

CITY OF WILLOW PARK

ORDINANCE NO. 530-05

AN ORDINANCE AMENDING CHAPTER 4 "BUSINESS REGULATIONS" OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WILLOW PARK BY AMENDING ARTICLE 4.400 "REGULATION OF THE DRILLING AND OPERATION OF GAS AND OIL WELLS"; PROVIDING FOR THE REASONABLE RIGHT TO EXPLORE AND EXTRACT MINERALS WITHIN THE CITY LIMITS OR EXTRATERRITORIAL JURISDICTION OF THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PROCEDURE FOR THE ISSUANCE OF A PERMIT THEREFOR, REQUIRING CERTAIN STANDARDS, FINANCIAL ASSURANCES, GUARANTEES, AND OBLIGATIONS BE MET; PROVIDING FOR REMEDIES AND A PENALTY; PROVIDING FOR A REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the City, may for the purpose of preventing calamitous fires and provide for the general safety of the citizens, adopt certain rules, regulations that the governing body considers necessary pursuant to §342.003 TEX. LOCAL GOV'T CODE; and

WHEREAS, the governing body of the municipality may organize a fire department with a fire chief as the chief administrative officer and prescribe the powers and duties of the fire department and its officers pursuant to delegated authority of §342.004, TEX. LOCAL GOV'T CODE; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORITY

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

CHAPTER 4, "Business Regulations" Article 4.400 "Regulation of the Drilling and Operation of Gas and Oil Wells": is hereby amended as follows:

§ 4.401 Definitions

~~For the purpose of this section, the following words shall have the meanings respectfully ascribed to them. Generally, all technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributed to them by the oil and gas industry.~~

~~Drilling Unit. One contiguous body or block of land composed of one or more tracts complying with the spacing regulations promulgated by the state railroad commission.~~

~~Fire Zone. Any area within the corporate limits of the city designated as a fire zone by any provision of this code or in any ordinance duly passed and approved by the city council.~~

~~Permittee. The person to whom the city issues a permit to drill and operate a well under the provisions of this section, and his or its administrators, executors, heirs, successors and assigns.~~

~~Well. Any hole or holes, bore or bores, which is or are drilled, bored, dug, sunk or put down to any depth, strata, sand or formation for the purpose of exploring for or ascertaining the existence of any oil,~~

ways of the city. No street, alley or public way shall be blocked, encumbered or closed in any drilling or production operation, except on a temporary basis and then only by special permit issued by the city council. (Chapter 4, Section 4J, Code of 1986)

§ 4.410 Drilling Unit to Have Only One Well

No permit shall authorize the drilling, completion and operation of more than one (1) well to each reservoir on each drilling unit, as provided by the state railroad commission on such unit, and it shall be unlawful to drill to each reservoir more than one (1) well on each unit; provided, however, that in the event a well is lost or abandoned as a dry hole, the permittee may relocate the well on the drilling unit involved and drill and complete such relocated well under the permit for the first well by filing a plat and certificate showing the abandonment of the first well and the location of the second well. (Chapter 4, Section 4K, Code of 1986)

§ 4.411 Abandonment and Plugging

Whenever any well is abandoned, it shall be the obligation of the permittee and the operator of the well to set a cement plug in the casing from the base of the Wilcox formation to the specifications as set forth by the State Railroad Commission. (Chapter 4, Section 4L, Code of 1986)

§ 4.412 Casing

(a) Generally. The productive string shall have a mill test of eighteen hundred (1800) pounds for wells six thousand feet (6,000') or less in depth. The surface casing shall be new pipe and shall have a mill test of eleven hundred (1,100) pounds. (Chapter 4, Section 4M, Code of 1986)

(b) Setting and Cementing. No well shall be drilled within the city without properly setting the surface casing. No well shall be drilled within the city without cementing the surface casing by the pump and plug method with sufficient cement to completely fill all of the annular space behind such casing to the surface of the ground, and without

cementing the production string by the pump and plug method with sufficient cement to completely fill the annular space behind the production string to the surface of the ground. The production string shall be centralized from one thousand feet (1,000') to the surface with the use of five (5) centralizers to be placed at depths of one hundred (100'), three hundred (300'), five hundred (500'), seven hundred (700') and nine hundred fifty feet (950'). Sufficient cement shall be used so as to insure the circulation of cement from the bottom of the oil string to the surface. (Chapter 4, Section 4N, Code of 1986)

§ 4.413 Christmas Tree and Well Head Connections

The christmas tree and all well head connections on each well shall be as follows:

(a) On all wells completed at a depth above four thousand feet (4,000'), the christmas tree and well head connections shall be at least a minimum working pressure of one thousand (1,000) pounds per square inch (psi) and a minimum test pressure of at least four thousand (4,000) psi.

