

TOWN OF PINK, OKLAHOMA  
AMENDMENT OF ORDINANCE NO. 16

AN ORDINANCE OF THE TOWN OF PINK, OKLAHOMA AMENDING AND ADOPTING AND ENACTING THE OIL AND GAS ORDINANCE, COMPILED AND PUBLISHED BY THE AUTHORITY OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PINK, OKLAHOMA, REGULATING OIL AND GAS DRILLING OPERATIONS AND PRODUCTION OPERATIONS, CONTAINING REGULATIONS REGARDING ROAD USE, TRAFFIC, NOISE, ODORS, SETBACKS, FENCING, AND OTHER REGULATIONS, AND REQUIRING PERMITS TO DRILL AND/OR OPERATIONS PERTAINING TO OIL AND GAS PRODUCTION, ALL WITHIN THE JURISDICTIONAL AREA OF THE TOWN OF PINK; PROVIDING FOR SEVERABILITY AND ALSO PROVIDING FOR REPEALER, CODIFICATION.

**WHEREAS**, the Oklahoma Legislature adopted Senate Bill 809 and signed into law by the Governor in May of 2015 authorizing regulations by municipalities to 1) “enact reasonable ordinances, rules and regulations concerning road use, traffic, noise and odors incidental to oil and gas operations within [their] boundaries” so long as such ordinances, rules and regulations are not inconsistent with regulations established under Title 52 or by the Oklahoma Corporation Commission, and 2) “establish reasonable setbacks and fencing requirements for oil and gas well site locations as are reasonably necessary to protect the health, safety and welfare of [their] citizens but may not effectively prohibit or ban any oil and gas operations;” and

**WHEREAS**, local governments are preempted from regulating the same features of oil and gas drilling operations or accomplishing the same purposes regulated under the Oklahoma Corporation Commission; and

**WHEREAS**, the purpose of this ordinance is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Town residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Town. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the resident of the Town.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PINK, OKLAHOMA, THAT:** THE BOARD OF TRUSTEES OF THE TOWN OF PINK, OKLAHOMA HEREBY ADOPT THE FOLLOWING "OIL AND GAS ORDINANCE OF THE TOWN OF PINK, OKLAHOMA" REPEALING ORDINANCE NO. 16, WHICH WAS ENACTED AND PASSED ON 1-4-1982, AND ITS AMENDING ORDINANCE, WHICH WAS ENACTED AND PASSED 7-5-1995 AND A FURTHER AMENDING ORDINANCE WHICH WAS ENACTED AND PASSED 4-8-2019, OF THE TOWN OF PINK AND ADOPTING NEW PROVISIONS TO BE THE LATEST, AND ONLY EFFECTIVE AMENDING ORDINANCE OF ORDINANCE NO. 16, TO WIT:

**Section 1: AMENDATORY:**

**ARTICLE 1: GENERAL PROVISIONS**

**Section 1. CITATION, AUTHORITY AND JURISDICTION.**

This ordinance and these regulations shall hereafter be known, cited, and referred to as "Oil and Gas Ordinance of the Town of Pink, Oklahoma." These regulations govern the regulation regarding road use, traffic, noise, odors, setbacks and fencing incidental to oil and gas operations within the jurisdictional area of the Town of Pink. This ordinance has been prepared, adopted, and enacted by the board of trustees in and for the Town of Pink in accordance with and pursuant to the authority granted by Title 52 O.S. §137.1.

**Section 2. INTENT AND PURPOSE.**

Whereas the imprudent operation of an oil and gas facility can constitute a nuisance to the public health, safety and welfare of the Town of Pink, it is the intent and purpose of this ordinance that oil and gas operations be reasonably regulated to protect the health, safety and welfare of the public and for the public good.

**Section 3. DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply:

- A. "Board of trustees" shall mean the governing body of the town.
- B. "Commercial", when referring to deleterious substance disposal sites, shall be defined as any disposal site where deleterious substances disposed of are produced off the lease or transported over lease lines.
- C. "Corporation commission" shall mean the Oklahoma Corporation Commission.
- D. "Deleterious substance" shall mean any chemical, saltwater, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or any injurious substances produced or used in the drilling, development, producing, transportation, refining and process of oil, gas or condensate; or any other injurious substances.
- E. "Dwelling" a walled and roofed building that can be lived in or occupied by inhabitants.
- F. "Enhanced recovery" shall mean an operation by which fluid or energy is introduced into a source of supply for the purpose of increasing the recovery of oil therefrom according to a plan which has been approved by the Oklahoma Corporation Commission.
- G. "Lease owners" shall refer to the name of the mineral interest owners in fee or in lease.
- H. "Mayor" shall mean the chief elected official of the town.
- I. "Natural production" shall mean the raising to the surface of the earth, by natural flow, petroleum or natural gas.

J. "Natural resources" shall mean any water, air, land, trees, animals, or any other matter provided by nature.

K. "Oil and gas Administrator" shall mean that person, firm, or corporation qualified and employed by the Town of Pink to enforce the provisions of this ordinance, or by his/her authorized representatives.

L. "Operator" shall mean the person who is duly authorized and in charge of the development of a lease or the operation of a producing property.

M. "Owner" shall mean the person or persons who have the right to drill into and to produce from any common source of supply, and to appropriate the production either for himself, or for himself and others.

N. "Permittee" shall mean the person to whom is issued a permit or permits under the terms of this chapter.

O. "Person" shall mean and include any person, firm, partnership, association, corporation, trust, cooperative, limited liability company, or other type of organization.

P. "Pressure maintenance" shall mean an operation by which gas, water or other fluids are injected into a supply of oil or gas to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery.

Q. "Re-enter" or "Re-entry" or "Re-entering" shall mean the act of entering a plugged well for the purpose of utilizing said well for the production of oil or gas, for the disposal of fluids therein, for a service well, or for the salvaging of tubing or casing therefrom.

R. "Reworking" or "Workover activities" shall mean one or more of a variety of remedial operations on a producing well to try to reestablish, maintain, or increase production. A permit is not necessary to rework a well unless the well is deepened.

S. "State" shall mean the State of Oklahoma, its branches, departments, agencies, boards or the officers thereof.

T. "Town" shall mean the municipality of Pink, Oklahoma.

U. "Town administrator" shall mean the chief administrative officer of the town.

V. "Well" shall mean, unless specifically stated otherwise, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing.

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

**Section 4. OIL AND GAS ADMINISTRATOR.**

A. The town board of trustees may employ, and/or assign a qualified person, persons, firm, limited liability company, corporation or other legal entity as an oil and gas Administrator, whose duty it shall be to oversee and enforce the provisions of this chapter.

B. The oil and gas Administrator shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this ordinance and its particular provisions. Failure to abide by any such order or directive shall be a violation of this chapter.

C. The oil and gas Administrator shall have the authority to go upon and inspect any equipment and any premises covered by the terms of this ordinance to ascertain whether this ordinance. Failure to permit access to the oil and gas Administrator shall be deemed a violation of this chapter.

D. In the event the town board of trustees choose not to employ and/or assign an Oil and Gas Administrator, the mayor or vice mayor of the Town of Pink, Oklahoma shall have the ability to act as the Oil and Gas Administrator with all rights and responsibilities enumerated hereunder.

**ARTICLE II. PERMITS**

**Section 5. PERMITS.**

It shall be unlawful for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor or any other person, to drill an oil and gas well, or operate a producing or deleterious substance disposal well, or to work upon or assist in any way in the production or operation of any well, without a permit having first been issued by the authority of the board of trustees in accordance with this ordinance.

Permits shall be required for the following:

1. Drilling an original well (for the exploration for production of oil or gas);
2. Drilling an original well or re-enter an existing well (for use as an injection well, as a disposal well or as a service well);
3. Re-entering a plugged well;
4. Deepening an existing well;
5. Operating a well; and
6. Drilling or operating an injection well.

