

ORDINANCE NO. 2007-16

AN ORDINANCE REGULATING OIL, NATURAL GAS AND MINERAL DRILLING AND EXPLORATION WITHIN THE CITY LIMITS OF THE CITY OF CLINTON, ARKANSAS, PROVIDING FOR THE PERMITTING AND LICENSING THEREOF, PROVIDING FOR PENALTIES FOR THE VIOLATION OF PROVISIONS HEREIN, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, The discovery of large oil and natural gas deposits throughout north central Arkansas have prompted the area, including the City of Clinton, to realize the scale of the exploration and drilling that such finds will bring in terms of new business and potential economic growth as well as the scale and problems associated with the infrastructure necessary to conduct such exploration and drilling; and

WHEREAS, The City Council of the City of Clinton desires to promote the economic growth anticipated with such industry but at the same time to protect and enhance the property values of all property within the city through the continued enforcement of the Clinton Zoning ordinances as well as to protect the infrastructure of the City of Clinton from any unnecessary wear and tear; and

WHEREAS, the current zoning ordinances do not effectively deal with potential problems associated with the exploration and drilling of oil, natural gas or mineral rights within the city limits and therefore, additional regulations and requirements are necessary to protect the property uses within the city as well as to promote the growth of such an industry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS:

Section 1. TITLE

This ordinance may be cited as the Clinton Oil and Natural Gas Drilling Ordinance.

Section 2 DEFINITIONS

(a). For the purposes of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT – The discontinued use of any permitted site under this Ordinance including the plugging of the well and the restoration of the well site.

BUILDING – Any structure used or intended for supporting or sheltering any activity, use or occupancy. The term "Building" includes any portion of the structure.

CITY – The City of Clinton, Arkansas.

CITY OFFICIAL – The Clinton Zoning Official or other person as designated by the Mayor.

DRILLING – Digging or boring a new well for the purpose of exploring for, developing or producing petroleum, gas or other hydrocarbons, or for the purpose of injecting gas, water or other fluid or substance into the earth.

DRILL SITE – All of the land area used in the drilling or other related operations and/or natural gas or mineral exploration, specifically including, but not limited to, rig locations, portable or permanent structures, steel slush pits, storage areas for pipe or other material, and areas for parking and maneuvering of vehicles, except roadways used for ingress or egress to the drill site.

OPERATION SITE – The area used for development, production, and all operational activities associated with oil or gas after drilling activities are complete.

PERMITTEE – The person or entity to whom is issued a permit or certificate for oil, gas or mineral exploration or drilling, operating and producing of a well under this Ordinance, and his or her or its heirs, legal representatives, successors and assigns.

PERSON – Any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator and a fiduciary or representative of any kind.

PROPERTY OWNER – The named owner of real property as reflected by the most recent Deed recorded in the Circuit Clerk's office.

PROTECTED USE – A residence, commercial building, religious institution, public building, hospital building, school, public park or an approved preliminary or final platted residential subdivision.

RIGHT-OF-WAY – All public rights of way or streets or other public property with the city limits.

STREET – Any street, highway, sidewalk, alley, avenue, recessed parking area, or other public right of way, including the entire right of way.

WELL – Any hole or holes, bore or bores, including multiple horizontal bores, to any sand, horizon, formation, strata or depth for the purpose of producing any oil, gas, liquid hydrocarbon, brine water, sulphur water, mineral or for the use as an inspection well for secondary recovery, or any of them.

(b) All technical or oil and natural gas industry words or phrases used herein and not specifically defined shall have that meaning customarily attributable there by prudent operators in the oil and gas industry.

Section 3. PERMITS REQUIRED

(a) A person wishing to engage in and operate in oil, mineral or natural gas production activities shall apply for and obtain a permit under this Ordinance. It shall be unlawful and an offense for any person acting either for himself or herself or acting as agent, employee, independent contractor, or servant for any person to knowingly drill any well or to

