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ORDINANCE NO. 22189

AN ORDINANCE CREATING A NEW TITLE 42-A, TULSA REVISED ORDINANCES, ENTITLED "OIL AND GAS DRILLING IN THE CITY LIMITS"; ESTABLISHING PROCEDURES FOR EXPLORATION, DRILLING, AND OPERATING OIL AND GAS WELLS; CREATING THE ADMINISTRATIVE OFFICE OF OIL AND GAS INSPECTOR AND DESCRIBING THE AUTHORITY AND DUTIES OF SAID OFFICE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES FOR ACTIVITIES RELATED TO EXPLORATION, DRILLING, AND OPERATING OIL AND GAS WELLS; REQUIRING THE POSTING OF CERTAIN BONDS AND PUBLIC LIABILITY INSURANCE; PROVIDING FOR THE DRILLING AND OPERATION OF ENHANCED RECOVERY WELLS OF DIFFERENT TYPES; PROVIDING FOR CONVERSION FROM NATURAL TO ARTIFICIAL PRODUCTION OF OIL AND GAS; PROVIDING FOR SWABBING OF OIL AND GAS WELLS; PROVIDING FOR CONSTRUCTION OF LOADING RACKS AND OTHER ACCESSORIES TO OIL AND GAS-RELATED STRUCTURES AND EQUIPMENT; PROVIDING FOR OIL AND GAS-RELATED PIPELINES, THEIR EXCAVATION, PLACEMENT, OPERATION, AND MAINTENANCE; PROVIDING FOR NUISANCE ABATEMENT; PROVIDING PENALTIES FOR CERTAIN VIOLATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE ORDAINED BY THE CITY OF TULSA:

*Section 1. That Title 42-A, Tulsa Revised Ordinances, be and the same hereby enacted to read as follows:*

**"TITLE 42-A**

**OIL AND GAS DRILLING IN THE CITY LIMITS**

<b>CHAPTER 1.</b>	<b>GENERAL PROVISIONS</b>
<b>CHAPTER 2.</b>	<b>OIL AND GAS DILLING RIGHTS</b>
<b>CHAPTER 3.</b>	<b>ADMINISTRATION</b>
<b>CHAPTER 4.</b>	<b>ENFORCEMENT</b>
<b>CHAPTER 5.</b>	<b>PENALTIES</b>
<b>CHAPTER 6.</b>	<b>DRILLING AND OPERATION OF OIL AND GAS WELLS</b>
<b>CHAPTER 7.</b>	<b>ARTIFICIAL PRODUCTION</b>
<b>CHAPTER 8.</b>	<b>SWABBING WELLS</b>

<b>CHAPTER 9.</b>	<b>LOADING RACKS</b>
<b>CHAPTER 10.</b>	<b>PIPELINES</b>
<b>CHAPTER 11.</b>	<b>EXCAVATION PERMIT</b>
<b>CHAPTER 12.</b>	<b>COMMERCIAL DISTRIBUTION SYSTEMS FOR GAS</b>

## **CHAPTER 1**

### **GENERAL PROVISIONS**

Section 100.	Purpose and Intent.
Section 101.	Definitions.
Section 102.	Applicability and Compliance.
Section 103.	Applicability of Provisions.
Section 104.	Oil and Gas Inspector.

#### **SECTION 100. PURPOSE AND INTENT**

In order to protect the public health, peace, safety, and welfare of the City and its residents, this title is enacted to establish reasonable and uniform limitations, safeguards, and controls for the drilling, operation, and production of oil, gas, and other hydrocarbon substances within the corporate limits of this City. The provisions set forth in this title shall be considered as minimum requirements and shall not relieve any person from any duty imposed by law to use reasonable care and take reasonable precautions for the safeguarding of people and the protection of and noninterference with property rights.

#### **SECTION 101 DEFINITIONS**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abandoned well** means any well in which production casing has been run but which has not been operated for six (6) months, and any well in which no production casing has been run, and for which drilling operations have ceased for thirty (30) consecutive days.

**Artificial production** means the raising to the surface of the earth, by means other than natural flow, of petroleum or natural gas.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy. The term "building" shall be construed as if followed by the words "or portions thereof."

**Corporation Commission** means the Oklahoma Corporation Commission.

**Deleterious substance** means any chemical, saltwater, oil field brine, waste oil, waste emulsified oil, basic sediment, mud, or injurious substances produced or used in the drilling, development, production, transportation, refining, and processing of oil, gas, or condensate.

**Enhanced recovery** means an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom.

**Highway** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**Inspector** means that person employed by the City to enforce the provisions of this chapter, or his authorized representatives.

**Motor vehicle** means any automobile, truck, truck tractor, trailer, or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks.

**Natural production** means the rising to the surface of the earth, by natural flow, of petroleum or natural gas.

**Operator** means any person who owns or who has ever owned any working interest in any well bore located within the corporate limits of the City and any person who operates or who has ever operated any well on a contractual basis for any working interest owner.

**Permittee** means the person to whom a permit is issued under the provisions of this title.

**Person** means and includes any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization.

**Pollution** means the contamination or other alteration of the physical, chemical, or biological properties of any 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 render such waters harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses, or to livestock, animals, or aquatic life.

**Pressure maintenance** means 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.

**Public building** means all buildings used or designed and intended to be used for gathering together fifty (50) or more persons for such purposes as deliberation, entertainment, amusement, health care, or awaiting transportation. Public buildings include, but shall not be limited to:

1. Theaters
2. Motion picture theaters
3. Assembly halls
4. Auditoriums
5. Exhibition halls
6. Museums
7. Libraries

8. Skating rinks
9. Gymnasiums
10. Bowling lanes
11. Pool rooms
12. Armories
13. Mortuary chapels
14. Dance halls
15. Club rooms
16. Recreation piers
17. Courtrooms
18. Conference rooms
19. Drinking establishments
20. Hospitals
21. Restaurants

**State** means the state of Oklahoma, its branches, departments, agencies, boards, or the officers thereof.

**Structure** means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or portion thereof."

**Treatable water** or **fresh water** means 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.

**Water** or **waters of the City** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, 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.

**Well** means, unless specifically qualified, any hole or holes, bore or bores, of any depth for the purpose of producing and recovering any oil, gas, minerals, or liquefied matter, or for the injection or disposal of any of the foregoing.

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.

## **SECTION 102.      APPLICABILITY AND COMPLIANCE**

No person shall engage in any work or erect any structure, tanks, machinery, pipelines, or other appurtenances incident to the drilling for or production of petroleum or natural gas, or operate, maintain, or permit any equipment, structures, or appurtenances incident to such production to exist, or use or maintain any property or premises in violation of any of the provisions of this title.

### **SECTION 103. APPLICABILITY OF PROVISIONS**

The provisions of Chapter 3 and Chapter 6 of this title shall be applied by the Inspector as follows:

A. The provisions of Sections 300, 301, 302, 303, 304, 305, 306, 307, and 308 shall apply to all wells located within the City, regardless of the respective dates on which operations were/are originally commenced for said wells.

B. The provisions of Section 600 shall be applied in accordance with Subsection E. thereof.

C. The provisions of the following sections shall apply only to wells and well sites at which operations were/are originally commenced on or after the passage of this ordinance:

Section 601	Section 615
Section 602	Section 631
Section 605.B.	Section 632.

D. The provisions of the following sections shall apply to operations at all wells and well sites within the City, regardless of the respective dates on which operations were/are originally commenced for said wells or well sites:

Section 603	Section 612	Section 623
Section 604	Section 613	Section 624
Section 605.A.	Section 615	Section 625
Section 605.B.	Section 616	Section 626
Section 606	Section 617	Section 627
Section 607	Section 618	Section 628
Section 608	Section 619	Section 633
Section 609	Section 620	Section 635
Section 610	Section 621	
Section 611	Section 622	

E. The provisions of Section 614 shall apply to all wells located within the City; provided, however, that such section shall not be applied to require the reinstallation or replacement of any technically and structurally sound surface casings set prior to the passage of this ordinance, in full compliance with the then applicable state and City regulations.

F. The provisions of Section 630 shall apply to all wells located within the City; provided, however, that such section shall not apply to any wells plugged and abandoned prior to the passage of this ordinance, in full compliance with the then applicable state and City regulations.

G. The provisions of Section 634 shall apply to all enhanced recovery or disposal wells located within the City.

H. The provisions of Section 636 shall apply to all wells located within the City; provided, however, that the provisions of such section shall not be applied to require the relocation or removal of any surface facilities installed prior to the passage of this ordinance, in full compliance with the then applicable state and City regulations.

#### **SECTION 104. OIL AND GAS INSPECTOR**

A. The Mayor shall employ an Inspector, and assistants, if necessary, whose duty it shall be to enforce the provisions of this title.

B. The Inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this title and its particular provisions. Failure of any person to comply with any such order or directive shall constitute a violation of this title.

C. The Inspector shall have authority to enter and inspect any premises covered by the provisions of this title to determine compliance with the provisions of this title and all applicable laws, rules, regulations, standards, or directives of the state. Failure of any person to permit access to the Inspector shall constitute a violation of this title.

D. The Inspector shall have the authority to request and receive any records, logs, reports and the like relating to the status or condition of any well or project or the appurtenances thereof within the City. Subject to appropriate open records statutes, this material shall remain confidential unless necessary as evidence of the violation of any of the provisions of this title. Failure of any person to provide any such requested material shall be deemed a violation of this title.

E. In the case of a well being drilled pursuant to an order granted by the Board of Adjustment of the City, the Inspector shall be bound by any conditions placed upon the order by the Board of Adjustment and shall have no authority to vary such conditions.

### **CHAPTER 2.**

#### **OIL AND GAS DRILLING RIGHTS**

Section 200. Oil and Gas Drilling Rights.

Section 201. Oil and Gas Exploration/Operations Authorized

Section 202. Wells Permitted Only When Authorized by Law.

#### **SECTION 200. OIL AND GAS DRILLING RIGHTS**

The operations outlined in this title related to the recovery of oil and gas within the city limits shall be permitted as authorized by appropriate order issued by the Board of Adjustment, pursuant to Title 42, TRO § 1202, Use Unit 2 Area-Wide Special Exceptions Uses, or other Board of Adjustment order.

**SECTION 201. OIL AND GAS EXPLORATION/OPERATION  
AUTHORIZED**

Following the appropriate Board of Adjustment order, uses of buildings and premises for petroleum wells, natural gas wells, derricks, machinery boilers, tool houses, storage tanks, and other appurtenances necessary for the mining, drilling for and production of crude petroleum and natural gas, and any other minerals are permitted in accordance with and pursuant to all requirements of this title and the laws, rules, or regulations of the state or any department, board, or bureau thereof.

**SECTION 202. WELLS PERMITTED ONLY WHEN AUTHORIZED BY  
LAW**

No person shall drill a petroleum or natural gas well except when and where authorized by law.

