

ORDINANCE NO. 1575

AN ORDINANCE AMENDING THE REGULATIONS FOR THE DRILLING, COMPLETION AND OPERATION OF OIL AND GAS WELLS WITHIN THE LIMITS OF THE CITY OF ANDREWS; PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE; ACKNOWLEDGING STATE PRE-EXEMPTION; REQUIRING A PERMIT; PROVIDING FOR A PENALTY; AND REPEALING ALL OF ARTICLE V OF CHAPTER 14 OF THE CODE OF ORDINANCES (FORMERLY ORD. NO. 97 and 658) IN ITS ENTIRETY

WHEREAS, the City of Andrews has a duty to protect the public health, safety and welfare; and

WHEREAS, the City of Andrews acknowledges the mineral interest as the dominant estate and recognizes the State of Texas' pre-emption of oil and gas operations with the exception of the municipal regulation of certain surface activities; and

WHEREAS, the Andrews City Council desires to provide regulations which allow for the compatible co-existence of oil and gas activities with existing and future development.

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

The City Council of the City of Andrews does hereby find that compliance with reasonable surface regulations by operators of oil and gas wells inside the city limits is necessary to protect the health, safety and welfare of its citizens. It is the intent of the Andrews City Council to adopt regulations which protect the public health, safety and welfare and are "commercially reasonable" to the oil and gas industry.

Section 1. Permit

It shall be unlawful and an offense for any person acting either for himself or acting as an agent, employee, or independent contractor (the "Operator") to knowingly drill or participate in the drilling of any well or to re-enter any well which has previously been permanently plugged and abandoned for any reason or to install any water and/or gas re-pressurizing or injection facility within the corporate limits of the City without an Oil and Gas Permit having first been issued in accordance with the terms of this Section. A separate permit shall be required for each well and each water and/or gas re-pressurizing or injection facility. A permit issued by the City of Andrews shall be valid, for a period of five (5) years, and for so long thereafter as the facility is in operation and continues to comply with the requirements of this Ordinance.

City Limits; Extraterritorial Jurisdiction (ETJ). An application for Oil and Gas Permit is required for any and all areas within the corporate limits of the City of Andrews. Areas within the City of Andrews' Extraterritorial Jurisdiction are expressly excluded until such time as the area is platted for development or annexed into said city limits. Areas with oil and gas operations developed prior to the adoption of this Section shall acquire an Oil and Gas Permit within twelve (12) months from the effective date of said Ordinance and comply *to the extent practicable* with the requirements set out herein; provided, however, existing locations within Light or Heavy Industrial zoning classifications shall be exempted or "grandfathered" from the Oil and Gas Permit requirements.

Application Procedure. The procedure for applying for an Oil and Gas Permit from the City of Andrews shall be initiated with the filing of an application by the Operator with the Community Services Division of the City of Andrews. The application form to be completed by the Operator, or its authorized agent, shall be in the form described below.

No vested property rights of permit holder. An Oil and Gas Permit does not create a property interest or a vested right in the permittee. This Section of the Andrews City Code creates no property interest or right of entitlement of any kind.

Application and Filing Fee. Every application for a permit to drill and oil and/or gas well, or to install any water and/or gas re-pressurizing or injection facility (hereinafter "gas operations") within the corporate limits of the City shall be in writing; shall be signed by the Operator or some person duly authorized to sign on the Operator's behalf before a notary public; shall be accompanied by a non-refundable filing fee of \$500; and shall only be considered when complete. A separate complete application and permit shall be required for each well.