- conduct any mineral exploration or to install any water and/or gas repressurizing or injection facility within the city limits of Clinton without a permit having first been issued by the authority of the City official. A permit shall not be required for seismic surveys unless such surveys will be conducted on city owned property.
- (b) A permit shall not constitute authority for the re-entering and drilling of an abandoned well. A Permittee shall obtain a new permit if he is re-entering and drilling an abandoned well.
 - (c) When a permit has been issued for the drilling, re-drilling, deepening, re-entering, activating or converting of a well, such permit shall constitute sufficient authority for drilling, operation, production, gathering of production, maintenance, repair, reworking, testing, plugging and abandonment of the well, and any other activity associated with the mineral exploration at the site of such well. Unless prohibited by this Ordinance such permit shall constitute sufficient authority for the construction and use of all facilities reasonably necessary or convenient in connection therewith, agent and contractors and any provision of any Zoning Ordinance of the City of Clinton to the contrary notwithstanding.
 - (d) Any person who intends to re-work a permitted well using a drilling rig, to fracture stimulate, a permitted well after initial completion or to conduct seismic surveys or other exploration activities shall give written notice to the Zoning Official no less than ten (10) days prior to the start of such activities. The notice shall identify where the activities will be conducted and must describe the activities in detail, including whether explosive charges will be used, the duration of the activities and the time the activities will be conducted. If requested by the Zoning Official the person conducting the activities shall post a sign on the property giving the public notice of the activities, including the name, address and twenty four hour phone number of the person conducting activities.
 - (e) No additional permit or filing fees shall be required for:
 - (1) Any wells, existing, previously permitted or approved by the City of Clinton on the date this Ordinance is adopted.
 - (2) Any wells on which drilling has commenced on the date this Ordinance is adopted.
 - (f) By acceptance of any permit issued pursuant to this Ordinance, the Permittee expressly stipulates and agrees to be bound by and comply with the provisions of this Ordinance. The terms of this Ordinance shall be deemed to be incorporated in any permit issued pursuant to this Ordinance with the same force and effect as if this Ordinance was set forth in the permit.

Section 4. PERMIT APPLICATION AND FILING FEE; NOTICE OF APPLICATION

- (a) A Special Use Permit shall be required for every site on which there will be an application for a permit to drill a well, reenter and drill to a deeper formation, install a water and/or gas repressurizing or injection facility, or to conduct any mineral exploration shall be in writing on a form prescribed by the City Official, signed by the applicant or some person authorized to act on his behalf, and filed with the City Official together with the onetime fee required for inspections of commercial or industrial site preparations
- (b) Oil and natural gas drilling operations are designated to require a Special Use permit due to the potential harmful effects such use can cause to nearby streets and property and because the requirements needed to eliminate those harmful effects vary from site to site. Thus the Clinton Zoning Official, or other official designated by the Mayor, will review the overall compatibility of the planned use with surrounding property as well as such specific items such as street standards, traffic patterns, compliance with any adopted fire prevention code of the City of Clinton, amount of dust or spillage created by the operation, traffic control and any other specific issue to make sure no harmful effects occur to nearby property or existing public property. However, nothing in this Ordinance shall be interpreted and/or applied so as to effectively prevent or eliminate oil and/ natural gas drilling within the city.
- (c) A separate application for a Special use Permit shall be required for each well and water and/or gas repressurizing or injection facility. The application shall include full information, including the following:
 - (1) The date of the application.
 - (2) A map showing the proposed transportation route and road for equipment, chemicals or waste products used or produced by the oil or gas operation.
 - (3) The proposed well name and the certified 911 address.
 - (4) The name and address of the Permittee and if the Permittee is a corporation or other business entity, the state of incorporation and the agent for service of process and if the Permittee is a partnership, the names and addresses of the general partners.
 - (5) The names and addresses of all property owners within four hundred (400) feet of the property that will contain the proposed drill site and evidence that said property owners have been given written notice by certified mail, return receipt requested of the intent to seek a Special Use Permit for the proposed property.
 - (6) A site plan and survey of the proposed operation showing the

location of all improvements and all equipment, including the location of the proposed well(s) and other facilities, including, but not limited to, tanks, pipelines, compressors, separators, storage sheds, fencing and any access roads.