All permit applications shall be submitted in a form provided by the town. Permit applications must be submitted at least thirty (30) days before the board of trustees meeting for proper review.

**Section 6. LOCATION AND SETBACK REQUIREMENTS.**

A. No permit shall be issued for the drilling of an original well

or the re-entry of a well, or for any other purposes, at any location which is:

1. Nearer than six hundred sixty (660) feet of any permanent residence, commercial building, Church, school, or building where animals are customarily kept and are actually being kept prior to the application to drill was made;
2. closer than three hundred thirty (330) feet of a public road right-of-way;
3. closer than six hundred sixty 660 feet of a producing fresh water well;
4. within a platted subdivision;
5. within a survey of lots and blocks, or
6. within six hundred sixty (660) feet of the boundary of a platted subdivision or survey of lots and blocks.

B. Exceptions allowing well location closer than six hundred sixty (660) feet from a permanent residence, commercial building, fresh water well, church, school, or building where animals are customarily kept and are actually being kept prior to the application to drill was made shall be granted by the town board of trustees, only if written approvals and releases are obtained from the persons in the following enumerated paragraphs; and said approvals and releases are filed with the town.

Approvals and releases shall be obtained from:

1. Any property owner;
2. Any life tenant or remainderman of said permanent residence, commercial building or structure;
3. Any lessee or tenant of said permanent residence, commercial building, or structure;
4. Any person having an applicable power of attorney over any of the above stated individuals; provided that said attorney in fact shall provide a copy of the said power of attorney documentation authorizing the attorney in fact to act of his behalf, shall provide the address and telephone number of the person for whom he is acting, and provide his own address and telephone number before the approval and release shall become effective.

C. Exceptions shall not be granted allowing a well location to be closer than:

1. three hundred (300) feet of a producing fresh water well;
2. within a platted subdivision;
3. within a survey of lots and blocks which has been filed of record at the Pottawatomie County Clerk's office; or
4. six hundred sixty (660) feet of the boundary of a platted subdivision or a survey of lots and blocks.

D. Exceptions allowing well locations closer than three hundred thirty (330) feet from a public road right-of-way may be granted at the discretion of the town board of trustees.

E. 100-year flood plain. Application to drill an original well or re-enter an abandoned well within the 100-year floodplain shall be subject to special review by the town floodplain administrator. All requirements of the Flood Damage Prevention Ordinance shall be met.

**Section 7. APPLICABILITY TO EXISTING CONDITIONS.**

This ordinance shall apply to any person drilling an original well, re-entering an abandoned well, conducting natural or artificial production projects or operations, enhanced recovery, maintaining a producing well, injection well, a deleterious substance disposal well within the Town of Pink. If an operator has complied with the terms of this ordinance, obtained the drilling and operating permits, and thereafter a request is made to deepen or otherwise enhance or modify the permitted well, the town will consider the well pre-existing to any subsequent encroachments that have occurred since the well was originally permitted. Any well in operation prior to the date of this ordinance, or any well for which a plugging report has not been filed with the Oklahoma Corporation Commission, shall obtain a permit to operate.

**ARTICLE 3: PERMIT APPLICATION PROCESS**

**Section 8. PERMIT APPLICATION TO DRILL AN ORIGINAL WELL FOR THE EXPLORATION OF OIL OR GAS.**

A. Every application for a permit to drill an original well for the exploration of oil or gas shall be in writing, signed by the applicant or by some person duly authorized to sign same on the applicant's behalf, and it shall be filed with the town administrator and be accompanied by a filing fee and deposit in an amount established by the board of trustees. Said application shall state:

