

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 102-200 OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS, PROVIDING FOR GEOPHYSICAL MINERAL EXPLORATION AND TESTING; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

I.

DIVISION 3 - GEOPHYSICAL MINERAL EXPLORATION AND TESTING.

SECTION 102-200: Required.

No person shall use or discharge in any manner any explosive including, but not limited to, dynamite and nitroglycerin, nor conduct any other method of geophysical mineral testing by the use of vibrating machines, or otherwise within the city, without first having obtained a permit therefor.

SECTION 102-201: Application.

Application for a permit under this article shall be made with the city secretary. Such application shall contain the name of the applicant, address of the applicant, the geophysical methods of mineral exploration to be used, the purpose therefor, the location and use with a map attached designating the points of use. Such application shall be accompanied by a permit fee in an amount established by the city and listed in appendix A of this Code. On receipt of such application by the city secretary, the application shall be referred to the city manager for a report as to the compliance of such application with the provisions of this article. Such report and the application shall then be submitted to the city council. No permit shall be issued except by the approval of the city council.

SECTION 102-202: Insurance and bond requirements.

(a) On approval of the permit, but before the issuance of the permit, the applicant shall provide the city secretary with an insurance certificate showing insurance coverage of the applicant for general liability coverage in amounts not less than:

- (1) Bodily injuries: \$1,000,000.00 per person and \$3,000,000.00 per accident: and
- (2) Property damage: \$1,000,000.00

(b) Such insurance coverage shall be provided by a good and solvent insurance company authorized to do business in the state. In addition, the applicant shall provide a cash bond in the amount of \$5,000.00. Such cash bond shall be for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this article. The bond shall become effective on or before the date the bond is filed with the city secretary and remain in force and effect and on deposit for at least a period of six months after the exploration ends.

SECTION 102-203: Duration.

All permits issued under this article shall expire 120 days from the date of its issuance.

SECTION 102-204: Terms.

The terms of the permit shall be as follows:

- (1) The permittee shall not use any source point energy that exceeds 0.5 in/sec PPV and shall monitor PPV within 50 feet of any structure.
- (2) The written agreement shall cover any water well damage effective for 90 days after completion of the work.
- (3) At least one city police officer (off-duty) shall be employed to accompany the work crew while testing on the city rights-of-way, and the permittee shall provide 24-hour notice to the chief of police.
- (4) The permittee shall obtain written permission from citizens to enter their property.

SECTION 102-205. Reserved.

DIVISION 3: REGULATIONS.

SECTION 102-206: Explosives.

Explosives may be used with the prior and express written consent of the city council.

SECTION 102-207: Notice of time and place of use of testing methods.

No geophysical method of mineral exploration shall be used under this permit without the permittee having first, on the date of such proposed use, notified the city secretary and city manager of the proposed

time and location of the planned use. If the city secretary is not available, notice shall be given to the chief of police, in addition to the city manager, and if he is not available, then to any police personnel of the city. No testing shall be conducted on Sunday, nor between the hours of 8:00 p.m. and 6:00 a.m. local time unless prior approval by the City Manager. Notice shall also be given of the name of the person in charge of the testing for the permittee for the day on which notice is given. In addition, written notice of such testing to the occupants of all dwellings located within 300 feet of the test site at least 24 hours prior to the testing.

II.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

III.

It is officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

IV.

The City Council finds that this Ordinance relates to the immediate preservation of the public peace, safety and welfare, in that it is necessary that the above regulations be immediately put into effect to provide public safety of persons and property for mineral exploration and testing, thereby creating an emergency, for which the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with and this Ordinance should be passed finally on its introduction; and, accordingly, such requirement is dispensed with and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2018 **by a vote of** _____ **“Ayes” and** _____ **“Noes”**.

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney