

ORDINANCE NO. 2015-009

AN ORDINANCE OF THE CITY OF COCONUT CREEK FLORIDA AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE" BY AMENDING ARTICLE IV, "ENVIRONMENTAL REGULATIONS" BY AMENDING DIVISION 1 "GENERALLY" BY ENACTING A NEW SUBSECTION 13-1000 "OIL AND NATURAL GAS EXPLORATION AND EXTRACTION" AND ENACTING A NEW SUBSECTION 13-1001 "PENALTIES" IN ORDER TO PROHIBIT THE ABOVE-REFERENCED ACTIVITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF COCONUT CREEK; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coconut Creek finds that exploration for natural gas through means of well stimulation is a practice used in oil and natural gas extraction that involves treatment of a well to enhance production by increasing the permeability of an underground geologic formation; and

WHEREAS, hydraulic fracturing, also known as "Fracking" is a type of well stimulation treatment that involves a high-pressure injection of hydraulic fracturing fluids that contain a mixture of water, sand and chemicals into underground geological formations to create fractures in order to increase flows to further the production of oil and gas from wells; and

WHEREAS, acid well stimulation treatment, also known as "Aciding", is another type of well stimulation treatment that uses, in whole or in part, the application or injection of one or more acids and toxic additives into a well or underground geological formation to enhance production of oil and or gas; and

WHEREAS, well stimulation processes such as Fracking and Aciding are the subject of grave concern regarding the adverse environmental impact of such practices, including, but not limited to, the contamination of groundwater supplies and an increase in seismic activity, as well as the production of hazardous waste water containing radioactive substances and toxic chemicals; and

WHEREAS, well stimulation practices are shown to generate numerous type of air pollutants, including but not limited to volatile organic compounds, methanol, and formaldehyde, resulting in increased air pollution; and

WHEREAS, chemicals used in well stimulation may migrate into surrounding groundwater resulting in contamination and irreparable harm to groundwater supplies; and

WHEREAS, the Biscayne and Floridan aquifers are the source of all fresh groundwater in Broward County and protection of the aquifers from environmental contaminants is vital to the future of the City of Coconut Creek, Broward County and South Florida; and

WHEREAS, well stimulation treatments involve both vertical and horizontal drilling, which can create a nuisance for and negative environmental impact upon property owners who reside on, or own property above, the drilling site or who are adjacent to areas subjected to such treatments; and

WHEREAS, the potential long-term and cumulative environmental impacts of well stimulation treatments would endanger the health, safety and welfare of the residents of the City of Coconut Creek and have the potential to irreparably damage the Biscayne aquifer;

WHEREAS, the City finds and determines that the exploration for oil and natural gas and extraction of natural gas through means of well stimulation constitutes a nuisance and poses a significant environmental threat to the residents of the City of Coconut Creek.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That Chapter 13 “Land Development Code”, Article IV “Environmental Regulations”, Division I “Generally” of the Code of Ordinances of the City of Coconut Creek is hereby amended to enact a new Subsection 13-1000, “Oil and Natural Gas Exploration and Extraction” as follows:

Sec. 13-1000 Oil and Natural Gas Exploration and Extraction

(1) Definitions:

(a) “Exploration” shall mean geologic or geophysical activities related to the search for oil, natural gas or other subsurface hydrocarbons.

- (b) “Natural Gas” shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth in which maintains the gaseous or rarefied state at standard temperature or pressure conditions.
 - (c) “Hydraulic fracturing” or “Fracking” shall mean any type of well stimulation treatment that involves a high-pressure injection of hydraulic fracturing fluids containing a mixture of water and/or sand and chemicals into underground geological formations
 - (d) “Acid well stimulation treatment”, or “Aciding” shall mean any type of well stimulation treatment that uses, in whole or in part, the application or injection of one or more acids into a well or underground geological formation to enhance production of oil and or gas
 - (e) “Well stimulation” shall mean any method of hydraulic fracturing or acid well stimulation.
- (2) Oil and or natural gas exploration or extraction by means of well stimulation practices is prohibited within the municipal boundaries of the City.
 - (3) It shall be a violation of this section for any person, firm, corporation or other entity to conduct any exploration or drill any well for oil or natural gas extraction within the municipal boundaries of the City of Coconut Creek utilizing any method of well stimulation.
 - (4) It shall be a violation of this section for any person, firm, corporation or other entity to conduct any exploration or drill any well for oil or natural gas extraction using any method of well stimulation notwithstanding its commencement in another jurisdiction or municipality which encroaches on the horizontal subsurface of the municipal boundaries of the City.

Section 2: That Chapter 13 “Land Development Code”, Article IV “Environmental Regulations”, Division I “Generally” of the Code of Ordinances of the City of Coconut Creek is hereby amended to enact a new Subsection 13-1001, “Penalties” as follows:

Sec. 13-1001 Penalties.

Any person, firm, corporation or other entity who violates Section 13-1000 shall, upon conviction thereof, be subject to the penalties set forth in Section 1-8 of the City code of Ordinances. Said violation may be presented to the Code Enforcement Board, Special Master or Circuit Court or other court having

jurisdiction thereof and any such violation may be subject to an action for injunction.

Section 3: Severability. If any section, sentence, clause or phrase for this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of this ordinance.

Section 4: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 5: Effective Date. This Ordinance shall be in full force and effect immediately.

PASSED FIRST READING THIS 12TH DAY OF FEBRUARY, 2015.

PASSED SECOND READING THIS _____ DAY OF _____, 2015.

Rebecca A. Tooley, Acting Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

TOOLEY	Aye	_____
BELVEDERE	Aye	_____
SARBONE	Aye	_____
WELCH	Aye	_____