1. The name and address of applicant and date of application.
2. A block map of the ten (10) acres certified by a licensed surveyor, drawn to scale, with the drill site located in the center of the map and including the area surrounding the drill site, including thereon topographical contour lines, the location of the proposed access road, tank battery(ies) and any other surface facilities, the location of the proposed well, and distance there from to all existing platted subdivisions, dwelling-houses, buildings, or other structures designed for the occupancy of human beings or animals, within six hundred sixty (660) feet of any such well, the location of all public roads, right-of-ways, and the location of all existing oil, gas or fresh water wells within said a tract.
3. The names of the surface, lease owners, life tenants, if any, remaindermen, if any, lessee or tenant, and the name of the mortgagee, if any.
4. The name and address of the person within the State of Oklahoma upon whom service of process upon applicant may be made within this state; and in the case of any nonresident person who has no such service agent within this state, there shall be attached to the application the designation of the Secretary of State for the State of Oklahoma as service agent and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder.
5. A verification of the above information by the applicant hereunder.
6. A verification signed by the applicant, and the operator saying that they will abide by the oil and gas ordinance for the Town of Pink.

7. A copy of the approved drilling permit from the corporation commission, any orders issued by the corporation commission, and a copy of the staking plat shall be filed with the town prior to issuance of the municipal permit.

**Section 9. PERMIT APPLICATION TO DRILL AN ORIGINAL WELL OR RE-ENTER AN EXISTING WELL FOR USE AS AN INJECTION WELL, DISPOSAL WELL OR A SERVICE WELL**

A. No person shall drill an original well to be used for enhanced recovery, injection, or disposal of saltwater or other deleterious substances, or a service well; or re-enter an existing well for these same purposes, without first obtaining the necessary permit therefore. Such permit shall consist of two (2) separate parts:

1. Permit to drill or re-enter, and
2. Permit to operate.

B. The town recognizes the vital importance of water for each and every household within the town's incorporated limits. The Corporation Commission's rules provide that no commercial disposal well shall be allowed within the "Wellhead Protection Area" as defined by USC §300h-7 (which provides for public water systems). Oklahoma's Wellhead Protection program is to minimize the risk of pollution by limiting activities on the land around public water supply wells. Currently, The Town of Pink does not have a municipal public water supply. Residents receive water from individual private water wells. Therefore, the town recognizes the vital importance and need of keeping all disposal wells away from all water sources, whether private or public in nature.

C. An application for the permit to drill or re-enter a well for enhanced recovery, injection, or substance disposal, or a service well shall be in the same form as that required for a permit to drill an original well, as provided for above, and shall contain complete information as may be required by the oil and gas administrator and including the following:

1. If the application is for a permit to drill or re-enter a well for substance disposal, applicant must state whether the well will be used for commercial purposes. No permit to operate or permit to drill or reenter any substance disposal well shall be allowed within a distance of 2,640 feet (1/2 mile) radius from any water well. A lesser distance may be allowed if written consent is received from seventy-five percent (75%) of the property owners within 2,640 feet (1/2 mile) radius of the proposed disposal well.
2. A block map by a certified surveyor drawn to scale of the well site showing all equipment to be used thereon, access roads, and distances from the well to any and all fences, public roadways, right-of-ways, platted subdivisions, dwelling-houses, buildings, or other structures designed for the occupancy of human beings or animals, within six hundred sixty (660) feet of any such well.
3. A block map by a certified surveyor of the project drawn to scale, showing the location of:

- a) each and every water supply well within a 1/4 mile (1,320 feet) radius of each injection or disposal well;
- b) all water supply wells, disposal wells, injection wells, producing wells and plugged and abandoned wells within the project area;

4. All wells within the project area

5. operation name for each well.

6. copies of all information supplied to the corporation commission, and said commission's approval of the project.

C. Upon the completion of the application required hereunder, the oil and gas Administrator shall have thirty (30) business days to review same and make a recommendation of approval or disapproval to the mayor and the board of trustees.

**Section 10. PERMIT APPLICATION TO RE-ENTER A PLUGGED WELL**

A. Where the application is one for the re-entry of an abandoned or plugged well, said application shall contain all the information required above, in addition to a statement of the then condition of the well.

**Section 11. PERMIT APPLICATION TO DEEPEN AN EXISTING WELL**

Where the application is one for the deepening an existing well, such permits shall be issued by the town without the necessity of approval by the board of trustees. Said operating permits shall be issued only after bringing the well into compliance with the provisions of this ordinance.