**CHAPTER 3.**

**ADMINISTRATION**

- Section 300. Drilling Permit Required.
- Section 301. Application for Permit; Permit Fee.
- Section 302. Permit Required for Drilling or Operation of Enhanced Recovery or Saltwater or Deleterious Substances Disposal Wells.
- Section 303. Application for Permit and Permit Fee for Enhanced Recovery and Disposal Well.
- Section 304. Insurance Coverage Required.
- Section 305. Issuance or Refusal of Permit.
- Section 306. Annual Inspection Fee to Operate.
- Section 307. Annual Submission of Information to Inspector Required.
- Section 308. Enforcement.

**SECTION 300. DRILLING PERMIT REQUIRED**

No person shall drill or open a well for the production of petroleum or natural gas or permit to flow therefrom any petroleum or natural gas, or engage in any work or erect any structures, tanks, machinery, pipelines, or other appurtenances incident to the production of petroleum or natural gas, or operate, maintain, or permit to exist any equipment, structures, or appurtenances incident to such production or use or maintain any property or premises for such production unless a permit for such drilling and operation shall have been obtained as provided by the terms of this title.

**SECTION 301. APPLICATION FOR PERMIT; PERMIT FEE**

A. Every application for a permit to drill and operate an original well or to re-enter and operate an abandoned well shall be in writing and signed by the applicant or by some person duly authorized to sign on his behalf, and it shall be filed with the Inspector and be accompanied

by a nonrefundable application fee in the amount established in Title 49 TRO. The application fee shall be paid by cashier's check. The permittee shall pay an additional nonrefundable operating permit fee in the amount established in Title 49 TRO, when the drilling permit is approved and accepted, and this payment shall also be in the form of a cashier's check. The applicant shall submit two copies of the application and all required documents. The application shall contain full information as required by the Inspector, including the following:

1. Name and address of applicant and date of application.
2. Location of the proposed well, including the following:
  - a. A map in digital form acceptable to the City of the 26 acres surrounding the drill site, including thereon the location of the proposed well, and the distances therefrom to all existing dwelling houses, buildings, or other structures designed for the occupancy of human beings or animals within six hundred feet (600') of any such well, and the location of all existing oil, gas, or fresh water wells within six hundred feet (600') of the proposed well bore. The map shall also show the location of proposed surface facilities associated with the proposed well.
  - b. The names and addresses of all surface fee simple and surface leasehold owners of property located within one thousand feet (1,000') of the proposed well and surface facilities.
3. A copy of the approved drilling permit (approved Intent to Drill Form) from the Corporation Commission and a copy of the staking plat.
4. A drilling prognosis. The drilling prognosis shall also include all of the information shown in the City's form called "Instructions for Completing a Prognosis Report." Plugging procedures to be used in the event production is not established shall also be specified, and a well bore diagram showing the casing and proposed plugs shall be included.
5. A statement of the provisions for water for the drilling operations.
6. The name and address of the person upon whom service of legal notice or service of process upon the applicant may be made within this state. Any nonresident applicant who has no service agent within this state shall attach to the application a designation of a service agent who is a resident of Tulsa County, Oklahoma, and a consent that service of summons or legal notice may be made upon such person in any action to enforce any of the obligations of the applicant hereunder.
7. A verification of the above information by the applicant.
8. The applicant shall also submit a certified copy of the order by the Board of Adjustment of the City or a certified copy of the journal entry of judgment which grants such applicant the right to drill the well at the proposed location.
9. Proof of insurance coverage as fully described in Section 304 of this chapter.

10. Proof of compliance with the blanket bond or irrevocable letter of credit requirements of Section 638 of this title.

B. Where the application is one for the re-entry of an abandoned well, said application shall contain all the information required by Section 301.A., above. Provided, however, that such application shall also provide all of the following information:

1. A statement of:
  - a. The condition of the abandoned well at the time the application is filed;
  - b. The depth to which it is proposed such well shall be deepened;
  - c. The casing program to be used in connection with the proposed deepening; and
  - d. A casing integrity log.
2. A statement of the tests which will be run on the casing strings. Include any proposed remedial cementing.

C. No application for a permit to drill an original well or to re-enter an abandoned well shall be considered to be a valid and complete application unless and until the applicant shall submit the required application fee and all of the items, documents, and/or information required under Subsections A. and/or B. of this section.

**SECTION 302. PERMIT REQUIRED FOR DRILLING OR OPERATION OF ENHANCED RECOVERY OR SALTWATER OR DELETERIOUS SUBSTANCES DISPOSAL WELLS**

A. No person shall convert any well from natural or primary production to a use for enhanced recovery or disposal of saltwater or deleterious substances without first obtaining a permit therefor.

B. No person shall re-enter any abandoned well or drill an original well to be used for enhanced recovery or disposal of saltwater or deleterious substances without first obtaining a permit therefor.

**SECTION 303. APPLICATION FOR PERMIT AND PERMIT FEE FOR ENHANCED RECOVERY AND DISPOSAL WELL**

A. Every application for a permit as required by Section 302 of this title shall be in the same form as that required for a permit to drill an original well. All such applications shall be filed with the Inspector and all such applications shall be accompanied by a nonrefundable application fee in the amount established in Title 49 TRO. The application fee shall be paid by cashier's check. The permittee shall pay an additional nonrefundable operating permit fee in the

amount established in Title 49 TRO, when the permit is approved and accepted, and this payment shall also be in the form of a cashier's check.

B. The applicant shall submit two copies of the application as required by the Inspector, both in hard and digital form, which include the following:

1. A block map of the well site, showing all equipment to be used thereat, location of pipelines, access road, and distances from the well to any and all fences, public roadways, and buildings within a radius of six hundred feet (600');

2. A block map of the project, showing: the location of all water supply, disposal, injection, and producing wells; all pipelines; tank batteries, pumping station, and appurtenant equipment; all wells in the project area and those located within one (1) mile of a proposed enhanced recovery or disposal well, including producing, abandoned, disposal, and public or private fresh water supply wells;

3. Evidence that all fresh water zones within the project area and within one (1) mile of a proposed enhanced recovery or disposal well will be adequately protected;

4. All wells within the project area and within one (1) mile of a proposed enhanced recovery or disposal well shall be indicated by status (i.e., plugged and abandoned, injection, saltwater, etc.) and show the following additional information:

- a. Footage location (surface casing);
  - b. Derrick floor and ground level elevation;
  - c. Drilled total depth;
  - d. Plugged back total depth;
  - e. Size, depth, and quality of surface and production casing including zones from which casing has been removed;
  - f. Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;
  - g. Depth and nature of all cement squeeze jobs;
  - h. Formation name and depth of all perforations and open-hole completions;
  - i. Volume and type of cement used on surface and production strings;
  - j. Top of cement;
5. One copy of all electric, mechanical, sample, and driller's log;
6. Fee simple owner and operator's name(s) and address(es) for each well;

7. One copy of all cement bond logs and temperature surveys which show the top of the cement outside the production casing;
8. One copy of all work performed on the well;
9. Copies of all information supplied to the Corporation Commission, and said Commission's approval of the project;
10. The detail of a pressure test of the tubing-casing annulus as described in Section 634. The pressure test shall be required prior to the use of any such enhanced recovery or disposal well;
11. The applicant shall also submit a certified copy of the order by the Board of Adjustment of the City or a certified copy of the journal entry of judgment which grants such applicant a special exception for such enhanced recovery or disposal well;
12. Proof of insurance coverage as fully described in Section 304 of this title; and
13. Proof of compliance with the blanket bond or irrevocable letter of credit requirements of Section 638 of this title.

C. No application for a permit to drill or operate an enhanced recovery or disposal well shall be considered to be a valid and complete application unless and until the applicant shall submit the required application fee and all of the items, documents, and/or information required under Subsection A. of this section.

#### **SECTION 304. INSURANCE COVERAGE REQUIRED.**

All applications for a permit under the provisions of this title shall be accompanied by proof of insurance coverage as follows:

A. The applicant for a permit to drill, operate, and/or produce a well located within any watershed areas of any Tulsa water reservoir, as defined by the Tulsa Metropolitan Utility Authority, the Oklahoma Water Resources Board, or other appropriate state agency, or located outside the watershed areas but within one (1) mile of any Tulsa water reservoir, shall submit a pollution insurance policy with the permit application as follows:

1. Applicants shall submit and maintain a pollution insurance policy which meets the following requirements:
  - a. Said insurance policy shall be a standard pollution liability insurance policy providing for a minimum coverage of \$1,000,000.00;
  - b. Said insurance policy must be issued by a reliable insurance broker licensed to do business in the state, with the applicant/permittee and the City named as coinsureds;

- c. Said insurance policy shall be maintained in full force and effect from commencement of drilling operations until the well is plugged and abandoned in accordance with this chapter, including the entire period during which production activities are conducted. The legal description of the well location and the Tulsa Board of Adjustment case number, if any, shall be specified in the insurance policy, or any endorsement thereto, with respect to each well covered by such insurance;

2. All insurance policies shall provide that they may not be canceled without written notice to the Inspector at least thirty (30) days prior to the effective date of such cancellation. In the event said policy or policies are canceled, the permit granted shall immediately terminate without any action on the part of the Inspector, and the applicant/permittee's rights to operate under said permit shall cease until the applicant/permittee files the insurance as required herein; and

3. The deductible for any pollution insurance policy shall not exceed \$25,000.00.

B. In addition to the pollution insurance required in Subsection A of this section, each applicant for a permit shall submit with the permit application a policy or policies of standard comprehensive public liability insurance, including contractual liability insurance covering bodily injuries and property damage naming the applicant/permittee and the City as coinsureds, issued by an insurance company authorized to do business within the state; said policy or policies in the aggregate shall provide for the following minimum coverage:

1. Bodily injuries, \$175,000.00 per person; \$1,000,000.00 for any number of claims arising out of a single occurrence; and

2. Property damage, \$500,000.00 per occurrence.

Said insurance policy or policies shall provide that they may not be canceled without written notice to the Inspector at least thirty (30) days prior to the effective date of such cancellation. In the event said policy or policies are canceled, the permit granted shall immediately terminate without any action on the part of the Inspector and the applicant/permittee's right to operate under said permit shall cease until permittee files the insurance as required herein.

C. The insurance policies required by this section shall be submitted and maintained in full force and effect at all times by all persons drilling, completing, operating, maintaining, and/or producing any well located within the limits of the City.