(b) On all wells completed to a depth of from four thousand one (4,001') to seven thousand feet (7,000'), the christmas tree and well connections shall have at least a minimum working pressure of three thousand (3,000) psi and a minimum test pressure of at least six thousand (6,000) psi.

(c) On all well head connections there shall be at least a minimum working pressure of five thousand (5,000) psi and a minimum test pressure of at least ten thousand (10,000) psi.

(d) In the event the surface shut-in pressure of any well exceeds two thousand (2,000) psi, the flow string of the christmas tree shall be

§ 4.425 Venting, Flaring of Gas

No person engaged in drilling or operating any well shall permit gas to escape or be vented into the air within the city. Flaring of gas within the city is prohibited. (Chapter 4, Section 4BB, Code of 1986)

§ 4.426 Permit

(a) Permit Required. It shall be unlawful for any person acting either for himself/herself or acting as the agent, servant, employee or independent contractor of any other person to commence to drill or to operate any well within the city or to work upon or assist in any way in the prosecution or operation of any such well without a permit for the drilling and operation of such well having first been issued by authority of the city council.

(b) Permit Application

(1) Every application for a permit to drill and operate a well shall be in writing and signed by the applicant or by some person duly authorized to sign the same on his/her behalf; which such application shall be filed with the city administrator. No application shall request a permit to drill and operate more than one (1) well.

(2) The application shall contain full information, including the following:

- (i) Date of application;
- (ii) Name and address of applicant;
- (iii) Proposed site of the well, accompanied by a plat of the drilling unit showing the descriptions of the lots, blocks or tracts owned or controlled by the applicant. Such plats shall be prepared by a registered public surveyor of the state;
- (iv) Name(s) of the fee owner(s);
- (v) Name(s) of the lease owner(s) and copy of lease agreement;

(vi) A brief description of the land;

(vii) Type of derrick to be used;

(viii) Whether the well shall be drilled as an oil or gas well;

(ix) Proposed depth of well; and

(x) Motive power of the rig that is to be used.

(3) The application must contain proof of a valid certification from the State Railroad Commission.

(c) Permit Fee. Every application for a permit to drill and operate a well shall be accompanied by a filing fee as set forth in the fee schedule found in the appendix of this code.

(d) Refusal of Permit Application. The city council shall have the authority to refuse any application for a permit when by reason of the location of the proposed well and the character and value of the permanent improvement already erected on the drilling unit in question or adjacent thereto, or the use to which the land and surroundings are adapted for public or civic purposes, or for sanitary reasons, the drilling of an oil or gas well would be injurious or a disadvantage to the health, safety, morals or welfare of the city or its inhabitants.

(e) Permit Issuance

(1) Within thirty (30) days after the filing of the application for a permit to drill and operate a well, the city council shall determine whether the application complies with the provisions of this section and, if it does, shall fix the amount of the principle of the bond required by this section. After such determination, the city council shall issue a permit for the drilling and operation of the well described in said permit.

cessation for a like period of the drilling or reworking operations, or the cessation of the production of oil or gas from the well after production shall have commenced shall operate to terminate and cancel the permit, and the well shall be considered as abandoned for all purposes under this section. It shall be unlawful thereafter to continue the operation or drilling of such well without the issuance of another permit. (Chapter 4, Sections 4CC-4LL, Code of 1986)

§ 4.427 Financial Guarantees

(a) Required. In the event a permit is issued by the city council for the drilling and operation of a well, no actual drilling operations shall be commenced until the permittee shall file with the city secretary a bond and a certificate of insurance.

(b) Bond

(1) A bond shall be required in the principal sum of such number of dollars as has been determined by the city council but not to be less than twenty-five thousand dollars (\$25,000.00) nor more than two hundred thousand dollars (\$200,000.00). Said bond shall be executed by a reliable surety company authorized to do business in the state, as surety and by the permittee, as principal, running to the city for the benefit of the city and all persons concerned; conditioned that the permittee will comply with the terms and provisions of this section in the drilling and operation of the well.

Said bond shall become effective on or before the date the same is filed with the city administrator and shall remain in full force and effect for at least six (6) months subsequent to the expiration of the term of the permit issued, and in addition the bond shall be conditioned that the permittee will promptly pay off all fines, penalties and other

assessments imposed upon permittee by reason of breach of any of the terms, provisions or conditions of this section, and that the permittee will promptly restore the streets, alleys, sidewalks and other public ways and property of the city which may be disturbed or damaged in the operations to their former condition, and that the permittee will promptly clear all premises of all litter, trash, waste and other substances used, allowed or occurring in the drilling or producing operations and will, after abandonment, grade, level and restore said property to the same surface condition, as nearly as possible, as existed when operations for the drilling of the well were first commenced; and that the permittee will indemnify and hold the city harmless from any and all liability growing out of or attributable to the granting of such permit. If at any time the city council shall deem any permittee's bond to be insufficient for any reason, it may require the permittee to file a new bond.

(2) If, after completion of a well, the permittee has complied with all of the provisions of this section such as removing derrick, cleaning premises, etc., he may apply to the city council to have said bond reduced to a sum of not less than ten thousand dollars (\$10,000.00) for the remainder of the time said well produces without reworking. During reworking operations, the amount of the bond shall be increased to the original amount.

(c) Insurance

(1) The permittee shall carry a policy or policies of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the city, with an insurance company authorized to do business in the State of Texas; said policy or policies in the aggregate shall provide for an

§ 4.410. Drilling and Production Permits.

A. The drilling and production of oil and gas within the corporate limits of the City shall be permitted if the well is located more than 50 feet from any City street, alley or public thoroughfare, and more than 600 feet from the closest residence, religious or public building, school or public park, provided that the well drilling and/or production complies with the provisions of this Article and the following:

1. An Application for a drilling permit has been filed and determined to be administratively complete;
2. A Well Development Plat is filed and approved;
3. A Road Repair Agreement, Drilling Production Bond and the Railroad Commission Application have been filed and approved by the City Administrator; and
4. An oil or gas well permit has been issued.

B. The drilling and production of an oil and gas well within the corporate limits of the City shall be permitted if the well is located more than 50 feet from any City street, alley or public thoroughfare, and the property owner of a residential structure, public building, hospital, school or park located more than 250 feet but less than 600 feet from the proposed well agrees in writing, to the drilling and/or production of the oil and gas well, and the drilling and production meets all other requirements of subparagraph A above.

C. The drilling and production of an oil and gas well within the corporate limits of the City may be permitted by a Specific Use Permit if a residence, religious structure, public building, hospital, school or park is within 600 feet of the well, only if said structure is located at least 200 feet away from the well bore and the well is located more than 250 feet from any City street, alley or public thoroughfare, and provided the drilling and production of oil and gas meets all other requirements of subparagraph A above.

§ 4.411. Application for Permit.

A. No person acting for himself or acting as an agent, employee, or contractor for the person shall engage in drilling or production of an oil or gas well within the corporate limits of the City without first obtaining either, a drilling and production permit or a specific use permit, as required by this Chapter,

unless the well was completed prior to the effective date of this Article.

B. An application for a drilling and production permit or a specific use permit shall be filed by a person having legal authority, who is the holder of a valid oil, gas and mining lease for the permit sought. Documentation of the authority to file the application must be submitted with the application.

C. No application shall request a permit to drill or operate more than one well bore, but the permit may permit additional completions in production zones in compliance with state regulatory standards.