**Section 12. PERMIT TO OPERATE AN ORIGINAL WELL FOR THE EXPLORATION OR PRODUCTION OF OIL OR GAS**

Such permits shall be issued by the town without the necessity of approval by the board of trustees. Said operating permits shall be issued only after bringing the well into compliance with the provisions of this ordinance.

**Section 13. PERMIT APPLICATION TO OPERATE AN INJECTION WELL, DISPOSAL WELL OR A SERVICE WELL**

Prior to placing any enhanced recovery, injection, substance disposal well, or service well into operation, a permit to operate such well shall be obtained from the town. Every application for a permit to operate such well shall contain all the information required for all other types of wells, where applicable.

**ARTICLE 4. REVIEW, APPROVAL OR DENIAL**

**Section 14. TOWN BOARD REVIEW OF PERMIT RECOMMENDATIONS.**

Once an application to drill an original well or re-entry of an existing well permit, required by the terms of this ordinance has been made, the oil and gas administrator shall ensure the thorough



review of the application. The oil and gas administrator shall recommend either approval or disapproval to the board of trustees, based on the review and completeness of the application, the site, and overall compliance with this ordinance. The board of trustees, shall review the application at a regularly scheduled meeting or special meeting, and thereupon approve or disapprove the permit with or without the addition of any conditions thereto.

**Section 15. ISSUANCE OR REFUSAL OF PERMIT.**

A. The oil and gas administrator or a designee of the Town, within thirty (30) business days after the filing of an application for a permit under this ordinance shall determine whether or not said application complies in all respects with the provisions of this ordinance, and, if it does, shall recommend to the mayor and board of trustees that the permit, with an accompanying number thereon, be issued. Each permit issued under the terms of this ordinance shall:

1. By reference have incorporated therein all the provisions of this ordinance with the same force and effect as if this ordinance were copied verbatim therein;
2. By reference have incorporated therein all the provisions of applicable federal and state law, and the rules, regulations and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;
3. Specify that the term of said permit shall be for a period of six (6) months from the date of approval unless drilling operations have commenced, or, unless an application for an extension has been filed and approved, and for like periods thereafter upon the successful inspection of the permittee's well and operations.
4. Specify such conditions imposed by the oil and gas Administrator as are authorized by this ordinance.
5. A permit to drill or operate may be denied for the following reasons:
  - a. failure to comply with the terms of any of the town's ordinances; or
  - b. failure to comply with the oil and gas Administrator's directives;

B. If the permit be issued, it shall, in two (2) originals, be signed by the oil and gas Administrator and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the town and the contractual obligation of the permittee to comply with the terms of such permit and applicable state law, rules, regulations, standards and directives. One executed copy of said permit shall be retained by the oil and gas Administrator; one executed copy shall be retained by the permittee and shall be kept available for inspection by any town or state law enforcement official who may demand to see the same; and one executed copy shall be retained by the town.

**Section 16. APPLICATION FOR EXTENSION OF DRILLING PERMIT.**

If the Permittee has not commenced drilling operations within six (6) months from obtaining the original permit to drill, the Permittee shall file an application for an extension and pay the fee associated with the same. If the application for extension is received prior to the expiration of the original permit, town staff, may grant the extension providing if after examining the information, no material change of condition has occurred. If granted, the extension shall be for an additional

six (6) month period of time. If all requirements are not current and up to date, or if there has been a material change of condition, then the extension shall be denied and the permit shall expire. Only one (1) extension shall be allowed.

**ARTICLE 5. THE DRILLING PROCESS AND WELL OPERATIONS**

**Section 17. INGRESS AND EGRESS.**

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, roads or alleys of the town; and no street or alley shall be blocked or encumbered or closed in any drilling or production operation except with the written approval of the town and then only temporarily.

All leasehold roads shall be kept in a passable condition and shall be made accessible at all times for representatives and field inspectors of the Corporation Commission, the town’s oil and gas Administrator, or other appropriate persons. A well road shall not be used by residents of a subdivision for egress and/or ingress.

