

ORDINANCE NO. 04-2017

AN ORDINANCE OF THE CITY OF SAN ANTONIO, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, PROHIBITING OIL AND GAS WELL STIMULATION WITHIN THE CITY; ADDING CHAPTER 26, ARTICLE V, TO THE SAN ANTONIO CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS; PROVIDING FOR INCLUSION INTO THE SAN ANTONIO CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR INCLUSION IN THE CODE, ADMINISTRATIVE PROCEDURES FOR SCRIVENER ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the San Antonio Board of City Commissioners (“Board”) is the legislative and governing body of San Antonio, a municipal corporation of the State of Florida authorized to exercise home rule governmental powers pursuant to § 2(b), Art. VIII of the State Constitution of the State of Florida and Section 166.021, Florida Statutes; and,

WHEREAS, clean water is fundamental to the health of Florida’s Citizens, the environment and economy; and,

WHEREAS, the City’s potable water utility relies upon groundwater sources; and,

WHEREAS, extreme well stimulation, such as hydraulic fracturing, acid fracturing, and cyclic steam injection (also known as “fracking”), is the process of pumping a complex mix of fluids and chemicals, including large volumes of water, under very high pressure into or below the surface of the ground to create fractures or weakness in oil-bearing or gas-bearing geologic formations, for the purpose of producing or recovering oil or gas or to otherwise facilitate the mobility of oil and gas for extraction; and

WHEREAS, the industrial construction activities, including well site preparation, drilling, well stimulation treatments, re-drilling, drilling fluid and waste storage and management, piping facilities and servicing of the wells for the extraction of oil and gas pose a contamination threat to the environment, particularly water resources; and,

WHEREAS, the chemical constituents injected during fracturing may have adverse effects on human health and the environment; and,

WHEREAS, the use of well stimulation fracturing mixes may expose groundwater, adjacent land, and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and,

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic rock-fracturing activities designed to extract hydrocarbons; and,

WHEREAS, extreme well stimulation poses potential risks for contaminating the Floridan Aquifer, the source of drinking water for Floridians and an essential water supply in San Antonio; and,

WHEREAS, the Board finds it is in the best interest of the health and welfare of the citizens of San Antonio to prohibit oil and gas well stimulation within San Antonio; and,

NOW, THEREFORE, be it ordained by the City Commission of San Antonio, Florida as follows:

SECTION 1. Addition to Code of Ordinances. Chapter 26, Environmental, Article V, Oil and Gas Well Stimulation Prohibited, of the San Antonio Code of Ordinances, is hereby created as follows:

Article V, OIL AND GAS WELL STIMULATION PROHIBITED.

Sec. 26-96. – Title.

This article shall be titled Oil and Gas Well Stimulation Prohibited.

Sec. 26-97. – Applicability.

This article shall be applicable to and embrace the incorporated areas of San Antonio, Florida.

Sec. 26-98. – Definitions.

Hydraulic Fracturing means the process by which fractures in rocks below the earth's surface are widened by injection of water, chemicals, or both under high pressure used in the extraction of oil and gas.

Matrix Stimulation means the injection of any acid into a well to break up impediments without fracturing the well.

Well Stimulation means any process of injecting vast amounts of water, chemicals, or both, into the ground as a means of oil and gas exploration and/or extraction. Well stimulation includes hydraulic fracturing and matrix stimulation and does not include routine well cleaning that does not affect the integrity of the well or formation.

High-pressure Well Stimulation means all stages of a well intervention performed by injecting fluids into a rock formation at high pressure that exceeds the fracture gradient of the rock formation in order to propagate fractures in such formation to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore. The term does not include well stimulation or conventional workover procedures that may incidentally fracture the formation near the wellbore.

Sec. 26-99. – Prohibitions.

No person shall cause, suffer, permit, or allow the use of any form of well stimulation, including, but not limited to, high pressure, hydraulic fracturing, matrix stimulation, acid fracturing, and cyclic steam injection for oil, gas, or similar resource extraction within the city limits.

SECTION 2. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 3. Codification. It is the intention of the City Commission, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the city. Section numbering and layout may be revised to fit the Code.

SECTION 4. Administrative Correction of Scrivener’s Errors. It is the intention of the City Council that the provisions of this ordinance shall not be made a part of the City of San Antonio Code of Ordinances; and that sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the Mayor or his/her designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 5. Effective Date. This Ordinance shall take effect upon passage.

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This Ordinance was read for the first time at the regular special session of the City Commission held on _____. The vote was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner/Mayor Newlon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Bassinger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Thornberry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Stallworth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The final reading was held on the _____ day of _____, at a regular special session of the City Commission, and this Ordinance was adopted rejected . The vote was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner/Mayor Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Bassinger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Markley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Thornberry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Stallworth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY OF SAN ANTONIO, FLORIDA

Mark Anderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Buzzone, City Clerk

Gerald T. Buhr, City Attorney