

ORDINANCE NO. 2010-4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING AND CLARIFYING ARTICLE 4.09.001 OF THE CITY'S CODE OF ORDINANCES ENTITLED "DRILLING OR MINING," PROHIBITING ANY AND ALL EXCAVATION, MINING AND DRILLING OPERATIONS, WITHIN THE MUNICIPAL LIMITS OF THE CITY OF BASTROP; PROVIDING VARIANCE PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop has previously found and determined that drilling operations for the exploration for and/or production and removal of water, oil, gas, liquids, and/or gaseous hydrocarbon minerals should be prohibited within the City limits because of fire safety hazards to buildings, structures and improvements within the City created by such operations, and because of the very real potential for injury to persons and damages to property and the endangerment of the general welfare, health, and safety of the citizens of the City of Bastrop created by such operations; and

WHEREAS, in 2007, the City Council adopted Ordinance No. 2007-31 to reflect the above-noted finding and determination and to implement its prohibition, which was subsequently codified in the City's Code of Ordinances, Chapter 4, Section 4.09.001, *et seq.*; and

WHEREAS, the City Council now desires to clarify the intent and purpose of Ordinance No. 2007-31, and to provide that the codification of Ordinance No. 2007-31 be clarified; and

WHEREAS, the police power of the state, which is delegated to cities by law, should be, and is hereby, invoked in aid of the enforcement of the adoption of the City's Ordinances, pertaining to drilling and mining in the City of Bastrop, Texas.

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

PART 1: That the City Of Bastrop, Code of Ordinances, Chapter 4, entitled "BUSINESS REGULATIONS" is amended as follows:

ARTICLE 4.09.001

Sec. 4.09.001 Purpose and Intent/Definitions

(a) Purpose and Intent. **Drilling, Mining and Excavation is generally prohibited in the municipal limits.** Except as otherwise provided herein, the

City of Bastrop prohibits drilling operations and surface mining operations, including any and all production and excavation operations within the City's municipal limits.

(b) Definitions

[No changes.]

PART 2: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

PART 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable hearing and publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

READ AND ACKNOWLEDGED ON FIRST READING ON THIS 12th DAY OF JANUARY 2010.

PASSED AND APPROVED ON SECOND READING ON THE 26th DAY OF JANUARY 2010.

APPROVED:



Mayor Terry Orr

ATTEST:



Teresa Valdez, City Secretary

APPROVED AS TO FORM:
Jo-Christy Brown
City Attorney, City of Bastrop