



63rd City Council

Mayor Steven J. Gentling

Ward I – John Wood, Ed Wood **Ward II** – Jeff Taylor, Brian Bothroyd

Ward III – Gaylord Z. Thomas, Sharyl Padgett

SPECIAL CITY COUNCIL MEETING WORKSHOP

Tuesday, May 17, 2016 at 6:00p.m.

City Hall 3rd Floor Conference Room

101 N. 2nd Street, Guthrie, Oklahoma, 73044

1. Call to Order.
2. Discussion regarding Waste Water Treatment Plant
 - a. Superintendent
 - b. Engineering Contract
3. Discussion regarding Airport
4. Discussion regarding Boards, Commissions, and Committees
5. Discussion regarding RV Parking
6. Discussion regarding Storm Drainage
7. Discussion regarding Oil and Natural Gas Ordinance
8. Discussion regarding Capital Improvement Projects (CIP)
9. Discussion regarding Heartland Flyer
10. Discussion regarding the addition of ATV/dirt bike use to the Guthrie Zoning Code
11. Discussion regarding Neighborhood Solutions
12. Discussion regarding Little Britches
13. Discussion regarding Banner School
14. Discussion regarding Aquatics Facilities
15. Adjournment.

**AUTHORIZATION TO DISCHARGE UNDER THE
OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**PERMIT NUMBER: OK0027715
ID NUMBER: S20930**

PART I

In compliance with the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), Title 27A O.S. § 2-6-201 *et seq.*, and the rules of the State of Oklahoma Department of Environmental Quality (DEQ) adopted thereunder {See OAC 252:606}; the Federal Clean Water Act, Public Law 95-217 (33 U.S.C. 1251 *et seq.*), Section 402; and NPDES Regulations (40 CFR Parts 122, 124, and 403),

Guthrie Public Works Authority
P.O. Box 908
Guthrie, OK 73044

is hereby authorized to discharge treated wastewater from a facility located at approximately

SE¼, NE¼, SW¼, Section 32, Township 17N, Range 2WIM,
Logan County, Oklahoma
or at 806 Beemer Road, Guthrie, OK 73044

to receiving waters: Cimarron River at the point located at approximately

Latitude: 35° 54' 22.116" N [GPS: NAD 1983 CONUS]
Longitude: 97° 26' 3.459" W [GPS: NAD 1983 CONUS]

Planning Segment No. 620910 (Water Body I.D. No. 620910010010_00)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV hereof.

This permit replaces and supersedes the previous permit issued on February 26, 2010.

The issuance date of this permit is May 15, 2015.

This permit shall become effective June 1, 2015.

This permit and authorization to discharge shall expire at midnight May 31, 2020.

For the Oklahoma Department of Environmental Quality:



Michael B. Moe, P.E., Manager
Permitting Group
Water Quality Division



Shellie Chard-McClary, Director
Water Quality Division

Guthrie Wastewater Plant ANNUAL 2015

Month	BOD						TSS						MGD		FLOW		E. Coli.		pH		CL2	D.O.	TEMP.
	Final mg/L 30day avg	Final mg/L 7day avg	Final lbs/day 30day avg	Raw mg/L 30day avg	Raw lbs/day 30day avg	%Eff. Removal	Final mg/L 30day avg	Final mg/L 7day avg	Final lbs/day 30day avg	Raw mg/L 30day avg	Raw lbs/day 30day avg	%Eff. Removal	Final 30/day Avg.	Raw 30/day Avg.	Final TOTAL GALLONS	Raw TOTAL GALLONS	Final 7day avg Geo	Final 30day avg Geo	Final Effluent Min	Final Effluent Max	Residual Final mg/L	FINAL Avg. mg/L	F Avg. ambient
Jan. 15	13.3	16.2	79.1	89	623	85.1%	4.5	10.4	27.0	55	388	91.9%	0.686	0.811	21,251,000	25,153,000	N/A	N/A	7.3	7.5	N/A	6.0	46.5
Feb. 15	15.7	18.2	90.6	177	1118	91.2%	4.3	5.7	24.6	74	465	94.2%	0.694	0.810	19,430,000	22,668,000	N/A	N/A	7.2	7.5	N/A	6.2	45.4
March 15	13.4	17.4	76.3	151	929	91.1%	3.5	6.4	20.0	486	3009	99.3%	0.689	0.935	689,387	758,452	N/A	N/A	6.8	7.4	N/A	7.3	59.6
April 15	12.2	16.0	74.7	72	452	83.0%	3.8	6.7	23.6	46	292	91.8%	0.721	0.852	21,634,000	25,562,000	N/A	N/A	7.0	7.5	N/A	4.2	67.6
May 15	3.6	7.8	3.7	167	1334	97.9%	3.8	0.0	0.0	30	243	87.3%	2.500	1.160	27,891,000	35,961,000	2	1	7.4	7.9	0.090	5.1	68.5
June 15	3.5	5.2	21.2	60	439	94.2%	2.5	2.5	15.7	25	180	89.9%	0.751	0.910	22,522,000	27,296,000	4	3	7.2	7.9	0.080	4.5	84.8
July 15	6.0	14.8	41.9	34	312	82.4%	2.5	2.7	22.3	25	239	89.7%	0.821	1.227	25,436,000	38,025,000	8	3	6.7	7.7	0.090	4.2	88.0
Aug. 15	12.4	19.6	72.2	54	373	77.1%	2.6	3.0	15.0	40	275	93.5%	0.673	0.846	20,856,000	26,239,000	1	1	7.2	7.5	0.070	4.8	84.1
Sept. 15	5.1	8.8	28.4	36	248	85.7%	2.5	2.5	13.9	28	197	90.9%	0.638	0.821	19,142,000	24,644,000	2	3	6.9	7.6	0.080	4.8	82.3
Oct. 15	2.3	2.5	11.5	68	422	96.7%	3.2	4.3	16.7	44	275	92.7%	0.650	0.777	20,155,000	24,080,000	2	2	7.0	7.6	0.080	5.0	68.5
Nov. 15	3.1	4.4	18.0	60	377	94.8%	3.0	3.5	17.1	30	186	90.0%	0.758	0.843	22,746,000	25,297,000	5	4	7.1	7.8	0.060	6.0	60.8
Dec. 15	2.0	2.0	11.9	53	361	96.2%	3.8	5.1	22.6	23	160	83.5%	0.729	0.935	22,598,000	28,981,000	3	3	7.2	7.8	0.050	7.1	50.9
Total					6,989						5,909				244,350,387	304,664,452							
Avg.	7.7				582	0.8960144					492	0.912339	0.8591154	0.9106085	20,362,532	25,388,704							

EFFLUENT B.O.D./ mg/L	Permit 30/45
11.1 7/day Avg. =	24.6%
7.7 30/day Avg. =	25.7%
15.7 Max 30/day Avg =	52.2%

EFFLUENT FLOW 1.00 MGD Design Flow	
0.859 30/day Avg. =	63.6%
2.500 Max 30/day Avg =	185.2%

INFLUENT B.O.D. 2,495 lbs. Design Max.	
582 lbs. Annual Avg. =	23.3%
1,334 Max Monthly Avg. =	53.5%

INFLUENT FLOW/ 1.00 MGD Design Flow	
0.911 Annual Avg. =	67.5%
1.227 Max Monthly Avg. =	90.9%

EFFLUENT T.S.S./ mg/L	Permit 30/45
4.4 7/day Avg. =	9.8%
3.3 30/day Avg. =	11.1%
4.5 Max 30/day Avg =	14.9%

INFLUENT T.S.S./ lbs. 2,495 lbs. Design Max.	
492 Annual Avg. =	19.7%
3,009 Max Monthly Avg. =	120.6%



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

April 22, 2016

Steven J. Gentling, Chairman
Guthrie Public Works Authority
c/o Bruce Johnson, City Manager
Guthrie Public Works Authority
P.O. Box 908
Guthrie, Oklahoma 73044-0908

Re: FY 2016 NPDES Compliance Evaluation Inspection
Guthrie Public Works Authority Wastewater Treatment Plant
Facility No. S-20930
OPDES Permit No. OK0027715

Dear Mr. Gentling:

Enclosed is a copy of the report resulting from the NPDES Compliance Evaluation Inspection conducted at the Guthrie Public Works Authority (Authority) Wastewater Treatment Facility (WWTF) by personnel of the Oklahoma Department of Environmental Quality (DEQ) on April 6, 2016. The purpose of the inspection was to evaluate the WWTF for compliance with the OPDES permit.

The following violations and/or deficiencies were observed during the inspection:

Operations and Maintenance

- Previously repaired sections of concrete on the outside surface of clarifier #2 were sloughing off.
- The middle flow equalization basin (FEB) cell was full of sludge and needs to be cleaned.
- The Authority reported two (2) unpermitted discharges in the year prior to the CEI.

Self-Monitoring

- The pH sample collected on January 19, 2016, exceeded the maximum holding time of fifteen (15) minutes before it was analyzed.

Flow Measurement

- There was a greater than 14% difference between the flow measurement recorded by the effluent flow meter and the flow calculated from the staff gauge measurement taken during the inspection. This exceeds the maximum error of +/- 10% allowed by the permit.

707 NORTH ROBINSON, P.O. BOX 1677, OKLAHOMA CITY, OKLAHOMA 73101-1677

printed on recycled paper with soy ink

Guthrie Public Works Authority
FY 2016 NPDES Compliance Evaluation Inspection
Facility No. S-20930
April 22, 2016
Page 2 of 2

Within thirty (30) days of the date of this letter, the Authority needs to take whatever corrective action is necessary to correct the deficiencies identified herein. A written report detailing the corrections is needed for documentation purposes by DEQ. If an item cannot be corrected within thirty (30) days and that item is not already covered under an existing enforcement order, the report must include a schedule for correction of that item.

If you have any questions or need additional information, please contact Andrew Middleton, E.I., District Representative, Municipal Wastewater Enforcement Section, Water Quality Division, DEQ, at (405) 702-8235 or write to Mr. Middleton at the letterhead address.

Sincerely,



Andrew Middleton, E.I., District Representative
Municipal Wastewater Enforcement Section
Water Quality Division

AM/BFC/TWH/MBM/md

cc: Maxine Pruitt, Director of Municipal Services, Guthrie Public Works Authority
Richard Romine, Wastewater Superintendent, Guthrie Public Works Authority
Adam Gustaitis, ECLS, DEQ
Bruce Vande Lune, Regional Manager, ECLS, DEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

Section A: National Data System Coding

Transaction Code		NPDES										yr/mo/day						Inspec. Type		Inspector		Fac Type									
1	N	2	5	3	O	K	0	0	2	7	7	1	5	11	12	1	6	0	4	0	6	17	18	C	19	S	20	1			
Remarks																															
F a c i l i t y N u m b e r														S - 2 0 9 3 0																	
Reserved														Facility Evaluation Rating BI QA -----Reserved-----																	
67				69				70				71 D				72 N				73				74 75				80			

Section B: Facility Data

Name and Location of Facility Inspected		Entry Time [] AM [X] PM		Permit Effective Date	
Guthrie Public Works Authority Wastewater Treatment Facility 806 Beemer Road Guthrie, OK 73044		12:25		June 1, 2015	
Name(s) of On-Site Representative(s)		Title(s)		Phone No(s)	
Richard Romine Clayton Baker		Wastewater Treatment Facility Superintendent Wastewater Treatment Facility Operator		(405) 282-3173 (405) 282-3173	
Name, Address of Responsible Official		Title		Contacted	
Steven J. Gentling Guthrie Public Works Authority P.O. Box 908 Guthrie, OK 73044		Chairman		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		Phone No.			
		(405) 282-0496			

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	U	Flow Measurement	N	Pretreatment	M	Operation and Maintenance
S	Records/Reports	S	Laboratory	S	Compliance Schedule	S	Sludge Disposal
M	Facility Site Review	S	Effluent/Receiving Waters	M	Self-Monitoring Program	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

The Facility Site Review rating is based on observations made during the inspection and outlined in the comments in the attached report.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone	Date
Andrew Middleton, E.I. <i>Andrew Middleton</i>	Department of Environmental Quality/Water Quality (405) 702-8235	4/22/16
Toby Harden, E.I. <i>Toby Harden</i>	Department of Environmental Quality/Water Quality (405) 702-8125	4/22/16
Signature Of Reviewer	Agency/Office	Date
Brian F. Clagg, P.E. <i>Brian F. Clagg</i>	Department of Environmental Quality/Water Quality (405) 702-8118	4/22/16

Regulatory Office Use Only

Action Taken	Date	Compliance Status
		<input type="checkbox"/> Noncompliance <input type="checkbox"/> Compliance

SECTION F - PERMIT VERIFICATION

PERMIT SATISFACTORILY ADDRESSES OBSERVATIONS DETAILS: S M U N/A (FURTHER EXPLANATION ATTACHED No)

- | | |
|---|--|
| 1. CORRECT NAME AND MAILING ADDRESS OF PERMITTEE | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 2. NOTIFICATION GIVEN TO EPA/STATE OF NEW DIFFERENT OR INCREASED DISCHARGES | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 3. NUMBER AND LOCATION OF DISCHARGE POINTS AS DESCRIBED IN PERMIT | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 4. ALL DISCHARGES ARE PERMITTED | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |

SECTION G - RECORDKEEPING AND REPORTING EVALUATION

RECORDS AND REPORTS MAINTAINED AS REQUIRED BY PERMIT DETAILS: S M U N/A (FURTHER EXPLANATION ATTACHED No)

- | | |
|---|---|
| 1. ANALYTICAL RESULTS CONSISTENT WITH DATA REPORTED ON DMR'S | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 2. SAMPLING AND ANALYSES DATA ADEQUATE AND INCLUDE - | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| a) DATES, TIMES(S) AND LOCATION(S) OF SAMPLING | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| b) NAME OF INDIVIDUAL PERFORMING SAMPLING | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| c) ANALYTICAL METHODS AND TECHNIQUES | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| d) RESULTS OF ANALYSES AND CALIBRATIONS | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| e) DATES AND TIMES OF ANALYSES | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| f) NAME OF PERSON(S) PERFORMING ANALYSES | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 3. LABORATORY EQUIPMENT CALIBRATION AND MAINTENANCE RECORDS ADEQUATE | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 4. PLANT RECORDS INCLUDE SCHEDULES, DATES OF EQUIPMENT MAINTENANCE AND REPAIR | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 5. EFFLUENT LOADINGS CALCULATED USING DAILY EFFLUENT FLOW AND DAILY ANALYTICAL DATA | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |

SECTION H - OPERATIONS AND MAINTENANCE

TREATMENT FACILITY PROPERLY OPERATED AND MAINTAINED DETAILS: (See comments) S M U N/A (FURTHER EXPLANATION ATTACHED Yes)

- | | |
|--|---|
| 1. TREATMENT UNITS PROPERLY OPERATED | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 2. TREATMENT UNITS PROPERLY MAINTAINED | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 3. STANDBY POWER OR OTHER EQUIVALENT PROVIDED | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 4. ADEQUATE ALARM SYSTEM FOR POWER OR EQUIPMENT FAILURES AVAILABLE | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 5. ALL NEEDED TREATMENT UNITS IN SERVICE | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 6. ADEQUATE NUMBER OF QUALIFIED OPERATORS PROVIDED | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 7. SPARE PARTS AND SUPPLIES INVENTORY MAINTAINED | <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> N/A |
| 8. OPERATIONAL AND MAINTENANCE MANUAL AVAILABLE | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| STANDARD OPERATING PROCEDURES AND SCHEDULES ESTABLISHED | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| PROCEDURES FOR EMERGENCY TREATMENT CONTROL ESTABLISHED | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |

SECTION H - OPERATIONS AND MAINTENANCE (CONT'D)

9. HAVE BYPASSES/OVERFLOWS OCCURRED AT THE PLANT OR IN THE COLLECTION SYSTEM IN THE LAST YEAR? Y N N/A
 IF SO, HAS THE REGULATORY AGENCY BEEN NOTIFIED? Y N N/A
 HAS CORRECTIVE ACTION BEEN TAKEN TO PREVENT ADDITIONAL BYPASSES/OVERFLOWS? Y N N/A
10. HAVE ANY HYDRAULIC OVERLOADS OCCURRED AT THE TREATMENT PLANT? Y N N/A
 IF SO, DID PERMIT VIOLATIONS OCCUR AS A RESULT? Y N N/A

SECTION I - SELF MONITORING

PERMITTEE SELF-MONITORING MEETS PERMIT REQUIREMENTS S M U N/A (FURTHER EXPLANATION ATTACHED Yes)
 DETAILS: (See comments)

1. SAMPLES TAKEN AT SITE(S) SPECIFIED IN PERMIT Y N N/A
2. LOCATIONS ADEQUATE FOR REPRESENTATIVE SAMPLES Y N N/A
3. FLOW PROPORTIONED SAMPLES OBTAINED WHEN REQUIRED BY PERMIT Y N N/A
4. SAMPLING AND ANALYSES COMPLETED ON PARAMETERS SPECIFIED IN PERMIT Y N N/A
5. SAMPLING AND ANALYSES PERFORMED AT FREQUENCY SPECIFIED IN PERMIT Y N N/A
6. SAMPLING COLLECTION PROCEDURES ADEQUATE Y N N/A
- a) SAMPLES REFRIGERATED DURING COMPOSITING Y N N/A
- b) PROPER PRESERVATION TECHNIQUES USED Y N N/A
- c) CONTAINERS AND SAMPLE HOLDING TIMES CONFORM TO 40 CFR 136.3 Y N N/A
7. IF MONITORING AND ANALYSES ARE PERFORMED MORE OFTEN THAN REQUIRED BY PERMIT, ARE THE RESULTS REPORTED IN PERMITTEE'S SELF MONITORING REPORT? Y N N/A

SECTION J - FLOW MEASUREMENT

PERMITTEE FLOW MEASUREMENT MEETS PERMIT REQUIREMENTS S M U N/A (FURTHER EXPLANATION ATTACHED Yes)
 DETAILS: (See comments)

1. PRIMARY FLOW MEASUREMENT DEVICE PROPERLY INSTALLED AND MAINTAINED Y N N/A
 TYPE OF DEVICE: 36 inch Rectangular Weir without End Contractions
2. FLOW MEASURED AT EACH OUTFALL AS REQUIRED Y N N/A
3. SECONDARY INSTRUMENT (TOTALIZERS, RECORDERS, ETC.) PROPERLY OPERATED AND MAINTAINED Y N N/A
4. CALIBRATION FREQUENCY ADEQUATE. (DATE OF LAST CALIBRATION January 13, 2016)
 RECORDS MAINTAINED OF CALIBRATION PROCEDURES Y N N/A
 CALIBRATION CHECKS DONE TO ASSURE CONTINUED COMPLIANCE Y N N/A
5. FLOW ENTERING DEVICE WELL DISTRIBUTED ACROSS CHANNEL AND FREE OF TURBULENCE Y N N/A
6. HEAD MEASURED AT PROPER LOCATION Y N N/A
7. FLOW MEASUREMENT EQUIPMENT ADEQUATE TO HANDLE EXPECTED RANGE OF FLOW RATES Y N N/A

SECTION K - LABORATORY

PERMITTEE LABORATORY PROCEDURES MEET PERMIT REQUIREMENTS S M U N/A (FURTHER EXPLANATION ATTACHED No)
 DETAILS:

1. EPA APPROVED ANALYTICAL PROCEDURES USED (40 CFR 136.3 FOR LIQUIDS, 503.8(b) FOR SLUDGES) Y N N/A

SECTION K - LABORATORY (CONT'D)

- 2. IF ALTERNATIVE ANALYTICAL PROCEDURES ARE USED, PROPER APPROVAL HAS BEEN OBTAINED Y N N/A
- 3. SATISFACTORY CALIBRATION AND MAINTENANCE OF INSTRUMENTS AND EQUIPMENT Y N N/A
- 4. QUALITY CONTROL PROCEDURES ADEQUATE Y N N/A
- 5. DUPLICATE SAMPLES ARE ANALYZED 100 % OF THE TIME Y N N/A
- 6. SPIKED SAMPLES ARE ANALYZED 100 % OF THE TIME Y N N/A
- 7. COMMERCIAL LABORATORY CERTIFIED Y N N/A

LAB NAME	Accurate Labs	Bio-Aquatic Testing
LAB ADDRESS	505 S. Lowry Stillwater, OK 74074	2501 Mayes Road, Suite 100 Carrollton, TX 75006
PARAMETERS PERFORMED	TSS, BOD ₅ , Sludge Metals, E. Coli	Biomonitoring

SECTION L - EFFLUENT/RECEIVING WATER OBSERVATIONS S M U N/A (FURTHER EXPLANATION ATTACHED No)

OUTFALL NO.	OIL SHEEN	GREASE	TURBIDITY	VISIBLE FOAM	FLOAT SOL.	COLOR	OTHER
001	None	None	None	None	None	Clear	-

RECEIVING WATER OBSERVATIONS: The WWTF effluent did not appear to have an adverse impact on the receiving stream.

SECTION M - SLUDGE DISPOSAL

SLUDGE DISPOSAL MEETS PERMIT REQUIREMENT S M U N/A (FURTHER EXPLANATION ATTACHED Yes)
 DETAILS: (See comments)

- 1. SLUDGE MANAGEMENT ADEQUATE TO MAINTAIN EFFLUENT QUALITY Y N N/A
- 2. SLUDGE RECORDS MAINTAINED AS REQUIRED BY 40 CFR 503 Y N N/A
- 3. SLUDGE LAND APPLIED IN ACCORDANCE WITH 40 CFR AND OAC 252:647 Y N N/A

SECTION N - SAMPLING INSPECTION PROCEDURES S M U N/A (FURTHER EXPLANATION ATTACHED No)

- 1. SAMPLES OBTAINED THIS INSPECTION Y N N/A
- 2. TYPE OF SAMPLE OBTAINED: GRAB COMPOSITE METHOD FREQUENCY:
- 3. SAMPLES PRESERVED. Y N N/A
- 4. FLOW PROPORTIONED SAMPLES OBTAINED Y N N/A
- 5. SAMPLE OBTAINED FROM FACILITY'S SAMPLING DEVICE Y N N/A
- 6. SAMPLE REPRESENTATIVE OF VOLUME AND NATURE OF DISCHARGE Y N N/A
- 7. SAMPLE SPLIT WITH PERMITEE Y N N/A
- 8. CHAIN OF CUSTODY PROCEDURES EMPLOYED Y N N/A
- 9. SAMPLES COLLECTED IN ACCORDANCE WITH PERMIT Y N N/A

SECTION O - COMPLIANCE SCHEDULEPERMITEE IS MEETING COMPLIANCE SCHEDULE Y N N/A (FURTHER EXPLANATION ATTACHED No)

CHECK APPROPRIATE PHASE(S):

- (a) THE PERMITTEE HAS OBTAINED THE NECESSARY APPROVALS FROM THE APPROPRIATE AUTHORITIES TO BEGIN CONSTRUCTION
- (b) PROPER ARRANGEMENT HAS BEEN MADE FOR FINANCING (mortgage commitments, grants, etc.)
- (c) CONTRACTS FOR ENGINEERING SERVICES HAVE BEEN EXECUTED
- (d) DESIGN PLANS AND SPECIFICATIONS HAVE BEEN COMPLETED
- (e) CONSTRUCTION HAS COMMENCED
- (f) CONSTRUCTION AND/OR EQUIPMENT ACQUISITION IS ON SCHEDULE
- (g) CONSTRUCTION HAS BEEN COMPLETED
- (h) START-UP HAS COMMENCED
- (i) THE PERMITTEE HAS REQUESTED AN EXTENSION OF TIME

Guthrie Wastewater Treatment Facility
FY 2016 NPDES Compliance Evaluation Inspection
OPDES Permit No. OK0027715
Facility No. S-20930
April 6, 2016

Comment Sheet

Section B – FACILITY DATA

The exit interview was conducted with the following representatives of the Guthrie Public Works Authority (Authority): Maxine Pruitt, Director of Municipal Services; Richard Romine, Wastewater Treatment Facility (WWTF) Superintendent; and Bruce Johnson, City Manager. Representing the Department of Environmental Quality (DEQ) was Andrew Middleton, E.I., Municipal Wastewater Enforcement Section (MWES), Water Quality Division (WQD); and Toby Harden, E.I., MWES, WQD.

Section H – OPERATIONS AND MAINTENANCE

A significant amount of algae was growing on the secondary clarifier weirs. The algae growth was causing clogging of the weirs and short-circuiting of the settling process at the clarifiers. WWTF personnel should increase the clarifier cleaning schedule to prevent this material from accumulating on the weirs.

Previously repaired sections of concrete on the outside surface of clarifier #2 were sloughing off. The Authority must take appropriate action to ensure that the structural integrity of the clarifier is maintained.

The middle flow equalization basin (FEB) cell was full of sludge and needs to be cleaned. The sludge must be returned to the WWTF for treatment and disposal in accordance with the Authority's approved sludge management plan.

The Authority reported two (2) unpermitted discharges in the year prior to the CEI. The Authority must submit complete bypass reports to DEQ (see attached unpermitted discharge sheet).

Section I – SELF MONITORING

The pH sample collected on January 19, 2016, exceeded the maximum holding time of fifteen (15) minutes before it was analyzed.

Section J – FLOW MEASUREMENT

There was a greater than 14% difference between the flow measurement recorded by the effluent flow meter and the flow calculated from the staff gauge measurement taken during the inspection. The flow meter should be recalibrated to ensure that it measures within the acceptable error range of +/- 10% allowed by the permit. The Authority should continue performing regular calibration checks as well as the annual calibration of the effluent flow meter to ensure accuracy of the measured effluent flow. This was noted on the previous CEI.

Section M – SLUDGE DISPOSAL

The Authority land applied 55.60 dry metric tons of biosolids during calendar year 2014. The WWTF performed all the required analyses related to these activities.