Access road location. The location of any access road necessary for the drilling of an original well or the re-entry of an abandoned well shall be located in a manner to reduce any negative impact on surrounding residences.

Lease roads shall be maintained in such a manner as to safely and comfortably allow for ingress and egress of town or state personnel traveling in a common passenger motor vehicle.

**Section 18. NOISE AND OTHER NUISANCES.**

All oil operations, drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to exploration for, drilling for and production of oil, gas and other hydrocarbon substances. Proven technological improvements in exploration, drilling and production methods shall be adopted as they become, from time to time, available, if capable of reducing factors of nuisance and annoyance.

The following table shall be used to determine the acceptable noise level for all sites:

TABLE 1. FOR LIMITING SOUND LEVELS FOR LAND USE SITES

Zoning District Classification	Time	Averaged Minimum/Maximum Sound Level Limits, dBA
Residential	7:00 a.m.—10:00 p.m.	55—65
	10:00 p.m.—7:00 a.m.	50—60
Commercial/ business	7:00 a.m.—10:00 p.m.	60—70
	10:00 p.m.—7:00 a.m.	55—60
Industrial/ agriculture	24 hours a day	70—80

- (a) The oil and gas Administrator is authorized to use acceptable scientific measuring devices to determine the noise levels at any operational location. This shall be done on an irregular schedule.

- (b) If the noise level is above acceptable levels at any operational site, the oil and gas Administrator shall inform the permittee to immediately apply remedial methods to lower the excessive noise.
- (c) If the excessive noise level is not lowered as determined by the oil and gas Administrator, the Municipality is authorized to assess a penalty of an unspecified amount which may include an operational cessation order.
- (d) In the event no zoning classification is determined for an area of real property, until such time as a zoning classification is made, said area shall fall into the category of Industrial/agriculture for the limiting of sound level only. This provision is not intended to supplant, replace, or otherwise alter any portions of the Town code with regards to zoning or noise limitations.

**Section 19. FENCES.**

Any person who completes any well as a producer shall have the obligation to enclose said well, together with its surface facilities, by a fence sufficiently high and properly built so as to ordinarily keep persons and animals out of the enclosure with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. The fence shall consist of no less than 12 ½ gauge, 5 strands of barbed wire with 6 feet steel T-posts of 1.25 gauge, set every ten (10) feet. More stringent or secure fencing may be required by the town. Fences must be kept locked at all times workers of permittee are not present; a duplicate set of keys to said lock shall be filed with the oil and gas Administrator.

**ARTICLE 6: ENFORCEMENT**

**Section 20. COMPLIANCE WITH APPLICABLE LAWS.**

No person shall drill an original well, deepen a well, or re-enter an abandoned well for any purpose, or allow any well, structure, equipment, pipeline, machinery, tank or other appurtenance, in violation of any of the provisions of this chapter.

**Section 21. COMPLAINTS.**

If, upon information or inspection, it is found that a permittee is violating any portion of this chapter, the permittee shall take immediate action to discontinue the conduct that is resulting in the violation. Otherwise, formal application will be made to the board of trustees for an order revoking the permit, and for any other appropriate remedy.

**Section 22. ENFORCEMENT AND ADMINISTRATION.**

A. These regulations shall be enforced by the oil and gas Administrator, or a designated representative acting at the direction of the town board of trustees, who shall review all permit application and the citizen's premises for compliance with oil and gas ordinance provisions. The oil and gas Administrator has the right to go onto a citizen's premises for the purpose of inspecting the property to be able to determine compliance with the town's ordinances.

B. It shall be a violation of these regulations for any person to drill, or re-enter a well for any purpose without first obtaining the proper approval of a permit as provided in these regulations.

C. In the event there is a violation of the terms of this ordinance, then the town may seek any relief accorded by the law of the State of Oklahoma or any other relief set forth in this ordinance.

D. The provisions of this ordinance may be enforced by any affected person through injunctive proceedings in any court of competent jurisdiction. For the purposes of this section, the word "person" shall include, but not be limited to, the Town of Pink and a private citizen. In the event a lawsuit is filed, attorney fees, court costs, and all other costs to the town shall be recovered.