### **SECTION 305. ISSUANCE OR REFUSAL OF PERMIT**

A. The Inspector shall, after the filing of a valid and complete application for a permit under this title, determine whether or not such application complies with all of the provisions of this title and applicable federal and state law and, if it does, then the permit shall be issued. The Inspector shall have sixty (60) full days to review an application for a permit from and after the submission of the required permit fee and all other required items by the applicant;

provided, however, that the Inspector may, in his sole discretion, shorten this review period. Each permit issued under the terms of this title shall:

1. Incorporate by reference all the provisions of this title with the same force and effect as if this title were copied verbatim therein;

2. Incorporate by reference all the provisions of applicable state law and the rules, regulations and standards adopted in accordance therewith relating to the protection of persons, property, animals, and natural resources; and

3. Specify that the term of said permit shall be for a period of one (1) year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations and the payment of an annual fee to operate, as provided for in this title.

B. If the permit is issued, two originals of such permit shall be signed by the Inspector and the permittee, and when so signed shall constitute the obligation of the permittee to comply with the terms of such permit, such bonds as are required, and all applicable state law, rules, regulations, standards and directives. One executed original of said permit shall be retained by the Inspector; the other shall be retained by the permittee and shall be kept available for inspection by all city or state law enforcement officials.

C. If the permit be refused by the Inspector, or if the applicant notifies the Inspector in writing within thirty (30) days of the initial filing of said application that he wishes to withdraw his application, then the application process shall be considered to be terminated. If the applicant fails to accept an approved permit within six (6) months after being notified in writing of approval by the Inspector, then the application process shall be considered to be terminated.

The City shall in all events retain the application fee to cover the costs of processing said application.

#### **SECTION 306. ANNUAL INSPECTION FEE TO OPERATE**

An annual inspection fee is hereby levied upon each well operated or maintained within the City. The amount of such fee shall be as established in Title 49 TRO. The fee shall be payable to the City on or before the annual anniversary date of the issuance of any permit under the provisions of this title. No permit for any well shall be considered valid for any year for which the annual inspection fee has not been paid.

#### **SECTION 307. ANNUAL SUBMISSION OF INFORMATION TO INSPECTOR REQUIRED**

Effective upon passage of this ordinance, and each year thereafter on its anniversary date, every owner or operator of a well or wells within the City shall provide the Inspector with the following information in electronic format as instructed by the Inspector:

A. A list of personnel to be contacted in case of an emergency at the well site. This list shall contain all information reasonably requested by the Inspector, including but not limited to the following:

1. The name(s) of such person or persons;
2. The job description(s) of such person or persons; and
3. The residence, office, and mobile telephone numbers of such person or persons.

B. A list of all wells owned or operated within the City by that owner or operator. This list shall include all wells, except wells which have been plugged and abandoned in compliance with the law. The list shall contain all information reasonably requested by the Inspector, including but not limited to the following:

1. The lease name and well number of each well;
2. The legal description (1/4 Section, T.R., etc.) of each well; and
3. The status and use of each well.

## **CHAPTER 4**

### **ENFORCEMENT.**

Section 400. Power and Authority of Inspector.

Section 401. Order to Cease Operations.

Section 402. Appeals.

#### **SECTION 400. POWER AND AUTHORITY OF INSPECTOR**

In enforcing the provisions of this title, the Inspector shall have such power and authority as set forth in this title.

#### **SECTION 401. ORDER TO CEASE OPERATIONS**

In any situation in which the Inspector finds that any person is not in compliance within the terms of this title or any other state law or City ordinance or that, in his judgment, a hazard to life, natural resources, or property exists, he may order immediate remedial action by the permittee or other appropriate persons. If such persons take no immediate measures to come into compliance with the law or to reduce the hazard, or if the situation is so perilous as to constitute an imminent threat to safety, then the Inspector may order the prompt cessation of all activity at the well site, and if necessary, the clearance of the premises.

**SECTION 402. APPEALS.**

Any person aggrieved by any order, directive, or ruling issued by the Inspector shall have such right of appeal as provided by law. The filing of such appeal shall not stay the enforcement of any of the provisions of this title.

**CHAPTER 5**

**PENALTIES**

Section 500. Violations, Penalties.

**SECTION 500. VIOLATIONS, PENALTIES**

A. It shall be unlawful and an offense for any person to violate or neglect to comply with any provisions of this title.

B. Any person who shall violate any of the provisions of this title, or any of the provisions of a drilling and operating permit issued pursuant thereto, or any condition of the bond filed by the permittee pursuant to this title, or who shall neglect to comply with the terms hereof, shall be guilty of an offense and upon conviction, shall be punished by imprisonment in the City Jail for a period not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees, and assessments, or both such fine and imprisonment .

C. The permittee and all of his co-owners, partners, associates, employees, and contractors or any other persons who may have assisted in the commission of any violation of the provisions of this title shall each be deemed guilty of a separate offense.

D. The violation of each separate provision of this title, and of said permit, and of said bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense.

E. In addition to the foregoing penalties, it is further provided that the Inspector may, upon ten (10) days' written notice to the permittee, hold a hearing to consider the revocation or suspension of any permit issued under this title. Any violation of the provisions of this title or the terms of the permit shall be sufficient grounds for revocation or suspension. The written notice issued by the Inspector must specify the alleged grounds for revocation or suspension and the date, time, and place of the hearing.

F. Any continuing offense shall be considered a public nuisance, the remedies for which under law shall be in addition to those hereinbefore enumerated.

**CHAPTER 6**

**DRILLING AND OPERATION OF OIL AND GAS WELLS**

- Section 600. Well Location.
- Section 601. Location of Wells in Streets And Alleys, Blocking or Closing.
- Section 602. Determination of Routes to Well Site.
- Section 603. Drilling Operations; Equipment.
- Section 604. Compliance with Applicable Laws Required.
- Section 605. Fencing, Screening, and Landscaping.
- Section 606. Noise, Air Quality, and Other Nuisances.
- Section 607. Facilities.
- Section 608. Fire Prevention.
- Section 609. Pits.
- Section 610. Motive Power.
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- Section 636. Location of Surface Facilities.
- Section 637. Temporary Abandoned Wells.
- Section 638. Blanket Bond or Blanket Irrevocable Letter of Credit Required.

## **SECTION 600. WELL LOCATION**

A. No well shall be drilled nor shall any tank batteries, well facilities, or equipment be located and no permit shall be issued for any well to be drilled at any location which is nearer

than three hundred feet (300') to any occupied or unoccupied dwelling or any other building used or designed and intended to be used for human occupancy unless the applicant has obtained written permission for the location of the well from all owners and lessees whose dwellings or other subject buildings are within three hundred feet (300') of the proposed well. This distance shall be calculated from the well bore, tank batteries, well facilities, and equipment to the closest exterior point of the dwelling or other subject building.

B. No well shall be drilled nor shall any tank batteries, well facilities, or equipment be located and no permit shall be issued for any well to be drilled at any location which is nearer than six hundred feet (600') to any public building, religious building, or school building unless the applicant has obtained written permission for the location of the well from the owners and lessees of such public building, religious building, or school building. This distance shall be calculated from the well bore, tank batteries, well facilities, and equipment to the closest exterior point of the building.

C. No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is nearer than three hundred feet (300') to any fresh water well. This distance shall be calculated from the well bore to the fresh water well bore.

D. The provisions of this section shall also apply to any dwellings, public buildings, religious buildings, school buildings, or other subject buildings under construction or to any fresh water wells being drilled on the date the application for a permit is filed with the Inspector.

E. The application of the provisions of this section to a proposed well shall be determined by examining the existing uses of the surrounding property as of the date the application for a permit is filed with the Inspector.

#### **SECTION 601. LOCATION OF WELLS IN STREETS AND ALLEYS, BLOCKING OR CLOSING**

No well shall be drilled, and no permit shall be issued for any well to be drilled, at any location which is within any of the streets or alleys of the City; and no street or alley shall be blocked or encumbered or closed in any drilling or production operation except upon the written approval of the Inspector, and then only temporarily.

#### **SECTION 602. DETERMINATION OF ROUTES TO WELL SITE**

A. At least thirty (30) days prior to the actual commencement of any operations at the well site, the permittee shall notify the Inspector in writing of the proposed date for commencement of such operations. Such notification shall also contain the following information:

1. The permittee shall identify the maximum length, width, and weight of any motor vehicles and the maximum weight of the load to be carried by any motor vehicles to be used in traveling to and from the well site; and

2. The permittee shall submit a complete list of the proposed routes to and from the well site for all motor vehicles to be used to travel to and from the well site. Such list shall

identify any and all highways within the limits of the City proposed to be used by such motor vehicles in traveling to and from the well site.

The Inspector may also require any additional information which he deems necessary to evaluate the proposed routes.

B. Upon receipt of the notification required under Subsection A., the Inspector shall have twenty-five (25) days to review the information submitted by the permittee. In reviewing the proposed routes to the well site, the Inspector may consult with the Transportation and Engineering Divisions of the Public Works Department of the City.

C. Following review of the information submitted by the permittee, the Inspector shall prepare a written order which either approves or disapproves the routes to and from the well site as proposed by said permittee. If the Inspector disapproves of all or part of the proposed routes, then such Inspector shall, if possible, designate alternate routes which are acceptable. If the permittee disagrees with the routes as designated by the Inspector, then he shall have such right of appeal as provided by law.

D. During all drilling and production activities for the particular well, all motor vehicles used by any person to travel to and from the well site shall be restricted to the highways approved by the Inspector as appropriate routes to and from the well site.

E. The Inspector shall have the power and authority to amend the order designating routes to and from the well site upon his own initiative or upon application by the permittee.

### **SECTION 603. DRILLING OPERATIONS; EQUIPMENT**

A. All drilling, re-entry, and operations at any oil and gas well within the city limits shall be conducted in accordance with the best available technology. All casing, valves, blowout preventers, drilling fluids, tubing, bradenhead, Christmas trees, and well head connections shall be of the type and quality consistent with the best available technology. The setting and cementing of casing and running of drill stem tests shall be performed in a manner and at a time consistent with the best available technology. All persons engaged in drilling or production operations shall observe and follow the recommendations or regulations of the American Petroleum Institute and the Corporation Commission, except in those instances that are specifically addressed by this title. A copy of all logs associated with the surface casing shall be filed with the Inspector.

B. Blowout prevention equipment shall be used on all wells being drilled, worked-over, or in which tubing is being changed. Wells being drilled shall have at least three (3) hydraulically operated blowout preventers installed and these blowout preventers shall meet the American Petroleum Institute recommendation for Class 3M blowout preventers. Wells being drilled shall also have a kill line, choke line, and choke manifold which meet the recommendations of the American Petroleum Institute for Class 3M blowout prevention equipment. See Rules Controlling Drilling Operations in Watershed Areas of Tulsa Water Reservoirs and Other Areas Near the Reservoirs, Section 3, paragraphs 6a, 6b, and 6c.

**SECTION 604. COMPLIANCE WITH APPLICABLE LAWS REQUIRED**

All of the general rules and regulations of the Corporation Commission are hereby incorporated into this title and may be enforced by the Inspector. Any violation of any of these rules and regulations shall be subject to enforcement and penalties as provided in this title. In the event of any conflicts between the provisions of this title and the Corporation Commission rules and regulations, the more restrictive provision shall apply.