No application shall be accepted for filing until it is complete and all required fees have been paid. Each application shall include full information, and will be considered complete only when all of the following is included:

1. The date of the application
2. The name and address of the Operator as identified on the W-1 filed with the Railroad Commission.
3. Name and address of Operator's representative.
4. A 24/7 local or regional contact/contact number for the Operator; and non-emergency/emergency contact information. This information should be kept current as a condition of the Permit.
5. Proposed well name.
6. A location site plan, including a legal description drawn to scale, and produced by a professional land surveyor licensed in the State of Texas, showing the following:
 - a. The proposed operation-site;
 - b. The proposed surface location of the well;
 - c. The proposed routing of any gathering lines;
 - d. The location of all planned improvements and equipment, and other facilities, including, but not limited to the planned locations of , tanks, pipelines, separators, and storage sheds;
 - e. Lot lines shown on any recorded subdivision plat for the area;
 - f. Right-of-Way or public easement boundaries;
 - g. City limit boundaries within 1000 feet of the proposed surface location of the well;
 - h. Topographic features; and
 - i. Proposed fencing and landscaping
7. General description of the known current surface use(s) within 1000 feet, of the proposed surface location for the well.
8. A map, plat, or satellite/aerial photo depicting any residence, commercial structure, public building, or any publicly dedicated street or alley, right-of-way or permanent accessory structure used in connection with such residence, structure or building surrounding such proposed drill site, including marking two circles on the map, plat or satellite photo depicting a radius of 150, 300 and 500 feet from the proposed surface location of the well.
9. A map showing the planned transportation route and road for equipment, chemicals or refuse products used or produced by the oil and gas operations. These are the only roads that may be used other than in an emergency or if the planned roads are blocked, unusable or impassable for some reason, unless an amended route plan is filed and approved. The approval of an amended route shall not be unreasonably withheld.
10. A description of public utilities required during drilling, completion and production operations.
11. A copy of the approved Railroad Commission Permit to Drill, Form W-1, together with the attachments and survey plats which are applicable to the initial drill site and operation site.
12. Tax certificates. Tax certificates from the Andrews Appraisal District (indicating that all taxes on personal and real property, including minerals, owned by the Operator have been paid to the current year) must be submitted with the application.

In addition to the application requirements detailed herein, each application for an Oil and Gas Permit shall contain a general concept plan depicting the proposed operations site, tanks, roads, power lines and pipeline routes sufficient to allow the City to determine that current infrastructure is not interfered with nor other properties rendered undevelopable. The concept plan shall not constitute an application for development nor trigger other requirements under the City's development ordinances or Chapter 245 of the Texas Local Government Code; the concept plan is simply intended to allow the City to determine that the orderly growth and development of the City and its ETJ will not be unreasonably hindered by the proposed well and pipelines.

Section 2. General Conditions

1. Setbacks.

It shall be unlawful to drill any oil or gas well, the surface location of which is located within:

- 150 feet of any public street, road, highway, public right-of-way, or proposed future street
- 300 feet of any Athletic Field, Public Park, Public Building or Commercial Structure
- 500 feet of any Residence, Public or Private School, Daycare Center, Hospital or Nursing Home

Measurements shall be made from the wellhead, in straight line without regard to intervening structures to the nearest exterior point of the protected use. All production equipment located on site shall be painted beige or earth tone and should be well maintained at all times. This includes pumping units, buildings, structures and tanks. A variance to the color may be granted when a different color would better match adjacent structures.

Tank battery facilities, wellheads and any production equipment, and all earthen or lined pits, shall be enclosed by a chain link fence at least seven feet in height with beige or earth toned-colored slats woven through the chain link topped with 3 strands of barbed wire angled outward. Fence must contain a locking gate. Additional or a different type of fencing may be required to conform with architectural standards and building materials existing on lots and or lands immediately adjacent to the well and within 500' of the well at the time the permit is issued; provided, however, that any requirement shall meet the "commercially reasonable" standard in Tex. Nat. Res. Code §81.0523.

Notwithstanding the foregoing, the setbacks in this Ordinance do not apply to any tract or tracts of land currently or hereafter located within the corporate limits of the City of Andrews that are designated, reserved, retained, conveyed, or granted for oil and gas drilling and production operations (commonly known as designated drillsite tracts or areas) as part of an agreement between an Operator, oil and gas lessee, or mineral interest owner and the owner of the surface of such tract or tracts that limits, relinquishes or waives the Operator's, lessee's or mineral interest owner's rights of surface use in order to foster the orderly and protected development of the surface estate.