Guthrie Wastewater Treatment Facility
 FY 2016 NPDES Compliance Evaluation Inspection
 OPDES Permit No. OK0027715
 Facility No. S-20930
 April 6, 2016
 DMR Check
 Outfall: 001

Date	Flow mgd	BOD ₅ mg/L	wkly avg	loading lb/day	TSS mg/L	wkly avg	loading lb/day
Friday, January 01, 2016	0.891						
Saturday, January 02, 2016	0.585						
Sunday, January 03, 2016	0.578						
Monday, January 04, 2016	0.608						
Tuesday, January 05, 2016	0.741						
Wednesday, January 06, 2016	0.796	2.4		15.9	6.5		43.2
Thursday, January 07, 2016	0.757						
Friday, January 08, 2016	0.742						
Saturday, January 09, 2016	0.696	2.4			6.5		
Sunday, January 10, 2016	0.607						
Monday, January 11, 2016	0.618						
Tuesday, January 12, 2016	0.692						
Wednesday, January 13, 2016	0.637	2.2		11.7	7.1		37.7
Thursday, January 14, 2016	0.560						
Friday, January 15, 2016	0.787						
Saturday, January 16, 2016	0.658	2.2			7.1		
Sunday, January 17, 2016	0.376						
Monday, January 18, 2016	0.610						
Tuesday, January 19, 2016	0.528						
Wednesday, January 20, 2016	0.638	6.2		33.0	4.5		23.9
Thursday, January 21, 2016	0.634						
Friday, January 22, 2016	0.551						
Saturday, January 23, 2016	0.680	6.2			4.5		
Sunday, January 24, 2016	0.662						
Monday, January 25, 2016	0.643						
Tuesday, January 26, 2016	0.498						
Wednesday, January 27, 2016	0.747	2.2		13.7	6.7		41.7
Thursday, January 28, 2016	0.519						
Friday, January 29, 2016	0.580						
Saturday, January 30, 2016	0.646	2.2			6.7		
Sunday, January 31, 2016	0.473						
Ave.	0.637	3.3		18.6	6.2		36.6
Max.	0.891	6.2			7.1		

DMR Check for January 2016					
Parameter	DMR	Calc	Unit	Error	Limit
Monthly Average BOD ₅ Concentration	3.3	3.3	mg/L	0%	30
Weekly Average BOD ₅ Concentration	6.2	6.2	mg/L	0%	45
Monthly Average BOD ₅ Loading	18.6	18.6	lb/d	0%	250.2
Monthly Average TSS Concentration	6.2	6.2	mg/L	0%	30
Weekly Average TSS Concentration	7.1	7.1	mg/L	0%	45
Monthly Average TSS Loading	36.5	36.6	lb/d	0%	250.2
Average Daily Flow	0.637	0.637	mgd	0%	
Daily Maximum Flow	0.891	0.891	mgd	0%	

Guthrie Wastewater Treatment Facility
FY 2016 NPDES Compliance Evaluation Inspection
OPDES Permit No. OK0027715
Facility No. S-20930
April 6, 2016
Unpermitted Discharges

Date	Duration, hours	Location	Volume, gallons	Cause
3/12/2015	*	1700 Block E. College	500	Rusted Crossing
12/17/2015	*	N. Ash & N. Broad on E. Jackson	100,000	Busted Line
		* Incomplete or missing information		

Guthrie Wastewater Treatment Facility
FY 2016 NPDES Compliance Evaluation Inspection
OPDES Permit No. OK0027715
Facility No. S-20930
Wednesday, April 06, 2016

Flow Meter Accuracy Check

Date: Wednesday, April 06, 2016
Time: 1:00 PM

Average Measured Head (ft): 0.188
0.208

Flow Measurement Device: 36" Rectangular Weir without End Contractions

Flow Calculation Reference: ISCO Open Channel Flow Measurement Handbook, 5th Edition

Average Recorded Flow (MGD): 0.60
0.44

Calculated Flow (MGD): $Q = 6.457 H^{1.5}$
= 0.524
0.614

Percent error: $(\text{recorded value} - \text{calculated value}) \times 100 / \text{calculated value}$
= 14.5%
28.3%

**CITY OF GUTHRIE, OKLAHOMA
JOB DESCRIPTION**

Position Title: SUPERINTENDENT OF WATER DISTRIBUTION
Department/Division: WATER SERVICES/MUNICIPAL SERVICES
Immediate Supervisor: DIRECTOR OF MUNICIPAL SERVICES
FLSA: ~~NON-EXEMPT~~
Work Site: MUNICIPAL SERVICES AND FIELD
SCHEDULE: 8:00 A.M.-5:00 P.M., MONDAY-FRIDAY
POSITION MAY BE SUBJECT TO HOURS OTHER THAN
THOSE LISTED SUCH AS EVENING AND WEEKEND
Position Supervised: CHIEF PLANT OPERATORS

Job Summary:

Under the general supervision of the Director of Municipal Services, the Superintendent of Water/Wastewater Services will manage, plan, assign, supervise, review and implement the overall operation of the Water and Wastewater Treatment plants, Water Booster Stations, and Sewer Lift Stations.

Typical Duties and Responsibilities:

- A. Plan, manage and direct activities in water ~~or~~ and wastewater treatment operations, including water distribution, production divisions.
- B. Manage and participate in the development and implementation of goals, objectives, policies and priorities for assigned programs; recommend and administer policies and procedures.
- C. Responsible for supervising and checking all calculations and transfer of reports to all regulatory agencies.
- D. Monitor and evaluate the efficiency/effectiveness of service delivery methods and procedures; recommend appropriate service and staffing levels.
- E. Plan, direct, coordinate and review work plans for assigned sections; assign work activities, projects and programs; review and evaluate work products, methods and procedures, meet with staff to identify and resolve problems.
- F. Select, train, motivate and evaluate Treatment Plant personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
- G. Provide responsible staff assistance to the Director of Municipal Services.
- H. Conduct organization studies and investigations; recommend operations modifications for the Water or Wastewater systems as appropriate.

Revised 03/2006

- I. Inspect and evaluate all work performed by department personnel.
- J. Obtain quotes and bids from vendors and contractors for specialized job tasks and materials.
- K. Responsible for insuring that the treatment process meets all Department of Environmental Quality and Environmental Protection Agency standards.
- L. Must check on facilities and/or see to the plant equipment: biological life and etc. I.e. checked thoroughly and properly during inclement weather conditions.
- M. Must blend good judgment with laboratory analysis, mechanical and electrical parameters.
- N. Research and review new regulatory agency guidelines and requirements to maintain compliance.
- O. Call or visit other treatment facilities to gain insight on any operational, maintenance or laboratory problems.
- P. Prohibit any activity at facilities that will adversely affect the safe water process.
- Q. Manage and control the budget.
- R. Evaluate treatment processes daily: for optimum biological life development and control also for optimum feed.
- S. Prepare reports to Director of Municipal Services.
- T. Take immediate action to get plant in normal operation mode when an emergency or disaster occurs.
- U. Cooperate with outside agencies in studying potential problems.
- V. Assist with capital expansion.
- W. Maintain certified personnel, cross train when possible.
- X. Enforce safety rules and encourage safety application for employees, conforming to the safety guidelines set by the City. Special emphasis on wearing personal protective equipment while performing essential job duties.
- Y. Communicate clearly and concisely both orally and in writing.
- Z. Performs related duties as required.

Revised 03/2006

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Knowledge, Skills and Abilities:

- A. Ability to use laboratory equipment and analyze data.
- B. Ability to interpret and apply Federal, State, and Local policies, laws and regulations.
- C. Working knowledge of Water and Wastewater treatment plant machinery including, but not limited to, sewage pumps, pump controls, aerators, chlorine machines, sulfur dioxide machines, clarifiers and all other related equipment.
- D. Exercise judgment, tact and diplomacy in dealing with the public, other agencies and other City departments.
- E. Generate reports with accuracy and reasonable speed.
- F. Specifications for capital items, as well as, operating contracts.
- G. Operational characteristics, services and activities of a Water and Wastewater Treatment Program.
- H. Chemistry principles and practices.
- I. Analyze programs, policies and operational needs.
- J. Oversee and direct the operations, services and activities of the Water and Wastewater Systems.
- K. Have knowledge of facilities management.
- L. Have knowledge of principles and practices of municipal organization, administration, budget and personnel management.
- M. Have the ability to maintain an effective working relationship with internal and external organizations.

Physical Requirements:

- A. Ability to sit for extended periods of time in the input and retrieval of data and preparation of documents, records and visual aids.
- B. Ability to perform activities at desk; ability to reach overhead in order to obtain supplies, documents, books, maps and other items from cabinets and shelves.
- C. Must have the use of sensory skills in order to effectively communicate and interact with other employees and the public through the use of the phone and personal contact.

Revised 03/2006

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- D. Essential and marginal functions may require maintaining physical condition necessary for moderate or light lifting; walking or standing for prolonged periods of time and the dexterity to operate machinery and tools.

Environmental Conditions:

- A. Work performed indoors in an office setting. There are no environmental hazards.
- B. Work performed outdoors may be subject to adverse conditions such as extreme heat, cold, wetness and humidity.
- C. Work may be subject to time pressures, frequent changes to tasks, working closely with others as part of a team, working alone 50% or more of the time, performing multiple tasks simultaneously and dealing with irate people.
- D. Work may be tedious and exacting when preparing documents, maps, correspondence and statistical data.
- E. Working in a water or wastewater utility environment is often subject to small or cramped work areas, loud machine noise, danger of heavy equipment, exposure to hazardous chemical, high voltage and offensive smells.

Commented [AP1]:

Education, Certification and Experience Requirements:

- A. Equivalent to an Associate Arts degree in civil engineering, environmental science or a related field.
- B. Must have a valid Oklahoma Driver's License and driving record must meet or surpass guidelines as set forth by the City of Guthrie.
- C. The following Oklahoma State Department of Environmental Quality certifications are required. Class "B" Wastewater Operators license, Class "B" Water Operator Operator's license, Class "B" Wastewater Laboratory license, and a Class "C" Water Laboratory license.
- D. Class "A" license's are preferred for all of the above
- E. Three years experience in training and orienting new employees.
- F. Five years experience in Wastewater Plant and/or Water Plant supervisory capacity.
- G. Not less than two years experience specifically managing an advanced water or wastewater treatment plant.

H. Possession of a personal telephone is mandatory because employee may be subject to call back duties during off duty hours.

Note: The above statements are intended to describe the general nature and level of work being performed by the person assigned to this job. They are not intended to be an exhaustive list of responsibilities, duties, skills and physical demands required of personnel so classified.

SEQUENCING BATCH REACTOR DESIGN AND OPERATIONAL CONSIDERATIONS

September 2005

Prepared by the

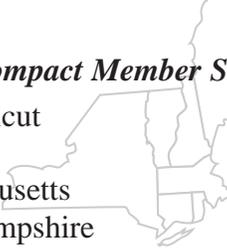
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This document is also available for download at www.neiwpc.org.*

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NEIWPC's technical consultant for this project was Roland "Joe" Dupuis of D³ Engineering.

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FOREWORD

This document is designed to be used by municipalities, engineers, regulators, operators, and other interested parties that use, design, or are thinking about implementing sequencing batch reactor (SBR) wastewater treatment systems. This document highlights enhancements to the design and operation of SBRs that will ultimately provide more effective wastewater treatment. This document can be used by municipalities in the process of planning to upgrade their current operations or reviewing treatment plant options, regulators that review SBR designs, and design engineers.

It is worth noting that many considerations should go into choosing whether or not to implement an SBR treatment system. Decisions should not be based solely on economics; they should also include process flexibility, ability to meet permit limits, and long-term viability.

In developing this document, a literature review was conducted to obtain current information on SBRs. Reference information is provided to allow users to obtain source documentation for additional details.

This reference was written to provide general information on SBR enhancements, and the recommendations will not apply to every SBR design. The document is not meant to be a substitute for professional advice in situations where it is warranted. SBRs are complex treatment systems that must be addressed on a case-by-case basis. If the information provided here does not specifically and sufficiently address your problem or concern, consult with industry professionals, service representatives, or regulatory officials.

If you find any mistakes or omissions, please notify NEIWPC by using the feedback form provided at the end of this document.

INTRODUCTION

TR-16 Guides for the Design of Wastewater Treatment Works is one of the most requested documents produced by the New England Interstate Water Pollution Control Commission. However, there is a need for supplemental information to address the design of sequencing batch reactor (SBR) wastewater treatment facilities. SBRs are becoming popular wastewater treatment options in New England and across the country due to their ability to treat varying flow rates and allow control flexibility. In addition, they have a small footprint and are potentially less expensive to construct and operate.

Recognizing the need to address issues associated with the design and operation of SBR facilities, the Massachusetts Department of Environmental Protection Technical Assistance Section requested that NEIWPCCC initiate this guide. NEIWPCCC began by developing a 40-question survey and sending it to SBR facility operators in New England and New York. The survey questions covered design parameters, methods to improve overall plant function, type of discharge permit, and plant set-up. Responses received from the survey verified state concerns that there is no general design that is common to SBR facilities.

After the survey results were compiled, the next step in the development of this guide was to visit five SBR facilities in New England. The plants visited were chosen based on their unique characteristics, which included:

- A newly designed plant
- A plant at full capacity
- A plant with a varying wastewater flow rate
- A larger SBR plant with steady flow
- A plant receiving seasonally varying flows

At these facilities, operators, superintendents, design engineers, and laboratory technicians were interviewed. These visits provided valuable first-hand information on how these plants were operating and the types of adjustments made to operate at optimal conditions.

The goal of this document is to provide design considerations and operational information to enhance SBR performance. The guide is also an attempt to optimize SBR design and describe specific configurations and processes that will enhance treatment performance.

CHAPTER 1

CHARACTERISTICS OF SEQUENCING BATCH REACTORS (SBRs)

SBRs are used all over the world and have been around since the 1920s. With their growing popularity in Europe and China as well as the United States, they are being used successfully to treat both municipal and industrial wastewaters, particularly in areas characterized by low or varying flow patterns. Municipalities, resorts, casinos, and a number of industries, including dairy, pulp and paper, tanneries and textiles, are using SBRs as practical wastewater treatment alternatives.

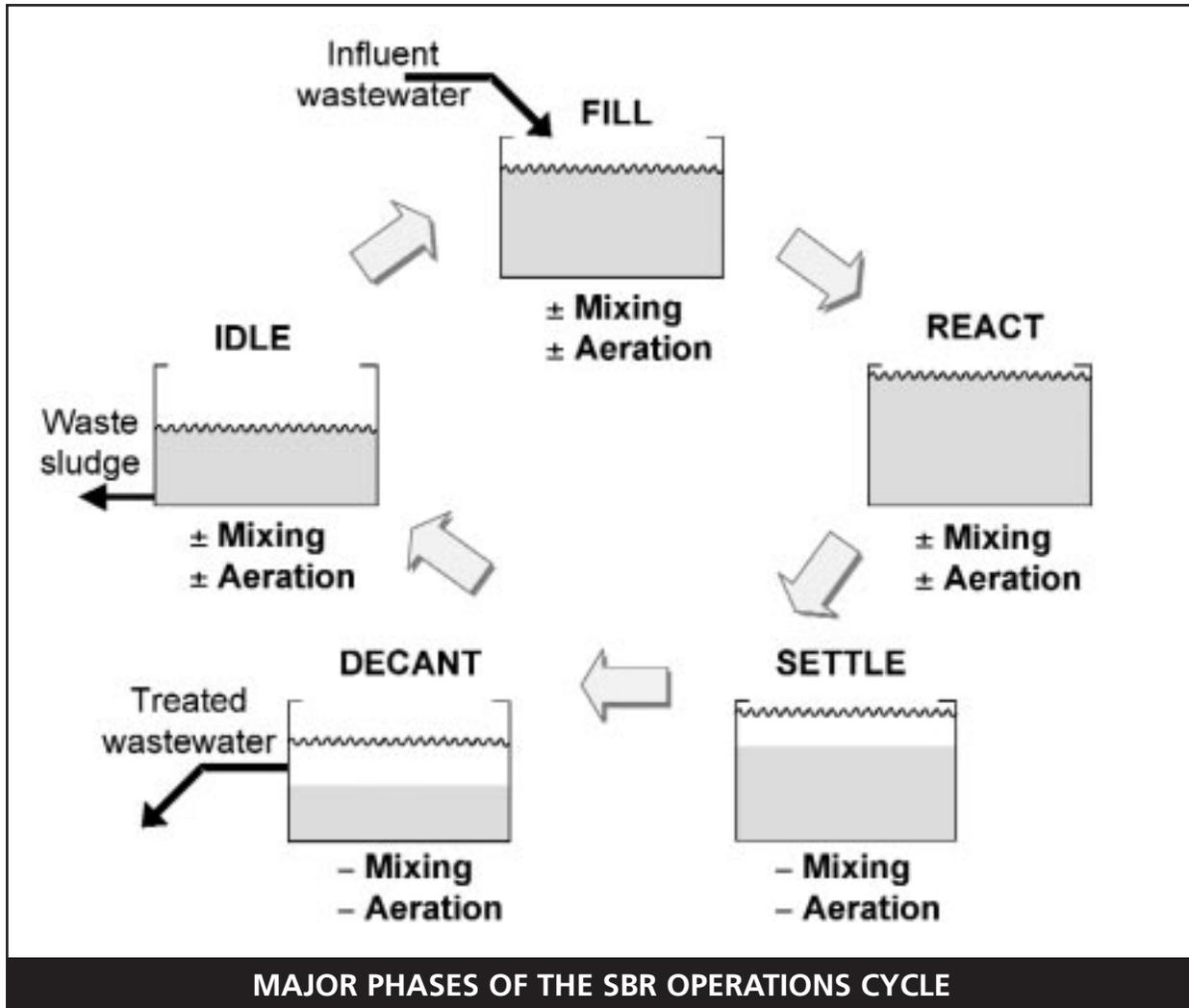
Improvements in equipment and technology, especially in aeration devices and computer control systems, have made SBRs a viable choice over the conventional activated-sludge system. These plants are very practical for a number of reasons:

- In areas where there is a limited amount of space, treatment takes place in a single basin instead of multiple basins, allowing for a smaller footprint. Low total-suspended-solid values of less than 10 milligrams per liter (mg/L) can be achieved consistently through the use of effective decanters that eliminate the need for a separate clarifier.
- The treatment cycle can be adjusted to undergo aerobic, anaerobic, and anoxic conditions in order to achieve biological nutrient removal, including nitrification, denitrification, and some phosphorus removal. Biochemical oxygen demand (BOD) levels of less than 5 mg/L can be achieved consistently. Total nitrogen limits of less than 5 mg/L can also be achieved by aerobic conversion of ammonia to nitrates (nitrification) and anoxic conversion of nitrates to nitrogen gas (denitrification) within the same tank. Low phosphorus limits of less than 2 mg/L can be attained by using a combination of biological treatment (anaerobic phosphorus-absorbing organisms) and chemical agents (aluminum or iron salts) within the vessel and treatment cycle.
- Older wastewater treatment facilities can be retrofitted to an SBR because the basins are already present.
- Wastewater discharge permits are becoming more stringent and SBRs offer a cost-effective way to achieve lower effluent limits. Note that discharge limits that require a greater degree of treatment may necessitate the addition of a tertiary filtration unit following the SBR treatment phase. This consideration should be an important part of the design process.

1.1 Common SBR Characteristics

1.1.1 General

SBRs are a variation of the activated-sludge process. They differ from activated-sludge plants because they combine all of the treatment steps and processes into a single basin, or tank, whereas conventional facilities rely on multiple basins. According to a 1999 U.S. EPA report, an SBR is no more than an activated-sludge plant that operates in time rather than space.



Source: University of Florida TREEO Center's *Sequencing Batch Reactor Operations and Troubleshooting Manual*.

1.1.2 Basic Treatment Process

The operation of an SBR is based on a fill-and-draw principle, which consists of five steps—fill, react, settle, decant, and idle. These steps can be altered for different operational applications.

Fill

During the fill phase, the basin receives influent wastewater. The influent brings food to the microbes in the activated sludge, creating an environment for biochemical reactions to take place. Mixing and aeration can be varied during the fill phase to create the following three different scenarios:

Static Fill – Under a static-fill scenario, there is no mixing or aeration while the influent wastewater is entering the tank. Static fill is used during the initial start-up phase of a facility, at plants that do not need to nitrify or denitrify, and during low-flow periods to save power. Because the mixers and aerators remain off, this scenario has an energy-savings component.

Mixed Fill – Under a mixed-fill scenario, mechanical mixers are active, but the aerators remain off. The mixing action produces a uniform blend of influent

wastewater and biomass. Because there is no aeration, an anoxic condition is present, which promotes denitrification. Anaerobic conditions can also be achieved during the mixed-fill phase. Under anaerobic conditions the biomass undergoes a release of phosphorous. This release is reabsorbed by the biomass once aerobic conditions are reestablished. This phosphorous release will not happen with anoxic conditions.

Aerated Fill – Under an aerated-fill scenario, both the aerators and the mechanical-mixing unit are activated. The contents of the basin are aerated to convert the anoxic or anaerobic zone over to an aerobic zone. No adjustments to the aerated-fill cycle are needed to reduce organics and achieve nitrification. However, to achieve denitrification, it is necessary to switch the oxygen off to promote anoxic conditions for denitrification. By switching the oxygen on and off during this phase with the blowers, oxic and anoxic conditions are created, allowing for nitrification and denitrification. Dissolved oxygen (DO) should be monitored during this phase so it does not go over 0.2 mg/L. This ensures that an anoxic condition will occur during the idle phase.

React

This phase allows for further reduction or "polishing" of wastewater parameters. During this phase, no wastewater enters the basin and the mechanical mixing and aeration units are on. Because there are no additional volume and organic loadings, the rate of organic removal increases dramatically.

Most of the carbonaceous BOD removal occurs in the react phase. Further nitrification occurs by allowing the mixing and aeration to continue—the majority of denitrification takes place in the mixed-fill phase. The phosphorus released during mixed fill, plus some additional phosphorus, is taken up during the react phase.

Settle

During this phase, activated sludge is allowed to settle under quiescent conditions—no flow enters the basin and no aeration and mixing takes place. The activated sludge tends to settle as a flocculent mass, forming a distinctive interface with the clear supernatant. The sludge mass is called the sludge blanket. This phase is a critical part of the cycle, because if the solids do not settle rapidly, some sludge can be drawn off during the subsequent decant phase and thereby degrade effluent quality.

Decant

During this phase, a decanter is used to remove the clear supernatant effluent. Once the settle phase is complete, a signal is sent to the decanter to initiate the opening of an effluent-discharge valve. There are floating and fixed-arm decanters. Floating decanters maintain the inlet orifice slightly below the water surface to minimize the removal of solids in the effluent removed during the decant phase. Floating decanters offer the operator flexibility to vary fill and draw volumes. Fixed-arm decanters are less expensive and can be designed to allow the operator to lower or raise the level of the decanter. It is optimal that the decanted volume is the same as the volume that enters the basin during the fill phase. It is also important that no surface foam or scum is decanted. The vertical distance from the decanter to the bottom of the tank should be maximized to avoid disturbing the settled biomass.

Idle

This step occurs between the decant and the fill phases. The time varies, based on the influent flow rate and the operating strategy. During this phase, a small amount of activated sludge at the bottom of the SBR basin is pumped out—a process called wasting.

1.1.3 Continuous-Flow Systems

SBR facilities commonly consist of two or more basins that operate in parallel but single-basin configurations under continuous-flow conditions. In this modified version of the SBR, flow enters each basin on a continuous basis. The influent flows into the influent chamber, which has inlets to the react basin at the bottom of the tank to control the entrance speed so as not to agitate the settled solids. Continuous-flow systems are not true batch reactions because influent is constantly entering the basin. The design configurations of SBR and continuous-flow systems are otherwise very similar. Plants operating under continuous flow should operate this way as a standard mode of operation. Ideally, a true batch-reaction SBR should operate under continuous flow only under emergency situations.

Plants that have been designed as continuous-inflow systems have been shown to have poor operational conditions during peak flows. Some of the major problems of continuous-inflow systems have been overflows, washouts, poor effluent, and permit violations.

CHAPTER 2

DESIGN GUIDELINES

2.1 Preliminary/Primary Treatment

Preliminary treatment includes screening, grit removal, and flow monitoring. Primary treatment includes sedimentation and floatation. SBRs generally do not have primary settling tanks; therefore, effective removal or exclusion of grit, debris, plastics, excessive oil or grease, and scum, as well as screening of solids should be accomplished prior to the activated-sludge process.

2.1.1 Screening Influent Wastewater

Bar screens or mechanical screens should be used instead of grinders or shredders. Screening influent wastewater is a positive means of removing rags, sticks, and other debris before they can enter the treatment process. Grinders and shredders pass this material into the SBR where it can become woven together, making it difficult to remove. Removing debris from the wastewater stream before it reaches the basins is beneficial to both the treatment process and the settling phase—excess debris is not present to interfere with the solids that need to settle, resulting in a high-quality sludge blanket. Screens also provide protection for the pumps.

2.1.2 Influent-Flow Equalization

Flow equalization is critical where significant variations in flow rates and organic mass loadings are expected. Flow equalization is also important if a plant is expected to receive a significant amount of septage or is taking in a significant amount of industrial wastes. Flow equalization is strongly recommended when a plant needs to achieve nitrification and denitrification. It is important to note, however, that the size of the influent equalization basin must be carefully considered because an oversized basin can cause negative downstream-treatment-process impacts. A plant utilizing an influent equalization basin will be able to have a true batch reaction.

Influent-flow equalization benefits the SBR process in the following ways:

- Allows for a smaller SBR-basin size because it allows for storage until the process cycle is complete.
- Allows for one basin to be taken off line for maintenance or for seasonal variations. Routine maintenance is necessary for all tanks. For plants that have seasonal variations, taking one basin off line is cost-effective due to a reduced need for electricity, staff hours, and tank maintenance.
- Allows for scum and grease removal at a single point before it enters the SBR tank. Entrainment by mixing should not be the sole means of scum control. A mechanism or process for removing scum, grease, and floatables should be provided in the equalization tank.