**SECTION 605. FENCING, SCREENING, AND LANDSCAPING**

A. Any person who owns, operates, or maintains any producing well shall have the obligation to enclose said well, together with its surface facilities, by a sight proof fence sufficiently high and properly built to keep persons and animals out of the enclosure. All gates thereto shall be kept locked when authorized persons are not within the enclosure. Provided, however, that the Inspector, upon written application by a permittee, may designate a different type of fence to be erected if he determines in a particular case that a sight proof fence is not necessary to protect the public health, safety, and welfare and that a different type of fence would meet those objectives.

B. Any person who completes any producing well located within six hundred feet (600') of any occupied or unoccupied dwelling shall meet the following sight proof landscaping requirements:

1. Such persons shall install evergreen vegetation or landscaped earth berms completely around the well site and all fences or lease equipment and facilities;
2. The vegetation or berms shall be a minimum of six feet (6') in height;
3. The vegetation or berms shall be sufficient to screen from view the structures sought to be screened; and
4. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the permittee.

C. The Inspector shall also have the power and authority to require such general landscaping of any well site as he deems necessary. The phrase "general landscaping" shall mean the aesthetic improvement of land by adding trees, shrubs, lawns, ground cover, or flowers.

**SECTION 606. NOISE, AIR QUALITY, AND OTHER NUISANCES**

A. All drilling and production operations shall be conducted in such a manner as to eliminate, as far as possible, dust, noise, vibration, or noxious odors, and shall be in accordance with the best available technology incident to exploration for, drilling for, or production of oil, gas, and other hydrocarbon substances. Proven technological improvements in exploration, drilling, and production methods shall be adopted as they become available, if capable of reducing factors of nuisance and annoyance.

B. Upon his own initiative, or upon request by a landowner residing within a one (1) mile radius from the well location, the Inspector, after confirmation of an air pollution issue related to the well, may require the operator to pay for an air quality test deemed necessary by the Inspector. Absent extraordinary circumstances, only one such test to be paid for by the operator shall be required per year.

#### **SECTION 607. FACILITIES**

All lease equipment shall be painted and maintained in a good state of appearance and shall have posted in a prominent place a metal sign no less than two square feet in area which shall contain the following information: permittee's name, lease name, location of drill site by reference to the United States Survey, and identifying numbers of all permits.

#### **SECTION 608. FIRE PREVENTION**

A. All permittees under the provisions of this title shall maintain adequate firefighting apparatus and supplies at the well site at all times during drilling and production operations. "Adequate firefighting apparatus and supplies" shall include, but shall not be limited to, all of the following:

1. During drilling operations, the permittee shall provide a minimum of four (4) portable fire extinguishers, the size, rating, distribution, and maintenance of which shall be in accordance with National Fire Protection Association (NFPA) Standard #10, entitled "Portable Fire Extinguishers," and NFPA Standard #30, entitled "Flammable Liquids Code";

2. Sources of ignition. In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical and mechanical) spontaneous ignition, chemical and physical-chemical reactions, and radiant heat. NFPA #77, "Recommended Practice on Static Electricity," and NFPA #78, "Lightning Protection Code," provide information on such protection;

3. The permittee shall protect all hazardous materials and/or special hazards at the well site in accordance with applicable NFPA standards; and

4. The permittee shall also comply with such other requirements which the Inspector or Tulsa Fire Marshal may prescribe for the particular well.

B. Lightning protection equipment as specified by the Inspector shall be installed at every site containing crude or water storage tanks. The lightning protection equipment specified by the Inspector shall be in accordance with the recommendations of the National Fire Protection Association.

C. Crude and water tanks shall be equipped with a vent system approved by the Inspector. A flame arrestor approved by the Inspector shall be installed on the vent line.

**SECTION 609. PITS**

A. Steel mud or circulating pits shall be used. Such pits and contents shall be removed from the premises and the drilling site within sixty (60) days after completion of the well. No earthen pits shall be allowed, unless small and temporary and approved in writing by the Inspector. All pits must be securely fenced. No spoil piles are to be left overnight in any City right-of-way.

B. No earthen pits, lined or unlined, shall be constructed, used, or maintained in conjunction with any well within the City. This section shall apply to all pits described as treating pits, overflow pits, settling pits, disposal pits, evaporation pits, dumping pits, or similar designations. Any and all existing pits of this type shall be properly closed within one hundred twenty (120) days of the effective date of this ordinance.

**SECTION 610. MOTIVE POWER**

Motive power for all well pumping equipment shall be electricity. Provided, however, that in respect to wells in operation with non-electric pumping equipment prior to passage of this ordinance, the Inspector shall have authority to waive the requirements of this section if he determines in a particular case that electric pumping equipment is not necessary to protect the public health, safety, or welfare.

**SECTION 611. DERRICK AND RIG**

It shall be unlawful and an offense for any person to use or operate in connection with drilling, re-entry, or reworking of any well within the City, any wooden derrick or any steam-powered rig, and all engines shall be equipped with adequate mufflers approved by the Inspector. Permitting any drilling rig or derrick to remain on the premises or drilling site for a period of longer than sixty (60) days after completion or abandonment of a well is hereby prohibited.

**SECTION 612. FRESH WATER SUPPLY WELLS.**

A. In the event a fresh water supply well is to be drilled to provide water for drilling operations, a permit shall first be obtained from the Oklahoma Water Resources Board and submitted to the Inspector.

B. The drilling of any fresh water supply well shall be performed only by a water well drilling contractor who has a current license from the state.

C. All such water wells shall be drilled and maintained in accordance with state law and regulations and in accordance with regulations promulgated by the Oklahoma Water Resources Board.

D. At the time such water well becomes no longer necessary, or upon completion of the oil and gas well, whichever occurs earlier, such well shall be:

1. Plugged pursuant to the standards and requirements of the Oklahoma Water Resources Board, and the Inspector shall be notified in writing of such plugging at least five (5)

days in advance thereof and such Inspector shall have the right to be on-site at the time of such plugging; or

2. Control of the well shall be transferred to the landowner with written notice of such transfer to the Oklahoma Water Resources Board and the Inspector.

Failure to comply with the provisions of this subsection shall create a presumption of liability upon the permittee for any pollution resulting from an abandoned fresh water supply well.

E. Any person violating the provisions of this section will be subject to the penalties provided by state law or as provided in this title.

### **SECTION 613. DISPOSAL OF MUDS**

The disposal of drilling mud shall be by transporting the mud to a state-licensed disposal site or to a site approved for soil farming by the Corporation Commission. The mud may not be buried in an earthen pit, pumped down the well bore, or down the annulus of a well, nor spread on the surface of the ground. Transportation shall be in compliance with the requirements of Title 11, TRO, § 1210.

### **SECTION 614. SURFACE CASING**

Surface casing shall be set in accordance with all applicable state rules and regulations. Such operations shall be monitored and reviewed by the Inspector. The Inspector may require all such samples as necessary to be submitted at drilling sites or elsewhere for quality control testing.

### **SECTION 615. AFFIDAVIT REQUIRED UPON COMPLETION OF WELL**

Upon completion of the well, the operator shall certify to the Inspector by affidavit that the well has been set according to good engineering practices. The affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, final pumping pressure, and whether check valves (float shoes, float collar) held the pressure. Commencement and completion times of such operation shall be stipulated. The affidavit shall be completed by a cementing service company and signed by both the operator and the cementing service company. The form to be submitted with this information shall be the same form used to submit the information to the Oklahoma Corporation Commission.

### **SECTION 616. STORAGE TANKS AND SEPARATORS**

A. Crude oil storage tanks shall not be constructed, operated, or used except to the extent of two (2) steel tanks for oil storage, not exceeding five hundred (500) barrels' capacity each and constructed and maintained in accordance with the recommendations of the American Petroleum Institute. Provided, however, that additional storage tanks may be approved in writing by the Inspector.

B. A permittee may use, construct and operate a steel conventional separator and such other steel tanks and appurtenances as are necessary for treating oil. All such facilities shall be constructed and maintained to control vapors. Each oil and gas separator shall be equipped with both a regulation pressure relief safety valve and a bursting head. If excessive vapors are released from the tanks, the Inspector may require that a vapor recovery system be installed and operated to prevent the release of gas vapors into the atmosphere.

#### **SECTION 617. IMPOUNDING AROUND TANKS BY DIKING**

When protection of adjoining property or waterways is by means of impounding by diking around the tanks, such system shall comply with the following:

A. A slope of not less than one percent (1%) away from the tank shall be provided for at least 50 feet (15 m) or to the dike base, whichever is less.

B. The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. To allow for volume occupied by tanks, the capacity of the diked area enclosing more than one (1) tank shall be calculated after deducting the volume of the tanks, other than the largest tank, below the height of the dike.

C. To permit access, the outside base of the dike at ground level shall be no closer than ten feet (3 m) to any property line that is or can be built upon.

D. Walls of the diked area shall be of earth, steel, concrete, or solid masonry designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls three feet (0.90 m) or more in height shall have a flat section at the top not less than two feet (0.60 m) wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed. Diked areas for tanks containing Class I liquids located in extremely porous soils may require special treatment to prevent seepage of hazardous quantities of liquids to low-lying areas or waterways in case of spills.

E. Every tank battery associated with a well or group of wells shall be separated from any other tank battery associated with any other well or wells by a dike of a height as required in Subsection 617.B. of this title. A dike shall also be constructed to separate the crude storage tanks and water storage tanks from separators, heater treaters, and other vessels. The height of this dike shall meet the requirements of Subsection 617.B. of this title. The provisions of this subsection shall apply only to tanks or equipment installed, placed, or replaced on or after the effective date of this ordinance.

F. There shall be a separation distance of at least twenty-five (25) feet between crude and water storage tanks and heater treaters or other equipment designed to be heated with burners or electric elements. The provisions of this subsection shall apply only to tanks or equipment installed, placed, or replaced on or after the effective date of this ordinance.

G. Where provision is made for draining water from diked areas, such drains shall be controlled in a manner so as to prevent flammable or combustible liquids from entering natural

watercourses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions from outside the dike.

H. Storage of combustible materials shall not be permitted within the diked area.

#### **SECTION 618. INGRESS AND EGRESS**

Lease roads shall be maintained in such manner as to safely and comfortably allow for ingress and egress of City or state personnel traveling in a common passenger motor vehicle. Provided, however, that the provisions of this section shall not apply to producing wells and well sites without tank batteries which are located more than six hundred feet (600') from any building. Ingress and egress shall be as approved by the Inspector.

#### **SECTION 619. OPEN HOLE FORMATION OR DRILL STEM TESTING**

A. Unless otherwise authorized by the Inspector, all open hole formation or drill stem testing shall be done during daylight hours, with adequate advance notification thereof to the Inspector to enable him to be present during such testing.