2. Fresh Water Wells

If an existing fresh water well (as shown on the TWDB database) is located within 500 feet of the wellhead, the Operator must provide City Manager with a pre-drilling and post completion water analysis from the existing fresh-water well to determine any impact drilling may have on water quality. If reasonable access can be gained to the water well, the Operator shall conduct annual testing for fresh water wells located within 500 feet during the production life of the well, then once after the well is plugged and abandoned. The water analysis should be for the presence of chlorides and hydrocarbons.

3. Pursuant to an authorized Oil and Gas Permit, the Operator shall be required to perform the following:

- a. Permanent weatherproof signs reading "DANGER NO SMOKING OR OPEN FLAME ALLOWED IN THIS AREA" "PELIGRO NO FUMAR O INICIAR LLAMA EN ESTA ZONA" shall be posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the Fire Chief of the City of Andrews. Sign lettering shall be four inches in height and shall be red on a white background or white on a red background. Each sign shall include the emergency notification numbers of the Fire Department and the Operator, well and lease designations required by the Railroad Commission.

- b. An oil or gas well or equipment engaged in the drilling of a well shall be kept clear of trash, debris or high grass/weeds within a 100' radius of said well or equipment on property within the Operator's control and responsibility.
- c. Onsite storage should be minimized and limited to only equipment required for immediate operational needs. Lumber, pipes, empty drums, trucks, trailers, automobiles, junk tubing, casing and rods should not be left on site except when drilling or reworking operations are being conducted. Said items may be temporarily stored for up to 60 days, from time to time, as needed to support ongoing maintenance or operations. No vehicle or item of machinery shall be parked or stored on any street, right-of-way, driveway, alley or operation site except that which is necessary for immediate drilling or production operations.
- d. *Lights.* No person shall permit any lights located on any site to be directed in such a manner so that they shine directly on public roads, or adjacent property. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within 300 feet. This paragraph does not apply during initial drilling operations.
- e. *Noise.* No well shall be drilled, re-drilled or any equipment operated at any location within the City of Andrews in such a manner so as to create any noise which causes the exterior noise level when measured at the nearest exterior point of the protected use to exceed the following incremental dB levels (i.e. above the ambient or pre-operation background noise levels):

Retail/Commercial/Industrial	15 dBA day/15 dBA night
Residential/Single Family	10 dBA/10 dBA night

The Operator may establish the pre-operation background noise level by conducting a 72-hour average ambient noise test to establish said threshold, said average to be considered determinative.

If the measurement location is on a boundary between two different land use classifications, the lower noise level standard applicable to the noise zone shall apply. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. Acoustical blankets, sound walls, mufflers or other alternative methods may be used to ensure compliance. All soundproofing shall comply with accepted industry standards.

- f. *Monitoring for H₂S Gas:* If required by the Railroad Commission, equipment for the monitoring for H₂S gas shall be used during drilling. The Operator will comply with all requirements found in Statewide Rule 36 of the Railroad Commission, as amended, and said Operator shall adhere to the Railroad Commission's H-9 reporting requirements for the duration of the project. Within 60 days after completion, Operator shall submit to the Building Inspector results of testing to determine the concentration of H₂S gas produced from the well. Audible alarms to protect public health and safety are required to provide warnings for a substantial drop or increase in pressure or for the presence of H₂S in concentrations greater than 100 PPM.
- g. *Flaring.* Flaring of gas is prohibited within 1000' of any Residence, Public or Private School, Daycare Center, Hospital or Nursing Home unless a thermal oxidizer or enclosed system is deployed.
- h. *Salt-water disposal wells.* Access to commercial saltwater disposal wells that receive water by truck shall be restricted to state or federal highways, county roads, Andrews Loop 1910 or private lease roads. In the event that the Operator determines that the use of a non-commercial saltwater well is necessary for the operation of their oil and gas activity, the setbacks for an oil and gas well shall be maintained.

