

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> June 24, 2014		<b>DATE SUBMITTED:</b> June 3, 2014	
<b>DEPARTMENT OF ORIGIN:</b> Water Services		<b>SUBMITTED BY:</b> J. Barfknecht	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Consider approval of recommended revisions under Section 78 "Oil & Gas Wells" of the City of Bryan Code of Ordinances to strengthen the role and responsibility of the Oil & Gas Inspector.			
<b>SUMMARY STATEMENT:</b> Water Services respectfully requests City Council to authorize the revision of Section 82 "Oil & Gas Wells" to provide needed clarification concerning the role and responsibility of the Oil & Gas Inspector. By ordinance, the Oil & Gas Inspector is charged with enforcing provisions of the Oil & Gas Wells Ordinance, which includes the authority to review, approve, deny, and suspend City-issued permits for oil and gas activities.			
<p>The current Oil &amp; Gas Wells Ordinance requires consideration and approval by the Fire Marshal and/or Fire Department. Examples specifically citing approval include: storage tank and piping, chemical and materials storage, site access, fire suppression, and signage.</p> <p>Permits for oil and gas activities are reviewed through the Site Development and Review Committee (SDRC) to allow Committee members to ensure that proposed plans conform to all City ordinances and regulations. The SDRC is comprised of twelve (12) City departments and three (3) external agencies of the City. Input received by the Oil &amp; Gas Inspector from the SDRC plays a significant role in the permit approval process.</p> <p>Removing mention of the Fire Marshal and/or Fire Department from the Oil &amp; Gas Wells Ordinance eliminates confusion and redundancy of staff involvement regarding the role and responsibility of the Oil &amp; Gas Inspector in the permitting process. The Bryan Fire Department is an active member of the SDRC and is provided with access to permit applications and supporting detail(s) concerning an oil and gas permit prior to issuance of the permit by the Oil &amp; Gas Inspector.</p>			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Water Services respectfully requests City Council approve the recommended changes to Section 78 "Oil & Gas Wells" of the City of Bryan Code of Ordinances. Approval of the proposed ordinance changes will eliminate confusion for applicants and staff regarding permit review and approval for oil and gas activities.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve ordinance.</li> <li>2. Do not approve ordinance.</li> <li>3. Do not approve ordinance and provide direction to staff.</li> </ol>			
<b>ATTACHMENTS:</b> Proposed Oil & Gas Well Ordinance (redline version)			

<b>FUNDING SOURCE:</b> N/A
<b>APPROVALS:</b> Jayson E. Barfknecht 06/03/14; Hugh R. Walker, 06/04/2014
<b>APPROVED FOR SUBMITTAL:</b> Kean Register, 06-06-2014
<b>APPROVED FOR SUBMITTAL:</b> <b>Janis K. Hampton, 06-11-14</b>

Revised 05/2013

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING SECTIONS 78-13, 78-31, AND 78-33 OF CHAPTER 78, NATURAL RESOURCES, ARTICLE I OF THE CITY OF BRYAN CODE OF ORDINANCES, REPLACING THE FIRE DEPARTMENT, FIRE CHIEF, AND FIRE MARSHALS WITH THE OIL AND GAS INSPECTOR FOR SAFETY INSPECTION AND APPROVAL REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bryan employs an experienced and knowledgeable oil and gas inspector in order to consolidate information at the City regarding oil and gas exploration within City limits; and

**WHEREAS**, it is vital that City decisions regarding oil and gas exploration within City limits include the oil and gas inspector;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:**

**Section 1.**

That Chapter 78, Natural Resources, Article I, Oil and Gas Wells, Section 78-13(g) of the Bryan Code of Ordinances is hereby amended as follows:

**“Sec. 78-13. Oil and gas well permit process.**

(g) *Tank specifications for oil and gas well permit.* Construction documents for the installation of storage tanks and related piping systems must be submitted to the inspector for approval. All tanks and permanent structures must conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the inspector. The top of the tanks may be no higher than 15 feet above the terrain surrounding the tanks.”