- Allows plants that must denitrify to ensure that an adequate amount of carbon is available in the denitrification fill phase.
- Allows for an equal flow volume into the basin, keeping the food to microorganism ratio (F/M) fairly stable.

With the use of influent-flow equalization and bar or mechanical screens, the wastewater stream entering the SBR is free of grease, scum, rags, sticks, floatables, and other debris, making it easier to treat.

As stated previously, each SBR design is unique and in some situations influent-flow equalization basins may not be required to obtain optimum treatment. Examples of where influent-flow equalization is not needed include (but are not limited to) plants designed with three or more SBR basins and plants that do not need to nitrify and denitrify.

If a plant is operating with a two-basin system without influent-flow equalization, then it should have an adequate supply of essential spare parts onsite. This will allow broken components to be returned quickly to service without the need to wait for back-ordered parts.

The influent-equalization basin should have a form of agitation or mixing to keep the solids in suspension. A mechanical-mixing unit can be used for this purpose. Maintenance on this basin should be minimal as the solids are in suspension due to the agitation; however, a means to bypass the equalization basin and to dewater the basin should be provided. Pumps that direct influent to the SBRs should be in duplicate. Influent-flow equalization should be designed to hold peak flows long enough to allow the active treatment cycle to be completed.

2.1.3 Piping for Alkalinity Addition

Ideally, facilities should provide piping for adding alkalinity at both the influent-equalization basin and the SBR basin. It is also desirable to be able to measure alkalinity at each location. Alkalinity addition should be based on the amount measured during the decant phase, not on incoming flow. Alkalinity should be kept in a range of 40-70 mg/L as CaCO₃ prior to the decant phase to be sure the nitrification cycle is complete. Consider implementing a method of alkalinity addition even if a facility is not designed to nitrify.

Alkalinity

Alkalinity is a measure of how much acid must be added to a liquid without causing a great change in pH. Expressed another way, alkalinity is the capacity of water or wastewater to neutralize acids. This capacity is dependent on the content of carbonate, bicarbonate, and hydroxide in wastewater. Alkalinity is expressed in mg/L of equivalent calcium carbonate (mg/L CaCO₃). Alkalinity is not the same as pH because water does not have to be strongly basic (high pH) to have high alkalinity.

When nitrification occurs at SBR facilities, it often occurs during periods of diurnal low flow (e.g., very late evening or very early morning) when a plant is not staffed. If no testing or chemical addition is available to compensate for an alkalinity drop, pH in the SBR unit will drop and cause process upsets.

2.1.3.1 Options for Adding Alkalinity

Sodium Bicarbonate, a.k.a. Baking Soda (NaHCO_3) - Sodium bicarbonate is most often recommended for alkalinity addition because it is not a strong base and it has a pH of 8.3. It is beneficial to alkalinity addition by providing the bicarbonate species at a pH near neutrality.

Sodium Carbonate, a.k.a. Soda Ash (Na_2CO_3) - Soda ash is safer to handle than other alkalis and tends to maintain stable prices over time, hence more and more treatment plants are choosing soda ash for their alkalinity needs. While soda ash is less expensive than sodium bicarbonate, it is generally less effective than sodium bicarbonate and sodium hydroxide. Soda ash is a moderately fast-acting agent, but it generates carbon dioxide, which can lead to foaming problems.

Calcium Oxide, a.k.a. Lime ($\text{Ca}(\text{OH})_2$) – Lime is available in various forms and is relatively inexpensive. Lime compounds dissolve slowly and require longer contact times than the other chemical options. The use of lime causes more sludge production due to calcium sulfate precipitation. This results in maintenance problems within the basin, especially with pH, DO, and ORP probes.

2.2 Sequencing Batch Reactor

2.2.1 Basin Design

Ideally, plant designs should have a minimum of two SBR basins and one flow-equalization basin; however, every design is unique and one configuration does not fit all situations. All SBR designs should have a minimum of two basins to allow for redundancy, maintenance, high flows, and seasonal variations. Two basins allow for redundancy throughout the plant. If one basin is off line, the plant is still able to treat influent wastewater because of the equalization basin. If the basin microbiology becomes depleted in one basin, the biomass from the remaining basin can be used to restock the basin with depleted biomass. For this to happen, a means of transferring sludge between the two basins must be provided.

During storm events and high-flow periods, instead of bypassing the basins or blending the stormwater, an additional basin can act as storage, or certain cycles can be shortened. In particular, the react cycle can be shortened under wet-weather conditions because of the diluted flow and the reduced time needed to treat the BOD. With higher flows, the fill phase and the idle cycle can also be shortened. A two-basin design also allows the plant to take one basin off line for draining and cleaning while the pre-flow basin and the one on-line basin remain fully operational.

For plants that have seasonal flow variations, a design that includes two treatment basins and an influent-flow-equalization basin allows one basin to be taken off line during the off

season. This is important for seasonal plants, as it can save money by cutting electricity costs and reducing staff hours (fewer hours are spent on overall basin maintenance). The basin that remains on line is able to reseed the biomass in the off-line basin when the influent flow pattern peaks.

2.2.2 Flow-Paced Batch Operation

Flow-paced batch operation is generally preferable to time-paced batch or continuous-inflow systems. Under a flow-paced batch system, a plant receives the same volumetric loading and approximately the same organic loading during every cycle. The SBR basin already has stabilized supernatant in it, which dilutes the batch of incoming influent.

Under a time-paced mode, each basin receives different volumetric and organic loading during every cycle, and the plant is not utilizing the full potential of this treatment method—the ability to handle variable waste streams. After each loading, the plant faces a whole new set of treatment conditions, making the operator’s job more difficult.

Time-paced operation (if you are not adjusting the cycle time) can lead to under-treated effluent. A plant that receives heavy morning loadings, with a flow pattern that drops off after the first cycle, must deal with two different biologies in the basin unless adjustments are made to the cycle time. For example, one basin could be receiving an early morning load, which has a high organic and volumetric loading. The second basin could be receiving the afternoon loading, which has a lower organic and volumetric loading. Unless the time cycle is adjusted, it becomes difficult to operate under these conditions because the operator is essentially running two separate plants.

Another problem with time-paced operation is that if the plant is required to denitrify, it may not bring in an adequate carbon source needed for the bacteria to strip oxygen from the nitrate. This scenario would be especially problematic during periods of low flow.

For an SBR to be effective, the plant must have proper monitoring, allow operators to adjust the cycle time, and have knowledgeable operators who are properly trained to make the necessary adjustments to the cycle.

Lessons from the Field

An operator with a full understanding of the SBR process and operations can overcome design limitations. For example, an operator at a plant operating under time-paced configuration was able to overcome operational restrictions by reprogramming the programmable logic controller (PLC) so that the decant phase would not be initiated until the high-water level (HWL) was reached. If the basin did not reach the HWL during the cycle it would not decant and would take in the next load until the HWL was reached. It would then complete the cycle and decant. This is not a recommended mode of operation, but it demonstrates how skilled operators with thorough knowledge of how their plant operates can make adjustments to benefit the process. Operators need the flexibility to fully control and operate their plant, since they are the ones who are responsible for it.

2.2.3 Blower Design

Several smaller blowers are preferable to one large unit. It is not uncommon for SBR designs to incorporate a single blower per basin to provide aeration. However, operational efficiency can be enhanced when plants utilize several smaller blowers, instead of one large blower.

When a single blower per basin is used, it should be sized to provide maximum aeration under worst-case conditions. These conditions typically occur in the summer months, when higher temperatures decrease the amount of oxygen that can be dissolved in wastewater. For facilities that utilize a single blower per basin, a variable frequency drive should be considered.

Variable Frequency Drives – VFDs

In wastewater facilities, pumping and aeration account for a majority of energy consumption. These applications are well suited to the use of VFDs. A VFD is an electronic controller that adjusts the speed of an electric motor by varying the amount of power supplied. A VFD varies both the frequency (hertz) and amplitude (volts) of the alternating current waveform. This allows the motor to continually adjust in order to work just hard enough, rather than running full speed all the time. Wastewater facilities that have installed VFDs have seen a 25 percent reduction in energy costs for pumping and aeration, as well as increased equipment life and decreased maintenance costs.

In a plant configured with only one blower per basin, it is difficult to scale back on the aeration provided. With multiple smaller blowers, units can be taken off line when maximum aeration is not required. This results in electrical cost savings.

Fine-bubble membrane diffusers are preferable to coarse-air bubble aeration. Fine-bubble diffusers transfer more oxygen to the water due to increased surface area in contact with water. The same amount of air introduced in a big bubble has less surface area in contact with water than an equal amount of air divided into smaller bubbles. The amount of surface area in contact with water is proportional to the amount of oxygen transferred into water. Depth of aerators also plays a part in oxygen transfer, due to contact time. The deeper the aerator, the longer it takes for the bubble to come to the surface. Aerator depth is deepest when a tank is filled to the high-water level. If a plant is utilizing time-paced batch reactions, aerator depth is not optimal and oxygen contact time is not maximized.

Blowers in multiple units should be sized to meet the maximum total air demand with the single largest blower out of service.

2.2.4 Decanting

During the decant phase, operating under a flow-paced batch operation, no more than one-third of the volume contained in the basin (i.e., the tank contents) should be decanted each time in order to prevent disturbance of the sludge blanket. The decant phase should not interfere with the settled sludge, and decanters should avoid vortexing and taking in floatables. The problem with decanting more than one-third is that it increases the chance

that solids will be decanted into the effluent, thereby impairing the effluent quality. For the plant to run optimally, it is important that the decant volume is the same as the volume added during the fill phase. The length of the decant weir can have an impact that is very similar to that of the over-flow weir found in a clarifier. The flux (upward forces) caused by the discharge of the decant creates an upward force that may pull poorly settled solids up and out the discharge.

2.2.5 Bottom Slope

All basins should have a sloped bottom with a drain and sump for routine tank maintenance and ease of cleaning. Slope rectangular basins slightly to one corner to allow for hosing down the unit. Circular basins should be sloped toward the middle for maintenance. All SBR designs should include a means for completely emptying each SBR unit of all grit, debris, liquid, and sludge.

Lessons from the Field

Tank maintenance is an intensive process and can use up valuable maintenance hours. In one situation, a 0.75 million gallon, flat-bottomed, rectangular basin took close to 24 man-hours to dewater and clean. By slightly sloping the floor to one corner, this process would have been much less labor intensive and would have saved significant maintenance time.

2.3 Post Basin

2.3.1 Post-Basin Effluent Equalization

Post-basin effluent equalization smoothes out flow variations prior to downstream processes, such as disinfection. By providing storage and a constant smooth flow, the disinfection process will be more effective. If post-flow equalization is not utilized, the effluent might not receive the designed amount of treatment. Post-basin effluent equalization also allows downstream processes to be sized smaller, since the flow from the basin is metered out and does not hydraulically surge the downstream processes.

Effluent equalization also ensures that there are not large variations in operating ranges for the metering pumps and the chlorine analyzers. Ideally, the basin should be of sufficient size to hold a minimum of two decantable volumes. There should be a means of returning the liquid from the post-flow equalization basin to the headworks if a poor decant occurs. These basins should also have a means of removing solids from the bottom of the unit, such as a sloped bottom with a drain or sump.

CHAPTER 3

OPERATIONAL SUGGESTIONS

3.1 Parameters to Be Monitored by the SCADA System

Oxidation reduction potential (ORP), dissolved oxygen (DO), pH, and alkalinity are parameters that should be monitored by the Supervisory Control and Data Acquisition (SCADA) system. Manufacturers determine what parameters can be monitored and controlled by the SCADA system. Monitoring of certain parameters is important, and the ability to adjust these parameters from a remote location is ideal. The operator needs to be able to add chemicals to raise the alkalinity and subsequently the pH. The set point should be an alkalinity value rather than pH-based. The operator should have the ability to fully control (i.e., modify) the plant-operating parameters, such as (but not limited to) cycle times, volumes, and set points.

SCADA is a computer-monitored alarm, response, control, and data acquisition system used by operators to monitor and adjust treatment processes and facilities.

Alkalinity monitoring and addition ensures that a pH of less than 7.0 does not occur. Nitrification consumes alkalinity, and with a drop in alkalinity, pH also drops. If a plant has adequate alkalinity, pH does not change, so it does not need to be raised. Chemicals that raise alkalinity, such as sodium bicarbonate and soda ash, are recommended over sodium hydroxide. Sodium hydroxide does not raise alkalinity; it does raise pH. See section 2.1.3.1 for a discussion of the pros and cons of various chemicals used to increase alkalinity.

The management of both pH and alkalinity are critical to the effective operation of an SBR. Sufficient alkalinity must be present to allow complete nitrification and result in a residual of at least 50 mg/L in the decanted effluent. The pH must be maintained in a manner to prevent it from falling below 7.0 in the reactor basin. Based on the characteristics of the wastewater, designers should carefully consider the need for both alkalinity and pH management.

For plants that nitrify and denitrify, ORP monitoring is desirable. ORP is the measure of the oxidizing or reducing capacity of a liquid. DO varies with depth and location within the basin. ORP can be used to determine if a chemical reaction is complete and to monitor or control a process.

Operators need the ability to make changes that will modify these readings to achieve appropriate nutrient removal. ORP readings have a range and are site specific for each facility. General ranges are: carbonaceous BOD (+50 to +250), nitrification (+100 to +300), and denitrification (+50 to -50).

On-line dissolved oxygen meters are very useful in SBR operation. They allow operators to adjust blower times to address the variable organic loads that enter the plant. Lack of organic strength reduces the react time during which aeration is needed to stabilize the wastewater. DO probes can be used to control the aeration-blower run time during the cycle, which in turn reduces the energy cost of aeration.

Oxidation Reduction Potential – ORP

ORP measures the electrical potential required to transfer electrons from one compound or element to another compound or element. ORP is measured in millivolts, with negative values indicating a tendency to reduce compounds or elements and positive values indicating a tendency to oxidize compounds or elements.

It is desirable to locate DO, pH, and/or ORP probes in a place that can be reached easily by operators. These probes often clog or foul and need cleaning and calibration. If they are not easily accessible, proper maintenance may not occur.

The plant operator should have the knowledge and the ability to program the SCADA system to increase or decrease blower speed. Allowing the operator to adjust the blower speed, through the SCADA system, gives the operator much more control over the DO in the SBR.

3.2 Cold-Climate Adjustments

In general, sewage temperatures are above freezing, but the batch mode of operation exposes the SBR basin to cold winter temperatures. The long, cold ambient air temperature in winter cools the content of a basin below the optimal temperature of 20-25 °C, which is the ideal temperature for advanced treatment to occur.

SBRs in the northeastern United States should respond appropriately against extreme cold temperatures. Where practical, basins for small or very small systems or facilities should be housed in a garage-type structure to ensure that there is no freezing. Larger basins can also be covered to minimize heat loss; however, when covering basins, ensure that adequate access for maintenance is provided. Consider maximum use of earthen-bank insulation. Exposed piping should be wrapped in heat tape and insulated to protect from freezing. Consider implementing provisions to minimize the freezing of discharge pipes, decanter valves, and chemical lines. Provisions should be considered to minimize ice buildup on decanters. Controllers should be placed in dry areas that are not exposed to extreme temperatures.

The smaller the design of a plant, in terms of flow, the more problematic temperature becomes. The smaller the design flow, the greater the likelihood that between 11:00 PM and 6:00 AM there will be little or no flow. This contributes to a loss of heat from the SBR basins to the surrounding atmosphere. Plants that have flow throughout this time frame lose less heat, because the incoming flow sustains higher temperatures.

3.3 Sampling

3.3.1 Proper Sampling Points

As with all wastewater treatment plants, SBR samples are collected and analyzed for both process control and compliance reporting. Sampling locations must be carefully

considered. SBRs that utilize influent-equalization basins have more representative flow-paced composite samples because the discharge is consistent in volume. In other words, flow equalization and true batch reactions allow for easier composite sampling because the same volume is entering and exiting the basin during each cycle.

Twenty-four-hour effluent composite samples should be flow-paced and include samples collected at the beginning and end of each decant event.

3.3.2 Parameters to Monitor

Numerous parameters can be monitored for process control. Testing and monitoring of process control parameters requires planning and organization so that variances from the targeted performance goals are easily recognized. A list of typical process control parameters is provided in Appendix A.

3.4 Solids Retention Time – SRT

Solids retention time is the ratio of the mass of solids in the aeration basin divided by the solids exiting the activated sludge system per day. Exiting solids are equal to the mass of solids wasted from the system plus the mass of solids in the plant effluent.

Ensuring an adequate SRT is very critical to the SBR biological nutrient-removal design process. The design SRT for nitrifying systems should be based on the aeration time during the cycle, not the entire cycle time.

3.5 Sludge Wasting

Sludge wasting should occur during the idle cycle to provide the highest concentration of mixed-liquor suspended solids (MLSS). The plant should be operated on pounds of MLSS and not concentration.

Sludge from the SBR basins can be wasted to a digester and/or holding tank for future processing and disposal. The digester-tank and sludge-holding-tank capacity should be sized appropriately, based on the sludge treatment and disposal method.

Supernatant from the sludge digester and/or holding tank should be returned to the headworks or influent equalization basin so that it will receive full treatment. The facility should be designed so that the supernatant volume and load do not adversely affect the treatment process.

A high-level alarm and interlock should be provided to prevent sludge-waste pumps from operating during high-level conditions in the digester and/or holding tanks.

Controls should be provided to prevent overflow of sludge from digester tanks and/or holding tanks.

3.6 Troubleshooting

A number of troubleshooting tips are contained in Appendix B.

CHAPTER 4

OTHER SUGGESTIONS

4.1 On-Site Manufacturer Training

A complete and comprehensive SBR operation and maintenance manual should be provided for these treatment facilities. Formal training specific to SBR functions and operations is essential.

Adequate on-site manufacturer's training (specific to the SBR) should be provided for operators. Details of the training program should be provided in the engineer's design report and the operation and maintenance manual. A facility design engineer should be retained to provide technical assistance and modify the SBR operation and maintenance manual and/or plant controls, as needed, during the first year of operation or until consistent compliance is achieved.

4.2 Wet/Cold-Weather Operating Plans

Communities that have combined collection systems or that are subject to sanitary-sewer overflows during wet weather should consider developing wet-weather operating plans or standard operating procedures (SOPs). A wet-weather operating plan or SOP also benefits facilities subject to process upset during wet-weather periods. This plan provides operators with a guide to minimize the discharge of pollutants during wet weather and protect their facility from upset.

These plans or SOPs typically focus on determining performance during wet weather as compared to dry weather, determining a facility's capability to operate at incremental increases in wet-weather flow, and assessing whether unused facilities at the plant can be used to store or treat wet-weather flows. Also, by keeping accurate records, correlations can be developed between weather events and flows, which is helpful in predicting the impacts of storm events and preparing for expected weather conditions.

Snow melt, rain, and infiltration and inflow (I&I) can drastically affect the way an SBR functions from a microbial standpoint. Influent oxygen levels as high as 5 mg/L, diluted BOD, and cold sewerage temps are all long-term spring occurrences and need to be given serious consideration during the SBR design process. The function of the SBR for nutrient removal requires control over the oxygen level during the various SBR phases. Loss of this control due to long periods of I&I can limit the effectiveness of the nutrient-removal process.

Likewise, a facility may want to develop cold-weather operating plans or SOPs to mitigate treatment impacts during winter months.

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APPENDIX A

PROCESS CONTROL TESTS AND CALCULATIONS

The following Process Control Tests and Calculations chart (page 19) was obtained, with permission, from the University of Florida TREEO Center's *Sequencing Batch Reactor Operations and Troubleshooting Manual*.

Acronyms Used:

COD	Chemical Oxygen Demand
BOD	Biochemical Oxygen Demand
CBOD	Carbonaceous Biochemical Oxygen Demand
TOC	Total Organic Carbon
MLSS	Mixed-Liquor Suspended Solids
MLVSS	Mixed-Liquor Volatile Suspended Solids
MCRT	Mean Cell Residence Time
WAS	Waste-Activated Sludge
F/M	Food-to-Microorganism Ratio
SSV	Settled-Sludge Volume
TSS	Total Suspended Solids
VSS	Volatile Suspended Solids
DOB	Depth of Blanket
SVI	Sludge Volume Index
NO ₃ -N	Nitrate-Nitrogen
NO ₂ -N	Nitrite-Nitrogen
NH ₃ -N	Ammonia-Nitrogen
PO ₄ -P	Phosphate-Phosphorus
OUR	Oxygen-Uptake Rate
SOUR	Specific Oxygen-Uptake Rate
ORP	Oxidation Reduction Potential
mg/L	milligram per liter

PROCESS CONTROL TESTS AND PROCESS CALCULATIONS				
	DATA REQUIRED/ ANALYSIS			UNIT
ORGANIC LOADING				
COD	Colorimetric analysis			mg/L
BOD, CBOD	Bioassay			mg/L
TOC	Colorimetric analysis			mg/L
SOLIDS INVENTORY				
MLSS	Gravimetric analysis			mg/L
MLVSS	Gravimetric analysis			mg/L
Centrifuge Spin	Volumetric analysis			%
SOLIDS INVENTORY CALCULATIONS				
MCRT	MLSS	WAS TSS	WAS Flow	days
Sludge Age	AT%	CL%	WAS%	days
F/M	MLVSS	#BOD/COD/day		#BOD/day/#MLVSS
SLUDGE QUALITY				
SSV _x	Physical analysis			ml/L or %
SSV ₅	Physical analysis			
Supernatant TSS or Turbidity	Gravimetric or scattered light			mg/L or NTU
DOB	Physical measurement			ft
Microscopic Analysis	Visual analysis			N/A
SLUDGE QUALITY CALCULATIONS				
SVI	SSV ₃₀	MLSS		ml/g
NUTRIENTS				
NO ₃ -N, NO ₂ -N	Colorimetric or electrometric analysis			mg/L
NH ₃ -N	Colorimetric or electrometric analysis			mg/L
PO ₄ -P	Colorimetric analysis			mg/L
TROUBLESHOOTING ANALYSES				
OUR	Analysis			mg O ₂ /L/hr
SOUR	OUR	MLVSS		mg O ₂ /g/hr
pH	Electrometric analysis			SU
ORP	Electrometric analysis			mV
Alkalinity	Titrimetric analysis			mg/L

APPENDIX B

SEQUENCING BATCH REACTOR TROUBLESHOOTING CHART

The following Sequencing Batch Reactor Troubleshooting Chart (pages 21–23) was adapted from the University of Florida TREEO Center’s *Sequencing Batch Reactor Operations and Troubleshooting Manual*.

SEQUENCING BATCH REACTOR TROUBLESHOOTING CHART

PROBLEM OR OBSERVATION	CONDITION	PROCESS CONTROL ANALYSIS	POSSIBLE CAUSES	CONTROL ACTION
I. Loss of solids from reactor due to a high blanket	Poor sludge settling velocity and compaction	SSV _x , SSV ₅ , SVI, diluted SSV _x , microscopic examination, NH ₃ - N, COD, D.O., SOUR	• Glutting (old sludge)	• Decrease MCRT.
			• Classic bulking (young sludge)	• Increase MCRT.
			• Filamentous bulking	• Identify conditions contributing to filamentous growth and correct. See comments in narrative below.
			• Slime bulking	• Add nutrients.
			• Foam Trapping	• Optimize pretreatment removal of oil and grease.
			• Highly nitrified or oxidized sludge	• Increase anoxic cycle, reduce aerobic cycle.
			• Toxicity	• Isolate or split flow, identify source of toxic influent and eliminate, increase aeration cycle, increase MCRT.
• High organic loading	• Short-term, increase aerobic cycle; long-term, increase MCRT.			
II. Rapidly settling blanket leaving particulate. Difficulty in maintaining waste concentration	Rapid sludge settling velocity and compaction	SSV _x , SSV ₅ , SVI, F/M, SOUR	• Low F/M ratio	• Increase F/M ratio by decreasing MLVSS.
III. Turbid or cloudy effluent, disinfection problems	A. High effluent BOD or TS	MLSS, MLVSS, D.O., pH, temperature, Influent COD or TOC, Influent NH ₃ -N, D.O., SOUR	• Low MLSS or MLVSS	• Increase MLSS/MLVSS.
			• Low D.O., temperature or pH	• Increase aeration cycle in fill react, increase MLSS, add alkalinity.
			• High organic loading	• If long-term, increase MLSS/MLVSS and aeration cycle.
			• High nitrogenous loading	• If long-term, increase MLSS/MLVSS and aeration cycle.
			• Toxicity	• Isolate or split flow, identify source of toxic influent and eliminate, increase aeration cycle, increase MCRT.
	B. High effluent NH ₃ - N (Incomplete nitrification)	Influent and process NH ₃ - N, influent and process alkalinity, pH, temperature, SOUR, D.O.	• Influent NH ₃ -N overload	• Increase aerobic cycle.
			• Low D.O.	• Increase aerobic cycle.
			• Low temperature	• Increase aerobic cycle.
			• Inadequate aerobic retention time	• Increase aerobic cycle.
			• Low pH or alkalinity	• Add alkalinity.
• Low MLVSS (nitrifiers)	• Increase MLVSS.			
• Toxicity	• Isolate or split flow, identify source of toxic influent and eliminate, increase aeration cycle, increase MCRT.			

SEQUENCING BATCH REACTOR TROUBLESHOOTING CHART (CONTINUED)

PROBLEM OR OBSERVATION	CONDITION	PROCESS CONTROL ANALYSIS	POSSIBLE CAUSES	CONTROL ACTION
IV. High-effluent TSS	Individual particle washout	Effluent and recycle TSS or turbidity, F/M, microscopic exam, SOUR	• Pin floc – low F/M,	• Increase waste cycle, decrease MLSS.
			• Pin floc – denitrification	• Increase waste cycle, decrease MLSS, increase anoxic cycle.
			• Pin floc – solids recycle	• Optimize solids handling.
			• Straggler floc – high F/M	• Decrease waste cycle, increase MLSS, increase aeration cycle.
			• Straggler floc – filamentous	• Identify filamentous organism (see filamentous control above).
			• Straggler floc – hydraulic	• See mechanical troubleshooting section.
			• Individual bacterial cells in effluent	• Decrease waste cycle, raise MLSS, increase aeration cycle, if toxicity, remove source of toxic influent.
V. High-effluent NO ₃ - N	High effluent NO ₃ – N	NO ₃ – N, pH, TOC or COD	• Lack of or inadequate anoxic conditions	• Increase anoxic cycle (may require decreasing oxic cycle).
			• Lack of or inadequate carbon source	• Add carbon (methanol or acetic acid).
			• Low pH, temperature or MCRT	• Add alkalinity, increase MCRT.
VI. Difficulty in maintaining chlorine residual	Chlorine (Cl ₂)residual fluctuation, no chlorine residual	Cl ₂ residual, supernatant NH ₃ -N, NO ₂ -N, turbidity or TSS	• Incomplete nitrification/denitrification resulting in high NO ₂ -N in supernatant.	• High NO ₂ -N in supernatant will result in increased demand. Optimize nitrification and denitrification processes.
			• High TSS in supernatant	• High TSS in supernatant will result in increased demand. See Problems I, III, IV.
			• Reducing agents in supernatant	• Reducing agents such as H ₂ S, Fe, Mn in supernatant. Investigate source and eliminate. Increase chlorine feed rate to overcome demand.
VII. High fecal coliform values	Sufficient chlorine (Cl ₂)residual, but high fecal coliform values	Supernatant TSS, free and total Cl ₂ residual, supernatant NH ₃ -N, theoretical and actual CCC detention time	• Excessive TSS in supernatant	• High TSS in supernatant can result in “blinding” of disinfection process. See Problems I, III, IV.
			• Short circuiting of chlorine contact chamber (CCC)	• Calculate the theoretical CCC detention time. Conduct dye testing to determine actual detention time.
			• Chloro-organic compounds	• If there is no NH ₃ -N in effluent but organic nitrogen is present, then false residual (DPD) may be present due to formation of chloro-organic compounds. Use free chlorine to establish residual not total chlorine. Reduce aeration cycle to de-optimize nitrification rate.

Source: University of Florida TREEO Center's *Sequencing Batch Reactor Operations and Troubleshooting Manual*.

SEQUENCING BATCH REACTOR TROUBLESHOOTING CHART (CONTINUED)

PROBLEM OR OBSERVATION	CONDITION	PROCESS CONTROL ANALYSIS	POSSIBLE CAUSES	CONTROL ACTION
VIII. Foam	Excessive foam or scum on surface of SBR, flow EQ tank or chlorine contact chamber	Microbiological examination, NO ₃ -N, C-N-P ratio, SRT, oils and grease, D.O.	• Excessive filamentous bacteria.	• The presence of hydrophobic filamentous bacteria may lead to excessive scum and foam. See section I.5.
			• Denitrification	• Denitrification can result in sludge and foam on surface of SBR.
			• Nutrient deficiency	• Foam may also indicate a possible nutrient deficiency. This type of foam may be due to bacteria producing a natural polymer when subjected to nutrient deficient conditions for an excessive period of time.
			• SRT	• Both too low and too high an SRT can cause foam problems.
			• Fats, oil or grease	• Fats, oils grease and other non-degraded surface active organics can cause foam problems.
			• Overaeration	• Excessive (D.O. > 4.0 mg/L) may cause foaming.

Source: University of Florida TREEO Center's *Sequencing Batch Reactor Operations and Troubleshooting Manual*.

We Value Your Feedback

Please notify us if you discover mistakes or omissions in this document. Submissions can be sent electronically, mailed, or faxed to:

New England Interstate Water Pollution Control Commission

ATTN: SBR Guide

116 John Street

Lowell, MA 01852

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Fax: 978/323-7919

mail@neiwppcc.org

Brief description of error or omission:

Suggested improvement:

General comments:

Can we contact you for additional information? If so please provide contact information:

Thank You.

City of Tahlequah – Waste Water Treatment Plant



City of Grove – Waste Water Treatment Plant





Composting Stage 1



Cooking the Compost



Compost - Finished Product



Compost Ready for Pick Up



Waste Water Treatment Plant SBR Unit

ITEM **GUTHRIE / EDMOND REGIONAL AIRPORT IMPROVEMENT RECOMMENDATIONS**

- 1 1 AIRPORT SIGNS ON NEW FENCING
- 2 1 CRACK AND SEALCOAT ASPHALT
- 3 1 FLIGHT PLANNING / WEATHER BRIEFING AREA
- 4 1 GATE CONTROLLER ON FBO GATE
- 5 1 ICE MACHINE
- 6 1 PARKING LOT REHAB
- 7 1 PERIMETER FENCE
- 8 1 REMOTE COMMUNICATIONS OUTLET
- 9 1 WATER FOUNTAIN/WATER COOLER IN FBO
- 10 2 AIRCRAFT CATERING SERVICE
- 11 2 AIRCRAFT MARSHALING SERVICE
- 12 2 FULL TIME EMPLOYEES
- 13 2 NEW REELS TO ROLL UP THE FUEL GROUNDING CABLE AND FUEL HOSE
- 14 2 RENTAL CAR
- 15 2 STORM SHELTER
- 16 3 AIRPORT CAFÉ
- 17 3 AIRPORT ENTRANCE SIGN
- 18 3 ATV - ACCESS TO ALL AIRPORT PROPERTY
- 19 3 COURTESY CAR
- 20 3 FLAG POLE AND FLAG
- 21 3 GOLF CART FOR PASSENGERS & LUGGAGE TRANSFER
- 22 3 LUGGAGE / GOLF CART
- 23 3 ON AIRPORT EVENTS
- 24 3 PART TIME EMPLOYEE
- 25 3 PHONE CHARGING STATION
- 26 3 REMOVE DUMPSTERS ON ENTRANCE ROAD
- 27 3 SITTING BENCH OUTSIDE FBO
- 28 4 AIRCRAFT LAVATORY SERVICE
- 29 4 AIRPORT NEEDS CONNECTION TO THE CITIES S-DRIVE
- 30 4 COVERED AIRCRAFT PARKING
- 31 4 ENTRANCE ROAD IMPROVEMENTS
- 32 4 FOD BOSS
- 33 4 LOBBY FURNITURE
- 34 4 LOBBY TV
- 35 4 MOVE PORTA PORTS OFF RAMP TO A DIFFERENT LOCATION
- 36 4 NEW AIRPORT VEHICLE
- 37 4 NEW FUEL TRUCKS
- 38 4 NEW TERMINAL BUILDING
- 39 4 POP CORN MACHINE
- 40 4 POPCORN / COOKIES
- 41 4 RAMP RED CARPET
- 42 4 REFURBISH SELF REFUELING STATION
- 43 4 RESTROOM ON WEST SIDE OF AIRPORT
- 44 4 UPDATE AFD AND WEBSITE WITH IMPROVED SERVICES
- 45 4 UPDATE CONFERENCE ROOM
- 46 4 WIFI
- 47 5 AIRPORT OPERATIONS OFFICE BASE STATION
- 48 5 BUILD TWY ON NW AREA SO FRANK BROSS CAN BUILD HANGAR
- 49 5 COFFEE MACHINE
- 50 5 COVERED LONGTERM PARKING
- 51 5 FBO BASED FUEL DISCOUNT
- 52 5 FUEL SALES REWARDS PROGRAM
- 53 5 GPU
- 54 5 NEW COPRORATE HANGER
- 55 5 NEW T-HANGER
- 56 5 OUTSIDE FURNITURE
- 57 5 REPAIR LARGE DIP ON RWY 34 APPROACH END
- 58 5 SELF SERVE JET A
- 59 5 UPGRADE INTERNET CONNECTION

NUMBERS REPRESENT ALL RECOMMENDED AIRPORT IMPROVEMENTS
LISTING THEM BY THE NUMBER OF OCCURRENCES /PRIORITY

I.E.

- 5 = LISTED ONLY ONCE (Least Requested)
- 4 = LISTED TWICE
- 3 = LISTED THREE TIMES
- 2 = LISTED FOUR TIMES
- 1 = LISTED SIX TIMES or MORE (Most Requested)

Oklahoma Terminal Buildings

The goal of the Commission's terminal grant program is to modernize terminal buildings at the regional business airports in Oklahoma. First impressions are important, especially when trying to attract and keep the companies that have the money to invest and create jobs within a community. The terminal building is the front door to a city and a terminal that is both aesthetically pleasing to the eye and functional is a great welcome mat to businesses and lets them know that a community is serious about economic development.

To accommodating the needs of businesses and industries, the typical size of a public terminal building is 3,550 square feet. A building of this size will accommodate a public reception area, a pilot flight planning and weather briefing area, an area for pilots to rest, an airport manager's office, a training/conference room available for public use, and men's and women's restrooms. Optional, but highly desirable would be a community meeting room with an adjacent kitchen/serving facility.

The Commission's Administrative Rules state "For terminal building projects, the Aeronautics Commission's maximum cost-share level shall be 50 percent and shall not exceed \$500,000." All the terminal buildings, with the exception of Durant, cost about \$1M.

The below is the contact information for the airports and the engineering firms that worked the projects. I believe they can better answer any site specific question you may have. However do not hesitate to contact me for additional information.

Durant: Jerry Yandell (retired last week), LBR Consultants (Jed Banks 405.377.8276)

Shawnee: Keenan English Airport Manager, LBR Consultants (Jed Banks 405.377.8276)

Muskogee: Mike Stewart Public Works 918.616.3438,

Grove: Lisa Jewett Airport Manager 918.786.6150, Garver Eng. Kelly Fincannon 918.250.5922

Ada: Cody Holcomb City Manager 580.436.6300, Delta Consultants Matt Ranck 405.605.4992

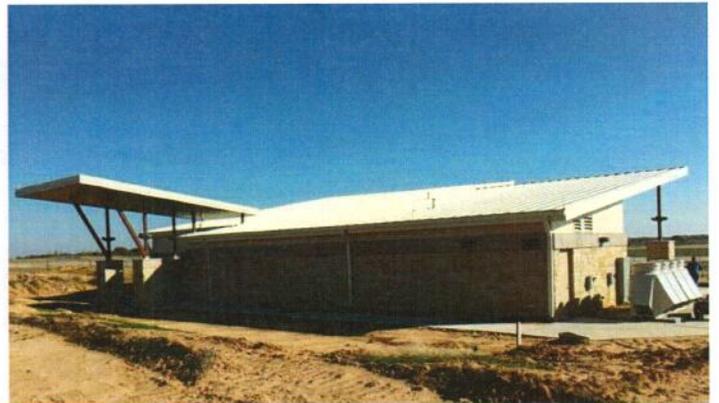
Durant Regional Airport FY 2010



Grove Municipal Airport FY 2015



Ada Municipal Airport FY 2016



Shawnee Regional Airport FY 2011



Muskogee Regional Airport FY 2012



<p>Guthrie-Edmond Regional Airport Board (GERA) Membership: 7; 4 appointed by Guthrie City Council - 2 from within Guthrie City Limits, 2 from Logan County or Guthrie; 3 appointed by Edmond City Council Term: 3 years in rotating terms. Guthrie-appointed terms begin in June Meetings: 2nd Tuesday; 6:00 pm at Airport Established: 2004 by Agreement; amended 2009 and renewed every 5 years</p>	<p>Housing Authority Membership: 5 appointed by the Mayor & City Council; Guthrie resident or live within one mile of City limits Term: 3 years, begins August Meetings: 3rd Thursdays, 3:30 pm at Housing Authority (1524 E. Perkins) Established: 8/3/1965 by Resolution No. 61</p>
<p>Board of Adjustment Membership: 5 Guthrie residents, Mayor appointed & City Council confirmed Term: 3 years Meetings: 3rd Thursdays, 5:30 pm at City Hall Established: 2/4/1964 by Ordinance No. 2422</p>	<p>Library Board Membership: 5 Guthrie residents; Mayor appointed & City Council confirmed Term: 3 years, begins May Meetings: 3rd Thursdays of Jan, Apr, Jul, Oct; 5:30 pm at Guthrie Public Library Established 4/7/1981 by Ordinance No. 2678</p>
<p>Citizens Rate and Fee Advisory Committee Membership: 7 Guthrie residents, one appointed by each council member and one by the Mayor Term: Each committee member's term coincides with the council member which appointed them Meetings: Wednesdays at 12:00pm (noon) as needed Established 6/15/2010 by Resolution No. 2010-10</p>	<p>Park Board Membership: 5 City of Guthrie residents (Mayor appointed & City Council approved) Term: 2 years, begins June, staggered terms Meetings: 3rd Thursdays of Jan, Mar, May, Jul, Sept, Nov; 6:30 pm, City Hall Established: 6/3/1997 by Ordinance No. 3020, Amended 3/20/12, Ordinance No. 3229</p>
<p>Forestry Advisory Board Membership: 7; 5 Mayor appointed & City Council confirmed and 2 ex-officio non-voting members appointed by the City Manager from City departments Qualifications: Interest, expertise in urban forestry Term: Council appointed terms are 3 years beginning in June, staggered terms; City Manager appointees have indefinite terms Meetings: 4th Tuesdays of Jan, Apr, Jul, Oct; 5:30 pm at City Hall Established: 12/16/1997 by Ordinance No. 3032, Amended 3/18/14, Ordinance No. 3249</p>	<p>Planning Commission Membership: 5 City of Guthrie residents (Mayor appointed & City Council approved) Term: 3 years, begins March Meetings: 2nd Thursdays; 5:30 pm at City Hall Established: 2/21/1978 by Ordinance No. 2590</p>
<p>Historic Preservation Commission Membership: 7; Mayor appointed & City Council confirmed - 2 Logan County Historical Society members; 1 Municipal Planning Commission member; 2 with Special Knowledge/ Background preferred with city residency not required, 2 who own property within a Historic District; 1 ex-officio Councilmember Preferred Qualifications: Training, experience in a preservation- related profession Term: 3 years, begins April Meetings: 1st Mondays; 5:30 pm at City Hall Established: 3/20/2001 by Ordinance No. 3075</p>	<p>Convention & Visitors Bureau Board Membership: 7 Guthrie residents OR business owners appointed by the Mayor and confirmed by the City Council; 1 from each ward and 4 at-large Term: 3 years after the initial cycle of appointees, begins in October Meetings: 3rd Monday; 5:30 pm at City Hall Established: 10/7/2014 by Ordinance No. 3263</p>
<p>Council Committees and Trusts Finance – 3 members Street – 3 members Transportation Authority – 7 residents; 3 year terms starting in March; meets 2nd Tuesdays at 6:00 pm Guthrie Public Works Authority (GPWA) Guthrie Industrial Development Authority (GIDA)</p>	

Commented [AP1]: Didn't find residency requirement in Resolution No. 61

Commented [AP2]: Didn't find residency requirement in Ordinance No. 2678

Boards, Commissions, Committees

**AGREEMENT RENEWAL BETWEEN THE CITY OF GUTHRIE,
OKLAHOMA AND THE CITY OF EDMOND, OKLAHOMA
FOR THE GUTHRIE-EDMOND REGIONAL AIRPORT**

THIS AGREEMENT is entered into as hereafter set forth by and between The City of Guthrie, Oklahoma, a municipal corporation, organized and existing under its Charter and the laws of the State of Oklahoma (hereinafter also referred to as "Guthrie") and The City of Edmond, Oklahoma, a municipal corporation, organized and existing under its Charter and the laws of the State of Oklahoma (hereinafter also referred to as "Edmond").

WHEREAS Oklahoma law, 3 O.S. (1995 Supp.) Section 65.1, et seq. codifies the Municipal Airport Act of 1947, authorizes municipalities to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the territorial limits of the municipality; and

WHEREAS, Oklahoma law, 3 O.S. (1995 Supp.) Section 65.1 specifically authorizes municipalities to enter into agreements with each other for joint operation of a municipal airport and air navigation facilities; and

WHEREAS, Guthrie and Edmond initially entered into an Agreement effective July 1, 2004 through June 30, 2009, and renewed that Agreement effective July 1, 2009 through June 30, 2014, and now desire to renew said Agreement to allow for the continued joint operation and development and expansion of the Guthrie airport, subject to the amended terms as set out herein.

NOW, THEREFORE, BE IT RESOLVED, the parties agree to the following provisions:

DURATION

1. This agreement entered into by and between The City of Guthrie Oklahoma and The City of Edmond, Oklahoma effective on the 1st day of July, 2009 and continuing until June, 30, 2014, shall be renewed for an additional five year term from July 1, 2014 until June 30, 2019 and may be renewed for successive five year terms upon the mutual written agreement of both parties.

TERMINATION

2. This Agreement may be terminated prior to the expiration of the five (5) year term by either party without cause at least ninety (90) days prior to the beginning of each city fiscal year.

PURPOSE

3. The purpose of this renewal Agreement is to permit Guthrie and Edmond to continue to work cooperatively to jointly operate and to facilitate expansion and development to the Guthrie airport. The parties agree that the growth and success of the airport is a vital element for the continued vitality and economic growth of both municipalities. Further, that citizens from both Guthrie and Edmond own aircraft that operate currently from the airport and the continuation of this agreement will allow for increased usage by Edmond citizens. The operation of the airport is expressly declared as a public purpose and proper municipal function for both Guthrie and Edmond.

4. The parties acknowledge that the Guthrie Municipal Airport has been renamed to the Guthrie-Edmond Regional Airport.
5. The airport will continue to be owned and maintained by Guthrie until such time as the parties would mutually agree to a change in ownership.
6. The airport, pursuant to its Long Range Plan, has current plans for the expansion of its facilities, which include runway and taxiway extensions, land acquisition, and other capital improvements. The airport currently has existing agreements for airport operations, hangar ground leases agreements and fuel sales, which provide revenue to the airport.
7. That Guthrie has previously received governmental grants that have allowed for the operations and improvements to the airport and that to enable that continued expansion and improvement of the airport, additional governmental grants have been applied for and are pending completion. Edmond has also previously provided financial assistance in the amount of \$300,000 as the local matching share for capital improvements. Both parties agree to share in the costs of capital improvements to the airport. Each city will be responsible for providing funds for the maintenance, operation and capital improvements of the airport, and will share in the revenue, in any resulting from the operation of the airport. All revenue received will remain at the airport, per the FAA grant assurances.
8. The parties agree to reestablish the Guthrie-Edmond Regional Airport Advisory Board (Board) which will consist of seven members, three members appointed

by the Edmond City Council and four members appointed by the Guthrie City Council, two of said Guthrie members from within the corporate city limits of the City of Guthrie, Oklahoma and the other two either from the corporate city limits of City of Guthrie, Oklahoma or the unincorporated portion of Logan County, Oklahoma. The members will serve three year terms with a three term limit, and do not need to be residents of the cities from which they are appointed and serve without compensation. No member of the Board shall have a direct interest in the airport or in any entity located at the airport, or its hangars, except that this section shall not prohibit an airplane owner who houses their plane at the airport or an employee who works for the owner of a business or hangar located at the airport from being on the Board. An owner of a hangar or lessee of a hangar is allowed to serve on the Board but is specifically prohibited from voting on any hangar related economic or proprietary issues. The Board shall have power to make recommendations to the respective city councils regarding the planning, operations and development of the airport facility. The Board shall have the power to plan, acquire, establish, operate, develop and protect the airport facility, subject to the City of Guthrie's and the City of Edmond's approval. The total expenditures to be made by the Board for any purpose in any fiscal year shall be determined by budget approved by the city councils of Guthrie and Edmond and without such approval, this agreement will terminate. Any resolutions, rules, regulations or orders of the Board shall become effective only upon the approval of the city councils of Guthrie and

Edmond. The Board may not acquire or dispose of airport property, real or personal, enter into contracts, leases or other agreements without the consent of the city councils of Guthrie and Edmond. The Board shall have no employees, but will be assisted by the airport manager who will be an employee of the City of Guthrie and serve under the direction of the City Manger. The City Attorney for the City of Guthrie shall serve as legal counsel for the Board.

NOT ASSIGN

9. This Agreement is not assignable except upon the prior written consent of all parties hereto.

NO THIRD PARTY BENEFICIARIES

10. It is not the intent of this Agreement to create any rights in any third parties.

EQUIPMENT/PERSONNEL

11. All equipment used by Guthrie and Edmond in carrying out this Agreement will, at the time of the action hereunder, be owned by or under the jurisdiction of each City, respectively; and all personnel acting for Guthrie and Edmond under this Agreement will, at the time of such action, be an employee or agent of their respective City.

AMENDMENT

12. This Agreement may not be amended except by express written agreement of all parties hereto.

CAPTIONS

13. The captions, titles, and headings contained herein are for convenience of reference only.

INTERPRETATION

14. When any word in the Agreement is used in the singular number, it shall include the plural and the plural, the singular, except where a contrary intention plainly appears. When any word in this Agreement is used in masculine, it shall include the feminine, and the feminine, the masculine, except where a contrary intention plainly appears.

PRESERVATION OF DEFENSE AND RIGHT

15. Neither party hereto waives any defenses or rights available pursuant to the Governmental Tort Claims Act at 51 O.S. §151, et seq., common law, statutes, or constitutions of the United States or the State of Oklahoma by entering into this Agreement.

WHOLE AGREEMENT

16. It is mutually understood and agreed by the parties hereto that this agreement contains all of the covenants, stipulations, and provisions agreed upon by said parties and no agent or other hereof, except as provided herein, and no party is or shall be bound by any statements or representation not in conformity herewith.

APPROVED by the MAYOR and City Council of the City of Guthrie this 17th day of June, 2014.


MAYOR

Attest:


City Clerk

APPROVED as to form and legality this the 17th day of June, 2014.


CITY ATTORNEY

APPROVED by the MAYOR and City Council of the City of Edmond this 30th day of June, 2014.

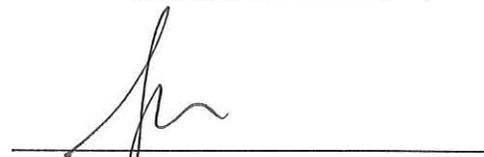

MAYOR

Attest:


City Clerk



APPROVED as to form and legality this the 30th day of June, 2014.


CITY ATTORNEY

Ord # 2422
2/4/1964

ARTICLE VII
BOARD OF ADJUSTMENT

SECTION 1

BOARD OF ZONING ADJUSTMENT AND METHODS OF APPEAL

There is hereby created within the City of Guthrie a Board of Adjustment with the powers and duties as hereinafter set forth.

SECTION 2

MEMBERSHIP

2.1 The Board of Adjustment shall be composed of five (5) members, citizens of the City of Guthrie, each appointed by the Mayor and confirmed by the Council of the City of Guthrie for a term of three (3) years; provided, however, that for the first appointment under the provisions of this Ordinance one (1) member shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years.

2.2 The Board of Adjustment shall elect a chairman from its membership to serve for a term of two (2) years.

SECTION 3

PROCEDURE

The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meeting of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment shall determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board of Adjustment

shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

SECTION 4

APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Guthrie affected by any decision of the Building Inspector. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and with the City Clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee of sixty dollars (\$60.00) at the office of the Clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Exceptions and/or variances may be allowed by the Board of Adjustment only after notice and hearing as provided in Section 44-108 of Title 11 of the Oklahoma Statutes. The minutes of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise, said variance or special exception shall be voidable on appeal to the district court. At the hearing any party may appear in person or by agent or by attorney.

SECTION 5

POWERS

The Board of Adjustment shall have the following powers as provided by law:

- A. To hear and decide appeals if it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the interpretation or enforcement of this Ordinance.
- B. Powers Relative to Variances: Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific parcel of property, which condition is not generally prevalent in the area, the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this Ordinance.

On the following listed minor variances the application need only contain the names of the adjacent property owners, along with any other material pertinent to the request which the Board of Adjustment may require.

- (1) Yard coverage and front, side and rear yard setbacks
(Amended Ordinance 2907, 01/17/90)

- C. Powers Relative to Exceptions: Upon appeal, the Board is hereby empowered to permit the following exceptions.

- (1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- (2) To interpret the provisions of the Ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this Ordinance.
- (3) To grant exceptions to the off-street parking requirements set forth in ARTICLE 5, Section 10, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.
- (4) To review the uses listed in ARTICLE 4 of the specific District Regulations as, "Uses Permitted on Review." These are so classified because they more intensely dominate the

area in which they are located than do other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein. The following procedure is established to relate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (a) An application shall be filed with the Board of Adjustment for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet, and any other material pertinent to the request which the Board of Adjustment may require.
- (b) On the following minor exceptions the application need only contain the names of the adjacent property owners, along with any other material pertinent to the request which the Board of Adjustment may require.
 - (1) Location of home beauty parlor
 - (2) Family day care home (five (5) or less children)
 - (3) Location of a mobile home on five (5) acres or more
- (c) The Board of Adjustment shall hold one or more public hearings thereon.
- (d) The Board of Adjustment within forty-five (45) days of the date of application, shall study the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and authorize or deny the issuance of a Permit for the use of land or buildings as requested.

In exercising the above mentioned powers the Board of Adjustment in conformity with the provisions of this Ordinance, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which appealed and may make such order, requirement, decision or determination as ought to be made. In considering all appeals from rulings made under this Ordinance, the Board of Adjustment, in making its findings on any specific case, shall determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon

other factors relating to the public health, safety, comfort, morals and general welfare of the people of the City of Guthrie. Every ruling made upon any appeal to the Board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board of Adjustment, and shall specify the reason for granting or denying the appeal. The concurring vote of at least three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative officer to decide in favor of the applicant, or to decide any matter upon which it is required to pass pursuant to this Ordinance or to effect any variation in this ordinance.

SECTION 6

APPEAL TO DISTRICT COURT

An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the City of Guthrie to the District Court by filing notice of appeal with the City Clerk and with the Board of Adjustment within ten (10) days from the filing of the decision of the Board of Adjustment which notice shall specify the ground of such appeal. Upon filing of the notice of appeal as herein provided, the said Board of Adjustment shall forthwith transmit to the Court Clerk of the County the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the Board of Adjustment.

An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the Ordinance, and upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

RESOLUTION NO. 2010-10

RESOLUTION ESTABLISHING A CITIZENS RATE AND FEE ADVISORY COMMITTEE.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GUTHRIE, OKLAHOMA, THAT IN ORDER TO ENGAGE MORE PUBLIC DISCUSSION AND PROVIDE MORE CITIZEN INPUT THERE SHOULD BE ESTABLISHED A CITIZENS RATE AND FEE ADVISORY COMMITTEE FOR THE CITY OF GUTHRIE AND GUTHRIE PUBLIC WORKS AUTHORITY.

The function of this committee shall be to review all future city rate, fee or tax adjustments or changes to study the issue of the change or adjustment and to advise the City Council or the Trustees of the Guthrie Public Works Authority.

The committee shall be composed of seven (7) members. Each city council member and the mayor shall appoint one individual who shall be a resident of the City of Guthrie, Oklahoma. Each appointee must be confirmed by a majority vote of the City Council Members. The terms of each appointee shall coincide with the term of the council member or mayor appointing said member of the committee.

The members of the Citizens Rate and Fee Advisory Committee shall at their first meeting select a chairman and co-chairman to conduct the meeting.

The committee shall meet as needed to discuss rate, fee or tax adjustments or changes and advise the City Council or Board of Trustees.

The committee is advisory only.

Any member of the committee can be removed at the will of the City Council or the Board of Trustees by a majority vote of the Council or Authority.

All meetings of the committee shall be subject to the Open Meeting and Open Record Act of the State of Oklahoma.

Passed this 15th day of June, 2010, by the Guthrie City Council and the Guthrie Public Works Authority

CITY OF GUTHRIE

By: Chuck Burtcher
Chuck Burtcher, Mayor

ATTEST:
Wanda Calvert
City Clerk, Wanda Calvert

GUTHRIE PUBLIC WORKS AUTHORITY
By: Chuck Burtcher
Chairman

APPROVED AS TO FORM
AND LEGALITY:
Randel Shadid
City Attorney, Randel Shadid

Date: June 15, 2010

ORDINANCE NO. 3249

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 4, SECTIONS 19-86 OF THE GUTHRIE CODE OF ORDINANCES REMOVING EX-OFFICIO AS VOTING MEMBERS ON THE FORESTRY ADVISORY BOARD.

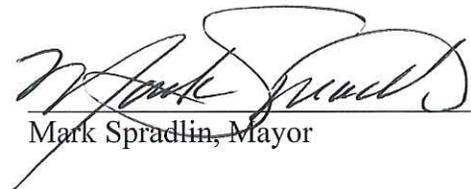
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GUTHRIE, OKLAHOMA:

That Chapter 19, Article 4, Sections 19-86, Forestry Advisory Board, of the Guthrie Code of Ordinances is hereby amended to read as follows:

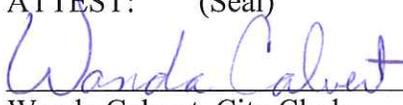
SECTION 19-86 FORESTRY ADVISORY BOARD.

There is hereby created and established a Forestry Advisory Board consisting of seven (7) members, five (5) of whom shall be appointed at-large by the Mayor, with approval of the City Council, based upon their interest or expertise regarding urban forestry. Two (2) members shall be ex-officio appointed to indefinite term by the City Manager or his designee from among the departments of the City and shall be non-voting members. The City Council appointments of the Board shall serve for three-year terms ending at the first regular Council meeting of June in the year of expiration. Of the five such individuals initially appointed, one appointment shall expire in 2006, two (2) in 2007, and two (2) in 2008. The members shall serve until their successors have been appointed and qualified. Members of the Forestry Advisory Board may be removed and replaced at the pleasure of the appointing authority. Vacancies on the Board shall be filled for the balance of the unexpired term in the same manner as provided herein. Before entering into the performance of their duties, each member shall take and subscribe to the oath of office as required by law. The members, in their capacity on the Board, shall serve without compensation.

The foregoing ordinance was introduced before the Guthrie City Council on the 18th day of March, 2014, and was duly adopted and approved by the Mayor and City Council on the 18th day of March, 2014, after compliance with the notice requirements of the Open Meeting Act (25 OSA, § 301 et seq.).



Mark Spradlin, Mayor

ATTEST: (Seal)


Wanda Calvert, City Clerk

Approved as to form and legality on March 18, 2014



Randel Shadid, City Attorney

HISTORIC PRESERVATION ORDINANCE TABLE OF CONTENTS

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ORDINANCE NO. 3075

AN ORDINANCE REPEALING CHAPTER 4, ARTICLE 11, SECTIONS 4-75 THROUGH 4-97 OF THE GUTHRIE MUNICIPAL CODE; ESTABLISHING A NEW CHAPTER 4, ARTICLE 11; RE-ESTABLISHING THE CAPITOL TOWNSITE HISTORIC DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF GUTHRIE, OKLAHOMA; DEFINING TERMS; ESTABLISHING THE GUTHRIE HISTORIC PRESERVATION COMMISSION; ESTABLISHING RULES, REGULATIONS AND PROCEDURES WHICH GOVERN THE PRESERVATION OF PROPERTIES AFFECTED BY THIS ORDINANCE; DEFINING VIOLATIONS OF THIS ORDINANCE AND DEFINING PENALTIES FOR THE SAME; AND PROVIDING FOR A GRANDFATHER CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUTHRIE THAT:

Section 1. Repeal of Chapter 4, Article 11, Sections 4-75 through 4-97.

Chapter 4, Article 11, Sections 4-75 through 4-97, inclusive, of the Guthrie City Code are hereby ordered repealed.

Section 2. Establishment of a new Chapter 4, Article 11.

A new Chapter 4, Article 11 of the Guthrie City Code is hereby adopted as follows:

Article 11

Section 1. Title.

This ordinance shall be known, cited, and referred to as the Guthrie Historic Preservation Ordinance.

Section 2. Purpose.

The purpose of this article is to provide for the preservation, protection, enhancement, restoration, rehabilitation, renovation and perpetuation of certain improvements, building exteriors, structures, signs, objects, sites and areas within the City of Guthrie, Oklahoma, for the following reasons:

- (1) To preserve, protect, enhance and perpetuate certain resources which reflect elements of cultural, artistic, social, economic, political, architectural, engineering, historic or other heritage by reviewing the appropriateness of proposed alterations to existing resources, by controlling indiscriminate erection of new improvements and by fostering proper maintenance and repair of existing resources;
- (2) To promote the continuing use of such resources within the City of Guthrie, thereby serving as a stimulus and support to business and industry;
- (3) To promote and encourage continued private ownership and utilization of resources to the end that the objectives listed herein can be attained;
- (4) To encourage preservation of historic neighborhoods or structures;

- (5) To foster, preserve and encourage harmonious architectural styles and signage, reflecting the distinct phases of the history of Guthrie.

Section 3. Area of Application.

This article shall apply to the following described property and such historic districts, landmarks, landmark sites and areas as may be added by the Guthrie Historic Preservation Commission hereafter within the corporate limits of the City of Guthrie and subject to approval of the City Council of said City of Guthrie. (Boundaries of the Guthrie Capitol Townsite Historic District are indicated on the map identified as Exhibit A and on file in the office of the City Clerk.)

District Boundaries: Capitol Townsite Historic District.

All of Lots 13-115, Block 31, all of Blocks 43, 44, 45, 46, 47 and 49, all of Lots 1-12, Block 54, all of Blocks 55, 56, 57, 58, 59, 60 and 61, all of Lots 9-20, Block 68, all of Blocks 70 and 71 in that part of Guthrie, Oklahoma known as Guthrie Proper and also,

The south 16-23/ feet of Lot 13, all of Lots 14-18, Block 33, all of Lots 7-12, Block 34, all of Block 36, all of Lots 13-24, Block 46, all of Lots 13-24, Block 47, all of Lots 13-24, Block 48, all of Blocks 49, 50, 51 and 52, all of Lots 1-12, Block 61, all of Lots 1-14, Block 62, all of Blocks 63 and 64, all of Lots 9-14, Block 65, all of Lots 7-18, Block 77 in that part of Guthrie, Oklahoma known as East Guthrie Townsite and also,

That part of the Northeast Quarter of Section 17, T16N, R2W, Logan County, Oklahoma known as Mineral Wells Park. (Ord. No. 2620 & Ord. 2843, 6/7/88)

Section 4. Definitions.

- (1) **Adaptive use:** The restrained alteration of a historical or architectural resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the general historical and architectural character.
- (2) **Adversely affect:** Negatively changing the quality of the historical, architectural, or cultural significance of a resource, or the characteristics that qualify the resource as historically important.
- (3) **Alteration:** Any construction or change of the exterior of a building, object, site, or structure. For buildings, objects, sites or structures, alteration shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; the changing of paint color; regrading; fill; imploding or other use of dynamite. Alteration shall not include ordinary repair and maintenance.
- (4) **Architectural resources:** Districts, structures, buildings, monuments, sites, and landscaping that possess local interest or artistic merit, or which are particularly representative of their class or period, or represent achievements in architecture, engineering technology, design, or scientific research and development.

- (5) **Architectural style:** A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.
- (6) **Certificate of Appropriateness:** The official document issued by the Guthrie Historic Preservation Commission approving any application for alteration, construction, reconstruction, relocation, or demolition of any structure or site designated under the authority of this article.
- (7) **Certificate of Completion:** The official document issued by the Guthrie Historic Preservation Commission stating that the applicant has implemented a project in accordance with the issued certificate of appropriateness and any conditions thereof.
- (8) **Certificate of Economic Hardship:** The official document issued by the Guthrie Historic Preservation Commission establishing unreasonable economic hardship for the applicant.
- (9) **Cluster:** A group of cultural resources with compatible buildings, objects or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency and association.
- (10) **Compatibility:** Capable of existing together in harmony.
- (11) **Construction:** The act of adding an addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.
- (12) **Contributing resource:** A resource in an historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship and association, and which shall be afforded the same considerations as landmarks.
- (13) **Demolition:** Any act or process that destroys or razes in whole or in part a building, object, site, or structure, or permanently impairs its structural integrity.
- (14) **Design Guidelines:** Standards adopted by the Guthrie Historic Preservation Commission intended for use by the Commission, property owners and tenants to ensure that rehabilitation and new construction respect the character of designated properties or districts.
- (15) **Economic return:** A profit or capital appreciation from use or ownership of a building, object, site or structure that accrues from investment or labor.
- (16) **Elevation:** A "head-on" drawing of a building façade or object, without any allowance for perspective. An elevation drawing will be in a fixed proportion to the measurement on the actual building.
- (17) **Emergency inspection:** An on-site examination of work in progress conducted by City staff, the purpose of which is to ensure that work in progress is authorized and/or conforms to the conditions of an issued certificate of appropriateness.
- (18) **Exterior:** All outside surfaces of any building.
- (19) **Façade:** The face or exterior surface of a building.
- (20) **General resource:** A building, object, site or structure which does not add to a district's or cluster's sense of time and place and historical development but may contribute in other aspects, such as contributing to the street wall.
- (21) **Good repair:** A condition which not only meets minimum standards of health and safety, but which also guarantees continued attractiveness, continued structural soundness, and continued usefulness.
- (22) **Historic district:** A geographically definable area as designated by ordinance which may contain one or more significant landmarks and which may have within its

- boundaries other properties or structures, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district and which merits designation for its historical and architectural significance and value.
- (23) **Historic resources:** Sites, districts, structures, buildings, or monuments that represent facets of history in the locality, state or nation; places where significant historical or unusual events occurred; places associated with a personality or group important to the past.
 - (24) **Infill construction:** Construction designed to occupy a vacant parcel of land within a developed area.
 - (25) **Improvement:** Any building, structure, place, parking facility, fence, wall, sign, work of art or other object, the addition or deletion of which constitutes a physical betterment of real property, or any part of such betterment of real property.
 - (26) **Landmark:** A prominent building or feature officially designated as having special status and protection.
 - (27) **Landmark site:** A parcel or part thereof on which is or was situated a landmark.
 - (28) **Major façade changes:** Any act that has the potential to significantly alter the appearance of a resource.
 - (29) **Mass:** The physical volume or bulk of a property or properties.
 - (30) **Materials:** The physical characteristics which create the aesthetic and structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete or stucco.
 - (31) **Minimum maintenance notice:** Official letter or memorandum sent by mail or delivered to property owners for the purpose of informing them that their property requires maintenance in order to comply with the minimum maintenance provisions of this ordinance.
 - (32) **Minimum maintenance plan:** A description of the activities to be implemented in order to maintain a resource to the point where it is sound and weatherproof.
 - (33) **Object:** A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
 - (34) **Ordinary maintenance or repair:** Any work for which a building permit or any other city permit or certificate is not required and where the purpose of such work is stabilization, and further, where such work will not noticeably change the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair.
 - (35) **Permanent sign:** A sign intended to be used for a period greater than thirty (30) days. Signs will be considered permanent when changes in materials or message maintain overall appearance.
 - (36) **Preservation:** The act or process of applying measures to sustain the existing form, integrity, and materials of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
 - (37) **Property:** A parcel of land and any improvements thereon.

- (38) **Property owner:** Any individual, firm, partnership, limited liability company or corporation holding title to real estate that is either a landmark, a landmark site or within an historic district, or being considered for such status.
- (39) **Proportion:** The relative physical sizes within and between buildings and building components.
- (40) **Reconstruction:** The act or process of *reassembling, reproducing, or replacing by new construction*, the form, detail, and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of original materials.
- (41) **Rehabilitation:** The act or process of returning a property to a state of utility through repair, remodeling, or alteration that makes possible an efficient contemporary use *while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.*
- (42) **Relocation:** Any change of the location of a building, object or structure from its present setting or to another setting.
- (43) **Renovation:** The act or process of returning a property to a state of utility through repair or alteration that makes possible a contemporary use.
- (44) **Resource:** A building, object, site or structure.
- (45) **Restoration:** The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- (46) **Rhythm:** A regular pattern of shapes including, but not limited to, windows, doors, projects, and heights, within a building, structure, or monument, or a group of same.
- (47) **Sandwich board sign:** Any sign not affixed to a structure or to the ground.
- (48) **Scale:** The harmonious proportion of parts of a building, structure, or monument to one another and to the human figure.
- (49) **Setback:** The distance from a given property line, established by the City's zoning ordinance, where a property owner is authorized to construct an improvement.
- (50) **Setting:** The surrounding environment of a resource, including other buildings, structures, site features, landscaping and streets, which contributes to the aesthetic quality of the historic or architectural resource.
- (51) **Sign:** A structure which consists of a device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, or representation which advertises, directs, or announces a use conducted, goods, products, services, or facilities available, excluding window displays or merchandise.
- (52) **Sign guidelines:** Standards adopted by the Guthrie Historic Preservation Commission intended for use by the Commission, property owners and tenants to ensure design and placement of permanent signs that respect the character of designated properties.
- (53) **Significant characteristics of the resource:** Those characteristics which are important to or expressive of the historical, architectural, or cultural quality and integrity of the resource and its setting, and which include, but are not limited to, building material, detail, height, mass, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.
- (54) **Site:** The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or cluster, whether standing, ruined, or vanished, where the location itself maintains historical value regardless of the value of any existing structure.

- (55) **Special Merit:** A new building, object, site or structure having significant benefits to Guthrie by virtue of exemplary architecture, specific features of land planning, or social, cultural or other benefits having a high priority for community services.
- (56) **Stabilization:** The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.
- (57) **Stop Work Order:** A written notice from the City that work on any building, structure or site is being implemented contrary to the provisions of this ordinance, contrary to the conditions of an approved Certificate of Appropriateness, or in an unsafe and dangerous manner.
- (58) **Street accessories:** Those sidewalk or street fixtures which provide cleanliness, comfort, direction, or safety, and are compatible in design to their surroundings, and include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping, including but not limited to trees, shrubbery and planters.
- (59) **Structural integrity:** The state of being unimpaired; sound.
- (60) **Structure:** Anything constructed or erected.
- (61) **Unreasonable economic hardship:** An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.
- (62) **Unusual and compelling circumstances:** Those uncommon and extremely rare instances, factually detailed, which would warrant a Commission recommendation for relief due to the evidence presented.
- (63) **Visual façade changes:** Any modification to the appearance of a façade caused by alteration, construction or demolition.
- (64) **Workmanship:** Skill as a workman, craftsmanship or artistry or evidence of this skill in something produced.

Section 5. Guthrie Historic Preservation Commission Established.

- (1) There is hereby established in the City of Guthrie, Oklahoma, a Guthrie Historic Preservation Commission, which shall be referred to hereinafter as the Commission.
- (2) The Commission shall consist of seven (7) appointed members. When possible, the members shall include persons with training or experience in a preservation-related profession. Any vacancy, whether from expiration of term, resignation, or removal shall be filled as follows: Members shall be appointed by the mayor and confirmed by the City Council of the City of Guthrie. Available positions shall be advertised in the newspaper, and interested citizens shall be given the opportunity to complete an application. Appointments shall be made from the list of applicants available at the time of the appointment. Where such member is required to have special qualifications, such vacancy shall be filled in the manner herein prescribed with a person having such qualifications. Appointed members of the Commission shall be comprised as follows:
 - (a) two (2) members of the Logan County Historical Society,
 - (b) one (1) member of the Guthrie Municipal Planning Commission,
 - (c) two (2) persons having special knowledge or background of the history and architecture of the city of Guthrie, and
 - (d) two persons who own property that is designated as a landmark or a landmark site or located within a historic district as defined herein.

- (3) City Council shall appoint one (1) of its members to serve as an ex-officio member of the Commission.
- (4) Members of the Commission appointed under Section 5, subsection (2)(c) need not be residents of the city although preference will be given to those residing in Guthrie.
- (5) All members shall serve without compensation.
- (6) The appointment of members to the Guthrie Historic Preservation Commission shall be for three years.
- (7) The Commission shall elect a chair and a vice-chair during the first meeting in January each year.
- (8) A vacancy shall be deemed to exist when a Commission member dies, resigns, fails to attend three consecutive or four cumulative meetings in one year, is convicted of a felony or is otherwise legally disqualified, or upon the expiration of the member's term. Council members may also remove Commission members in accordance with Section 2-21 of the City Charter.
- (9) The Commission shall have the authority to perform all of the duties hereinafter enumerated and provided in this article.

Section 6. Powers and Duties of the Commission.

The Commission established pursuant to this article shall have the following powers, duties and responsibilities:

- (1) To establish such rules and procedures as are necessary for the efficient conduct of the business of the Commission;
- (2) To adopt specific guidelines for selection of landmarks, landmark sites and historic districts, which guidelines shall be adopted subject to the approval of the City Council of the City of Guthrie;
- (3) To recommend to the City Council properties for designation as a landmark or landmark site or a historic district;
- (4) To regulate new construction within a historic district and exterior alterations to landmarks, landmark sites and properties within defined historic districts in the manner described herein;
- (5) To regulate the design and placement of all permanent signs within a historic district and on landmarks and landmark sites;
- (6) To recommend to Council specific guidelines to use in making decisions for approval or denial of Certificates of Appropriateness;
- (7) To recommend to City Manager to direct staff to stop work on projects that do not have the proper authorization by the Commission or do not conform to the conditions of issued certificates of appropriateness;
- (8) To prepare and place on landmarks and landmark sites a suitable plaque or other marker declaring that such resource is a designated landmark. Such plaque shall be installed with the owner's permission and shall contain information deemed appropriate by the Commission. Any expenditure of funds provided for this purpose by the City of Guthrie shall be subject to the approval of the City Council of said City of Guthrie;
- (9) To request funds from City Council and other funding organizations through the City of Guthrie and to recommend expenditure of such funds in order to accomplish the stated purpose of the Commission;

- (10) To recommend to City Council specific application fees and other related fees;
- (11) To prepare and present an annual report on the Commission's activities to City Council;
- (12) To recommend to City Council for contracting with the county, state or federal government or any agency or division of said governments or with any other organization, which contract is necessary or advisable for the accomplishment of the goals of the Commission;
- (13) To cooperate with federal, state, county and local governments in the pursuit of the objectives of historic preservation and to work with City departments on projects or departmental plans that have the potential to impact historic resources;
- (14) To promote and conduct educational and interpretive programs on historic properties;
- (15) To conduct a survey of local properties within the boundaries of the city of Guthrie complying with all applicable standards and criteria of the Oklahoma Statewide Survey undertaken by the State Historic Preservation Office of the State of Oklahoma;
- (16) To establish and maintain a detailed inventory of property within historic districts and of landmarks and landmark sites within the City of Guthrie;
- (17) To prepare a historic preservation plan for the City of Guthrie and to prepare a historic preservation chapter for inclusion in the City's comprehensive plan;
- (18) To retain consultants and conduct additional studies as deemed desirable or necessary by the Commission, except that any expenditure of City funds or of any funds administered by the City of Guthrie, shall be subject to the prior approval of the City Council;
- (19) To perform all other duties, responsibilities and other functions enumerated in this article.

Section 7. Landmark designation.

- (1) Any property within the City of Guthrie may be designated as a landmark or landmark site and thus be covered by this ordinance if the City Council determines, pursuant to procedures set forth in this section, that said property meets the following criteria:
 - (a) It exemplifies or reflects elements of the cultural, social, economic, engineering, political, or other heritage of the City of Guthrie; or
 - (b) It has any special aesthetic or artistic interests or values; or
 - (c) It is identified with any historic persons or important events in the history of the City of Guthrie, the State of Oklahoma, Indian Territory and Oklahoma Territory, or the nation in general; or
 - (d) It embodies distinguished architectural characteristics which are valuable for a study of any period, style, or method of construction; or if it is a valuable example of the use of native or indigenous materials or craftsmanship; or
 - (e) It is representative of a notable work of a master builder, designer, or architect.
- (2) Landmarks and landmark sites shall be designated in the following manner:
 - (a) Any OWNER of a proposed landmark or landmark site may request such designation by submitting an application to the Commission. In the event the Commission or the City Council believes such a designation to be appropriate, they may also initiate such proceedings before the Commission.

- (b) The Commission shall conduct or cause to be conducted a written study of the proposed designation based on the criteria described in this section.
- (c) The Commission shall schedule a public hearing for a date within thirty (30) days of receipt of the study.
- (d) Notice of the date, time and purpose thereof shall be in writing and shall be filed with the Planning Department and the City Clerk. At least fifteen (15) days prior to the date of the public hearing, notice of the date, time, and purpose thereof shall be given by mail to the property owner and advertised five (5) consecutive days in a daily newspaper of general circulation.
- (e) Within sixty (60) days of the date of the public hearing, the Commission shall, in writing, make a recommendation to City Council, setting forth those findings of fact which constitute the basis for its decision.
- (f) The City Council of the City of Guthrie within thirty (30) days of receipt of the recommendations of the Commission shall by ordinance approve the application or shall by motion disapprove it in its entirety.
- (g) Notice of the Council's decision to approve or deny the application for designation shall be given by mail to the property owner and published in a daily newspaper of general circulation.
- (h) The City may effect the amendment or rescission of any designation of a landmark and landmark site in the same manner and procedure described in this article for designation.
- (i) In the event any application for designation is denied by the City, no new application for such designation substantially in the form of the previous application which was denied shall be made within twelve (12) months subsequent to the effective date of such denial, unless it can be shown that the conditions under which such denial was made have substantially changed. In the event any application for designation is approved by the City, no application for rescission will be considered within six (6) months subsequent to the effective date of such approval.
- (j) No permit for any alteration, demolition or relocation involving the property or properties in question shall be issued while the designation process is in progress. Nor shall such property or properties in question be afforded the privileges of designation until an ordinance has been approved by the City Council.

Section 8. Historic District Designation.

- (1) Any area within the City of Guthrie may be designated a historic district and thus be covered by this ordinance if the City Council determines, pursuant to procedures set forth in this section, that said area possesses special cultural, artistic, social, economic, political, architectural, engineering, or historic significance to the City.
- (2) The designation of historic districts shall be completed in the following manner:
 - (a) Any owner of property within the proposed historic district may request the designation of an historic area for ordinance protection by submitting to the Commission an application for such designation. The Commission or the City Council may initiate such proceedings before the Commission on their own motion.

- (b) The Commission shall conduct or cause to be conducted a written study of the proposed designation based on the criteria described in this section.
- (c) The Commission shall schedule a public hearing for a date within thirty (30) days of receipt of the study.
- (d) Notice of the date, time and purpose thereof shall be in writing and shall be filed with the Planning Department and the City Clerk. At least fifteen (15) days prior to the date of the public hearing, notice of the date, time, and purpose thereof shall be given by mail to the applicant and to all the property owners within the proposed historic district and advertised five (5) consecutive days in a daily newspaper of general circulation.
- (e) Within sixty (60) days of the date of the public hearing, the Commission shall, in writing, make a recommendation to City Council, setting forth those findings of fact which constitute the basis for its decision.
- (f) The City Council of the City of Guthrie within thirty (30) days of receipt of the recommendations of the Commission shall by ordinance approve the application or shall by ordinance modify the application or shall by motion disapprove it in its entirety.
- (g) Notice of the Council's decision to approve, modify or deny the application for designation shall be given by mail to the applicant and to all the property owners within the proposed historic district and published in a daily newspaper of general circulation.
- (h) The City may effect the amendment or rescission of any designation of a historic district in the same manner and procedure described in this article for designation.
- (i) In the event any application for designation is denied by the City, no new application for such designation substantially in the form of the previous application which was denied shall be made within six (6) months subsequent to the effective date of such denial, unless it can be shown that the conditions under which such denial was made have substantially changed. In the event any application for designation is approved by the City, no application for rescission will be considered within six (6) months subsequent to the effective date of such approval.
- (j) No permit for any alteration, demolition or relocation involving the property or properties in question shall be issued while the designation process is in progress. Nor shall such property or properties in question be afforded the privileges of designation until an ordinance has been approved by the City Council.