D. Each oil and gas permit shall contain the following information:

1. Identify the name of each well and its operator, and the mineral estate owner;
2. Date of the application and date of permit issuance;
3. An accurate legal description of (i) the property to be used for oil or gas drilling and operation; (ii) the parcel and production unit; and (iii) name of geologic formation for production as referenced by the State Regulatory Agency.
4. Property recorded by plat should reference the subdivision name, and include block and lot numbers;
5. A map showing the proposed transportation routes and roads for equipment, chemicals or waste products to be used;
6. Name and address of the operator; if a corporation, the state of incorporation and address of the registered agent; if a partnership, names and addresses of the general partners;
7. Names and addresses of individual designated to receive notice.
8. Name of individual with supervisory authority over all oil and gas operational site activities, with a 24 hour telephone number.;
9. Map or plat depiction showing all improvements and structures within 600 feet of the well, including ownership. Each structure within 600 feet must be labeled and show specific distance from the structure to the well; For purpose of measurement of the intervening distance between the well and any structure, public building, hospital, school or public park, the distance shall be measured from the well

bore in a straight line without regard to intervening structures or objects, to the closest exterior point of the structure being measured.

10. Name and address of owner of each property owner within 1,000 feet of the proposed drill site;
11. A site plan of the proposed operational site showing the location of all improvements and equipment, including the location of the proposed well and other facilities, including but not limited to tanks, pits, pipelines, compressors, separators and storage sheds;
12. A signed Road Maintenance Agreement, supplied by the City, that provides that the operator shall repair, at its own expense, any damage to the roads, streets and highways caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production or operation of the well;
13. A description of the water source to be used during the drilling, and a signed Sale of Water Agreement with the City for any water required;
14. A copy of the approved state agency permit to drill, together with any attachments, surveys or plats which were attached to the state application for permit;
15. A copy of the storm water pollution prevention plan, as required by state and federal law;
16. Evidence of insurance and security as required under this Article;
17. A statement under oath signed by the applicant that the information submitted with and contained in the application is to the best of his/her knowledge and belief, true and correct.;
18. All required application and permit fees.

§ 4.412. Permit.

A. No permit shall be issued for any well to be drilled within a floodway within the City or ETJ.

B. No permit shall issue for any well where the well, at the surface of the ground, is located within 250 feet of an existing fresh water well intended for domestic use.

C. The City Administrator shall issue a permit for drilling and production pursuant to § 4.410(A) or (B) not later than ten days after the Application to drill and operate an oil or gas well has been delivered to the City and determined by the City Administrator in

his sole discretion, determines to be compliant with this Article and administratively complete.

D. By acceptance of the permit authorized by this Article, the Applicant or Permittee expressly stipulates and agrees to be bound by and comply with all terms of this Article. The terms of this Article shall be deemed to be incorporated in any permit issued pursuant to this Article with the same force and effect as if the entire Article was set forth verbatim in the issued permit.

E. The drilling and production permit required by this Section is in addition to, and not in lieu of, any permit that may be required by any other provision of the municipal code or by any other governmental entity.

F. The decision of the City Administrator to deny a permit shall be provided to the Applicant in writing, ten days after the decision. The Applicant may appeal any denial to the City Council.

§ 4.413 . Specific Use Permit.

A. Within 45 days of the receipt of an administratively complete application for a specific user permit, as determined by the City Administrator in writing, the matter shall be placed on the City Council Agenda for a public hearing. Notice of the public hearing shall be published in a daily newspaper of general circulation, not more than ten nor less than twenty days prior to the date of the hearing. The notice shall contain the name of the applicant, the proposed location of the well, and the date, time and location of the hearing. All adjacent property owners shall be given written notice of the hearing.

B. The City Council shall review the application and any other related documentation. The City Council shall consider the following in deciding whether to grant an oil or gas Specific Use Permit:

1. Whether the operations proposed are reasonable under the circumstances and conditions then prevailing in the area, considering the particular location and the character of the improvements located there;
2. Whether the drilling of such well would conflict with the orderly growth and development of the City;
3. Whether there are other alternative well site locations;

prevent, contain and facilitate rapid mediation and clean up of any accidental spill, leak or discharge of a hazardous material.

G. Drip pans and other containment devices or oil absorbing material shall be placed or installed underneath all tanks, containers, pumps, pump out connections, lubricating oil systems, engines, fuel and chemical storage tanks and other areas that could potentially leak, discharge or spill hazardous liquids, semi-liquids or solid waste materials.