**Section 2.**

That Chapter 78, Natural Resources, Article I, Oil and Gas Wells, Section 78-31 of the Bryan Code of Ordinances is hereby amended as follows:

**“Sec. 78-31. Technical requirements.**

(a) *On-site requirements.*

(1) *Abandoned wells.* All wells must be abandoned in accordance with the rules of the commission. All well casings must be cut and removed to a depth of at least ten feet below the surface unless the surface owner submits a written agreement otherwise. The surface owner may not agree to a depth less than three feet. No structures may be built over an abandoned well.

(2) *Blowout prevention.* In all cases, blowout prevention equipment must be used on all wells being drilled, worked-over or in which tubing is being changed. Protection must be provided to prevent blowout during oil or gas operations as required by and in conformance with the requirements of the commission and the recommendations of the American Petroleum Institute. The operator must equip all

drilling wells with adequate blowout preventors, flow lines and valves commensurate with the working pressures involved as required by the commission.

(3) *Chemical and materials storage.* All chemical or hazardous material must be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material and must be approved by the inspector. Operator must have all material safety data sheets (MSDSs) for all hazardous materials on site. All applicable federal and state regulatory requirements for the proper labeling of containers must be followed. Appropriate pollution prevention actions are required and include chemical and materials raised from the ground (e.g., wooden pallets), bulk storage, instillations and maintenance of secondary containment systems, and protection from stormwater and weather elements.

(4) *Closed-loop drilling fluid systems.* Closed-loop drilling systems must be used instead of lined reserve pits.

(5) *Compliance.* Operator must comply at all times with all applicable federal, state and city requirements.

(6) *Discharge.* No person may place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances, or any other refuse including wastewater or brine from any oil or gas operation, or the contents of any container used in connection with any oil or gas operation in, into, or upon the drill site, any public right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain or any body of water or water course that may ultimately enter into waters of the city, state or United States.

(7) *Drilling fluids.* Low toxicity glycols, synthetic hydrocarbons, polymers, and esters must be substituted for conventional oil-based drilling fluids.

(8) *Drilling fluid storage pit.* No drilling fluid storage pits may be located within the city.

(9) *Drill stem testing.* All open hole formation or drill stem testing must be done during daylight hours. Drill stem tests may be conducted only if the well effluent during the test is produced through an adequate oil or gas separator to storage tanks and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drilling pipe. The material flushed must be secured and contained without release into the environment.

(10) *Drip pans and other containment devices.* Drip pans and other containment devices must be placed or installed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections, and any other areas or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials, including hazardous waste inseparable by simple mechanical removal processes, and made up of primarily of natural material.

(11) *Dust, vibrations, odors.* All drilling, re-drilling, re-working and production operations must be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and must be in accordance with the best accepted practices incident to drilling, re-drilling, and re-working for the production of oil, gas, and other hydrocarbon substances in urban areas. All equipment used must be so constructed and operated so that vibrations, dust, odor, or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incident thereto, to the injury or annoyance of persons living in the vicinity; nor may the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in

industry standards of drilling, re-drilling, reworking and production in this area must be adopted as they become available if capable of reducing factors of dust, vibration and odor.

(12) *Electric lines.* All operations on the site shall be powered by underground electric lines when sufficient power is available within 800 feet of the pad site. When electric utility lines are located within 800 feet of the pad site and are determined to be sufficient for operations, the operator may use fuel powered generators only as a backup in the event of a power failure. When such electric utility lines are not located within 800 feet of the pad site the operator shall install electric lines to the site. Overhead lines are permitted up to 800 feet of the pad site. The remaining 800 feet must be located underground.

(13) *Electric motors.* Only electric prime movers or motors are permitted for the purpose of pumping wells. No electric power may be generated on location except for thermal electric generators. All electrical installations and equipment must conform to city ordinances and applicable national codes.

(14) *Equipment painted.* All production equipment on the site must be painted and maintained at all times, including pumping units, storage tanks, buildings and structures.