Section 9. Ordinary Maintenance or Repair.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of the exterior of any landmark or property within a historic district when the maintenance or repair does not involve a change in design, material, or external appearance thereof.

Section 10. Work Requiring Review by the City.

- (1) A Certificate of Appropriateness is required before beginning the process to apply or remove paint on any landmark or property within a historic district, except when such

work satisfies the requirements for ordinary maintenance and repair as defined in Section 9. Applications to apply or remove paint may be approved by staff as an administrative approval. A list of all administrative approvals shall be provided to the full Commission at its regular monthly meeting for its review.

- (2) In the following instances, a Certificate of Appropriateness from the Commission shall be required before the commencement of work upon any landmark, landmark site or property within a historic district:
 - (a) Whenever such work requires a permit issued by the City AND involves work on the building exterior, except when such work satisfies ordinary maintenance or repair as defined in Section 9.
 - (b) Whenever such work includes the restoration, rehabilitation, alteration, construction, reconstruction, excavation, relocation, or demolition to the exterior of any resource that is listed as a landmark or landmark site or is located within a historic district, except when such work satisfies all the requirements for ordinary maintenance or repair as defined in Section 9.
 - (c) Whenever such work includes permanent signs.
- (3) The provisions of this ordinance shall likewise apply to any resource that is designated a landmark or a landmark site or located within a historic district which is owned or leased by a public entity to the extent permitted by law.

Section 11. Certificate of Appropriateness: Application Requirements.

- (1) Applications for the construction, alteration, restoration or removal of any sign, including sandwich board signs, affecting any property within a historic district or any landmark or landmark site shall be accompanied by the following materials:
 - (a) Elevation or photograph of the façade or site in question showing placement of each proposed sign to scale;
 - (b) Detailed drawings of the proposed sign(s) showing sign dimensions and design, size and type of lettering, proposed means of illumination, materials, textures and colors; and
 - (c) Manufacturer's paint samples of the proposed sign colors.
- (2) All other applications for Certificates of Appropriateness shall be accompanied by the following documents, when relevant. City staff and/or the Commission will determine which documents are relevant to the application in question.
 - (a) An elevation of all sides of the existing or proposed improvement(s) which can be seen from a street or alley, to scale, with all materials, textures and colors to be used identified and shown. All other elements shall be shown, including light standards and fixtures, screens for mechanical equipment or trash, meters and meter boxes and such other details as may exist on an improvement.
 - (b) Samples of all materials, including paint chips of proposed exterior colors.
 - (c) Photographs showing existing topography, vegetation, improvements, and adjacent development and a site plan to scale indicating proposed changes. The site plan shall indicate any construction that will obstruct the view or vista from a public street or sidewalk, including but not limited to satellite dishes and antennae.
 - (d) Drawings or photographs of non-stationary structures, amenities, furniture or equipment to be placed upon parcels of public or private land within a district

or on a landmark site including but not limited to fences, lighting standards, planters, benches, or vending machines.

- (e) Copies of old photographs or historical records if available, which pertain to the existing resource(s).

Section 12. Certificate of Appropriateness: General Provisions and Procedures.

- (1) No permit for building, sign, demolition or house moving shall be issued by the City for any resource located within a historic district or designated as a landmark or landmark site until the application for such permit has been reviewed by the Commission and a certificate of appropriateness approved by the Commission. Electrical, plumbing, mechanical or any other permit shall require a certificate of appropriateness only if the proposed work will alter the exterior of a property within a historic district, landmark or landmark site.
- (2) When applying for such a permit, the applicant shall furnish one copy of the application and required accompanying documents as defined in Section 11 to City Staff no later than 8 days prior to the proposed hearing date. Any applicant may request a meeting with City staff for consultation before submitting an application. City staff shall forward such application with staff report and recommendations to the Commission no later than five days before the Commission's regularly scheduled meeting.
- (3) Five days before the date of the public hearing, City staff shall publish the agenda for the hearing in a newspaper of general circulation. At the hearing the Commission shall receive testimony from all persons interested in the application.
- (4) Upon review of the application, the Commission shall determine whether the proposed work is of a nature that will adversely affect any historical or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this ordinance. The Commission shall be guided by the following criteria in determining approval or denial of certificates of appropriateness:
 - (a) The purpose and intent of this ordinance.
 - (b) The degree to which the proposed work may destroy or alter all or part of a resource.
 - (c) The degree to which the proposed work would serve to isolate the resource from its historical or architectural surroundings, or would introduce visual, audible, vibratory, or polluting elements that are out of character with the resource and its setting, or that adversely affect the physical integrity of the resource.
 - (d) The compatibility of the building materials with the aesthetic and structural appearance of the resource, including but not limited to the consideration of texture, style, color, or the components and their combinations of elements such as brick, stone, concrete, shingle, wood, or stucco.
 - (e) The compatibility of the proposed design to the significant characteristics of the resource, including but not limited to a consideration of a harmony of materials, details, height, mass, proportion, rhythm, scale, setback, shape, street accessories and workmanship.
 - (f) The Secretary of the Interior's Standards for Rehabilitation.
 - (g) Sign Guidelines and Design Guidelines recommended by the Commission and adopted by the Council.

- (5) The Commission may approve certificates of appropriateness subject to certain conditions.
- (6) No change shall be made to the approved work after issuance of a certificate of appropriateness without resubmittal and approval thereof in the same manner as provided above.
- (7) If the Commission denies such a certificate of appropriateness, no permit shall be issued. Within ten working days of the hearing, the Commission shall mail to the applicant the reasons for such denial by citing the section of the ordinance violated and may include suggestions regarding actions the applicant might take to secure the approval of the Commission as to the issuance of a certificate of appropriateness.
- (8) Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. In the event that such work is not in compliance upon inspection, the City shall issue a stop work order.
- (9) The City may make an emergency inspection of any unauthorized work in progress. In the event that such work required but did not receive Commission approval, the City shall issue a stop work order to be in effect until a certificate of appropriateness has been properly applied for and issued.
- (10) The work sanctioned by the granting of the certificate of appropriateness shall commence within six (6) months of its issuance and shall be completed within one year of its issuance. An extension of no more than twelve (12) months may be granted upon proper contact from the applicant.
- (11) The City shall inspect the work for completion at the end of the time limit set forth by the Commission and issue a certificate of completion if the work is in compliance with the certificate of appropriateness.
- (12) It shall be a violation of this ordinance to commence unauthorized work or to disregard a stop work order.
- (13) It is not the intent of this section to limit new construction to any one period or architectural style, but to preserve the integrity of historic and architectural resources. It is the intent of this section to ensure compatibility of new construction by approving only new or infill construction that is compatible to adjacent properties and approving only additions to existing resources that are compatible with the property in question.
- (14) The Commission shall develop such guidelines as it may find necessary to supplement the provisions of this section and to inform owners, residents, and general public of those standards which are considered proper for undertaking work relating to historic and architectural resources.

Section 13. Minimum Maintenance.

- (1) In order to prevent public hazards and to maintain the structural integrity of Guthrie's historic resources, every owner or other person having legal custody and control of a landmark, landmark site or property in a historic district shall keep in good repair:
 - (a) All of the exterior portions of such resources including but not limited to roofs, foundations or floors, and exterior walls including windows and doors to ensure the resources are structurally safe.
 - (b) All interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions to become public hazards or structurally unsound.

- (2) When a property is found to be in need of maintenance as specified in (a) or (b) above, City staff shall notify the owner(s) of said property. The owner shall within 30 days present a proposed plan to the Commission describing how and when the identified work will be completed. By owner request with reasonable justification, the Commission may grant the owner a thirty (30) day extension in order to provide more time to prepare the plan. The Commission shall approve the owner's plan as presented or approve the plan subject to certain conditions.
- (3) Failure to respond to the minimum maintenance notice, to submit a plan, or to implement the approved plan will constitute a violation of this ordinance.

Section 14. Demolition of a landmark, a resource on a landmark site or contributing resource within a historic district.

- (1) Demolition of a landmark, other resource on a landmark site or contributing resource within a historic district constitutes an irreplaceable loss to the quality and character of the City of Guthrie. Therefore, no permit shall be issued for demolition of a landmark, landmark site, or contributing resource within a historic district unless the applicant demonstrates clear and convincing evidence of unreasonable economic hardship as defined in Section 16 or unusual and compelling circumstances as defined in Section 17.
- (2) It will be a violation of this ordinance to demolish any landmark, other resource on a landmark site or any property located within a historic district without a permit. If less than 50 percent of the property has been demolished at the time work is stopped, the owner or person having legal custody or control of the property in question will be required to rebuild the demolished portion of the resource. If 50 percent or more of the resource in question has been demolished, the owner or person having legal custody or control of the resource will be fined in accordance with this ordinance for each day of violation until the total fines collected equal the greater of the following:
 - (a) The appraised value of the property on record with the County Assessor's Office at time of demolition, or
 - (b) The fair market value of the resource, as determined by the average of at least two independent appraisals made by appraisers licensed by the State of Oklahoma.
- (3) The fines collected will be used to further preservation efforts in the City of Guthrie.

Section 15. Negotiations prior to demolition application hearing.

- (1) Whenever an application for a permit for the demolition of a landmark, other resource on a landmark site or contributing resource within a historic district shall be submitted to the Commission, the Commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the City. This time period is intended to permit City staff to discuss the proposed demolition informally with the property owner, other city officials, and preservation organizations to see if an alternative to demolition can be found before a formal consideration of the application by the Commission. City staff shall prepare a report to the Commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.
- (2) If within this sixty (60) day period either of the following two events shall occur or be known to have occurred previous to application, the Commission may defer hearing

the application for six months and it shall be considered to have been withdrawn by the applicant during such six-month period: (1) the owner enters into a binding contract for the sale of the property, (2) approved arrangements are made for the resource to be relocated to an approved new location. If within the sixty (60) day period neither of the two events summarized above shall have occurred, the Commission will schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty (60) day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The Commission may also secure an engineer's report on the state of repair and structural stability of the resource for which an application to demolish has been filed. Such report shall become part of the administrative record on the application.

Section 16. Certificate of Economic Hardship.

- (1) Application on forms prescribed by the Commission for Certificate of Economic Hardship may be made by an owner or his agent who has been denied a certificate of appropriateness for major façade changes, new construction, demolition or a Minimum Maintenance Plan. When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that he cannot realize a reasonable return upon the value of this property or that he cannot make reasonable use of his property. The public benefits obtained from retaining the resource must be analyzed and duly considered by the Commission.
- (2) In determining the existence of an unreasonable economic hardship, the Commission will base its decision on the information submitted by the applicant and any other information that the Commission may deem relevant. The deteriorated condition of a resource attributable to the owner's failure to provide proper maintenance over an extended period of time will not be considered a relevant factor in evaluations of economic hardship. Hardship that is attributable to a resource being allowed to deteriorate by past or current owners will be considered self-imposed; restoration costs incurred to remediate such neglect will not be considered. This provision will not be affected by any transfer of ownership by means including, but not limited to, sale, inheritance or gift.
- (3) Applications for certificates of economic hardship shall be accompanied by the following documents, when relevant. The Commission will determine which documents are relevant to the application in question.
 - (a) An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness.
 - (b) The estimated market value of the property in a) its current condition, b) after completion of the proposed construction, alteration, demolition or removal, and c) after completion of work that would incorporate any changes recommended by the Commission.
 - (c) The current fair market value of the property, as determined by the average of at least two independent appraisals made by appraisers licensed by the State of Oklahoma.

- (d) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
 - (e) Amount paid for the property, the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 - (f) Maintenance records for the property for the previous two (2) years.
 - (g) Annual debt service, if any, for the previous two (2) years.
 - (h) Any listing of the property for sale or rent, price asked and offers received, if any within the previous two (2) years.
 - (i) Any consideration by the owner as to profitable adaptive uses for the property.
 - (j) A report from a licensed engineer or architect in the State of Oklahoma with rehabilitation experience as to the soundness of any resources on the property and their suitability for rehabilitation. Such engineer or architect shall be pre-approved by the Commission.
 - (k) A description of the applicant's plans for the property if demolition or removal is approved and the appropriateness of same in relation to the city's zoning code and the current guidelines for new construction in a historic district.
 - (l) Replacement plans for the property in question. Replacement plans for this purpose will include, but shall not be limited to, preliminary elevations and site plans.
 - (m) In addition, the owner may provide proof that the owner has the financial ability to complete the replacement project. Providing such proof is optional.
- (4) The applicant shall submit all necessary materials at least fifteen (15) days prior to the Commission meeting in order that staff may review and comment and/or consult on the case. Staff and/or professional comment shall be forwarded to the Commission for consideration and review and made available to the applicant for consideration prior to the meeting.
 - (5) The Commission may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship. The Commission or staff may also furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.
 - (6) In the event that any of the required information cannot be obtained by the applicant, the applicant shall file a statement of the information which cannot be obtained and shall describe reasons acceptable to the Commission why such information cannot be obtained.
 - (7) After the application for certificate of economic hardship has been submitted, the applicant shall have the opportunity to address the Commission with regard to the case for economic hardship.
 - (8) The Commission shall review all of the evidence and information required of any applicant for a certificate of economic hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a certificate of

appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or reasonable economic return on, the property. If the Commission disapproves such certificate of economic hardship, the applicant shall proceed with work only when issued a certificate of appropriateness as provided in Sections 11 and 12. If the Commission approves such certificate of economic hardship, the applicant and Commission shall agree on the work to be completed, and the certificate of economic hardship shall be issued along with the certificate of appropriateness with the necessary conditions specified.

Section 17. Unusual and compelling circumstances and demolition of a landmark, a resource on a landmark site or contributing resource within a historic district.

- (1) When an applicant fails to prove unreasonable economic hardship in the case of a landmark, other resource on a landmark site or contributing resource within a historic district, the applicant may provide to the Commission additional information which may show unusual and compelling circumstances in order to receive Commission recommendation for demolition of the landmark, other resource on a landmark site or contributing resource within a historic district. The Commission, using criteria set forth in this ordinance, shall determine whether unusual and compelling circumstances exist and shall be guided in its decision in such instances by the following additional considerations:
 - (a) The significance of the resource as defined in Sections 7 and 8;
 - (b) The importance of the resource to the integrity of a historic district, an area, or a cluster;
 - (c) The difficulty or the impossibility of reproducing such a resource because of its design, texture, material, detail, or unique location;
 - (d) Whether the resource is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
 - (e) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the character of the surrounding area, as well as the economic impact of the new development; and
 - (f) Whether reasonable measures can be taken to save the resource from further deterioration, collapse, arson, vandalism or neglect.
 - (g) Whether the resource has become so damaged or dilapidated that it is declared unsafe or dangerous by the City as provided for in Section 22 of this ordinance.

Section 18. Conditions for recommending approval of a demolition permit.

- (1) The Commission shall be guided in its decision to approve a Certificate of Appropriateness for demolition by balancing the cultural, artistic, social, economic, political, architectural, engineering or historic value of the property to be demolished against the special merit of the proposed use of the property following demolition.
- (2) Should the applicant for demolition of a landmark, other resource on a landmark site or contributing resource within a historic district satisfy the Commission that he will suffer an unreasonable economic hardship if a demolition permit is not approved, such approval for a Certificate of Appropriateness for demolition will be made.

- (3) Should the applicant for demolition of a landmark, other resource on a landmark site or contributing resource within a historic district fail to demonstrate unreasonable economic hardship but succeed in demonstrating unusual and compelling circumstances which dictate demolition of the property in question, the Commission shall approve a Certificate of Appropriateness for demolition.

Section 19. Demolition of General Resources located in an historic district.

- (1) At the start of the application process, persons may submit evidence that their building should be considered a general resource which would qualify them for consideration by the Commission at its next meeting.
- (2) In those cases in which the Commission finds that a property proposed for demolition is located in an historic district, but is considered a general resource in the district, the Commission shall reaffirm the evaluation of the property as a general resource using criteria set forth in this ordinance prior to recommending approval of a demolition permit.
- (3) The application for demolition of a general resource must be accompanied by the following documents:
 - (a) A description of the applicant's plans for the property if demolition is approved and the appropriateness of same in relation to the city's zoning code and the current guidelines for new construction in a historic district; and
 - (b) Replacement plans for the property in question. Replacement plans for this purpose will include but not be limited to preliminary elevations and site plans.
- (4) When the resource is determined to be a general resource, the Commission shall not approve the application for demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under Section 21 and all other city ordinances and codes.
- (5) General resources that are approved for demolition must be demolished in a manner that will ensure the continued integrity of existing contributing resources. If infill construction is not part of the post-demolition plan, measures must be taken to re-establish the street wall after demolition through the use of fences, walls or vegetation, consistent with current guidelines for new construction in a historic district.

Section 20. Other demolition permits.

All applications for permits to demolish property not currently listed as a landmark or a landmark site or located within a historic district shall be reviewed for the purpose of determining whether or not the property may have significance in accordance with the criteria found in Sections 7 and 8.

- (1) City staff shall make such determination within fifteen (15) days after receipt of the completed application and shall notify the Commission in writing. If the property is determined to have no significance in relation to the criteria in Sections 7 and 8, a demolition permit may be issued five (5) days after the Commission has been notified, provided such application otherwise complies with the provisions of the demolition ordinance and all City code requirements and provided there is no objection by any member of the Commission.

- (2) If said property is determined by City staff to have such significance, staff shall make such information available to the Commission for review and recommendation as to significance. If the Commission concurs with City staff's determination of the property's significance, using criteria set forth in Sections 7 and 8, the Commission shall proceed promptly with the consideration of the designation of the property in question as a landmark, landmark site or historic district as specified in said sections.
- (3) Upon such a recommendation by the Commission and approval by City Council, issuance of any demolition permit shall be governed by the procedures set forth in this article.

Section 21. Treatment of site following demolition.

Following the demolition or removal of a landmark, other resource on a landmark site or any property located in an historic district, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and seed the lot to prevent erosion and improve drainage, and (3) repair at his own expense any damage to public rights-of-way, including sidewalks, curbs, and streets, that may have occurred in the course of removing the resource(s).

Section 22. Public safety hazards and emergency securing measures.

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, other feature or part thereof, where such condition has been declared unsafe or dangerous by the City, and where the proposed measures have been declared necessary to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource or other feature shall be damaged by fire or other calamity, or by Act of God, to such an extent that in the opinion of the aforesaid City it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. The Commission shall work closely with the proper City officials when an emergency arises, and it may schedule an emergency meeting to act on work that is necessary.

Section 23. Appeals.

- (1) Any action of the Commission may be appealed to the City Council of the City of Guthrie.
- (2) Any interested person may appeal by filing a notice of appeal with the City Council of the City of Guthrie not later than ten (10) days after the written decision of the Commission has been filed with the City of Guthrie. Upon receipt of said notice of appeal and applicable fee(s), the City Council shall schedule a public hearing to be conducted not later than thirty (30) days after the notice of appeal is filed, and shall render its decision within thirty (30) days of said hearing date.
- (3) The City Council's consideration of an appeal of a Commission decision shall be based upon:
 - (a) The record established in the Commission's consideration of the matter in question, and
 - (b) The testimony and evidence presented in the public hearing provided in paragraph 2 above.

- (4) Notwithstanding paragraphs 2 and 3 above, the City Council may remand any matter to the Commission for reconsideration and/or rehearing.

Section 24. Injunctive relief.

The City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this article, or for a permanent injunction in an appropriate case.

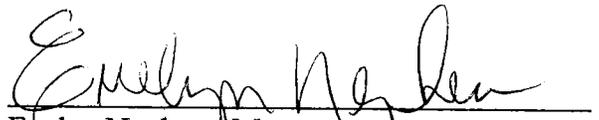
Section 25. Violation and penalties.

Any person who violates any part or provision of this article shall be guilty of an offense and upon conviction thereof shall be punished as provided in Section 12-34 of this code. Each day of continuing violation may be deemed a separate offense.

Section 26. Previously Approved Work.

Any work that was approved by the Capitol Townsite Historic District Commission before the adoption of this ordinance, as evidenced by a properly issued Certificate of Appropriateness or other form of official city approval, shall be grandfathered under this ordinance. Any work completed without approval under ordinance #2620 shall remain subject to the approval process as outlined in this ordinance.

ADOPTED and APPROVED by the City Council of the City of Guthrie, Oklahoma, this 20th day of March, 2001.



Evelyn Nephew, Mayor

ATTEST: (Seal)



Wanda Calvert, City Clerk

APPROVED AS TO FORM:



Randel Shadid, City Attorney

Historic Preservation Commission	
Brown, Erin	Knowledge
Long, James	Owner
Powell, Doug	Planning
Mahoney, C. Kim	LCHS
Loch, Amy	LCHS
Kerr, Patrick	Knowledge
<i>---open---</i>	<i>---owner---</i>
Wood, Ed (Ex-officio)	Council Member

Oklahoma Housing Authorities Act

State of Oklahoma, possessing all powers, rights, and functions herein specified for city and county authorities created pursuant to this act: Provided that said Indian housing authority shall not transact any business nor exercise its powers hereunder until or unless the governing council of said tribe, band, or nation, as the case may be, by proper resolution, declares that there is a need for an authority to function for said tribe, band, or nation.

Except as otherwise provided in this act, all the provisions of law applicable to housing authorities created for cities and counties and the commissioners of such authorities shall be applicable to Indian housing authorities and the commissioners thereof, unless a different meaning clearly appears from the context. The Chief or other governing head of an Indian tribe, band, or nation is hereby authorized to exercise all appointing and other powers with respect to an Indian housing authority that are vested by this act in the mayor of a city relating to a City Housing Authority.

Laws 1965, c. 251, § 7, emerg. eff. June 18, 1965.

§63-1058. Appointment, qualifications, tenure and meetings of authority commissioners.

A. When a housing authority is authorized to transact business and exercise powers hereunder, five (5) persons shall be appointed as commissioners of the authority as follows:

1. In the case of a city, by the mayor with the advice and consent of the governing body; or

2. In the case of a county, by the board of county commissioners, and at least one of the persons so appointed shall be a tenant in a housing project under the jurisdiction of such authority.

The term of office of each commissioner shall be for three (3) years, except that of the commissioners first appointed one shall serve for a term of one (1) year and two shall serve for terms of two (2) years. All vacancies shall be filled for the unexpired term. Each commissioner shall qualify by taking the official oath of office prescribed by statute or ordinance for elected officials of the county or city, as the case may be.

B. A commissioner shall receive no compensation for his services, but may be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties or receive a per diem payment of not to exceed Thirty-five Dollars (\$35.00) plus mileage as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74, for expenses incurred in attending meetings of the housing authority. Each commissioner shall hold office until his

uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;

(f) that residential construction activity is closely correlated with general economic activity and that the undertakings authorized by this act to aid the provision of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment; and

(g) that it is in the public interest that preparations for such projects and activities be made now, and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Laws 1965, c. 251, § 3, emerg. eff. June 18, 1965.

§63-1054. Definitions.

The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Authority" means any public body corporate and politic created by this act.

(b) "City" means any incorporated city or town in the state. "County" means any county in the state.

(c) "Governing body" means, in the case of a city, the council or other governing body of the city in which is vested legislative authority customarily imposed on the city council, and, in the case of a county, the board of county commissioners.

(d) "Mayor" means the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of a city.

(e) "Clerk" means the city clerk or the county clerk, as the case may be.

(f) "Area of operation" means:

(1) in the case of an authority of a city, the city and the area within one (1) mile of the territorial boundaries thereof, except that the area of operation of an authority of any city shall not include any area which lies within the territorial boundaries of some other city;

(2) in the case of an authority of a county, all of the county for which it is created: Provided, that a county authority shall not undertake any project within the boundaries of any city unless a resolution shall have been adopted by the governing body of the city and by any authority which shall have been theretofore established and authorized to exercise its

ORDINANCE NO. 2678

AN ORDINANCE CREATING A LIBRARY BOARD FOR THE CITY OF GUTHRIE, OKLAHOMA; PROVIDING FOR APPOINTMENT AND TERM OF SERVICE FOR THE MEMBERS OF SAID BOARD, PROVIDING DUTIES OF THE BOARD; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Mayor and Councilmen of the City of Guthrie, Oklahoma:

Section 1: There is hereby created a Library Board for the City of Guthrie, Oklahoma. The Library Board shall be composed of five (5) members, to be appointed as provided in Section 2 hereof.

Section 2: The Mayor of the City of Guthrie, Oklahoma shall, with the approval of the City Council, appoint five (5) members of the Library Board. For the initial appointments, one member shall serve a term of one (1) year, two members shall serve a term of two (2) years, and two members shall serve a term of three (3) years. These terms shall begin May 1, 1981 and the Mayor shall designate the length of each member's term, as provided above. On or before May 1, 1982, the Mayor shall appoint, with the approval of the City Council, one member for a term of three years; on or before May 1, 1983, the Mayor shall appoint, with the approval of the City Council, two members for a term of three (3) years; on or before May 1, 1984, the Mayor shall appoint, with the approval of the City Council, two members for a term of three (3) years; thereafter all appointments shall be for a term of three (3) years, and shall be subject to City Council approval.

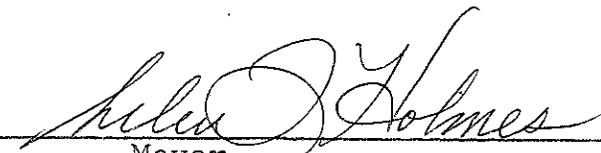
Section 3: The Library Board shall make recommendations to the Mayor, City Council and City Manager on the operation, functions, maintenance, policies of and all matters concerning, the public library system of the City of Guthrie.

Section 4: All ordinances or resolutions in conflict with any provision of this Ordinance are hereby repealed, as of the effective date of this Ordinance.

Section 5: If any part of this Ordinance shall be declared unconstitutional or void for any cause, such part shall not affect the remaining parts or provisions of this Ordinance.

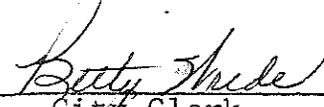
Section 6: For the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereby this Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED by the Council and APPROVED by the Mayor this 7th day of April, 1981.



Mayor

ATTEST: (Seal)



City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 3229

AN ORDINANCE AMENDING CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF GUTHRIE, OKLAHOMA.

THE CITY OF GUTHRIE HEREBY ORDAINS:

SECTION 1.

Amending Guthrie Municipal Code as follows:

CHAPTER 15: PARKS AND RECREATION

Article

- 1. ADMINISTRATION AND CONTROL**
- 2. LAKE GUTHRIE AND LIBERTY LAKE**
- 3. INTENTIONALLY OMITTED**
- 4. TRAVEL OVER GUTHRIE LAKE DAM**
- 5. PARK BOARD**

Article 1: Administration and Control

- 15-1. Council authority to make rules
- 15-2. Fees to be determined

Article 2: Lake Guthrie and Liberty Lake

- 15-15. Use of facilities; permits and fees
- 15-16 Fees established
- 15-17. Possession of permit required; general rules

Article 3: Intentionally Omitted

- 15-30. Intentionally Omitted
- 15-31. Intentionally Omitted

Article 4: Travel Over Guthrie Lake Dam

15-45. Speed limits

15-46. Enforcement

Article 5: Park Board

15-60. Creation and membership

15-61. Organization

15-62. Powers and duties

15-75. Penalty

ARTICLE 1: ADMINISTRATION AND CONTROL

§ 15-1 COUNCIL AUTHORITY TO MAKE RULES.

The City Council or Guthrie Parks Board shall promulgate, invoke, create, amend and enforce rules, regulations and other requirements, as they deem necessary or expedient in connection with fishing, fishing privileges, swimming and the use of all other recreational facilities owned or operated by the city.

(90 Code, § 15-1)

§ 15-2 FEES TO BE DETERMINED.

The city shall provide by rules, from time to time, the fees charged for any recreational privileges on any property or facility for recreational purpose owned or operated by the city.

(90 Code, § 15-2)

ARTICLE 2: LAKE GUTHRIE AND LIBERTY LAKE

§ 15-15 USE OF FACILITIES; PERMITS AND FEES.

(A) It shall be unlawful to use any recreational facilities on either Lake Guthrie or Liberty Lake without first having obtained a permit and having paid the fee therefore. Recreational Facilities shall include all land around the lakes, campsites, trails, boat ramps, picnic areas, lakes themselves, docks, banks, etc. All facilities must be in compliance with the rules and regulations in connection therewith adopted by the City Council. Fees shall not be required for the enclosed area designated as Mitchell Park or for individuals sitting in their motor vehicle alongside Guthrie Lake, provided they are not fishing out of the vehicle.

(B) Section A above applies to the present rules and regulations adopted as may be changed from time to time.
('90 Code, § 15-3) (Ord. 2404, passed - - ; Am. Ord. 3104, passed 7-16-02)

§ 15-16 FEES ESTABLISHED.

The City Council shall establish a schedule of Fees by Resolution.
('90 Code, § 15-4) (Ord. 2633, passed - - ; Am. Ord. 3104, passed 7-16-02)

§ 15-17 POSSESSION OF PERMIT REQUIRED; GENERAL RULES.

(A) (1) Each person using any of the recreational facilities on either lake shall have on his or her person a proper paid permit therefore which must be exhibited to a game ranger or like employee or any police officer of the city upon request.

(2) Failure to have the permit in the possession of the person currently using the facility or failure to exhibit the permit to a game ranger or lake employee or police officer of the city upon request shall be an offense and upon conviction thereof, the person shall be punished as provided herein.

(B) The general rules for use of either Guthrie Lake or Liberty Lake, which include the possession and/or purchase of a daily or annual permit prior to using any lake facilities shall be determined by the Guthrie Parks Board or Guthrie City Council and placed at a location available to the public. State Laws shall also be in effect in any instance regarding fishing requirements, rules and regulations not specifically addressed by Guthrie or Liberty Lakes rules.

(C) Authority for the enforcement of these rules is delegated to the respective lake rangers and/or police officers, as supervised and approved by the City Manager or his or her designee.

ARTICLE 3: Available

§ 15-30

§ 15-31

ARTICLE 4: TRAVEL OVER GUTHRIE LAKE DAM

§ 15-45 SPEED LIMITS.

(A) By reason of the fact that it is dangerous to travel across the dam at Guthrie Lake on the

roadway provided therefore, at a speed greater than 30 mph, there is hereby established a speed limit for motor vehicles of all types, including motorcycles, of 30 mph on the roadway constructed across the dam at Guthrie Lake.

(B) Anyone driving a motor vehicle of any description whatsoever, including motorcycles, on the roadway located on the dam at Guthrie Lake at a speed in excess of 30 mph is hereby declared to be guilty of an offense.

(C) Anyone found guilty of driving a motor vehicle of any description whatsoever, including motorcycles, on the roadway on the dam at Guthrie Lake at a speed in excess of 30 mph shall be punishable as provided in this code of ordinances.

(90 Code, § 15-8) (Ord. 2546, passed - -; Am. Ord. 2823, passed - -; Am. Ord. 3171, passed 2-21-06)

§ 15-46 ENFORCEMENT.

All police officers of the city, including the custodian of the lake, if he has police commission, shall have the authority to enforce this article.

(90 Code, § 15-9) (Ord. 2546, passed - -; Am. Ord. 3171, passed 2-21-06)

ARTICLE 5: PARK BOARD

§ 15-60 CREATION AND MEMBERSHIP.

There is hereby created a Park Board consisting of five appointive members, all of whom shall be residents of the city and who shall be appointed at-large by the Mayor with the approval of the City Council. The members of the Board shall serve a two-year staggered term. Terms shall expire at the first regular City Council meeting in June. The members shall serve until their successors have been appointed and qualified. The City Manager or his or her designee shall be an ex officio, non-voting member of the Park Board. Vacancies on the Board shall be filled for the balance of the unexpired term in the same manner as provided in this section. Before entering into the performance of their duties, each member shall take and subscribe to the oath of office as required by law. The members of the Board shall serve without compensation.

(Ord. 3020, passed 6-3-97; Am. Ord. 3102, passed 6-4-02; Am. Ord. 3157, passed 4-5-05; Am. Ord. 3174, passed 3-21-06)

§ 15-61 ORGANIZATION.

The Park Board shall select the Chair, Vice-Chair, Secretary and Assistant Secretary from among its members. A quorum of the Board shall consist of three voting members. The Chair of the Board may appoint standing or special committees composed of a lesser number, provided

that no recommendation shall be forwarded to the City Council without the affirmative vote of a majority of all the members of the Board. The Board shall hold regular meetings not less than quarterly, and special meetings may be called by the City Manager, the Chair or any three Board members. Any member who is absent from more than one-half of all meetings of the Board, regular and special, held within any period of six consecutive calendar months shall cease to hold office. A member shall refrain from voting on or participating in deliberations of the Board on matters in which he or she has any financial interest, directly or indirectly. Except as provided in this article, the Board shall determine its own rules.

(Ord. 3020, passed 6-3-97; Am. Ord. 3102, passed 6-4-02; Am. Ord. 3157, passed 4-5-05; Am. Ord. 3174, passed 3-21-06)

§ 15-62 POWERS AND DUTIES.

(A) The Park Board shall serve in an advisory capacity to the City Council on matters pertaining to the parks and recreation programs of the City; however, the Park Board shall have the authority to set rules and regulations on matters pertaining to the parks and recreations programs of the City. The City Council may adopt, reject, modify or amend the recommendations, regulations or rules set forth by the Board. Among the matters the Board may consider are:

(1) The acquisition or disposal of public property for parks and recreation purposes;

(2) The development of short and long range goals for parks and recreation, including the formulation of a master plan;

(3) The beautification and enhancement of parks, including proposed capital improvements;

(4) The creation, implementation and expansion of city sponsored recreation programs;
and

(5) The adoption, amendment and enforcement of rules, regulations, fees, charges and policies for and governing the use of city park properties and facilities and recreation programs.

(B) Findings and recommendations of the Board regarding the maintenance and upkeep of existing parks properties and facilities shall be referred to the City Manager for appropriate action.

(Ord. 3020, passed 6-3-97; Am. Ord. 3102, passed 6-4-02; Am. Ord. 3157, passed 4-5-05; Am. Ord. 3174, passed 3-21-06)

§ 15-75 PENALTY.

(A) It shall be unlawful for any person to use any of the recreational facilities or to hunt, fish,

swim or use any boat in connection with any of the recreational facilities owned or operated by the city, without having complied with the rules and regulations promulgated by the City Council or Park Board in connection therewith and anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in this code.

(90 Code, §15-10) (Ord. 2823, passed - -)

(B) Any person convicted of violating any of the provisions of § 15-17 shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than \$100, plus court costs, and each day that an act or a violation occurs or continues, shall constitute a violation of § 15-17, and be construed as a separate offense.

(90 Code, § 15-5) (Ord. 2604, passed - -; Am. Ord. 2823, passed - -; Am. Ord. 2970, passed 4-6-93; Am. Ord. 3074, passed 10-17-00)

Cross-reference:

Arrestment; pleading, see § 12-24

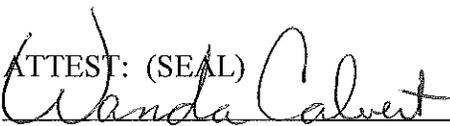
SECTION 2.

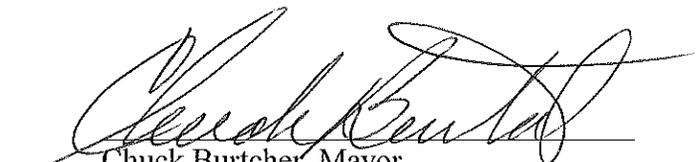
All other provisions of Chapter 15 not amended by this ordinance shall remain in full force and effect.

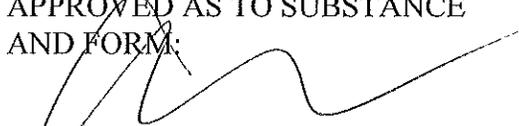
SECTION 3.

Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Guthrie and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED and APPROVED by the City Council this 20th day of March, 2012.

ATTEST: (SEAL)

Wanda Calvert, City Clerk


Chuck Burtcher, Mayor

APPROVED AS TO SUBSTANCE
AND FORM:

Randel Shadid, City Attorney

Article 7: Special Use Permits

16-85. Permit may be granted on special review

16-86. Uses permitted in zoning districts upon grant of special use permit

16-87. Application and site plan review procedure for special use permit

Cross-reference:

Unoccupied and dilapidated structures, see §§ 13-60 through 13-71

ARTICLE 1: PLANNING COMMISSION**§ 16-1 CREATION; APPOINTMENT OF MEMBERS.**

(A) The city, heretofore availed itself of the provisions of House Bill No. 905 of the 26th Legislature of the state, 19 O.S. §§ 866.1 to 866.35 inclusive, as may be amended, and the city heretofore entered into an agreement with the Board of Logan County Commissioners for the organization of a Metropolitan Area Planning Commission, as provided in the Act.

(B) In lieu of the Metropolitan Area Planning Commission, it is deemed expedient for the city to avail itself of the provisions of 11 O.S. § 14-101, as amended, and by the authority granted herein, there is hereby created the City Planning Commission, to be known as the Planning Commission.

(C) The Mayor shall be authorized to nominate five citizens of the city to serve as members of the Planning Commission, and to be confirmed by the City Council and provided that the Commission shall not be deemed to be created until this article is in full force and effect.

(D) All ordinances of the city now in full force and effect that contain the phrases "Planning Commission" or other "Zoning and Planning Commission," "Metropolitan Area Planning Commission," or other words and phrases that mean City/County Zoning and Planning Commission shall now and hereafter mean and be referred to as the "Planning Commission."

(E) If any section, word, clause or provision of this article shall be declared void, unenforceable or illegal or any cause whatsoever, such shall not affect the validity of the remainder of this article, or any part thereof.

('90 Code, § 16-1) (Ord. 2590, passed - -)

§ 16-2 POWERS AND DUTIES.

The City Planning Commission has and shall have all powers and duties prescribed by state law and all powers and duties possessed by the heretofore Metropolitan Area Planning Commission.

('90 Code, § 16-2)

AN ORDINANCE DISSOLVING AND DISCONTINUING THE METROPOLITAN AREA PLANNING COMMISSION REPEALING ALL ORDINANCES OF THE CITY OF GUTHRIE, OKLAHOMA, OR PARTS THEREOF, IN CONFLICT WITH THIS ORDINANCE AND IN LIEU OF SUCH METROPOLITAN AREA PLANNING COMMISSION, THIS ORDINANCE CREATES A CITY PLANNING COMMISSION CONSISTING OF FIVE MEMBERS OF THE CITY OF GUTHRIE, OKLAHOMA, AND AUTHORIZES THE NOMINATION AND CONFIRMATION OF FIVE MEMBERS TO SUCH COMMISSION; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Guthrie, Oklahoma, no longer desires to avail itself to the provisions of the City-County Planning and Zoning Act, being Sections 866.1 et seq. of Title 19, Oklahoma Statutes, creating a Metropolitan Area Planning Commission; and

WHEREAS, to insure the systematic development and betterment of the City of Guthrie as a place of residence or for business, the said City desires to create a City Planning Commission under Title 11, Sections 421-425.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUTHRIE, OKLAHOMA:

Section 1. That the Metropolitan Area Planning Commission, as created by Section 866.1 et. seq. of Title 19 of Oklahoma Statutes, and by Ordinance, is hereby dissolved and discontinued.

Section 2. That all Rules and Regulations of Uniform Application governing plats and subdivisions heretofore adopted or acquiesced in or promulgated by the City Council of the City of Guthrie, are hereby rescinded, dissolved and discontinued.

Section 3. That any comprehensive plans for development of the Metropolitan Area of Guthrie and Logan County, Oklahoma, heretofore adopted or acquiesced in or promulgated by the City Council of the City of Guthrie, Oklahoma, pursuant to the provisions of Title 19 Oklahoma Statutes, Sections 866.1 et. seq. are hereby rescinded, dissolved and discontinued.

Section 4. That any zoning regulations heretofore adopted or acquiesced in or promulgated by the City Council of the City of Guthrie, Oklahoma, pursuant to the provisions of Title 19 Oklahoma Statutes, Sections 866.1 et. seq. are hereby rescinded, dissolved and discontinued.

Section 5. That all ordinances of the City of Guthrie, Oklahoma, or parts of ordinances, in conflict with this Ordinance are hereby repealed.

Section 6. That in lieu of said Metropolitan Area Planning Commission, it is deemed expedient for the said City of Guthrie, Oklahoma, to avail itself of the provisions of Sections 421-425 of Title 11, Oklahoma Statutes, as amended, and by the authority granted herein, there is hereby created a City Planning Commission for the City of Guthrie, Oklahoma, to be known as the City Planning Commission.

Section 7. That the Mayor of the City of Guthrie, Oklahoma shall be authorized to nominate five citizens of the City of Guthrie, Oklahoma, to serve as members of the said City Planning Commission, and to be confirmed by the City Council of the City of Guthrie, Oklahoma, and provided that the said Commission shall not be deemed to be created until this Ordinance is in full force and effect.

Section 8. That all ordinances of the City of Guthrie now in full force and effect that contain the phrases "Planning Commission" or other "Zoning and Planning Commission", "Metropolitan Area Planning Commission", or other words and phrases that mean City-County Zoning and Planning Commission shall now and hereafter mean, be, and referred to as the City Planning Commission of the City of Guthrie, Oklahoma.

Section 9. If any section, word, clause or provision of this Ordinance shall be declared void, unenforceable or illegal for any cause whatsoever, such shall not affect the validity of the remainder of this Ordinance, or any part thereof.

Section 10. For the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED by the Council and APPROVED by the Mayor, this 21st day of February, 1976

John W. Dowdy

Mayor

(SEAL)

ATTEST:

City of Guthrie

May 17, 2016

ORDINANCE NO. 2614

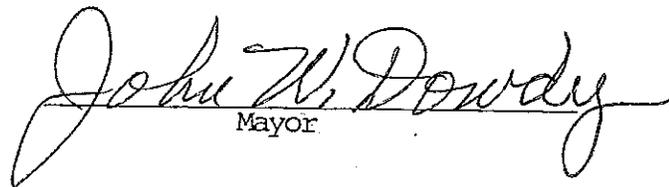
AN ORDINANCE RELATING TO THE CITY OF GUTHRIE, OKLAHOMA, AVAILING ITSELF OF THE REGIONAL PLANNING COMMISSION ACT AS PROVIDED IN SECTION 46-101 OF TITLE 11 OKLAHOMA STATUTES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF Guthrie, Oklahoma:

Section 1. That the City of Guthrie, Oklahoma, avail itself of the provisions of Sections 46-101 to 46-104 of Title 11. Oklahoma Statutes for the organization of a Regional Planning Commission as provided in said Act; that the Regional Planning Commission is hereby designated as the official Planning Commission for the City of Guthrie in accordance with the laws of the State of Oklahoma.

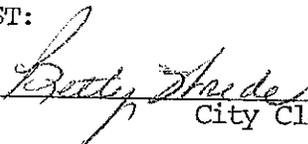
Section 2. For the preservation of the public peace, health and safety, an emergency is hereby declared to exist, whereby the Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED by the Council and APPROVED by the Mayor, this 15 day of August, 1978


Mayor

(SEAL)

ATTEST:


City Clerk

ORDINANCE NO. 3263

AN ORDINANCE CREATING ARTICLE TEN TO CHAPTER SEVEN TO THE GUTHRIE CODE OF ORDINANCES ESTABLISHING A GUTHRIE CONVENTION AND VISITOR BUREAU AND THE GUTHRIE CONVENTION AND VISITOR BOARD, AND SETTING FORTH THE PURPOSE, REQUIRMENTS FOR TERM OF OFFICE, POWERS, AND DUTIES OF THE MEMBERS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUTHRIE, OKLAHOMA:

SECTION 1. A new Article 10 to Chapter 7 of the Guthrie Code of Ordinances is hereby adopted as follows:

**ARTICLE X
Convention and Visitor Bureau**

§ 7-176 Creation of Guthrie Convention and Visitor Bureau.

There is hereby established the Guthrie Convention and Visitor Bureau as the title under which a contract service provider may be allowed to conduct convention, tourism and visitor development services.

§ 7-177 Purpose.

The primary purpose of the Guthrie Convention and Visitor Bureau is to promote general interest in and for the City of Guthrie; to improve conditions of all types of businesses in and around Guthrie, by increasing visitors and tourism in Guthrie; to promote Guthrie as a meeting place, athletic venue and overnight visitor destination.

§ 7-178 Contract.

The City or the Guthrie Convention and Visitor Bureau may contract with any entity or entities to provide convention, tourism and visitor development services. The City or the Guthrie Convention and Visitor Bureau may enter into one or more such contracts as determined to be needed by the Convention and Visitor Bureau and/or the City Council. The contractor may be designated to operate on the behalf of the City of Guthrie as the Guthrie Convention and Visitor Bureau.

§ 7-179 Convention and Visitor Board.

There is further established a Convention and Visitor Board (CVB) consisting of seven (7) members. These seven members shall be determined by the City Council. Each ward shall

nominate one Guthrie resident or business owner to set on the board, with an additional four at large members. The Mayor and City Council shall appoint two exofficio non-voting City Council Members to serve on the CVB. The CVB as a whole will select the Board Chairperson and Vice Chairperson each year.

§ 7-180 Term of office.

- A. The term of office for the seven Council appointed members of the Convention and Visitor Bureau shall be three-year overlapping terms. The membership shall consist of seven members appointed by the Guthrie City Council as described in Section 7-179 above. The terms of the seven members shall be as follows: The term of three (3) members shall be for a term ending the 30th day of September 2015; the term of three (3) members shall be for a term ending the 30th day of September 2016; and one (1) members shall be for a term ending the 30th day of September 2017. Upon the expiration of the terms of the members, successors shall be appointed for three-year terms. Members may be removed with or without cause by the Mayor and City Council.
- B. If any member shall be absent from more than ½ of all the meetings of the Convention and Visitor Bureau meetings held within four consecutive calendar months, he shall thereupon cease to hold office.

§ 7-181 Quorum.

Four members of the Convention and Visitor Bureau shall constitute a quorum. Business may be transacted by a majority of the quorum present.

§ 7-182 Meetings.

The Convention and Visitor Bureau shall meet on a monthly basis to provide direction and conduct business activities pertaining to the visitors and tourism for the Guthrie area. Emergency meetings may be called by four members of the committee.

§ 7-183 Powers and duties.

The Convention and Visitor Bureau shall:

- A. Gather information and ideas; conduct research; assist the contract service provider (if applicable) in advertising and promotional programs, travel to solicit conventions, trade shows, agricultural, educational and special events; assist in advising the City Council and the contract service provider (if applicable) in the promotion of the City's image so that Guthrie will be developed and maintained as a visitor's and tourism destination.

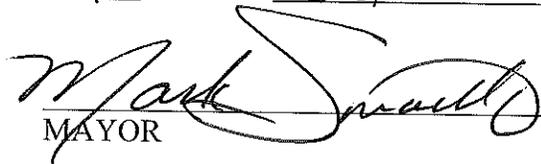
- B. Advise the contract service provider (if applicable) of the promotional, recreational, commercial, industrial and economic events in, around and for the benefit of the City of Guthrie and its residents.
- C. Encourage, promote and foster visitor and tourism conventions, conferences and tourism development in the City of Guthrie and assist the contract service provider (if applicable) in the solicitation of visitor attractions, events, tourism, conferences, conventions and meetings in the City of Guthrie.
- D. Submit to the City of Guthrie annually a recommended budget of operations for the forthcoming fiscal year.
- E. CVB meetings are governed by the State of Oklahoma Open Meeting Law.
- F. Funds of the Convention and Visitor Bureau or its contractor (if applicable) shall be subject to annual audit according to accepted governmental accounting principles.

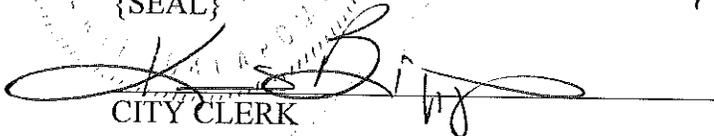
SECTION 2. All Ordinances, or parts of Ordinances, in conflict are hereby repealed.

SECTION 3. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter, or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance.

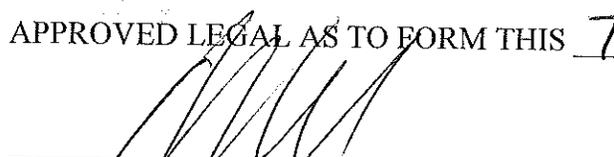
SECTION 4. An emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the City of Guthrie that this Ordinance shall be in full force and effect and publication as by provided by law.

PASSED, APPROVED and ADOPTED THIS 7th DAY OF October, 2014.


MAYOR

{SEAL}

CITY CLERK

APPROVED LEGAL AS TO FORM THIS 7th DAY OF October, 2014


CITY ATTORNEY

AFFIDAVIT OF PUBLICATION

Belinda Ramsey, of lawful age being duly sworn, upon oath deposes and says that she is the Publisher of the Guthrie News Leader, a legal newspaper, and that said newspaper has been continuously and uninterruptedly published in said county during the period of Fifty Two (52) weeks consecutively, required by House Bill 99. Affiant further states that said newspaper meets all the requirements of the laws of the State of Oklahoma with reference to legal publications. The advertisement above referred to, a true and printed copy of which is hereto attached was published in said Guthrie News Leader on the following dates, to-wit. Said notice was published in the regular edition of said newspaper and not in a supplement thereof.

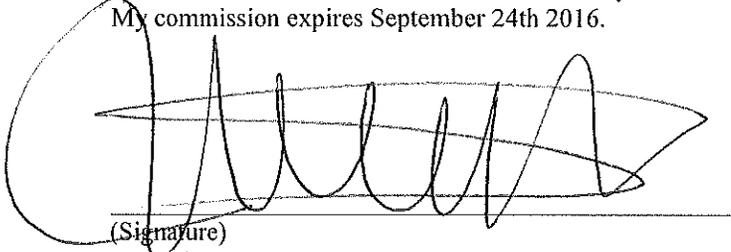
Publishing Dates: Oct. 11, 2014

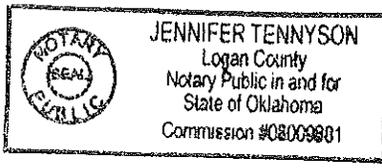
Publishing Fee: \$15.60


(Signature)

Subscribed and sworn to before me this 13th day of October, 2014.

My commission expires September 24th 2016.


(Signature)



(Published in the Guthrie News Leader Oct. 11, 2014)IT

Ordinance No. 3263 creating Article Ten to Chapter Seven to the Guthrie Code of Ordinances establishing a Guthrie Convention and Visitor Bureau and the Guthrie Convention and Visitor Board, and setting forth the purpose, requirements for term of office, powers, and duties of the members; repealing ordinances in conflict; providing for severability; and declaring an emergency. Adopted by the Guthrie City Council on the 7th day of October, 2014.

AFFIDAVIT OF PUBLICATION

Belinda Ramsey, of lawful age being duly sworn, upon oath deposes and says that she is the Publisher of the Guthrie News Leader, a legal newspaper, and that said newspaper has been continuously and uninterruptedly published in said county during the period of Fifty Two (52) weeks consecutively, required by House Bill 99. Affiant further states that said newspaper meets all the requirements of the laws of the State of Oklahoma with reference to legal publications. The advertisement above referred to, a true and printed copy of which is hereto attached was published in said Guthrie News Leader on the following dates, to-wit. Said notice was published in the regular edition of said newspaper and not in a supplement thereof.