E. In the event the oil and gas Administrator has given a directive to the permittee and/or operator to do an act which is in compliance with this ordinance and the permittee has not complied with the directive, the town may cause the work to be done so that the permittee/operator is in compliance with the provisions of this chapter.

### **Section 23. VIOLATIONS AND PENALTIES.**

A. Any person who violates any provision of this ordinance shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established by state law. Each day upon which such violation continues shall be deemed a separate offense.

B. In case any well is drilled, re-entered or operated in violation of this ordinance, the Town of Pink, Oklahoma, in addition to other remedies available, may institute any proper action or proceedings to prevent such unlawful activities, in order to restrain, correct or abate such violation. Nothing contained herein shall prevent the Town of Pink from filing suit against the owner, operator, or permittee for violations of the provisions of this ordinance and seeking injunction, abatement of a nuisance or removal of the non-conformity or any other appropriate relief as may be granted by the district court. In the event a lawsuit is initiated, the Town of Pink shall be entitled to all fines, attorney fees and costs incurred in the said lawsuit, which shall include the costs of bringing the action, service of process, expert fees, the costs associated with the oil and gas Administrator, and any and all other costs which have been incurred.

C. The cost of removing or abating any non-conformity or nuisance may be collected by any other legal means available.

D. In cases where it is deemed impractical summarily to abate the nuisance, the Town of Pink may bring suit in the district court. All costs of bringing the suit, which shall include attorney fees, service of process fees, expert fees, all costs associated with abating the nonconformity or nuisance, fines, costs associated with the oil and gas Administrator, and all other costs shall be assessed against the permittee / operator / driller as provided herein.

E. Any violation of this ordinance shall result in the Town of Pink requesting and recouping from the violator all costs associated with the enforcement of this ordinance, including but not limited to all attorney fees, court costs and all other costs associated with the oil and gas Administrator's time and expenses.

### **Section 25. FEES**

The Board of Trustees is hereby authorized to establish a regulatory fee, which is shall be specifically tailored to, and tied to the Town's regulation, inspection and enforcement of oil and gas activity within Town Limits, including the wear and damage of the Town's existing

infrastructure, as provided for in this chapter of the Town Code regulating the same. The Fee shall be in lieu of any annual business license required elsewhere in this code of ordinances.

All fees shall be levied and collected by the oil and gas Administrator, or the Administrator's designated agent, and paid by the Operator of each Well.

There shall be an initial regulatory fee of \$3,500.00 for each new well drilled, paid to the Town Clerk-Treasurer, together with an annual renewal fee of \$350.00 per well, payable on the yearly anniversary date of the original fee. In the event that multiple wells are drilled on one (1) well pad, then the annual renewal fee shall be limited to \$350.00. Should the fee be paid in an untimely manner, after the anniversary date, the Town may subject the fee to a rate of 5.25% per annum interest.

The fees provided for in this section may be amended from time to time by the Board of Trustees by Ordinance.

**Section 26. SEPARABILITY.**

If any section, clause, paragraph, provision or portion of this zoning ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section; clause; paragraph; provision; or portion of said ordinance, and to this end, the provisions of this zoning ordinance are declared to be separable.

**Section 2: SEVERABILITY.** The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

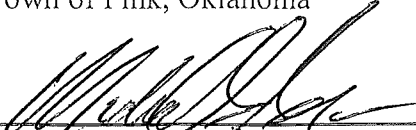
**Section 3: REPEALER.** All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

**Section 4: CODIFICATION.** This Ordinance shall be codified in the Town of Pink Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

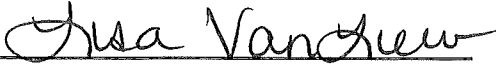
[EXECUTION BELOW]

PASSED AND APPROVED this 8 day of May, 2023.

Town of Pink, Oklahoma

  
Mike Green, Vice-Mayor

ATTEST:

  
Lisa Van Liew, Mayor  
And Acting Clerk/Treasurer