- (7) The name and address of the person designated to receive any notices and the name and address of any person with supervisory and/or emergency authority over all oil and gas operations on site and a twenty four (24) hour phone number.
- (8) A description of the public utilities and water source required during drilling and operation.
- (9) A copy of all permits necessary for the drilling of the well that are issued by the State of Arkansas or any of its agencies and the federal government or any of its agencies.
- (10) Evidence of insurance and security requirements under this Ordinance.
- (11) A statement under oath by the applicant that the information submitted with the application is, to the best of his knowledge and belief, true and correct.
- (12) The location of all security fencing around the site (if applicable) and a description of the proposed special use, including the description of any construction of temporary structures to be used on the property.

Section 5. PERMITS; ISSUANCE OR REFUSAL TO ISSUE

- (a) The City Official within ten (10) business days after the application for a permit to drill a well or a permit to install water and/or gas repressurizing or injection facilities or conduct any mineral exploration shall determine whether or not the application complies in all respects with the provisions of this Ordinance, then the City Official shall issue a permit for the drilling of the well or the installation of the facilities applied for.
- (b) If the Zoning Official determines that a Permit should be denied for reasons other than lack of a required distance setback as set forth in this Ordinance, the Zoning Official shall notify the Applicant in writing of such denial stating the reasons for the denial. Within thirty (30) days of the date of the written decision of the Zoning Official to deny the permit, the Applicant may: 1) cure those conditions that caused the denial and resubmit the application to the Zoning Official for approval and issuance of the permit without any additional fees; or 2) file an appeal to the City Council for inclusion on the next regularly scheduled City Council meeting.
- (c) If, however, the City Official determines that all of the provisions of this Ordinance have been complied with by the applicant but that the proposed

- drill site is not the required distance from occupied residences, commercial structures or public buildings as required above, or that the drill site is crossed by a public street or road, then the City Official shall issue the permit if the applicant provides written approval from all property owners with structures that will be nearer than the required set back distance described in this Ordinance.
- (d) If any issue is appealed to the City Council the Council shall review the application, the issue in question and any other related material and information. The City Council shall consider the following in deciding whether or not to issue a permit or grant a waiver of a condition required in this Ordinance:
- (1) Whether the requested waiver or permit is reasonable under the circumstances and conditions prevailing in the area considering the particular location and the character of the improvements located there.
 - (2) Whether the drilling of such wells will interfere with the orderly growth and development of the City.
 - (3) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the permit conditions to be imposed.
 - (4) Whether there is access for City fire personnel and firefighting equipment and or police personnel as may be needed.
- (e) If, following the public hearing, the City Council finds that exceptional circumstances exist, it may grant a requested waiver or permit application upon such terms and conditions as it determines to be necessary to protect the public health and safety.
- (f) The decision of the Council shall be final and in making its decision, it shall, in addition to other considerations, have the power and authority to refuse any permit to drill any well at any particular location within the city, when by reason of such particular location and the character and nature of the improvements already erected on or adjacent to the particular location in question for residences, commercial activities, schools, hospitals, parks, civic purposes, public health or safety reasons or any of them where the drilling of such wells at such particular location would be injurious to the health or safety of the inhabitants in the immediate area of the city or to a substantial number of such inhabitants or would not promote orderly growth and development of the city.
- (g) Each permit shall:
- (1) By reference have incorporated therein all of the provisions of this Ordinance with the same force and effect as if they were copied

verbatim in the permit.

- (2) Specify the surface location of the proposed drill site.
- (3) Contain and specify such other terms and provisions as may be necessary to accomplish the purposes of this Ordinance.
- (4) Contain and specify that no actual operations shall be commenced until the Permittee has complied with the bond and insurance provisions of this Ordinance.
- (5) Require that the Permittee promptly restore to its former condition any public property damaged by the oil or gas operation.

Section 6. WELL SETBACKS

- (a) It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located:
 - (1) Within two hundred (200) feet of any Protected Use whether currently existing or for which a building permit has been issued prior to the date of the application for a permit under this Ordinance.
- (b) The distances referred to in Section (a) above shall be calculated from the well bore, in a straight line, without regard to intervening structures or objects to the closest exterior point of any object or boundary listed in Section (a).