§ 4.423. Enclosures.

A. Fences are not required on drilling site during initial drilling, completion or rework operations if in person 24 hour on-site security and supervision is provided. Once 24 hour in person supervision has ceased, all drilling features, including storage pits, shall be fenced to prevent access.

B. Fences located at the operation site shall remain locked at all times when no one is present.

C. No refining process or any process for the extraction of products from gas or oil shall be carried on at a drill site or operation site, except that a dehydrator and separator may be maintained on a drill site or operation site for the separation of liquids from gas.

D. Landscaping and irrigation shall be required along all frontages of the completed well site, with suitable screening shrubs that compliment the architectural character and surrounding neighborhood. Screening shrubs shall be installed completely around the well site and all fences, and be sufficient to screen from view the structures within the well site.

E. All well and storage tank separation facilities and other mechanical equipment shall be screened from view with a six foot high chain link fence, unless a masonry or other solid fence is required, due to the proximity of the wellhead to residential or other structures in the discretion of the City Council. Regardless of the screening material, landscape materials are to be utilized as provided herein.

§ 4.430. Pipelines.

A. Permittee shall place an identifying sign at each point where a flow line or gathering line enters or exists a public street, road or right of way.

B. Each permittee shall place a warning sign for flow or gathering lines carrying hydrogen sulfide gas as required by state regulation.

C. All flow lines and gathering lines, within the corporate limits of the City, used to transport oil, gas or water, or other liquids, shall be limited to the maximum allowable operating pressure applicable to the pipes installed, and shall be installed with at least the minimum cover backfield specified by the American National Safety Institute.

D. Structures shall not be built over flow lines or gathering lines.

§ 4.431. Environmental.

A. Erosion control practices shall be instituted and maintained for all wells. Compost berms at least one foot high or equivalent erosion control devices shall be installed so that all portions of the well pad that drains off site is contained. Damage resulting from sedimentation or erosion shall be repaired immediately.

B. All wells shall be abandoned in accordance with the State Regulatory Agency rules. All well casings shall be cut and removed ten feet below the surface.

C. No structures shall be built over an abandoned well.

D. No gas or oil drill site shall be allowed on slope sites greater than 10%.

E. No salt water disposal or disposal well shall be permitted within the City.

F. The contents of any pit shall always be maintained at least two feet below the top of the pit.

G. After the well has been completed or plugged and abandoned, the operator shall clean and repair all damaged public property caused by such operations within 30 days.

H. All fluids shall be removed by de-watering from the pits within 30 days of completion of drilling operations. The pits and its contents shall be removed from the premises within 90 days after completion of the well.

§ 4.440. Development Plat.

coverage or written as separate coverage. Such coverage shall not exclude damage to the lease site. If Environmental Impairment (or Seepage and Pollution) Coverage is written on a "claims made" basis, the policy shall provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.

B. Automobile Liability Insurance. Minimum Combined Single Limit of \$500,000 per occurrence for Bodily Injury and Property Damage. Such coverage shall include owned, non-owned, and hired vehicles.

C. Worker's Compensation Insurance. In addition to the minimum statutory requirements, coverage shall include Employer's Liability limits of at least \$100,000 for each accident, \$100,000 for each employee, and a \$500,000 policy limit for occupational disease, and the insurer agrees to waive rights of subrogation against the City, its officials, agents, employees, and volunteers for any work performed for the City by the Applicant.

D. Excess (or Umbrella) Liability Insurance., Minimum limit of \$10,000,000 covering in excess of the preceding insurance policies.

E. Control of Well Insurance

- a. Minimum limit of \$5,000,000 per occurrence.
- b. Policy shall cover the Cost of controlling a well that is out of control, Re-drilling or Restoration expenses, Seepage and Pollution Damage. Damage to Property in the Operator's Care, Custody and Control with a sub-limit of \$500,000 may be added.

§ 4.454. Security.