Section 3. Bond, Insurance and Indemnification

Prior to the issuance of an Oil and Gas Permit, the Operator shall provide a Surety Bond, Insurance and Indemnification as provided below. In lieu of a bond and insurance, an Operator who can demonstrate an unencumbered net worth of \$50,000,000 may provide a letter of self-insurance for the insurance and endorsements in the subsection(s) below. Such self-insurance

shall provide the same breadth and limits of cover as first class, commercial coverage would provide in meeting the below requirements.

1. Bond

- a. A bond given by the Operator as principal, and a surety company authorized to do business in the State of Texas. The bond shall run to the city for the benefit of the city, conditioned that if the permit be granted and if drilling operations be commenced thereunder:
 - i. The Operator and his assigns will comply with the terms and conditions of Section 3.1 in the drilling and operation of the well;
 - ii. The Operator will restore the streets, alleys, sidewalks and other public places of the city which may be damaged in connection with Operator's drilling and operations to their former condition and clear the drill site of all litter, machinery, equipment and buildings erected or used in the drilling or operation of the well, abandonment of the well, or the operation thereof discontinued; and
 - iii. The Operator or his assigns shall pay any and all damages which may occur or arise in connection with such operations to the city or any person or corporation.
- b. Such bond shall be the sum of \$25,000 per well; provided however, that in the event the Operator has multiple oil and gas wells, the maximum amount of the surety bond shall be \$100,000. However, if within 60 days after the completion of drilling operations of the well, no claim has been presented against the Operator or his assigns under the terms and conditions of such bond, the sum of the bond shall be automatically reduced to \$10,000, per completed well, which amount shall be continued in full force and effect until 60 days after the date the well is plugged and abandoned.
- c. Any bond issued hereunder shall be on a bond form mutually acceptable to Operator and the City, and contain a cancellation provision in the event: (1) Operator has plugged and abandoned all wells it operated in city limits and complied with the terms and conditions of this Section 3.1; or (ii) Operator assigns its wells to another Operator and such other Operator (now an Operator) promptly provides a replacement bond.

2. Insurance

Insurance coverage provided by the Operator is to be issued by an insurer authorized to do business in the State of Texas with a rating of A- or greater (according to A.M. Best Rating or S&P/Standard & Poors). The City of Andrews, its officials, employees, agents and officers shall be endorsed as an "Additional Insured" on all policies, excluding workers compensation, in favor of the City. The following are minimum limits of coverage:

Commercial general liability policy. This coverage must include premises, operations, blowout or explosion, products, completed operations, sudden and accidental pollution, blanket contractual liability, underground resources damage, broad form property damage, independent contractors protective liability, accidental death and personal injury. This coverage shall be a minimum combined single limit of 5,000,000 per occurrence for bodily injury, and property damage.

Sudden and Accidental Pollution liability coverage. With a policy limit of \$5,000,000 combined single limit per occurrence. Operator may satisfy this requirement through either a separate Operators Pollution Liability insurance policy or as part of Operator's Third Party liability insurance.

Operator's Extra Expense insurance including but not limited to: coverage for control and underground control of well; seepage, pollution, clean-up and contamination; excavation expense; making wells safe and care custody and control. The limits for such insurance shall not be less than \$5,000,000 combined single limit per occurrence.

Workers compensation and employers liability insurance.

- a. Workers compensation insurance in accordance with applicable state and federal laws.
- b. Employer's liability shall be a minimum limit of \$1,000,000.00 per accident.
- c. To the extent of the indemnity in Subsection C below, such coverage shall include a waiver of subrogation in favor of the City of Andrews.

Automobile liability insurance.

- a. Combined single limit of \$1,000,000.00 per occurrence for bodily injury and property damage.
- b. Coverage must include all owned, hired and non-owned automobiles. Current Certificates of Insurance shall be maintained on file with the City of Andrews.
- c. Indemnification.

An Oil and Gas Permit issued by the City of Andrews shall contain the following language:

OPERATOR AGREES TO INDEMNIFY AND HOLD HARMLESS AND DEFEND THE CITY OF ANDREWS, THE CITY'S OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY OF ANY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY ARISING OUT OF OR CAUSED BY THE WORK DONE BY OPERATOR UNDER AN OIL AND GAS PERMIT WHERE SUCH INJURIES, DEATH, OR DAMAGES ARE CAUSED BY OPERATOR'S SOLE NEGLIGENCE OR THE JOINT NEGLIGENCE OF THE OPERATOR AND ANY OTHER PERSON OR ENTITY, SUBJECT TO OPERATOR'S RIGHT TO SEEK INDEMNITY OR CONTRIBUTION FROM ANY SUCH PERSON OR ENTITY.

Section 4. Approval

An application for an Oil and Gas Permit shall meet all local, state and federal laws. An application meeting all of the General Conditions, including setback requirements, as well as other provisions of this Section and other applicable sections of the City of Andrews Code of Ordinances shall be administratively approved by the Building Inspector.

Section 5. Oil and Gas Permit Variance

A variance may only be issued from a General Condition. In the event that an applicant cannot meet certain requirements and requests a variance to any of the aforementioned General Conditions, the variance will be considered by the Planning & Zoning Commission (in its role as the Board of Adjustments). The P&Z Commission shall consider but not be limited to, the following relevant issues in consideration of a request for variance:

1. Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the area considering the particular location and the character of the improvements located thereon;
2. Whether the drilling of such well would conflict with the orderly growth and development of the City; including features identified in the Comprehensive Plan;
3. Whether the operations proposed are consistent with the health and welfare of the public when and if conducted in accordance with the Oil and Gas Permit conditions to be imposed;
4. Whether there is sufficient access for the public safety personnel and associated equipment;
5. Whether there is reasonable access to the oil and gas well site that minimizes the impact to residential properties if the use of non-designated commercial or truck routes are required;

6. Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the Oil and Gas Permit conditions are reasonable and justified, balancing the following factors:
 - a. The right of the owner(s) of the mineral estate to explore, develop and produce the minerals; and
 - b. The availability of alternate drill sites, both presently and at other times during the lease term that provide reasonable access to explore, develop and produce the mineral estate.
7. Whether the applicant is a reasonable and prudent Operator. In making said determination, the Planning & Zoning Commission may consider the number of citations issued for previous violations, convictions in municipal court, notice from city officials for non-compliance, failure to promptly rectify violations, conditions of well sites previously permitted, condition of well sites in the City of Andrews even if not permitted, condition of well sites in the City's extraterritorial jurisdiction, and input from citizens or the applicant; the request for inspection and extension of permit results; and infractions or violations submitted to or found by the Railroad Commission on previous oil and gas wells permitted and drilled.
8. Any special circumstances existing on the property on which the application is made related to the size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity.

A variance to reduce the setback may be granted, but under no circumstances shall the setback be reduced to less than 300' for a residential structure, commercial structure or public facility. If a variance is granted, the variance should be noted in the filed Final Plat for records.

The decision by the Planning & Zoning Commission shall be final as to the City's decision; provided, however, that nothing herein precludes the Operator from making a challenge or appeal as otherwise provided by law.

Section 6. New Developments within Established Areas of Oil and Gas Development

1. Building permits for new residential, commercial or public building construction should not be granted if the structure is located within 500 feet of an existing or permitted well or tank battery.
2. An owner or developer of private residences or commercial structures may request a variance from the Planning & Zoning Commission in order to receive a building permit for the construction of a residence or commercial building within 500 feet of any previously permitted oil and gas wells. An application for variance must be accompanied by a notarized petition signed by the owner(s) of the property in which the residence or commercial building that seeks to obtain a building permit within 500 feet of the previously permitted oil and gas well. Further, the application must include a notarized authorization from the Operator of the permitted well within the 500 feet setback to be considered. In the event a variance is granted, the Planning and Zoning Commission may authorize the building official to issue a building permit to the applicant. Any building permit issued under this paragraph shall include the following notation: "This building permit is issued for a structure to be constructed on a lot or tract located within 500 feet of a previously permitted oil or gas well." The variance should also be noted on the surveyor's plat of the residence or commercial property indicating the reduced proximity to a wellhead.