(15) *Explosive charges.* If, during any active phase of drilling, re-drilling, deepening, re-working, activating, converting, fracturing, or completing an oil or gas well, explosive charges are used, the operator must apply for and receive a permit from the inspector. The permit application must identify the date and means of transporting the explosive charges, the transportation route to and from the drill or operation site that will be used for the delivery of the explosive charges, the manner of storage of the explosive charges, and the date and method of the discharge of the explosive charges.

(16) *Fire prevention; sources of ignition.* Site access, firefighting apparatus and water supplies required by any applicable federal, state, or local law must be provided by the operator, at the operator's cost, and must be maintained on the drilling site at all times during drilling and production operations. The operator is responsible for the maintenance and upkeep of the equipment. Each well must be equipped with an automated valve that closes the well in the event of an abnormal change in the operating pressure. All well heads must contain an emergency shut off valve to the well distribution line.

(17) *Fresh water wells.* It is unlawful to drill any well, the center of which, at the surface of the ground, is located within 500 feet of any fresh water well. The measurements are taken in a direct line from the closest wellbore to the fresh water wellbore. Within 120 days of its completion date, each oil or gas well must be equipped with a cathodic protection system to protect the production casing from external corrosion. The operator of a gas well must provide the oil and gas inspector with a "pre-drilling" and "post-drilling" water analysis and flow rate from any existing fresh water well within 500 feet of the gas well.

(18) *Gas emission or burning restrictions.* No person may allow, cause, or permit gases to be vented into the atmosphere or to be burned by open flame except as provided by law or as permitted by the commission. If the venting of gases into the atmosphere or the burning of gases by open flame is authorized as provided by law or as permitted by the commission, then such vent or open flame may not be located closer than 800 feet from any protected use building not used in operations on the drilling site, and such vent or open flame must be screened in such a way as to minimize detrimental effects to adjacent property owners. Venting operations must comply with the noise regulations contained in this article.

(19) *Gas well stimulation.* Only light sand fracture technology or technologies approved by the oil and gas inspector may be used to fracture stimulate ("frack") a well. Fracking operation must be scheduled to occur during daylight hours unless the operator has notified the oil and gas inspector

that fracking will occur before or after daylight hours to meet safety requirements. Air, gas, or pneumatic drilling is not permitted.

(20) *Grass, weeds, trash.* All drill and operation sites must be kept clear of weeds and trash. Grass must be maintained so that it does not grow taller than 12 inches. All landscaping must be continuously maintained in an acceptable manner.

(21) *Lights.* No person may permit any lights located on any drill or operation site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting must be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within 500 feet.

(22) *Muffling exhaust.* Exhaust from any internal combustion engine, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment may not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and prevent the escape of obnoxious gases, fumes, or ignited carbon or soot.

(23) *Private roads and drill sites.* Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the operation site itself must be approved by the inspector and city engineer. Roads must be surfaced with crushed rock, gravel, or ore and maintained to prevent dust and mud. Brine water, sulphur water, or water in a mixture of any type of hydrocarbon, may not be used for dust suppression. The road may not cause adverse effects on the drainage of water and may not trap water or divert water to surrounding properties. In particular cases these requirements governing the surfacing of private roads may be altered at the discretion of the oil and gas inspector and the city engineer after consideration of all circumstances including: distances from public streets and highways; distances from adjoining and nearby property owners whose surface rights are not leased by the operation; the purpose for which the property of such owners is or may be used; topographical features; nature of the soil; exposure to wind; and access for fire suppression vehicles. No aspect of this section may be construed to supersede any permitting, review, standards, and regulations set forth in the Bryan/College Station Unified Design Guidelines.

(24) *Salt water wells.* No salt water wells, injection wells or disposal wells may be located within the city.

(25) *Signs.*

a. A sign must be immediately and prominently displayed adjacent to the public right-of-way at the gate on the temporary and permanent site fencing erected pursuant to this article. The sign must be durable material, maintained in good condition and, unless otherwise required by the commission, have a surface area of not less than two square feet nor more than four square feet. The sign must contain the following information in letters not less than three inches in height in block lettering, in a solid color that contrasts with the background:

1. Well name and number;
2. Name of operator;
3. Address of the property;

4. The emergency 911 number; and
5. The telephone numbers of two local persons responsible for the well who may be contacted 24 hours a day in case of an emergency.

b. Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the inspector. Sign lettering must be four inches in height and must be red on white background or white on a red background. Each sign must include the emergency notification numbers of the fire department and the operator, well and lease designations required by the commission.

(26) *Storage of equipment.* On-site storage is prohibited on the operation site. No equipment may be stored on the drilling or production operation site, unless it is necessary to the everyday operation of the well. Lumber, pipes, tubing and casing may not be left on the operation site except when drilling or well servicing operations are being conducted on the site. No vehicle or item of machinery may be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site. The inspector determines whether equipment on the site constitutes a fire hazard. No refinery, processing, treating, dehydrating or absorption plant of any kind may be constructed, established or maintained on the premises.

(27) *Storage tanks.* All construction documents related to the installation of storage tanks and piping systems must be submitted to the inspector for approval. All tanks and permanent structures must conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the inspector. All storage tanks must be equipped with a secondary containment system including lining with an impervious material. The secondary containment system must be a minimum of three feet in height and one and one-half times the contents of the largest tank in accordance with fire codes, and buried at least one foot below the surface. Drip pots must be provided at the pump out connection to contain the liquids from the storage tank. Locating equipment other than storage tanks within the containment area is prohibited unless approved by the oil and gas inspector. Standing water shall be prohibited within the containment area. Uncontaminated water may be purged from the containment area. Drainage valves must remain closed except when purging is performed.

a. All tanks must be set back pursuant to the standards of the commission and the currently adopted fire code, but in all cases, at least 300 feet from any right-of-way or property line. Each storage tank must be equipped with a level control device that will automatically activate a valve to close the well if excess liquid accumulates in the tank.

b. No meters, storage tanks, separation facilities, or other above-ground facilities, other than the well head and flow lines may be placed in a floodway.

c. Inspection ports, tank and containment lids must be closed at all times to prevent entrance by wildlife and inflow of rainwater or runoff.

(28) *Tank battery facilities.* Tank battery facilities must be equipped with a remote foam line and a lightning arrestor system.

(29) *Surface casing.* Surface casing must be run and set in full compliance with the applicable rules and regulations of the commission.

(30) *Valves.* Each well must have a shutoff valve to terminate the well's production. The fire department must have access to the well site to enable it to close the shut-off valve in an emergency.

(31) *Bradenhead gauge.* Operators are required to install a bradenhead gauge on all gas wells. The bradenhead gauge is subject to inspection by the city at all times. Pressure readings must be provided to the gas well inspector upon request.

(32) *Waste disposal.* Unless otherwise directed by the commission, all tanks used for storage must conform to the following:

a. Operator must use portable steel storage tanks for storing liquid hydrocarbons. Tanks must meet the American Petroleum Institute standards. All tanks must have a vent line, flame arrester and pressure relief valve. All tanks must be enclosed by a fence applicable to the issued permit.

b. Drilling mud, cuttings, liquid hydrocarbons and all other field waste derived or resulting from or connected with the drilling, reworking or deepening of any well shall be processed through a closed loop mud system. All disposals must be in accordance with the rules of the commission and any other appropriate local, state or federal agency.

c. Unless otherwise directed by the commission, waste materials must be removed from the site and transported to an off-site disposal facility at least once every 30 days. Water stored in on-site tanks must be removed as necessary.

d. All waste must be disposed of in such a manner as to comply with the air and water pollution control regulations of the state, this article, and any other applicable ordinances of the city.

(b) *Variances to technical requirements.* The oil and gas board of appeals may issue variances to the following technical requirements: (4) Closed-loop drilling fluid systems; (7) Drilling fluids; (17) Fresh water wells; (19) Gas well stimulation; (23) Private roads and drill sites; and (27) Storage tanks, set out in subsection (a).