A. A security instrument that covers each well shall be delivered to the City Administrator before the issuance of the Permit for the well. The instrument shall provide that it cannot be cancelled without at least 30 days' prior written notice to the City and, if the instrument is a performance bond, that the bond cannot be cancelled without at least 10 days' prior

written notice for non-payment of premium. The instrument shall secure the obligations of the operator related to the well to:

1. Repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by or contemplated by the Permit;
2. Comply with the insurance and security provisions set forth in § 4.450 - § 4.454; and
3. Pay any fines and penalties imposed upon the Applicant by the City for any breach of the Permit or this Article.

B. The security instrument may be in the form of an irrevocable letter of credit or payment bond issued by a bank or surety approved by the City. The instrument shall be for the benefit of the City, and shall become effective on or before the date the Permit is issued, and shall remain in effect until the well is abandoned and the site restored.

C. A certificate of deposit may be substituted for the letter of credit or payment bond. The certificate shall be issued by a bank in Parker County, Texas, shall be approved by the City, and shall be payable to the order of the City to secure the obligations of the operator described above, and shall be pledged to the bank with evidence of delivery provided to the City Administrator. Interest on the certificate shall be payable to the Applicant herein.

D. The security instrument may be provided for individual wells or on a "blanket" basis for multiple wells. The amount of the security shall be a minimum of \$50,000 for any single well and a minimum of \$100,000 for multiple wells on a "blanket" basis.

E. The security will terminate the well is abandoned and the site restored, and when the City Administrator consents in writing to such termination.

F. An appeal of the determination of the amount of security required under this Section may be made to the Planning and Zoning Commission for recommendation to the City Council for final determination of the amount of security.

§ 4.460. Remedies.

A. If an Applicant or its officers, employees, agents, contractors, subcontractors, or representatives, fails to comply with any requirement of the permit, including any requirement incorporated by reference as part of the permit, the City Administrator shall give written notice to the Applicant, specifying the nature of the lack of compliance, and providing a reasonable time to cure, taking into consideration the nature and extent of the failure, and the extent of the effort required to cure, and the potential impact on the health, safety, and welfare in the community.

B. The period for cure should be 30 days unless the noncompliant act or failure presents a risk of imminent destruction of property or injury to persons, in which circumstance the period may be shortened to that required to prevent injury or destruction of property.

C. The City Administrator may issue a stop work order for a violation, not timely cured.

D. If the Applicant does not cure the noncompliance or failure within the time specified, the City may notify the Railroad Commission and request the Railroad Commission take appropriate action, and the City may pursue any other remedy available. This remedy is cumulative to any other remedy available to the City.

E. If the Applicant does not cure the noncompliant act or failure within the time specified, the City may:

1. suspend the permit until the alleged noncompliance or failure is cured, or
2. if the Applicant fails to initiate and diligently pursue a cure, the permit may be revoked.

F. A decision by the City Administrator to suspend or revoke the permit shall be provided to the Applicant in writing, ten days before such occurs, unless the alleged noncompliance or failure presents a risk of imminent destruction of property or injury to persons.

§ 4.470. Penalty.

A. It shall be unlawful and an offense for any person to intentionally or knowingly commit or omit any of the following:

1. Engage in an activity not permitted by the terms of the permit issued under this Article.
2. Fail to comply with any condition set forth in a permit issued under this Article.
3. Violate any provision or requirement set forth under this Article.
4. Violate any Federal, State or local statute, regulation, rule, requirement or standard, required to drill or operate lawfully, any oil or gas well as defined herein.

B. Any violation of this Section shall be punished by a fine of not more than \$2,000.00 per day. Each day a violation exists shall constitute a separate offense.

C. The City may, by injunctive remedy, enjoin the Applicant from any further drilling or operation for a violation of any term, condition, standard or regulation of this Article. The City may recover, and the Applicant agrees to pay, any reasonable attorneys fees expended in the prosecution of an injunction against the Applicant. The civil remedy of injunction is cumulative of and in addition to any other remedy available to the City under this Article.

SECTION 3. REPEALER

To the extent any other ordinance or resolution is inconsistent with the provisions herein it is hereby repealed and superceded by the provisions herein; and particularly Ordinance No. 139 adopted August 11, 1964 and Ordinance No. 165 adopted September 15, 1980, or repealed.

SECTION 4. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 5. SEVERANCE

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.