the following special exemptions and exceptions:

...

3. To consider granting relief through a special variance for a structure to be constructed closer than the minimum setbacks from an oil & gas site, as specified in Section 30I; provided such relief may be entered upon a finding of the Board of Adjustment that:

a. The proposed reduced setback conforms with 52 O.S. Section 320.1;

b. The operator of the oil & gas site (as identified by the records of the Oklahoma Corporation Commission Oil & Gas Division) agrees, in writing, to the reduced setback;

c. The owner of the parcel of the oil & gas site agrees, in writing, to the reduced setback;

d. The Fire Chief finds, in writing, the proposed reduced setback:

1. Does not violate any applicable fire codes;

2. Does not pose a reasonable fire or safety risk to the occupants of the proposed structure;

- 3. Will not interfere with the ability of the Fire Department and/or other emergency responders to safely access the oil & gas site; and
- 4. Will not interfere with the ability of the Fire Department and/or other emergency responders to safely access nearby parcels and structures; and
- 5. Appropriate fire protection is available in the immediate area (i.e. access to fire hydrants, etc);
- e. The oil & gas site primarily produces natural gas;
- f. Relief, if granted, would not cause substantial detriment to the public good, the surrounding neighborhood, or impair the purposes and intent of the Zoning Ordinance or the Comprehensive Plan of the City of Tuttle, including; and
- g. The special exception, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

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**Fees as Adopted by Ordinance 2018-18**

**Oil & Gas Permits/Fees**

New Well (§14-4).....	\$15,000.00	per well
Well Re-entry (§14-4) .....	\$15,000.00	per well
Well Annual Inspection (§14-10) .....	\$1,000.00	per well
Re-inspection (§14-10).....	\$500.00	per well
Road Usage Fee (§14-15; §18-51).....	\$5,000.00	per well
Charged in addition to the Well Annual Inspection Fee for the first five years		
Road Usage Fee (§14-15; §18-51).....	\$2,000.00	per well
Charged in addition to the Well Annual Inspection Fee for each additional year		
Oil & Gas Pipeline Permit .....	\$1	per linear foot
Does not include the street crossing permit fees		
\$2,000/linear mile max		
\$100 minimum/permit		
Oil & Gas Pipeline Annual Inspection .....	\$0.10	per linear foot
\$25 minimum/year		