B. All open hole formation testing shall be done into steel tanks or flared properly in the case of gas.

#### **SECTION 620. FLARING OF GAS**

All produced gas shall either be sold or flared with the flaring procedures being approved by the Inspector and the Fire Marshal.

#### **SECTION 621. DISPOSAL OF SALTWATER OR OTHER DELETERIOUS SUBSTANCES**

A. Every permittee shall make sufficient provisions for the safe disposal of saltwater or other deleterious substances which he may bring to the surface of the earth. The disposal shall not result in pollution of the waters of the City and shall not result in any other environmental hazard. Such disposal shall incorporate the best available techniques and equipment. When an applicant files an application for a permit to drill a new well, the method of disposing of produced saltwater shall be described in the application. When a disposal well located inside the City is to be used, the applicant shall identify the disposal well by operator, lease, well name and number, and location.

B. In the event of any leakage or spillage of any pollution or deleterious substance, whatever the cause thereof, the permittee shall promptly notify the Inspector. If, in the judgment of the Inspector, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective orders he deems appropriate and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of all such testing to be paid by the permittee.

**SECTION 622. FRACTURING AND ACIDIZING**

In the completion of an oil and gas, injection, disposal, or service well, where acidizing or fracturing processes are used, no oil, gas, or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters.

**SECTION 623. SWABBING, BAILING, AND PURGING WELLS**

In swabbing, bailing, or purging a well, all deleterious substances removed from the bore hole shall be placed in appropriate tanks or pits and no substances shall be permitted to pollute any surface or subsurface fresh waters. The permittee and operator shall also comply with the provisions of Chapter 8 of this title.

**SECTION 624. RUPTURE IN SURFACE OR PRODUCTION CASING**

In the event a rupture, break or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall promptly report the incident to the Inspector. Immediate action shall be taken to repair such casing and the repairs shall be witnessed by the Inspector.

**SECTION 625. DEPOSITING OIL PRODUCTS**

No person shall deposit, drain, or divert into or upon any public highway, street, alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake, or lagoon, any oil or oily liquid with petroleum content, or any mud, rotary mud, sand, water or saltwater, or in any manner permit, by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person.

**SECTION 626. SERVICE COMPANIES**

Upon request of the Inspector, service companies or other persons shall furnish and file reports and records showing perforating, hydraulic fracturing, cementing, shooting, chemical treatment, and all other service operations on any well site covered by this title. Such furnished material shall remain confidential unless necessary as evidence in the prosecution of any violation of the provisions of this title. Failure to provide any such requested material shall constitute a violation of this title.

**SECTION 627. ACCUMULATION OF VAPOR**

The Inspector shall have the authority to require the immediate shutting in or closing of any well if he finds that there exists, within a one hundred-foot (100') radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute, in his judgment, or in the judgment of the Fire Marshal, a fire hazard. The well shall remain shut in or closed in until the hazard and its cause have been remedied.

## **SECTION 628. INSPECTION OF PRESSURE LINES**

The Inspector shall inspect all pressure lines in use at any well or at any project to ensure that tubing, fittings, equipment, or connections are reasonably tight, safe, and free from leaks.

## **SECTION 629. PIPELINE PLACEMENT; MARKING**

A. Unless exempt pursuant to Title 15, TRO, Chapters 3 and 4, repair, installation, replacement, or any work associated with pipe or pipeline located in City rights-of-way shall be governed by the provisions of Title 11, TRO, Chapter 12 entitled: "Rights-of-Way Occupancy Management," including the need to obtain construction and occupancy permits provided for therein.

B. All new or replacement pipe or pipelines shall be covered and must be not less than forty-eight inches (48") inches below the existing ground level as verified and approved by the Inspector. Prior to installation, the owner of the pipeline shall submit to the Public Works Director or his designee and the Inspector the pipeline design criteria, including but not limited to, operating pressures, pipeline gradient and elevation to sea level, location, pipe ASTM grade, pipe manufacturer, pipe wall thickness, and pipeline capacity and volume. Prior to and subsequent to installation of each segment of new or replacement pipeline, the pipe and pipeline must receive and pass an on-site inspection of the compliance with design criteria and the process of installation. The forty-eight inch (48") depth requirement in this Subsection A. shall not apply to piping constructed or installed within the diked tank battery, which piping may be placed at ground level.

C. All new or replacement pipe or pipelines located in public rights-of-way shall require construction and occupancy permits authorized in Title 11, TRO, Chapter 12. In addition to any other requirement set out by state law or ordinance, all new and replacement pipe or pipeline crossings must meet one of the following criteria:

1. **Cased Crossing.** The pipeline crossings must pass through a casing of a design and constructed in accordance with the United States Department of Transportation standards set forth in 49 CFR 192.323 (Casing) as same exists on the date of the adoption of this ordinance, or as amended.

2. **Uncased Crossing.** The pipeline crossing must conform in design, construction, and installation to the United States Department of Transportation standards set forth in 49 CFR 192 Subpart C as same exists on the date of the adoption of this ordinance, or as amended. Construction, installation, and use of an uncased pipeline crossing shall be allowed only when the pipe utilized for the crossing is a minimum of one ASTM grade higher in tensile strength and a minimum of one step greater in wall thickness than the materials otherwise required by the Code.

D. The location of all new or replacement pipe and pipelines shall be marked by the owner(s) thereof or by the person installing or operating such pipelines as follows:

1. Marker signs shall be placed at all locations where pipe or pipelines cross property boundary lines and at each side of a public street or road right-of-way which the pipe or pipeline crosses;
2. The top of all marker signs shall be a minimum of four feet (4') above ground level, and the support post must be sufficient to support the marker sign and shall be painted yellow or such other color as may be approved by the Director of Public Works or his designee;
3. All marker signs shall be a minimum of twelve inches (12") square and shall be marked as "Gas Pipe Line," "Oil Pipe Line," or "S.W. Pipe Line" or as may be applicable; and
4. All marker signs shall contain the name of the owner and operator of the pipeline. It is the joint and several responsibility of the owner and the operator of any and all pipeline to maintain the markers in accordance with this title.
5. "Locate Wires" - Locate wires, consisting of a minimum #6 rating solid core PVC coated wire, or equivalency approved by the Public Works Director of his designee, shall be required on all underground pipelines located in City of Tulsa rights-of-way.

### **SECTION 630. PLUGGING ABANDONED WELLS**

A. Every person owning or operating any well and the officers, agents, and employees of such person shall begin removing all derricks, machinery, concrete foundations, and any and all other objects that interfere with the leveling of the land within a period of sixty (60) days from the day of abandonment of the well and shall remove such objects in a workmanlike manner. Such person shall also grade, level, and restore the land as nearly as possible to the same conditions which existed before the well was first commenced.

1. Any well in which production casing has been run but which has not been operated for six (6) months, and which has not received temporarily abandoned status from the Oklahoma Corporation Commission and the Inspector, and any well in which no production casing has been run and for which drilling operations have ceased for thirty (30) consecutive days, shall be presumed to be abandoned and shall be plugged in accordance with Section 630 of this title.

2. Any well which has not had the annual inspection fees paid (as required in Section 307 of this title) for a period of one (1) year, or for which the Inspector has not been provided proof of bond or letter of credit as required in Section 638 of this title, or for which the Inspector has not been provided proof of insurance as provided in Section 304 of this title, shall be presumed to be abandoned and shall be plugged in accordance with Section 630 of this title.

B. Whenever any well having sufficient casing to meet the requirements of this title is abandoned, it shall also be the duty of the permittee and the operator of the well to set a two hundred-foot (200') cement plug in the bottom of the surface casing, with the bottom of the plug one hundred feet (100') below the surface casing section, and to set a fifty-foot (50') cement plug in the top of the surface casing. A cement plug shall also be placed in the well bore above, but within one hundred feet (100') of the shallowest zone known to produce hydrocarbons or considered by the Inspector to be capable of producing hydrocarbons, in either commercial or

noncommercial quantities, or known to have been used for injection or disposal of any fluid within three (3) miles of the well being plugged. This plug may be:

1. A two hundred-foot (200') cement plug placed in a section of the hole from which the casing has been removed;

2. A bridge plug capped with twenty feet (20') of cement when a cement bond log is available to show that the casing is cemented at the depth where the plug is required; or

3. A plug formed by setting a bridge plug in the casing, perforating the casing above the bridge plug, setting a cement retainer above the perforations, running tubing into the hole, and squeezing cement through the tubing, retainer, and perforations. The bridge plug may be omitted when a pressure test approved by the Inspector is performed to prove the integrity of the casing.

C. The Inspector shall require that cement plugs, except those installed in connection with a bridge plug or retainer, be tagged with a string of pipe or a wireline weight to confirm that the cement plug has hardened in the correct location.

D. When any cement plug is found to be deficient, an additional cement plug shall be placed in the well bore or other appropriate corrective action shall as ordered by the Inspector be taken. No surface or conductor string of casing may be pulled or removed from a well. During initial abandonment operations, it shall also be the duty of the permittee and operator to flood the well with mud-laden fluid. This fluid shall have a density not less than nine (9) pounds per gallon and a viscosity not less than thirty-six (36) funnel seconds as measured with a standard marsh funnel. Provided, however, that in no case shall the density of this mud be less than the density of the mud used to complete the drilling of the well or less than the density required to create sufficient hydrostatic pressure to prevent the well from attempting to kick or flow. Prior to commencing plugging operations, the Inspector shall be notified so that he may witness the plugging operations.

E. Whenever a permittee or operator desires to plug and abandon any well drilled within the City, except a well which is still within its original drilling permit period or a dry hole, the permittee or operator shall apply to the Inspector for a permit to plug the well. The application for the permit to plug the well shall be on forms provided by the Inspector and shall be accompanied by a nonrefundable application fee in the amount established in Title 49 TRO, except that no fee will be required to plug a well which is within the period covered by the original drilling permit. The application fee shall be paid by cashier's check. The permittee shall pay an additional nonrefundable permit fee in the amount established in Title 49 TRO, when the permit is approved and accepted, and this amount shall also be in the form of a cashier's check. The applicant shall submit two copies of the application as required by the Inspector. In the application for a permit to plug a well, the applicant shall include evidence of the depth of the base of the fresh water in the vicinity of the well, copies of all Corporation Commission reports filed on the well, a well bore diagram showing the proposed plugged condition of the well, a copy of electric logs run on the well and a proposed plugging procedure. Copies of any temperature surveys or cement bond logs run to determine the top of the cement outside the casing strings shall be included in the permit application.