In no event shall a building permit be issued by the City of Andrews for any private residence or commercial building to be constructed, either in whole or in part, within 300 feet of a previously permitted but undrilled oil or gas well, or existing oil or gas well or a previously permitted tank battery.

In no event shall a building permit be issued by the City of Andrews for any church, public or private school, hospital, college or university, nursing home or day care center, within 300 feet of a previously permitted oil or gas well or a previously permitted tank battery.

In the event an Oil and Gas Permit has expired without drilling commencing at the permitted location, or in the event the oil or gas well is abandoned as described by the Texas Railroad Commission and this Section, the location of the proposed or abandoned oil or gas well drill site shall not trigger the requirements of this Subsection when requesting a building permit.

An owner of property may request the setback variance at any time, including at the time of platting; provided however, any plat approved permitting the construction of a private residence

or commercial building within such proximity to an existing well shall contain a notation on the face of the plat reflecting the approval of the setback variance.

The decision of the Planning & Zoning Commission shall be final.

Section 7. Plugged and Abandoned Wells

1. Surface requirements for plugged and abandoned well. All wells shall be abandoned in accordance with the rules of the Texas Railroad Commission, with Operator providing a copy of the W-8A "Notice of Intention to Plug and Abandon" and W-3 "Plugging Record" forms at the time they are submitted to the Texas Railroad Commission. Whenever abandonment occurs pursuant to the requirements of the Texas Railroad Commission, the Operator abandoning shall be responsible for the restoration of the well site to its original condition as nearly as practicable. A permanent abandonment marker pipe, no less than four (4) inches in diameter, with the well identity and location permanently inscribed, shall be welded to the casing with a length of four (4) feet visible above the ground level.

A five-foot no-build easement around the center of the plugged and abandoned well bore shall be required from the Surface Owner and the City Secretary shall timely file such easement in the applicable county deed records.

Section 8. Enforcement

1. The City Manager, or his designated representative, shall enforce the provisions of this Section. The official (or officials) shall have the authority to issue any orders, directives, warnings, or citations, required to carry out the intent and purpose of this Section and its particular provisions. The City Manager may retain the services of an independent consultant to aid in the detection of violations and enforcement of this Section.
2. The designated official (or officials) shall have the authority, in accordance with applicable law, to enter and inspect any premises covered by the provisions of this Section to determine compliance with the provisions of this Section. The designated official (or officials) may conduct periodic inspections of all permitted wells within the City to determine that the wells are operating in accordance with the requirements as set out in this Section.
3. The designated official (or officials) shall have the authority to request and receive any public records, including records sent to the Railroad Commission, reports and the like, relating to the status or condition of any permitted oil or gas well necessary to establish compliance with the applicable Oil and Gas Permit.
4. It is recommended that the designated official (or officials) contact the local office of the Railroad Commission in the event enforcement of applicable oil and gas regulations by the Railroad Commission becomes necessary or advisable.

Section 9. Repeal and Restatement

Article V of Chapter 14 of the Code of Ordinances (formerly Ordinance No. 97 and 658) is hereby repealed in its entirety and restated. All other ordinances or parts thereof in conflict herewith are also hereby repealed.

Section 10. Penalty

1. It shall be unlawful and an offense for any person to do the following:
 - a. Engage in any activity that violates the terms of an Oil and Gas Permit issued under this article;
 - b. Fail to comply with any condition set forth in an Oil and Gas Permit issued under this article; or
 - c. Violate any provision or requirement set forth under this article.
2. Any violation of this article shall be punished by a fine of not more than \$2,000 per day, subject to applicable state laws. Each day that a violation exists shall constitute a separate offense.

Section 11. Cumulative

The provisions of this ordinance are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 12. Savings and Severability

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Andrews hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

BE IT FURTHER ORDAINED that this ordinance shall take effect on January 1, 2016.

PASSED AND ADOPTED on first reading the 29th day of October, 2015.

PASSED AND ADOPTED on second reading the 10th day of December, 2015.


Flora Braly, Mayor

ATTEST:


Sara Copeland, City Secretary