Section 7. BOND AND INSURANCE

- (a) A bond or irrevocable letter of credit shall be filed with the City Official in the amount of one hundred thousand dollars (\$100,000.00) along with the permit application for the initial well or facility applied for by an operator. An additional bond or letter of credit shall be required for every application for a tenth operating additional well or facility. To be clear the bond or irrevocable letter of credit shall apply to up to nine operating wells or facilities of each and every kind. The bond shall be executed by the operator as principal and a corporate surety authorized by the Arkansas Insurance Department to conduct business within the State of Arkansas, as surety and with the bond in favor of the City of Clinton conditioned that the Permittee will comply with all of the terms, conditions, and requirements of this Ordinance and any permit issued hereunder, and further conditioned that the Permittee will repair any damages to city streets, as determined by the Street Department, caused by the equipment and vehicles used by the Permittee in going to and from the drill site with such repairs to be in compliance with specifications therefore prepared and provided to the Permittee by the Street Department.

Section 8. PERMIT TERMINATION

- (a) In the event of a failure of a Permittee to comply with any provision of

this chapter, the City Official shall issue in writing to the Permittee a notice of the nature of the noncompliance and providing a reasonable time, not to exceed seven (7) days in which to regain compliance. After the lapse of such time, if compliance has not been made, the City Official may suspend the permit for a period of time or cancel the permit as he deems proper.

Section 9. AMENDED PERMITS

- (a) A Permittee may submit an application to the Zoning Official to amend an existing permit to commence drilling from a new drill site that is not shown on the permit, to relocate a drill site or operation site that is shown on the existing permit, or to otherwise amend the existing permit.
- (b) Applications for Amended Permits shall be in writing, signed by the Permittee, and shall include the following:
 - a. A description of the proposed amendments;
 - b. Changes to the information in the original application;
 - c. Such additional information as may be reasonably required by the Zoning Official to demonstrate compliance with the existing permit or to prevent imminent destruction of property or injury to persons.
- (c) If the activities proposed by the amendment are not materially different from the activities covered by the existing permit and if the proposed activities are in conformance with the applicable permit then the Zoning Official shall approve the amendment within ten (10) business days of it being filed.
- (d) If the activities proposed by the amendment are materially different from the activities covered by the existing permit and if the proposed activities are in conformance with the applicable permit then the Zoning Official shall approve the amendment within ten (10) days of it being filed. If, however, the activities proposed by the amendment are materially different from the activities covered by the existing permit and, in the opinion of the Zoning Official, might create a risk of imminent destruction of property or injury to persons that was not associated with the activities covered by the existing permit or that was otherwise not taken into consideration by the existing permit, the Zoning Official may require the amendment be processed as a new application but without payment of any additional fees that may have been required.
- (e) The failure of the Zoning Official to review and issue an amended permit within the time limits specified herein shall not cause the application for an amended permit to be deemed approved.
- (f) The decision of the Zoning Official to deny an amendment to a permit shall be forwarded to the Permittee in writing within ten (10) days after

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the decision, including an explanation of the basis for denial. The Permittee may appeal such decision to the City Council.

Section 10. USE OF STREETS AND ALLEYS

- (a) No Permittee shall make any excavations for any purpose or construct any lines or pipes on, under or through the streets or alleys or other lands of the City of Clinton without an express easement agreement or right of way license from the City, at a price to be agreed upon, and then only in strict compliance with this Ordinance or any other Ordinance of the City and the repairs to any such excavation to be made according to specifications set by the Clinton Street Department.
- (b) The Permittee shall, at Permittee's expense, repair any damages to roads, streets, highways or other city property caused by the use of heavy vehicles and equipment for any activity associated with the preparation, drilling, production and operation of any well permitted under this Ordinance.

Section 11. STREETS AND ALLEYS; OBSTRUCTIONS

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/or streets or alleys shown on the master plan of the City, and no street or alley shall be blocked or encumbered or closed in any drilling or production operation or for any mineral or natural gas exploration except by written permission of the Police Chief, and then only temporarily.

Section 12. PRIVATE ROADS AND DRILL SITES

- (a) Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the operation site must be at least ten (10) feet wide, have an overhead clearance of fourteen (14) feet and be surfaced and maintained so as to prevent dust and mud and to allow access for firefighting equipment or other emergency vehicles.
- (b) The requirements of Section (a) above may be altered at the discretion of the Zoning Official in consultation with the Fire Chief after consideration of all circumstances including, but not limited to, the following: 1) distances from streets and highways; 2) distances from nearby property owners whose surface rights are not leased by this operation; 3) the purposes for which the property of such owners is or may be used; 4) topographical features; 5) soil conditions; 6) exposure to wind.