(c) *Installation of pipelines on, under or across public property.* The operator must apply to the city for an agreement for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines on, over, under, along or across the city's streets, sidewalks, alleys and other city property so long as production or operations may be continued under any oil or gas well permit issued pursuant to this article. The operator must:

(1) Not interfere with or damage existing water, sewer or gas lines or the facilities of public utilities located on, under or across the course of the rights-of-way;

(2) Furnish to the oil and gas inspector a digitally produced plat showing the location of the pipelines and apply for a utility notification permit from the engineering division;

(3) Construct the lines out of pipe in accordance with the city codes and regulations properly cased and vented if under a street;

(4) Grade, level and restore the property to the same surface condition, as nearly as practicable, as existed when operations for the drilling of the well were first commenced; and

(5) All required agreements pursuant to this section must be completed, reviewed, and resolved by the city engineer, city attorney, city manager, and if required, city council, prior to the determination of any oil or gas permit as being administratively complete.

(d) *Flow lines and gathering lines.*

(1) The operator must place an identifying sign at each point where a flow line or gathering line crosses a public street, road, or fence line. Identification signs must conform to commission regulations.

(2) The operator must place a warning sign for lines carrying hydrogen sulfide gas as required by the commission and all other applicable state or federal regulatory agencies.

(3) All flow lines and gathering lines within the corporate limits of the city (excluding city utility lines and franchise distribution systems) that are used to transport oil, gas, or water must be limited to the maximum allowable operating pressure applicable to the pipes installed and must be installed with at least the minimum cover or backfill specified by the American National Safety Institute code, as amended, provided all pipelines must be buried to a minimum of at least 36 inches below the ground surface. During the backfill of any pipeline excavations, whether such pipelines are located inside or outside the permitted oil or gas well pad site, "buried pipeline" warning tape must be buried one foot above any pipeline to warn future excavators of the presence of a buried pipeline. Within 120 days of its completion date, each flow line and gathering must be equipped with a cathodic protection system to protect the casing from external corrosion. The oil and gas inspector may approve an alternative method of protecting the casing from external corrosion.

(4) Structures may not be built over flow lines or gathering lines and within any pipeline easement.

(5) Easements must be acquired for all pipelines outside the permitted oil or gas well pad site. The location of easement must be shown in a pipeline easement map approved by the city prior to the installation of any pipelines. In addition, once construction has been completed, digitally produced maps and as-built plans will be provided to the city of all pipelines, including those inside the permitted oil or gas well pad site.

(e) No oil or gas well permit will be issued for any well to be drilled within any of the streets or alleys of the city, and no street or alley may be blocked or encumbered or closed due to any exploration, drilling or production operations unless prior consent is obtained from the city engineer. Any consent from the city engineer is temporary in nature and will state the number of hours or days that any street or alley may be blocked, encumbered or closed.”

### **Section 3.**

That Chapter 78, Natural Resources, Article I, Oil and Gas Wells, Section 78-33 of the Bryan Code of Ordinances is hereby amended as follows:

**“Sec. 78-33. Landscape, fences and gates.**

(a) A plan for landscaping and irrigation should be submitted with the oil and gas well permit application. Landscaping and irrigation is required along all sides of the well site with suitable screening done using a combination of trees and shrubs that compliment the natural character of the surrounding area. All landscaping must be installed within 45 days of the beginning of the pad site construction.

The landscape and irrigation plan must meet the following requirements:

(1) A minimum 20-foot landscape buffer outside the perimeter fencing;

(2) Trees should be a minimum three-inch caliper at the time of planting and shrubs should be a minimum of three feet in height at planting with the potential to grow to a mature height of at least five feet and, if necessary, must have an installed irrigation system that provides total water coverage to all plant materials. All vegetation must be planted and spaced to provide maximum screening, growth, and overall health.

(3) Vegetated areas must be landscaped so that at least 50 percent of the structures are screened from adjacent property owners and public streets within three years. At least 40 percent of the landscape should be evergreen.

(4) The vegetation must be kept in an attractive state and in good condition at all times by the operator. Any shrubs or trees that die within one year of the date of initial planting must be replaced by a shrub or tree meeting the requirements of this article. A replacement shrub or tree that dies within one year of planting will be replaced by another replacement shrub or tree and the one-year warranty as to that shrub or tree will begin at replacement.

(5) *Escrow*. The operator may enter into an escrow agreement with the city and escrow a cash deposit with the city to defer the planting of vegetation screening and fencing until such time as: (a) a site plan is submitted for the development of the tract on which the well is situated; or (b) a site plan is submitted for the development of any adjoining parcel that is within 1,000 feet of the well; or (c) when a public right-of-way is constructed within 500 feet of the well. Deposit of the cash escrow funds will relieve the operator from immediate compliance with the required timeframe for installing vegetation screening and fencing set out above if, in the determination of the oil and gas inspector, the well or gas facility site is located in a remote area and is not easily visible from public view. The escrow funds will be in an amount equal to the total cost of purchasing and planting the required vegetation and installing the required fencing, in accordance with a detailed landscape plan prepared and sealed by a registered landscape architect and accepted by the city, as reflected in a landscape contract between the operator and a landscape contractor plus at least 20 percent of the landscape contracting cost, such additional amount to cover unexpected or incidental costs of completion, including administrative expenses.

(b) *Fences/walls*. Fences are required around all operation sites and drilling sites during initial drilling, completion, or reworking operations. A secured entrance gate to the drill site is required. All gates must be kept locked when the operator or his or her employees are not within the enclosure. Within 20 days after production has been established and the drilling rig removed, all remaining production equipment must be completely enclosed by a permanent fence constructed and maintained according to the requirements of the city issued permit as follows:

(1) Chain link fence specifications:

a. The fence must be at least eight feet in height, but no more than ten feet;

b. Support posts must be set in concrete and must be imbedded into the ground to a depth sufficient to maintain the stability of the fence; provided, however, so long as stability of the fence is maintained, temporary fence posts will not be required to be set in concrete;

c. The chain link fence must be vinyl coated and may be green, brown, tan, or black and must be complimentary to the color of the fence screening and painted equipment;

- d. The chain link fence must have a minimum thickness of 11 gauge;
- e. The chain link fence must be two-inch mesh; provided, however, three and one-half inch mesh may be used on any fence where the fence is interwoven with noncombustible artificial screening material;
- f. Posts and rails must be standard galvanized, welded pipe, schedule 40 or thicker; provided, however, that nongalvanized drill pipe may be used if it exceeds schedule 40 thickness;
- g. All pipe and other ferrous parts, except chain link fence and drill pipe, must be galvanized inside and outside with a plating which contains a minimum of one and two-tenths ounces of zinc per square foot of surface area;
- h. Tension rods must be three-eighths-inch round steel bolt stock. Adjustable tighteners must be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars must have a minimum thickness of one-fourth inch by three-fourths inch; and
- i. All fences must have security extension arms at the top of the fences and the security extension arms must be strung with at least two strands of galvanized barb wire.

(2) Masonry fence specifications:

- a. Constructed in accordance with standard engineering practices;
- b. Constructed of brick, stone, or reinforced concrete panels that are aesthetically compatible with facilities, buildings, and structures adjacent to the drill site; and
- c. At least eight feet in height, but no more than ten feet.

(c) *Gate specifications.* All chain link fences must be equipped with at least one gate. The access gate must be approved by the inspector and meet the following minimum specifications:

- (1) Each gate must not be less than 20 feet wide and be composed of two gates, each of which is not less than ten feet wide, or one sliding gate not less than 20 feet wide. If two gates are used, gates must latch and lock in the center of the span;
- (2) The gates must be of chain link construction that meets the applicable specifications; or of other approved material that, for safety reasons, must be at least as secure as chain link fence;
- (3) The gates must be provided with a combination catch and locking attachment device for a padlock, and must be kept locked except when used for immediate access to the site; and
- (4) Operator must provide the city inspector with a "Knox padlock" or "Knox box with a key" to access the well site to be used only in case of an emergency."

#### **Section 4.**

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.**

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**Section 6.**

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**Section 7.**

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

**Section 8.**

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

**Section 9.**

This ordinance shall become effective after its second and final reading.

**PRESENTED AND GIVEN** first reading the 24<sup>th</sup> day of June , 2014, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 8<sup>th</sup> day of July , 2014, by a vote of \_\_\_\_ ayes and \_\_\_\_ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Janis K. Hampton, City Attorney