F. Whenever any well having a lesser amount of surface casing than required by this title is abandoned, it shall be the duty of the permittee or operator of the well to plug the well in accordance with the provisions of this subsection. To effect the plugging of said well, the production casing shall be cut at a depth at least two hundred feet (200') deeper than the base of the fresh water zones. A cement plug shall be placed in the well bore with the bottom of the plug located two hundred feet (200') deeper than the base of the fresh water zone and the top of the plug located at least one hundred feet (100') inside the surface casing. If the production casing cannot be removed as required, then the operator or permittee shall propose an alternative plugging procedure, but no plugging may be performed unless the procedure has been approved by the Inspector. The Inspector shall be notified so that he may witness the plugging of the well. The remainder of the plugging requirements for wells not having sufficient surface casing shall be the same as for wells which do have sufficient surface casing.

G. In exceptional circumstances, the Inspector shall have authority to approve recognized and appropriate plugging procedures other than these set forth herein. Such approval shall be in writing and shall be signed by the Inspector.

H. The cement used to plug wells shall be API Class A or Class H cement and no volume extenders may be added to this cement.

**SECTION 631. COPIES OF FORMS FILED WITH CORPORATION COMMISSION TO BE FILED WITH INSPECTOR**

A. Copies of all applications, notices, forms, records, logs, and all similar documents filed by the permittee with the Corporation Commission shall also be filed with the Inspector within one (1) week of filing with the Corporation Commission. The Inspector shall keep confidential all materials submitted unless such material is necessary as evidence in prosecution of any violation of the provisions of this title or required to be available for public inspection under applicable law including but not limited to the Oklahoma Open Records Act.

B. No transfer of any permit shall be valid until the Corporation Commission approved Form 1073, Transfer of Ownership, is provided to the Inspector. No permittee shall be released from the requirements of this title until the Inspector is provided with proof of change of operator and submittal of the required documentation as provided by Section 305, Section 307, and Section 638 of this title.

**SECTION 632. WELLS WITHIN WATERSHED AREAS OF CITY WATER RESERVOIRS AND OTHER AREAS NEAR THE RESERVOIRS**

A. Under no circumstances shall a well be permitted closer than six hundred sixty feet (660') to the high-water shoreline of a reservoir, including areas which are located outside the watershed of a city water reservoir.

B. No well shall be permitted within the watershed of a city water reservoir unless it is located on the surface of such watershed, and in no case closer than six hundred sixty feet (660') to the high-water shoreline of said reservoir.

C. Any well permitted under Subsection B. to be located within the watershed in which a city water reservoir is contained, or to be located outside the watershed area but within one (1) mile of a city water reservoir, shall comply with all of the then-current "Rules Controlling Drilling Operations in Watershed Areas of Tulsa Water Reservoirs and other Areas Near the Reservoirs," as adopted by the City. In the event of any conflicts between such rules and the provisions of this title, the more restrictive provisions shall apply. A current copy of the "Rules Controlling Drilling Operations in Watershed Areas of Tulsa Water Reservoirs and other Areas Near the Reservoirs," is on file and may be obtained from the City Clerk's office or from the Inspector.

### **SECTION 633. PROHIBITION OF POLLUTION**

A. All permittees, operators, contractors, drillers, service companies, pipe-pulling and salvaging contractors, or other persons shall at all times conduct their operations and drill, equip, operate, produce, plug, and abandon all wells drilled for oil or gas, service wells or exploratory wells (including seismic, core, and stratigraphic holes) in a manner that will prevent pollution and the migration of oil, gas, saltwater, or other substance from one stratum into another, including any other fresh water bearing formation. Pollution of surface or subsurface fresh water by deleterious substances used in connection with the exploration, drilling, producing, refining, transporting, or processing of oil or gas is hereby prohibited.

B. The Inspector shall have the authority to pursue all steps necessary to monitor compliance with Subsection A., including the construction of monitoring water wells to physically document any impact on any fresh water bearing formation.

### **SECTION 634. ADDITIONAL REQUIREMENTS FOR ENHANCED RECOVERY OR SALTWATER OR DELETERIOUS SUBSTANCES DISPOSAL WELLS**

A. Every enhanced recovery or disposal well shall be constructed so as to seal the injection zone from the upper portion of the casing. The annulus between the injection tubing and the casing shall be filled with a noncorrosive fluid, then sealed and a 1/4-inch female fitting with cutoff valve shall be attached so that the pressure in the annulus may be measured by the Inspector by attaching a gauge having a 1/4-inch male fitting. The annulus between the production casing and the injection tubing shall be pressure tested to a pressure at least 250 psi greater than the injection pressure proposed for the well. The pressure testing shall be witnessed and approved by the Inspector. Copies of Corporation Commission Form No.1 015 shall also be filed with the Inspector. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the well, and may result in cancellation of the operating permit, until such time as the established pressure can once again be maintained.

B. Injection lines for such wells shall be buried in a trench of a depth no less than four feet (4'), and shall be pressure tested (static) annually at a minimum of 150 percent of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the Inspector. Said Inspector shall be notified in writing five (5) days in advance of such test and may supervise same. Test results shall be filed with the Inspector upon completion.

C. The annulus between the production casing and the surface casing shall be equipped with the appropriate fittings to provide a 1/4-inch female fitting equipped with a cutoff valve so that the pressure in the annulus may be measured by the Inspector. Any indication of pressure on this annulus shall be cause to shut down the well and may result in the cancellation of the operating permit, until such time as the problem can be corrected.

D. The permit for an enhanced recovery or disposal well shall state the maximum injection pressure. Exceeding this injection pressure shall be considered a violation of this title.

E. The injection tubing or injection line near the injection tubing shall be equipped with a 1/4-inch female fitting and cutoff valve so that the Inspector may measure the injection pressure by the installation of a gauge equipped with a standard 1/4-inch fitting.

F. Before performing any down-hole work on an enhanced recovery or disposal well, the operator shall notify the Inspector at least five (5) days in advance of performing this work. The Inspector shall witness the installation of tubing and packer in an enhanced recovery or disposal well. The annulus between the injection tubing and the production casing shall then be pressure tested to a pressure at least 250 psi in excess of the approved injection pressure. The Inspector shall witness the pressure testing of this annulus. The pressure test shall be repeated at least every six (6) months and shall be witnessed by the Inspector.

G. The permittee or operator of the well shall submit to the Inspector a monthly report stating the amount of water injected during the month and the maximum tubing pressure.

#### **SECTION 635. BURNING OF TRASH PROHIBITED**

No permittee or any other person shall burn any trash or debris within one thousand feet (1,000') of any well location or equipment.

#### **SECTION 636. LOCATION OF SURFACE FACILITIES**

Whenever necessary to protect the health, safety or welfare of the public, the Inspector is hereby authorized to direct any permittee or operator to locate, relocate, remove, or replace any well surface facilities located within a particular drilling unit.

#### **SECTION 637. TEMPORARY ABANDONED WELLS**

Whenever the Oklahoma Corporation Commission has granted "temporary abandonment status" for a well, the permittee or operator may apply to the Inspector for "temporary abandonment status." "Temporary abandonment status" may be granted by the Inspector for a maximum of two (2) years, except when an extension is obtained from the Mayor. The "temporary abandonment status" may be granted by the Inspector to the applicant provided all requirements and conditions placed upon the well by the Inspector are met by the applicant. These requirements and conditions shall include, but shall not be limited to, all of the following:

A. For enhanced recovery or disposal wells, a cast iron bridge plug shall be placed above, but within one hundred feet (100') of the perforated interval and a minimum of twenty feet (20') of cement shall be placed on the cast iron bridge plug. The casing shall be pressure

tested to a pressure approved by the Inspector. Pressure testing shall be repeated annually on a date to be specified by the Inspector. The production casing and each annulus of the well shall be equipped with fittings to permit the pressure on each string of casing to be measured using a gauge having a 1/4-inch fitting.

B. Producing wells shall have fittings and valves installed to permit the pressure on tubing and each string of casing to be measured using a gauge having a 1/4-inch fitting.

1. A fluid level test shall be performed on each well in this classification at intervals not to exceed six (6) months, and the pressure shall be checked on the tubing and each casing string at least every six (6) months.

2. If the fluid level in the production casing when no tubing is installed in the well is found to be less than two thousand feet (2,000') from ground level then the same requirements specified in Subsection A. above shall be applied.

3. If the fluid level in both the tubing and the tubing-casing annulus when tubing and packer are installed in the well is found to be less than two thousand feet (2,000') from the surface, then the requirements shall be the same as in Subsection A., above.

4. If pressure in excess of 50 psi is found on the production casing or when other evidence of a leak exists, the requirements shall be as in Subsection A., above.

C. If pressure in excess of 50 psi is found on the surface casing of any well or when other evidence of a leak exists, additional tests shall be performed to determine if a casing leak or channel flow outside the casing exists. When the Inspector determines that a leak exists, appropriate repair work or remedial cementing shall be performed by the permittee or applicant to correct the problem. All repair procedures shall be approved by the Inspector. The Inspector shall be notified so that he may witness the repair work and test to confirm the success of such repair work.

D. The permittee and operator of any well granted "temporary abandonment status" under the provisions of this section shall also comply with any other requirements or conditions imposed by the Inspector and such permittee and operator shall continue to comply at all times with the provisions of Section 305 and Section 307 of this title.

### **SECTION 638. BLANKET BOND OR BLANKET IRREVOCABLE LETTER OF CREDIT REQUIRED**

A. Any person who drills or operates any well for the exploration, development, or production of oil or gas, or as an injection or disposal well, within this City shall furnish on forms approved by the Inspector and maintain at all times a blanket bond or blanket irrevocable letter of credit in the principal sum of at least \$1,000,000. Said bond or letter of credit must be executed by a reliable insurance company or bank authorized to do business in the state, as surety or creditor, and with the applicant/permittee as principal or debtor, running to the City for the benefit of the City and all persons concerned, conditioned that the applicant/permittee shall comply with the terms and conditions of this title in the drilling and operation of oil wells drilled or operated within the City. Said bond or letter of credit must become effective on or before the

date the same is filed with the City and remain in full force and effect for at least twelve (12) months subsequent to the expiration of the permit term and, in addition, the bond or letter of credit must be conditioned that the applicant/permittee must promptly pay all fines, penalties and other assessments imposed upon the applicant/permittee by reason of his breach of any of the terms, provisions, or conditions of this title, and that the applicant/permittee must promptly restore the streets, sidewalks, and other public property of the City which may be disturbed or damaged during the applicant/permittee's operations to their former condition; and that the applicant/permittee must promptly clear all premises of all litter, trash, waste, and other substances and must, after abandonment, grade, level, and restore said property to the same surface condition, as far as possible, as existed prior to commencing operations; and further that the applicant/permittee shall indemnify and hold harmless the City from any and all liability attributable to granting the permit; and that the applicant/permittee shall promptly pay all sums with respect to deductibles on covered losses under insurance policies required by this title; and that the applicant/permittee shall comply with all of the terms of this title concerning the abandonment and/or plugging of all such wells. Each bond or letter of credit submitted shall cover all wells drilled or operated by said person within the City.