Section 13. OPERATIONS, PRACTICES AND STANDARDS

- (a) Drilling operations must be conducted in such a manner that percolating or ground water will not be adversely affected.
- (b) All oil drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration or

- noxious odors, and shall be in accordance with the best accepted practices incident to drilling for the production of oil, gas and other hydrocarbon substances.
- (c) There shall not be a Central Point Compressor Station (from multiple wells) located in the City of Clinton without the approval of such a station by the City Council.
 - (d) Except in cases of emergency, no materials, equipment, tools or pipe used for drilling or production operations shall be delivered to or removed from the site except between the hours of 7:00 a.m. to 8:00 p.m. on any day. On drillstem tests, only one trip will be allowed at night between 8:00 p.m. and 7:00 a.m. unless an emergency exists.
 - (e) Firefighting apparatus and supplies as approved by the Fire Chief shall be maintained on the drilling site at all times during drilling and production operations.
 - (f) All production equipment used shall be so constructed and operated so that noise, vibration, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drill site or from anything incident thereto, to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they, from time to time, become available if capable of reducing factors of nuisance or annoyance.
 - (g) The well site, drill site, tank site, tank battery site, pump station site or compressor site shall not be used for the storage of pipe, equipment or material except during the drilling or servicing of the well and the production facilities allowed on the site.
 - (h) No refinery, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises at any time. This shall not be deemed to exclude a simple gas separation process.
 - (i) All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area or subdivision.
 - (j) No lights located on any drill or operation site shall be directed in such a manner that they shine directly on public roads, adjacent property or property in the general vicinity of the drill or operation site. 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 four hundred (400) feet.

- (k) Exhaust from any internal combustion engine, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of non combustible materials sufficient to suppress noise and prevent the escape of noxious gases, fumes or ignited carbon or soot.
- (l) Signs
 - (1) A sign shall be immediately and prominently displayed at the gate of the temporary and permanent fencing erected pursuant to this Ordinance. Such sign shall be of a durable material, maintained in a good condition and have a surface area of not less than two (2) square feet nor more than five (5) square feet and shall be lettered with the following:
 - (A) Well name and number
 - (B) Name of Permittee and the telephone numbers of the person responsible for the well who may be contacted in case of an emergency and 911 address of the well
 - (2) Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" shall be posted immediately upon completion of the well site fencing at the entrance of each well site.
- (m) Each well must have a shutoff valve to terminate the well's production. The Fire Department shall have access to the well site to provide fire protection in an emergency.
- (n) The Permittee shall provide the Zoning official with forty-eight (48) hours advance notice of the start of drilling and/or fracturing operations.

Section 14. CLEANLINESS AND SANITATION

- (a) The premises shall be kept in a clean and sanitary condition. The Permittee shall prevent any mud, waste water, oil, slush or other waste matter from flowing into the alleys, streets, lots or other property within the city limits.
- (b) All permittee premises shall be kept clear of high grass, weeds and combustible trash within a radius of one hundred (100) feet around any oil tank, tanks, or producing wells. All waste shall be disposed of in such a manner as to comply with the air and water pollution control regulations of Arkansas, the United States and the City of Clinton.

Section 15. FENCES REQUIRED; LOCKING GATES; WAIVER

- (a) Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as 24 hour on-site

supervision is provided. A secured entrance gate shall be required. All gates are to be kept locked when the Permittee or its employees are not within the enclosure.

- (b) Within thirty (30) days after production has been established, all operation sites shall be completely enclosed by a permanent chain link fence, masonry wall or other fencing material.
- (c) All chain link fences or masonry walls shall be equipped with at least one (1) gate wide enough to allow access for fire or emergency vehicles. The gate shall meet the following specifications:
 - (1) The gates shall be of chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as a chain link fence;
 - (2) The gates shall be provided with a combination catch and locking device for a padlock, or an electric lock, and shall be kept locked except when being used for access to the site;
 - (3) The Permittee shall provide the Fire Chief with a means of access the well site in the event of an emergency.
- (d) The Permittee shall maintain all walls, fencing and gates in good condition at all times. Gates must be kept securely locked when the Permittee or its employees are not within the enclosure.
- (e) The requirements for a fence or wall may be modified or waived by the City Council after consideration of all of the circumstances including, but not limited to, the nature of the surrounding land uses and the potential impact of the well site on such surrounding land uses if the fence or wall is not required.

Section 16. FIRE PREVENTION

- (a) Any Permittee engaged in the drilling or operation of an oil and/or natural gas well or the operation of any facility used in conjunction with the production of oil and/or natural gas within the city limits shall take reasonable precautions to prevent any gas from escaping into the air, and shall not burn or flare any gas from a torch or any similar means within the city limits provided, however, that gas may be burned for a limited time when necessary to complete any oil and/or natural gas, so long as same does not constitute a fire hazard to the property of others within the vicinity of such oil and/or natural gas well.
- (b) Water must be available at the site (within one thousand five hundred (1500) feet) by either fire hydrant or hoses that connect to fire department connections. This requirement may be waived by the City Council upon application and a showing that such requirement is not essential for fire suppression or extinguishment at the site.

- (c) If blasting is required then all such blasting shall be done by federally licensed technicians during daylight hours and in the presence of the fire department.

Section 17. FLOW LINES AND GATHERING LINES

- (a) Each Permittee shall place an identifying sign at each point where a flow line or gas gathering line or line carrying H₂S gas crosses any public street, road or alley and it shall be unlawful and an offense for any person to remove, destroy or deface any such sign.
- (b) The location of any such lines, if not specified in the permit, must be specifically approved by the Director of the Street Department.
- (c) All pipelines within the city limits other than those belonging to the city for its utility services and other than those belonging to natural gas, electric telephone and other utility providers that are designed or utilized to transport oil, natural gas or water in conjunction with the production and transportation of oil and/or gas or for repressurizing operations shall be installed with a minimum of twenty-four (24) inches of cover or backfill unless a lesser cover or specify a greater cover or backfill is authorized by the Director of the Street Department
- (d) The requirements for construction in public right of ways must conform to any and all applicable Ordinances of the City of Clinton.
- (e) The digging up, breaking, excavating, tunneling, undermining, breaking up or damaging of any street as herein defined, or leaving upon any street any earth or other material or obstruction, shall not be permitted unless such persons shall first have obtained written permission from the Director of the Street Department, provided however, emergency repairs may be made without such permission when in the good faith opinion of the Permittee the delay required to obtain the written permission would involve a hazard to persons or property.

Section 18 REPORTS

- (a) The Permittee shall notify the Zoning Official of any changes to the name, address and phone number of the Permittee or the person designated to receive notices from the City within five (5) business days after the change occurs:
- (b) The Permittee shall notify the Zoning Official of any change to the name, address, and twenty-four hour phone number of the person(s) with supervisory authority over drilling or operations activities within one (1) business day.

Section 19. VIOLATIONS

- (a) It shall be unlawful and an offense for any person to violate or fail to comply with any provision herein.

Section 20. PENALTY

Any person who violates any provision of this Ordinance or any provision of a permit issued hereunder shall be guilty of a violation and shall, upon conviction thereof, be fined in any sum not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). The violation of each separate provision of this Ordinance and of any permit issued hereunder shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense.

Section 21. MISCELLANEOUS PROVISIONS

- (a) This Ordinance and all of its provisions and requirements shall be cumulative to the provisions and requirements of all other ordinances of the City of Clinton and shall not repeal any other Ordinance or provision.
- (b) It is hereby declared by the City Council of the City of Clinton that the phrases, clauses, sentences, paragraphs, sub-sections and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, sub-section or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, sub-sections and sections of this Ordinance.

Section 22. EMERGENCY CLAUSE

- (a) The immediate potential of the expanding oil, gas and mineral drilling and exploration within the city limits conflicts with the promotion of the orderly growth of the City of Clinton and may interfere with the health and safety of its citizens. Therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED: October 11, 2007

Roger L Rorie
Roger Rorie, Mayor

ATTEST:

Merl Eoff
Merl Eoff, Recorder/Treasurer/Clerk, CMC

APPROVED AS TO LEGAL FORM:

Brad A. Cazort, City Attorney

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