

ORDINANCE NO. 20-00390

AN ORDINANCE OF THE CITY OF MUSTANG RIDGE, TEXAS PROHIBITING EQUIPMENT AND OTHER PERSONAL PROPERTY/FACILITIES USED IN CONNECTION WITH OIL AND GAS OPERATIONS FROM BEING LOCATED WITHIN CERTAIN DISTANCES OF PUBLIC ROADWAYS, AND FROM BEING LOCATED ON PROPERTIES AND WITHIN CERTAIN DISTANCES OF PROPERTIES, LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY, THAT ARE NOW OR HEREAFTER ZONED AS COMMERCIAL OR INDUSTRIAL.

WHEREAS, within the municipal boundaries of the City there are lands where surface ownership and ownership of the underlying minerals has been severed; and

WHEREAS, severance of mineral ownership from the surface creates the potential that a desired commercial or industrial use of the surface is prohibited and/or unreasonably and detrimentally impacted by the threatened or actual placing of surface equipment such as tanks, separators, heater/treaters, pipelines, and other storage and transportation facilities used in connection with oil, gas and other mineral development, exploration or production, on such property; and

WHEREAS, the value of the commercial property and/or industrial property and its value for purposes of providing adequate collateral to lenders providing construction and/or purchase money loans will be adversely impacted in situations where the surface owner does not own or have controlling executive rights as to the minerals located under said property – thereby potential precluding development of said property for commercial or industrial uses; and

WHEREAS, the City desires to protect the surface of lands now or hereafter zoned commercial or industrial and lying within the municipal boundaries of the City from being used for oil and gas operations through commercially reasonable regulation that does not effectively prohibit an oil and gas operation as defined Section 81.071(2) of the Texas Natural Resources Code:

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSTANG RIDGE, TEXAS THAT:


- A. No surface equipment (including but not limited to tanks, separators, heater/treaters, pipelines, and other storage and transportation facilities) to be used in connection with an oil and gas operation, as defined in Section 81.071(2) on the Texas Natural Resources Code, shall be located on property lying within the municipal boundaries of the City that is now or hereafter zoned as commercial and/or or industrial. In addition, no surface equipment used in connection with an oil and gas operation, as defined in Section 81.071(2) on the Texas Natural Resources Code, shall be located within two

hundred feet of (1) any public roadway or (2) any real property lying within the municipal boundaries of the City that is now or hereafter zoned as commercial and/or or industrial.

- B. In event the surface owner (or 100% of the surface owners) of a property zoned as commercial or industrial requests that the provisions of this Ordinance be waived as to that property, then such owner(s) can request a variance from the Mustang Ridge City Council, such variance request to be considered at a regular public meeting for which notice is given as provided by law. It shall be within the purview of the City Council to either grant or deny any such request.
- C. If any part of this ordinance or its application is for any reason held to be unconstitutional, invalid or unenforceable, the unconstitutionality, invalidity, or unenforceability of any such part shall in no way affect, impair, or invalidate the remaining parts of this ordinance, but as to such remaining parts, this ordinance shall remain in full effect.
- D. Because prompt action is in the public interest, this ordinance shall be effective immediately upon its passage, effective as of this date.
- E. The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Mustang Ridge immediately.


PASSED by the City Council of Mustang Ridge, Texas, on the 9th day of November, 2020.





Mayor David Bunn

ATTEST:



Christina Gomez
City Secretary