B. For good cause, the Inspector, after notice to and hearing for a permittee, may require the filing of a blanket bond or letter of credit in an amount higher than \$1,000,000.00 but not to exceed \$2,000,000.00. "Good cause" shall include, but shall not be limited to, a showing that the operator or permittee has previously violated any of the provisions of Title 42-A.

C. The blanket bond or letter of credit required by this section shall be submitted and maintained in full force and effect at all times by all persons drilling, completing, operating, maintaining, and/or producing any well located within the limits of the City, whether drilling operations were commenced on, prior, or subsequent to adoption of this title.

## CHAPTER 7.

### ARTIFICIAL PRODUCTION

- Section 700. Approval Required for Conversion to Artificial Production.
- Section 701. Permissible Working Pressure; Booster Plant.
- Section 702. High-Pressure Lines.
- Section 703. Pressure Gauges on Air or Gas Lifts.
- Section 704. Portable Pumping Units.
- Section 705. Violations.

#### SECTION 700. APPROVAL REQUIRED FOR CONVERSION TO ARTIFICIAL PRODUCTION

A. No person shall commence any operation to change the equipment of an oil or gas well for the purpose of converting from natural to artificial production of oil or gas, or commence any operation for the purpose of cleaning, repairing, or reconditioning any such well, before notifying the Inspector and Chief of the Fire Department or any of his authorized representatives that such operation is to be commenced. No person shall commence such operation unless he receives approval as set forth in Subsection B. of this section.

B. The Chief of the Fire Department or his authorized representatives, or the Inspector, shall give approval for converting from natural to artificial production if it appears that compliance with the provisions of this chapter have been and are being met.

#### **SECTION 701. PERMISSIBLE WORKING PRESSURE; BOOSTER PLANT**

In no case shall gas or air be transported through any pipeline at a working pressure in excess of 1,000 pounds. If it is necessary to use a greater working pressure, a gas or air booster plant shall be installed not closer than seventy-five feet (75') from the derrick floor of a well or tank battery and the compressor unit not greater than one hundred feet (100') from the derrick floor of the well being served. In no event shall more than 1,500 pounds working pressure be used in flowing a well by artificial means.

#### **SECTION 702. HIGH-PRESSURE LINES**

A pipe used for the transportation of air or gas ranging from 600 to 1,000 pounds pressure shall be from two to ten inches in outer diameter and shall be seamless pipe with welded or screwed couplings. Any new or replacement pipe shall be covered and not less than 48 inches below the regular ground level and shall be placed in conduit whenever laid under any portion of a street, roadway, alley, or driveway ordinarily used for heavy vehicular traffic. These lines shall be tested before being used and every six (6) months thereafter the test shall be made with water and the pipe shall stand a pressure of 2,000 pounds.

#### **SECTION 703. PRESSURE GAUGES ON AIR OR GAS LIFTS**

A. At each well where air or gas lift is used, there shall be placed on the air or gas lift an indicating pressure gauge which shall show the working pressure of air or gas delivered to the well at all times.

B. When any air or gas is supplied in any air or gas lift line from a source of supply outside the City, one recording pressure gauge which contains charts shall be placed on the line at the point where it enters the City. The charts shall be preserved and open to inspection by the Inspector. On plants or sources of gas lift or air inside the City, a recording pressure gauge shall be placed between the plant and the well or wells served.

C. All gauges installed on lines shall be tested and corrected every six (6) months.

#### **SECTION 704. PORTABLE PUMPING UNITS**

Every person operating a portable pumping unit used for the pumping of oil shall equip the unit before the operation or use thereof, on both the suction and discharge sides, with steel flexible tubing or with pipe or tubing composed of some other material that is approved by the Inspector.

**SECTION 705. VIOLATIONS**

If the Inspector finds that any person is carrying on activity in violation of this title, he shall order the activity to cease until compliance is made. No person shall renew such activity until the Inspector finds that compliance has been made and permission given for the renewed activity.

**CHAPTER 8****SWABBING WELLS**

- Section 800. Compliance.
- Section 801. Lubricator.
- Section 802. Valves on Lines Leaving Flow Casing.

**SECTION 800. COMPLIANCE**

No person shall begin the operation of swabbing an oil or gas well without first complying with the provisions of this chapter.

**SECTION 801. LUBRICATOR**

A. No well shall be swabbed before a device, commonly known as a lubricator, has been placed on the flow casing above all outlets or flow lines of the well. The lubricator shall be not less in diameter than the flow casing and equipped with an adequate oil saver or stuffing box at the top. The total inside length of the lubricator shall be not less than five feet (5') more than the total length of swab and turn back on swab line. The lubricator shall have a nipple not less than two inches (2") in diameter nor more than four inches (4") in length, placed not more than six inches (6") from the top and on flow line or lines between gate valve on the flow lines and flow casings. The nipple shall be provided with a gate valve not less than two inches (2") in size. All equipment and parts of the lubricator shall be of a type designed and tested to withstand a pressure of 3,000 pounds per square inch. All pressure tests shall be by the hydrostatic method.

B. The lubricator shall be tied down from the top to the casing next in size to flow casing with wire line of not less than 5/8 inch in diameter or by iron or steel rods not less than 1 1/4 inches in diameter. The tiedown shall be equipped with turnbuckles and adequate clamps. Guy lines shall be provided from the top and bottom of the lubricator to the derrick legs. The guy lines shall be not less than 5/8 inch in diameter and shall be tied into the derrick legs at the same level as on the lubricator. A small gate valve at the top of the lubricator shall be tied back to it, using clamps of required size.

**SECTION 802. VALVES ON LINES LEAVING FLOW CASING**

All lines leaving the flow casing shall be equipped with a gate valve of not less than 3,000 pounds per square inch test and the same size of line and be placed not farther than twenty-four inches (24") from the flow casing. The valve or valves shall be tied back to the flow casing using necessary clamps and wire line or rods as specified in Section 801.

## CHAPTER 9

### LOADING RACKS

- Section 900. Definition.
- Section 901. Construction Generally.
- Section 902. Construction Permits and Fees.
- Section 903. Use of Fire Resistant Materials in Construction.
- Section 904. Electrical Wiring and Equipment Specifications.
- Section 905. Specifications for Motors.
- Section 906. Grounding and Bonding.
- Section 907. Filler Head or Dome.
- Section 908. Fire Protection Devices and Requirements.

#### **SECTION 900. DEFINITION**

As used in this article the term "loading rack" shall mean any platform or structure built alongside a railroad track for use in loading crude oil, gasoline, kerosene, or other liquid petroleum products into tank cars.

#### **SECTION 901. CONSTRUCTION GENERALLY**

No person shall construct a loading rack for crude oil, gasoline, kerosene, or other liquid petroleum products, except as permitted under this title.

#### **SECTION 902. CONSTRUCTION PERMITS AND FEES**

No person shall commence construction of a loading rack, without obtaining a permit from the Public Works Director or his designee. Permits shall be issued only after approval by the Fire Marshal. The fees for the permit shall be as established in Title 49 TRO.

#### **SECTION 903. USE OF FIRE RESISTANT MATERIALS IN CONSTRUCTION**

Only fire resisting materials shall be used in the construction of a loading rack or a building or structure used in connection with or on the same premises as loading racks.

#### **SECTION 904. ELECTRICAL WIRING AND EQUIPMENT SPECIFICATIONS**

All electrical wiring and electrical equipment shall be installed in loading racks in compliance with the electrical code in force in the City. All light outlets used in close proximity to loading racks shall be of a vapor-proof type, approved by the United States Bureau of Mines.

**SECTION 905. SPECIFICATIONS FOR MOTORS**

All motors used in connection with or near any loading racks shall be of an induction type or of any type that can be used in connection with an explosive atmosphere.

**SECTION 906. GROUNDING AND BONDING**

Each loading rack and the railroad track which is to be used with that loading rack shall be bonded and grounded into the same wire.

**SECTION 907. FILLER HEAD OR DOME**

A filler head or dome of a type approved by the Fire Marshal shall be used for loading tank cars from any loading rack. The filler head or dome shall have a vertical vent not less than three inches (3") in diameter and ten feet (10') in height from the dome of the tank car.

**SECTION 908. FIRE PROTECTION DEVICES AND REQUIREMENTS**

Fire protection devices shall be maintained at all times at loading racks and approved by the Fire Marshal, including:

- A. An adequate water supply;
- B. Foam-producing chemicals with a minimum required amount of five (5) pounds for each foot of length of the loading rack; and
- C. Any other foam equipment specifically required by the Fire Marshal.

**CHAPTER 10****PIPELINES**

Section 1000. Enforcement generally.

Section 1001. Interpretation.

Section 1002. Limitations Upon Rights Granted.

Section 1003. Special Provisions for Natural Gas Pipelines.

Section 1004. Pressure Limitations.

Section 1005. Ditches.

Section 1006. Special Provisions for Pipes Under Streets.

Section 1007. Removal or Change of Pipe.

Section 1008. Testing of Gas Pipelines and Correction of Defects.

Section 1009. Fees for Interchanging of Pipelines.

Section 1010. Alternative to Removing Pipelines Under any Public or City Property, Right-of-Way, Easement, or Utility Reserve; Plugging; Permit Fee.

Section 1011. Fee Collection Procedure.

Section 1012. Unsafe Pipeline to be Shut Down.

Section 1013. Abatement of Nuisances.  
Section 1014. Violations.

#### **SECTION 1000. ENFORCEMENT GENERALLY**

A. Unless exempt pursuant to Title 12, TRO, Chapters 3 and 4, repair, installation, replacement, or any work associated with pipe or pipeline located in City rights-of-way shall be governed by the provisions of Title 11, TRO, Chapter 12 entitled: "Rights-of-Way Occupancy Management," including the need to obtain construction and occupancy permits provided for therein.

B. The Inspector, the Public Works Director, and the Chief of Police shall exercise constant supervision of the pipelines, meters, valves, gauges, pumps, appliances, and equipment located in the streets, alleys, and public places and report to the Mayor all violations of this title, and all dangerous, defective, or unsuitably placed pipelines, meters, valves, gauges, pumps, appliances, and equipment, and guard the public at all times from the dangers incident to the erection, maintenance, and operation of all pipelines, meters, valves, gauges, pumps, appliances, and equipment used in connection with the sale or distribution of natural or artificial gas to consumers in the City and its environs, in, under, or upon the streets, alleys, or public places.

#### **SECTION 1001. INTERPRETATION**

A. None of the provisions of this article shall be construed or operate to prevent or render unnecessary the securing of a construction or occupancy permit for the erection, maintenance, or operation of pipelines, meters, valves, gauges, pumps, appliances, and equipment in, under, or upon any of the streets, alleys, or public places if the pipelines and the equipment referred to herein are used in the sale or distribution of natural or artificial gas to consumers in the City and its environs nor shall any provisions or any act or proceeding conducted under this article be construed as a grant by the City of the right or privilege to use the streets, alleys, or public places for the purposes provided.

B. The compensation provided by Title 11, TRO, § 1203 for the nonfranchised use of the streets, alleys, and public places shall be for occupation and use, and shall be in addition to other penalties provided for in this title.

C. This chapter, or any part of it, may be altered or repealed at any time, and no rights or privileges shall ever be acquired under it which may not be withdrawn, altered, or modified by the City.

#### **SECTION 1002. LIMITATIONS UPON RIGHTS GRANTED**

The provisions of this chapter or any acts and proceedings conducted under it shall not be construed as a grant by the City of the right or privilege to use the streets, alleys, or public places for the purposes provided in this chapter, or any purpose, except for and during the annual period immediately succeeding the time fixed for payment of fees to the City and then only if such payment is actually made.

**SECTION 1003. SPECIAL PROVISIONS FOR NATURAL GAS PIPELINES**

All pipelines, connections, and fixtures installed or used for the purpose of the transportation of natural gas shall be equivalent to the specifications of the National Gas Safety Code, adopted and approved by the United States Department of Commerce and now in force, as to thickness, weight, size, strength, and general character of material, workmanship, and manner of installation. All pipelines used in connection with the drilling of wells, other than gas lines and lines used for the transportation of petroleum or any of its products, shall be new lap-weld or seamless pipe and shall be equivalent to the specifications as now adopted by the American Petroleum Institute for lap-weld of Grade A seamless pipeline. All such lines shall be operated and maintained in a safe manner at all times so as to prevent all leakage or escape of their contents.

**SECTION 1004. PRESSURE LIMITATIONS**

Pressure in any line shall not exceed those permitted by the rules, regulations or orders of the Corporation Commission then in force.

**SECTION 1005. DITCHES**

All ditches for pipelines shall be excavated in a manner that will make the smallest possible opening in the public property, provided that all ditches shall be constructed six inches (6") wider than the outside diameter of the pipe. The minimum space between the outside diameter of pipes shall be six inches (6").

**SECTION 1006. SPECIAL PROVISIONS FOR PIPES UNDER STREETS**

On streets and alleys, all pipelines shall be buried to a minimum depth of forty-eight inches (48") below the normal surface of the ground, the depth to be measured from the top of the pipe, and shall be approved by the Public Works Director or his designee.

**SECTION 1007. REMOVAL OR CHANGE OF PIPE**

If it becomes necessary to change or remove any pipeline, the entire expense of change or removal shall be borne by the owner upon the approval of the Public Works Director or the Inspector. The removal or change shall be made within five (5) days after notice is given by the City. A right-of-way construction permit shall be obtained prior to any such work.

**SECTION 1008. TESTING OF GAS PIPELINES AND CORRECTION OF DEFECTS**

Each owner or operator of a gas pipeline other than a high-pressure line for which a permit is required under this title shall have it tested at least once every six (6) months for the purpose of determining whether it is in safe condition and free from leaks, breaks, or open spaces, and make a report of the test supported by an affidavit by the person making the test to the Public Works Director. The test may be by the stench method, electrical detection method, or any other method approved by the Inspector; provided that each gas pipeline at the time of its installation shall be tested by the Inspector, and a report of the test shall be filed with the Public

Works Director before the operation of that line. Testing periods shall end on September 15 and March 15 of each year. No person shall continue the operation of any pipeline after the termination of any testing period provided herein without having it tested and making the required report. For failure to make the test and report, or if the report discloses or it otherwise appears that any line is leaking, defective, or unsafe, the Inspector shall, within five (5) days of such disclosure, or within five (5) days after the closing of any testing period, close and shut the pipeline.

**SECTION 1009. FEES FOR INTERCHANGING OF PIPELINES**

If a pipeline covered by this article is placed in a ditch where another similarly covered pipeline is being removed and if it is not necessary to deepen the ditch and a high-pressure line is not exchanged where a low-pressure line has previously been, a fee in the amount established in Title 49 TRO shall be collected; provided, however, that in a case where it is necessary to deepen the ditch and the new pipeline being placed in the ditch is a high-pressure line taking the place of a low-pressure line, an additional fee in the amount established in Title 49 TRO, shall be charged for the removal of the old line.

**SECTION 1010. ALTERNATIVE TO REMOVING PIPELINES UNDER ANY PUBLIC OR CITY PROPERTY, RIGHT-OF-WAY, EASEMENT, OR UTILITY RESERVE; PLUGGING; PERMIT FEE**

A. **Abandonment and Plugging.** In lieu of the actual removal of a pipeline or portion thereof located underneath any public or City property, right-of-way, easement, or utility reserve, the owner of a pipeline for which an abandonment permit has been applied and issued may relinquish his ownership and abandon that portion beneath any public or city property, right-of-way, easement, or utility reserve by first pumping the pipe full of material approved by the Public Works Director, then properly disposing of any residue coming out of the pipe, and securely plugging each end of the pipe left beneath any public or city property, right-of-way, easement, or utility reserve. However, before abandoning and plugging the pipe, the owner shall file with the City Clerk, or incorporate in the application for an abandonment permit, a written transfer and assignment to the City of all his interest, possession, and title in and to the abandoned pipe, and shall give thirty (30) days' previous written notice to the Public Works Director as to when and where the owner proposes to plug the pipe. The work shall require a right-of-way construction permit and be subject to inspection and approval of the Inspector and the Director or his authorized representative.

B. **Permit Fee.** Every applicant for an abandonment permit shall pay an inspection and regulation fee per rod based on the number of rods in length of pipeline to be abandoned. The amount of such fee shall be as established in Title 49 TRO.

**SECTION 1011. FEE COLLECTION PROCEDURE**

The fees required by this title to be paid shall be deemed a debt to the City, and upon failure to pay them the City may maintain a civil action in any court of competent jurisdiction for the recovery and collection of the debt.

**SECTION 1012. UNSAFE PIPELINE TO BE SHUT DOWN**

If a pipeline becomes unsafe or is not maintained as provided in this title or if any of the contents escape, the person in control of the line shall immediately discontinue its use and shut off all its contents until the line is repaired.

**SECTION 1013. ABATEMENT OF NUISANCES**

The Inspector, the Public Works Director, or the Chief of Police or any or all of these officers shall summarily abate or remove any of the pipelines, meters, valves, gauges, pumps, appliances, and equipment declared by this title to be a nuisance immediately upon the order given by the Mayor or his designee. No person shall prevent or attempt to prevent any officer or employee or agent of the City from abating or removing any such pipelines, meters, valves, gauges, pumps, appliances, and equipment declared to be a nuisance or interfere with such officer, employee, or agent when engaged in or attempting to engage in such work. All expenses of the abatement shall remain the responsibility of the owner/operator of the facilities.

**SECTION 1014. VIOLATIONS**

Each day's violation of any provision of this title shall constitute a separate offense.

**CHAPTER 11****EXCAVATION PERMIT**

- Section 1100. Permit Required.
- Section 1101. Application.
- Section 1102. Fee.
- Section 1103. Consent of Property Owners.
- Section 1104. Expiration and Renewal.

**SECTION 1100. PERMIT REQUIRED**

No person shall make an excavation in any part of public property or in any public utility reserve for the purpose of laying, removing, installing, or maintaining a pipeline without first having obtained a right-of-way construction permit from the City to do so.

**SECTION 1101. APPLICATION**

An applicant for the permit required by the provisions of this chapter shall file a plan with the Public Works Director showing in detail the size of the pipeline, the depth and width and the exact location of the excavation or pipeline with particular reference to all structures or lines of the City or any public utility company, sidewalk, pavement, or other public improvement.

**SECTION 1102. FEE**

Every applicant for a permit required by the provisions of this chapter shall pay to the City Treasurer the fee established in Title 11 TRO, Chapter 12.

**SECTION 1103. CONSENT OF PROPERTY OWNERS**

Where a pipeline is laid in any public utility reserve, the applicant for a pipeline permit shall first obtain written permission or consent from all owners of property through and over which the public utility reserve runs before applying for a permit under the provisions of this chapter.

**SECTION 1104. EXPIRATION AND RENEWAL**

A. A permit issued pursuant to the provisions of this chapter shall expire on the permit end date or one (1) year from its date of issuance, whichever is sooner, and shall be renewed upon payment to the City of the fee established in Title 11 TRO, Chapter 12.

B. Any permit may be revoked for failure to comply with the requirements set out in 11 TRO, Chapter 12.

**CHAPTER 12****COMMERCIAL DISTRIBUTION SYSTEMS FOR GAS**

Section 1200. Franchise or Permit Required.

**SECTION 1200. FRANCHISE OR PERMIT REQUIRED**

A. No person shall erect, lay, maintain, or operate any pipelines, meters, valves, gauges, pumps, appliances, and equipment used, or which are to be used, in the sale or distribution of natural or artificial gas to consumers in this City and its environs and maintained or operated in, under, or upon any of the streets, alleys, or public places, or assist or participate therein, without a franchise or permits, as required by all applicable City ordinances."

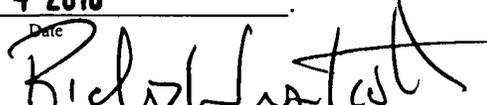
*Section 2. OPERATIVE CLAUSE. Following passage of this ordinance by the City Council, with separate approval of its Emergency Clause; approval by the Mayor; and publication, this ordinance shall be operative on and after \_\_\_\_\_, 2010.*

*Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.*

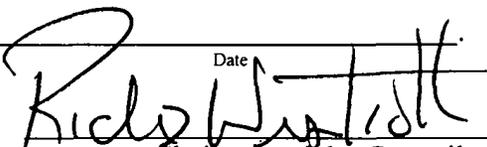
*Section 4. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.*

Section 5. *EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its adoption, approval, and publication.*

ADOPTED by the Council: JAN 14 2010

<sup>Date</sup>  
  
Chairman of the Council

ADOPTED as an emergency measure: \_\_\_\_\_

<sup>Date</sup>  
  
Chairman of the Council

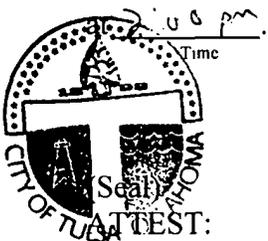
OFFICE OF THE MAYOR

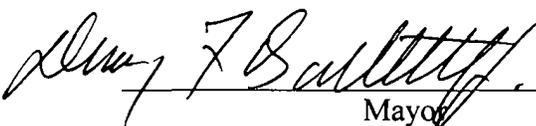
Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

Dewey F. Bartlett, Jr., Mayor

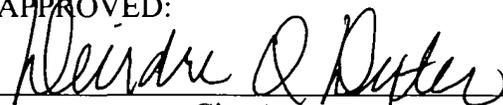
By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: JAN 20 2010,  
Date



  
Mayor

ATTEST:  
  
DEPUTY City Clerk

APPROVED:  
  
City Attorney