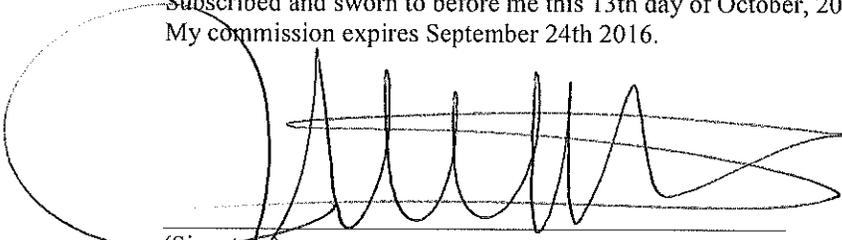
Publishing Dates: Oct. 11, 2014

Publishing Fee: \$15.60


(Signature)

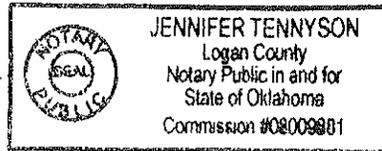
Subscribed and sworn to before me this 13th day of October, 2014.

My commission expires September 24th 2016.



(Signature)

(Published in the Guthrie News Leader Oct. 11, 2014)1T



Ordinance No. 3263 creating Article Ten to Chapter Seven to the Guthrie Code of Ordinances establishing a Guthrie Convention and Visitor Bureau and the Guthrie Convention and Visitor Board, and setting forth the purpose, requirements for term of office, powers, and duties of the members; repealing ordinances in conflict; providing for severability; and declaring an emergency. Adopted by the Guthrie City Council on the 7th day of October, 2014.

RESOLUTION NO. 2016-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUTHRIE ESTABLISHING A FEE FOR RECREATIONAL VEHICLE CAMPING IN COTTONWOOD FLATS.

WHEREAS, the Guthrie City Council has heretofore adopted Ordinance No. 3129, also known as the Master Fee Ordinance, which is a comprehensive compilation of all rates, charges and fees to be charged for services provided by either or both the City of Guthrie and the Guthrie Public Works Authority;

WHEREAS, said Ordinance provides that fees and charges, new or established are subject to modification whether an increase or decrease, by Resolution; and

WHEREAS, the Guthrie City Council has determined that in order to provide uniform rates, charges, fees and policies for services in connection with establishing a Recreational Vehicle Camping Fee for Cottonwood Flats that the same should be revised and amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Guthrie, Oklahoma, that:

1. The rates, charges, fees and policies for services provided in connection with Recreational Vehicle camping fees as contained in attached "Exhibit A" are hereby adopted and incorporated herein by reference.
2. Said rates, charges, fees and policies shall become effective immediately.

END

The undersigned hereby certify that the foregoing Resolution was duly adopted and approved by the Mayor and City Council of the City of Guthrie, Oklahoma, on this ## day of [Month], 2016 after compliance with the notice requirements of the Open Meeting Act (25 OSA, § 301, et seq.).

Steven J. Gentling, Mayor

ATTEST: (Seal)

APPROVED AS TO FORM:

Randel Shadid, City Attorney

Kim Biggs, City Clerk

“EXHIBIT A”

Recreational Vehicle (RV) Camping Fees

Fee for Electricity & Water Hookup in Cottonwood Flats \$20.00 per RV per night*

**Fee may be waived for events with (a) contract(s) for use of Cottonwood Flats*

Oklahoma RV & Campsite Charges (electric & water)

Campground	Cost
Arcadia Lake	\$24/night
Greenleaf	\$20/night
Beavers Bend	\$20/night
Lake Thunderbird	\$20-28/night
Lake Murray	\$20/night
Foss State Park	\$20/night
Red Rock Canyon	\$20/night
Ft. Cobb	\$20/night
Great Plains	\$20/night
Great Salt Plains	\$20/night
Alabaster Caverns	\$20/night
Little Sahara	\$20/night
Lake McMurtry	\$22/night
Liberty Lake*	\$14-20/night*
Average	\$20.50/night

***Liberty Lake Camping Fees**

\$14/site – no electric

\$17/site – with electric

\$20/site – with electric and water

From: Cody Mosley
Sent: Wednesday, April 20, 2016 12:01 PM
To: Andrea Post; Maxine Pruitt; Laurie Fuller; Kim Biggs; Bruce Johnson
Subject:FW: Rates

Hey everyone,

I met with a group who wants to construct a new RV park off of I-35 & College. I asked them if they had any rates they could share for folks wanting to plug into hookups at Cottonwood Flats. He shared some of their rates in the email below.

I hope this helps in determining what we will charge- better yet, I hope their RV park will be the destination moving forward.

Cody Mosley
City of Guthrie, OK
Community & Economic Development Director
(405) 282-0190
www.cityofguthrie.com

-----Original Message-----

From: Jason Young [mailto:jystotal@me.com]
Sent: Tuesday, April 19, 2016 6:41 PM
To: Cody Mosley
Subject: Rates

Cody

Nice to meet with you today. Thank you for meeting with us and taking time out of your day. Here is the basic scale that we have come across from doing research of over 50 rv parks in are area. These rates differ depending on amenities and the overall shape of the park and course the location. Overnight fees range anywhere from 30.00-59.00/night with full hook up. Lots with no hook ups range from 10.00-19.00/ night. I hope this helps and look forward to forming a long term relationship with the town of Guthrie. As we mentioned today we plan to build an outstanding park that will suite the town well and will be the talk of the town in a positive way. Feel free to contact me with any questions.

Respectfully
Jason young

Sent from JY'S Total Lawn Care, Inc. (405) 401-1677
Bachelor of Science in Agricultural Sciences and Natural Resources Horticulture and Landscape Architecture

Liberty Lake, Guthrie

CAMPING

- Fees are to be paid at the honor box or to the Camp Host before setting up at a campsite. The camping fee covers the use of the facility from 3:00 p.m. on the day of payment until the vacating time of 3:00 p.m. on the next day.
- The maximum camping period shall be limited to seven (7) consecutive days. All camping equipment must be removed for at least forty-eight (48) hours at the end of the seven (7) consecutive day period. Camping equipment left longer than seven (7) consecutive days will be removed and disposed of.
- Overnight campsite occupancy is mandatory during the entire camping period designated on the permit. Camping equipment left unattended overnight will be removed and disposed of.
- There is a limit of six (6) campers per camp site. At least one (1) camper must be a responsible adult eighteen (18) years of age or older who is present with the minors at all times.
- The maximum number of motor vehicles, recreational vehicles, and trailers per campsite shall not exceed three (3). All vehicles are to be parked in designated areas only and must not obstruct the flow of traffic on the normally traveled roadway.
- Limit fires to the provided fire rings. Gather dead or downed firewood from the vicinity of the park area only. Fires are not to be left unattended.
- Quiet hours are from 10:00 p.m. to 6:00 a.m. Engines, radios, music, loud talking, and other loud noises are not permitted during quiet hours.
- Camping is allowed only in designated sites with approved camping equipment; this includes tents, RV's, motor homes, and camping trailers manufactured for camping and sleeping purposes.
- All tents and camping gear must stay within campsite borders. Sleeping in passenger vehicles or on the open ground is prohibited.
- The use of electrical outlets will be limited to one (1) recreational vehicle at a time. Excessive lighting, "Christmas Trees" or similar devices are prohibited.
- Under no circumstances shall any effluent from sinks, toilets or other plumbing fixtures be deposited upon or into the surface of the ground or water. Gray water from trailers and R.V.'s must be contained and disposed of at approved locations away from the park area.
- No person, other than campers, shall enter or remain in the camping area between the hours of closing and 6:00 a.m.
- Campsites cannot be reserved or "saved" for campers arriving later.
- Campsites must be cleaned before departure.

Lake McMurtry, Stillwater

CAMPING

- Camping is only allowed in designated areas.
- Camping is limited to 14 cumulative days in any 30 day period.

Oklahoma RV Camping Rules

- Have permits readily available for park staff to check.
- Campsite Capacity Limits:
RV Campsite: 1 RV, 1 tent, 2 vehicles - 2 vehicle permits per campsite
Tent Campsite: 3 tents, 2 vehicles - 2 vehicle permits per campsite
- Exceeding campsite capacity limits may result in camper having to acquire another site, paying additional camping fees or eviction from the campground.
- All vehicles and trailers must be on paved or graveled surfaces except as otherwise permitted.
- Sites not marked with a reserved sign are obtainable on a first-come, first served basis.
- Only one electrical user is allowed per electric campsite. Plug-ins shall not exceed receptacles provided at the pedestal.
- No personal property may be left unattended for longer than 24 hours.
- Campfires are the responsibility of the camper and are restricted to fire rings or grills provided. Burning trash in the fire ring or grill is strictly prohibited.
- Cutting, sawing, or harvesting of firewood from trees and other vegetation within the park is strictly prohibited.
- Trenching around tents, littering or discharging sewage or gray water on the ground is prohibited.
- Quiet hours are from 10:30 p.m. to 7 a.m. Generators may be prohibited during these hours please consult with park staff.

Oklahoma State Parks

CAMPGROUND RESERVATION BUSINESS RULES

Group Reservations

RV Clubs and other organizations that wish to reserve RV sites under the group name must contact the park office to make a group reservation.

Online Reservation Fee

- A non-refundable fee charged to a customer for making a reservation using the Oklahoma State Parks Campground Reservation website.
- A reservation fee is assessed for each campsite reserved.
- The non-refundable fee is \$8.00 for each campsite reserved.

Deposit

- A deposit equal to the first night's rental is required for reservations on non-holiday weekends.
- The deposit is in addition to the non-refundable convenience fee.
- Full payment equal to entire length of stay is required for holiday and event reservations. Holidays include Memorial Day, July 4 and Labor Day and some special non-holiday events or festivals in or near state parks. All dates requiring a deposit equal to the full length of stay will be prominently displayed on the reservations homepage for each park.

Oklahoma RV Camping Rules

- Some parks require payment for full length of stay. Cancellation rules will apply to paid in full reservations.

Confirmed Reservation

- A reservation is confirmed when the convenience fee and applicable deposit is paid.
- The customer will receive an e-mail confirmation upon receipt of payment.
- The reservation confirmation will provide the reservation confirmation number for each reservation and detailed reservation information that includes: customer name; customer e-mail address; name of the state park; arrival date; departure date; type of RV site reserved; and, the total amount charged for the each reservation.

Reservation Cancellation

- The customer must use the online reservation system to self-cancel their reservation with a current credit card ten (10) business days or more prior to the scheduled arrival date to receive a refund of payment. Refund will not include the \$8.00 online reservation fee.
- The customer must use the campground reservation system to self-cancel a reservation secured with a current credit card within 60 days of the initial transaction date (not within 60 days of the stay.)
- Cancellation of a reservation secured with a credit card more than sixty (60) days from the initial transaction date (not more than 60 days of the date of the stay) must contact the park at which the original reservation was made, to process a cancellation refund.
- The \$8.00 convenience fee incurred at the time of the reservation is not refundable.
- Reservations may not be self-cancelled online less than (10) days prior to the scheduled arrival date. Any cancellation of a reservation (by any other means of notification) less than 10 days prior to arrival will result in forfeiture of payment.

Reservation Modification

- A reservation may be modified one (1) time after the reservation is completed and a confirmation is number assigned without incurring an additional convenience fee.
- Reservation modifications that result in an upgrade to the campsite type may require an additional deposit before the modified reservation is confirmed.
- A second request to modify a reservation will result in cancellation of that reservation and reservation cancellation rules will apply.
- Any customer editing a reservation secured with a credit card more than sixty (60) days from the initial transaction date (not more than 60 days of the date of the stay) must contact the park at which the original reservation was made to process the refund to the edited reservation.

Reservations Window

- Online reservations may be made from 11 months to five (5) days prior to arrival date.
- Applicable convenience fees and deposit requirements will apply to all reservations made online by the customer or with the assistance of park office staff.

Reservation Limitations - Number of Reservations

- Each reservation is charged a separate \$8.00 non-refundable online reservation fee.
- Payment is required for each reservation.

Oklahoma RV Camping Rules

Minimum Length of Stay

- A reservation must be for a minimum of two (2) nights on weekends and three (3) nights on holidays and special events or festivals in or near state parks.
- Dates requiring a minimum length of stay may vary from park to park and that information will be prominently displayed on the reservations homepage for each park.
- An exception to the minimum length of stay for holidays and special events or festivals may be granted by the park manager. Approval of a request for an exception to minimum length of stay may not be guaranteed.

Maximum Length of Stay

- A specific RV can only remain on the same campsite or in the same campground for a maximum of fourteen days (14).
- Reservations will not be honored that are made by different individuals occupying the same RV for consecutive fourteen (14) days.
- An extension to the maximum length of stay may be granted by the park manager.
- Approval of a request for an extension to the maximum length of stay is not guaranteed.

Check-In Time

- Check-in time is 5 PM
- An early check-in time may be authorized by the park manager.
- Approval of a request for early check-in is not guaranteed.

Check-Out Time

- Check-Out Time is 2 PM
- A late check-out time may be authorized by the park manager.
- Approval of a request for late check-out is not guaranteed.

Late Arrivals

- A campsite will be held until 10 AM the day following the scheduled arrival.

Early Departures

- Departures after arrival to the park will result in the forfeiture of the convenience fee and may also include forfeiture of the total rental fee for the dates associated with the reservation.

Change of Location after Arrival

- If a customer chooses to move from the site that they were assigned, or that they selected, to a first-come, first-served site, the customer will forfeit their convenience fee and may also forfeit the total rental fee for the reserved campsite.
- Fees forfeited by a customer initiated change of location request will not be applied to the fee that is associated with the customer's use of a first-come, first-served site.

Mother Nature Rule

- Refunds will not be given for inclement weather situations including/but not limited to: burn bans, low or high water levels or other weather-related conditions.

Purcell Lake, Purcell

- (j) Overnight camping Overnight camping on city land in the city lake area, or any other city-owned land is prohibited, unless permitted in areas specifically designated by the city manager:
- (1) The term "camping" is defined as the erection of a shelter for the purpose of sleeping or housing individuals for any period of time from one-half hour before sunset to one-half hour after sunrise.
- (2) Further, no person may remain on city property from one-half hour before sunset to one-half hour after sunrise for the purpose of camping, residing, occupying, and/or sleeping in a shelter such as a tent, RV trailer, motorized vehicle, etc., without a permit.
- (3) A permit shall be obtained from the office of the city clerk for all permitted camping, for a fee and deposit before a permit can be issued. The deposit shall be refunded, fully or partially, only when an inspection of the campsite indicates that the site is free of trash, garbage or other litter.
- (4) A camping permit shall be valid only for a period of 36 consecutive hours. Permits are limited to two per person/event per calendar year.
- (5) A permit may only be issued to local nonprofit organizations generally recognized as being a sponsor of camping related programs, with acceptable adult supervision.
- (6) Permits are to be secured 30 days in advance of the planned camping event. No camping shall be permitted within 30 feet of the water's edge.
- (7) City-issued camping permits are to be displayed in such a manner as to be visible from established roadways.

(Code 1991, § 11-103)

City of Edmond, OK

- Campsites have a 14-day maximum stay limit

Design Policies and Standards

(a) Drainage policies.

- (1) The storm water drainage system shall be designed to pass the peak storm water run-off received from upstream and from the subject property for storms with durations up to 24 hours and return periods of up to 100 years.
- (2) All development, redevelopment, and earth changes shall be constructed so that it will not increase the frequency of flooding or the depth of flood flows for any storm, up to and including the 24-hour 100-year storm.
- (3) Peak flows shall not be increased at any location for any storm, up to and including the 24-hour 100-year storm.
- (4) Regulation of peak flows to allowable levels, as determined by subsections (a)(2) and (3) of this section, shall be achieved by on-site or off-site storage and/or other water management facilities as provided in the city drainage standards.
- (5) Subject to requirements for a drainage plan or earth change permit and of the city drainage standards, downstream conveyance may be improved or easements obtained for inundated areas to compensate for increased flow depths if such improvements comply with the policies of this chapter.
- (6) All development, redevelopment, and earth changes shall be constructed so that it will not cause harm to other properties as a result of concentrating flows.
- (7) On-site storm water control may not be required for sites less than 2.5 acres in size if it is determined by the city engineer that storm water runoff from the site will not cause adverse effects as described in this chapter. The city engineer may request that the applicant provide such information as required to make this determination. In such cases, a cash payment in lieu of on-site storm water control will be made to the storm water management fund in an amount equal to the estimated cost of providing on-site storm water control.

(b) Erosion and sediment control policies.

- (1) All development, redevelopment, and earth changes shall be designed, constructed and completed in a manner which minimizes the exposure of bare earth to precipitation.
- (2) All development, redevelopment, and earth changes shall be constructed only if appropriate sedimentation facilities are installed and maintained throughout the construction period.
- (3) All development, redevelopment, and earth changes shall be accompanied by best management practices for controlling sediment and erosion so as to minimize the amount of sediment leaving the site.

(c) Standards.

- (1) Requirements and design standards for all components of drainage facilities shall be established by the city drainage standards.
- (2) The city drainage standards shall govern all earth changes, drainage plans, excavating, grading, regrading, revegetation, landfilling, berming and diking of land within the jurisdictional area of the city and shall specifically regulate the following considerations:

- a. The city drainage standards shall regulate the design, installation, utilization and removal of all temporary and permanent drainage facilities and best management practices; and
- b. The city drainage standards shall regulate the placement and compaction of fill material.

Regional Detention Systems

- (a) Regional detention systems may be permitted and are recognized as one of the preferred methods of providing storm water control. These systems may be designed to control the fully urbanized flows so as to permit the maximum use by developments in lieu of constructing small, on-site detention.
- ~~(b) The city council may accept cash payments for such detention systems in lieu of requiring on-site detention. Cash payments must be in an amount equal to the estimated cost of providing on-site storm water control and must be made prior to the start of any construction or earth-changing operations. Any moneys received under this provision must be placed in the fund.~~
- ~~(c) The option of accepting cash payments for regional detention may be made available to sites of any size. However, the option is available only when a regional detention facility is in place or scheduled for construction in the immediate future that will support the detention requirements of the proposed site.~~
- (d) If it is determined by the city engineer that storm water runoff from the site will cause adverse effects as described in this chapter, the site shall not be eligible for the cash payment option. The city engineer may request that the applicant provide such information as required to make this determination.

Regulatory Requirements:

- (1) Develop all storm water design plans to ensure all applicable regulations are met:
 - a) Any applicable City of Elk City Municipal Codes
 - b) Any applicable State of Oklahoma statutes
 - c) Any applicable United State of America federal regulations
- (2) Develop all storm water system plans with applicable Oklahoma Department of Environmental Quality (ODEQ) design standards and to ensure proper permits are obtained.

B. Construction Plan Requirements

Construction Plan Requirements

A. Construction plan drawings shall include:

- 1. Plans shall provide the following information for the site:
 - a) contour lines and spot elevations to support construction;
 - b) existing and proposed elevations;
 - c) existing and proposed structures with elevation information;
 - d) obstructions;
 - e) storage basins;
 - f) roadways, pavement, parking areas or other impervious surfaces;
 - g) curbs/gutters;
 - h) all utilities (buried, elevated and/or abandoned);
 - i) easements, property lines, and rights-of-ways;
 - j) Best Management Practices (BMPs) for erosion and sediment control
 - k) all work limits;
 - l) FEMA regulatory floodplain zones (floodway, 100-YR, 500-YR)
 - m) appropriate profiles and section details; and
 - n) directions of flow.

B. Building Elevations

At a minimum, plans shall include ground elevations and grade at the buildings perimeter. Where buildings are within the FEMA regulatory floodplain, base floor elevations shall be identified.

C. Hydraulic Gradient

Plans shall include hydraulic gradient lines and/or 100-year floodplain water surface elevations, where applicable.

D. Site Context

Plans shall include any additional information for areas outside of the site limits that may require modification as part of the project to mitigate adverse impacts downstream.

E. Easements and Rights-of-Way

1. All restricted drainage easements shall be clearly shown detailed as to type, location, and width on the construction plans, record drawings, and final plats, as well as described in the conditions and restrictions of the plat or by separate instrument.

2. Adequate right-of-way shall be provided for access and maintenance to the drainage easement. Location and width shall be identified on the construction plans, record drawings, and final plats, as well as described in the conditions and restrictions of the plat or by separate instrument.

Requirements for Drainage Reports and Plans

A. Drainage Report Certification and Submittal

1. The report to be submitted shall include a cover letter presenting the study for review.

2. Drainage reports shall be prepared following the guidelines below and All reports and plans must be signed, sealed, and dated by a professional engineer with certification that the report and plan is in compliance with good engineering practice and the requirements of this Code.

(1) Cover letter required. A cover letter shall accompany all submittals and include the following:

- a. Summary statement identifying and characterizing (location, area of project in acres, and proposed land use) the proposed land development project and discussing how the project will adhere to the requirements of this Code.
- b. Brief description of drainage system components, the overall concept of the proposed drainage system, and its interaction with existing drainage facilities.
- c. Policy statement discussing the design criteria and any proposed deviation from methodology, as set forth by this Code.

(2) Preliminary drainage study. The report submitted as a preliminary drainage study shall be formatted in accordance with the following outline and contain all of the information listed:

- a. Project location map and information. The project location map shall contain the following information:
 1. Map with township, range, section, quarter section.
 2. Name and address of property owner.
 3. Legal description of property.
 4. Streets within and adjacent to the project.
 5. Names of surrounding developments.
- b. Existing drainage map. The existing drainage map shall show the following:
 1. Drainage area map at a scale of one inch equals 20 feet to one inch equals 100 feet identifying all predevelopment drainage basins and sub basins within and that contribute flow through or across the proposed land development project.

2. Existing land use and predominant cover type (shrubs, trees, grass).
 3. Identify all existing basins and discharge points with unique alphanumeric labels, list area of each basin in acres, and list runoff coefficients or curve numbers appropriate for the existing land use.
 4. Existing contours at two-foot maximum intervals for all basins and sub basins.
 5. Limits of floodplain and floodway located within or adjacent to (within 75 feet of the property) the proposed land development project.
 6. Existing drainage facilities within and adjacent to (within 75 feet of the property) the proposed land development project.
 7. Location, size and type of easements within and adjacent to the proposed land development project.
- c. Proposed drainage map. The proposed drainage map shall show the following:
1. Drainage area map at same scale as existing drainage map identifying all proposed (post-development) drainage basins and sub basins and existing basins that will not be altered.
 2. Identify all proposed basins and proposed discharge points with unique alphanumeric labels, list area of each basin in acres, and list runoff coefficients or curve numbers appropriate for the proposed land use.
 3. Existing and proposed contours at two-foot maximum intervals for all basins and sub basins.
 4. Limits of floodplain and floodway located within or adjacent to (within 75 feet of the property) the proposed land development project.
 5. Existing drainage facilities to remain and proposed drainage facilities within and adjacent to (within 75 feet of the property) the proposed land development project.
 6. Existing and proposed easements within and adjacent to (within 75 feet of the property) the proposed land development project.
- d. Hydrology and hydraulics. The hydrology and hydraulics shall show the following:
1. A written summary of the existing drainage patterns and off-site drainage patterns and impact on the proposed development.
 2. A summary table of the following:
 - (i) Existing (predevelopment) hydrologic characteristics, including, but not limited to, discharge points, basin areas, soil types, runoff coefficients, curve numbers, hydraulic lengths, and time of concentration values; and
 - (ii) Assumptions, including a written description of the basis for each assumption used in the calculations.
 3. A summary table of hydrologic analysis results for all of the basins and sub basins based on existing conditions for the minor and major storm events.
 4. A written general description of the proposed storm water drainage facilities and methods for controlling the post-development drainage including the proposed locations of storm water drainage facilities required to mitigate any potential adverse impacts.
 5. A summary table comparing existing and proposed peak flow rates at each discharge point for the minor and major storm events.
 6. Design rainfall data used for minor and major storms.
 7. Hydraulic capacity calculations for all existing drainage facilities that currently serve or will serve the proposed land development project.
 8. Volumetric computations for compensatory storage requirements for any alterations of the floodplain.

(3) Final drainage study. The report submitted as a final drainage study shall include a final drainage plan, shall be formatted in accordance with the following outline, and shall contain all information listed for a preliminary drainage study in addition to the following information:

- a. Drainage facility design. The drainage facility design shall show the following:
 1. Certification statement shall be in conformance with section 35-109
 2. A summary table of the following:
 - (i) Post-development hydrologic characteristics, including but not limited to discharge points, basin areas, soil types, runoff coefficients, curve numbers, hydraulic lengths, and time of concentration values); and
 - (ii) Assumptions, including a written description of the basis for each assumption used in the calculations.
 3. A summary table of hydrologic analysis results for all of the basins and sub basins based on proposed (fully developed) conditions for the minor and major storm events.
 4. A summary table of hydraulic capacity calculations for all proposed drainage facilities, including but not limited to streets, storm inlets, storm sewers, drainage channels, swales, culverts, and on-site or regional detention facilities, that will serve the proposed development project (on-site and off-site) or convey pass through runoff from upstream or off-site basins and sub basins.
- b. Conclusions.
 1. A written summary statement indicating compliance with this Code, the city drainage standards and the city standards, as well as any accepted drainage plans, where applicable.
 2. A detailed statement concerning the projected effects of the proposed land development project on property adjoining the site and on existing drainage facilities and systems both on and off site.
- c. References. List all design criteria and technical information used.
- d. Appendices. The appendices shall contain the following:
 1. Land use assumptions regarding adjacent properties.
 2. Time of concentration flow path characteristics and calculations.
 3. Runoff calculations at specific design points on site and off site.
 4. Historic and fully developed runoff computations at points of compliance.
 5. Hydrographs at critical design points, if applicable.
 6. Culvert capacity charts.
 7. Storm sewer capacity calculations.
 8. Street capacity calculations.
 9. Storm inlet capacity calculations.
 10. Open channel design calculations.
 11. Grade control and/or channel drop design.
 12. Detention area/volume capacity and outlet capacity calculations (stage-storage-discharge table).
 13. Routing of off-site drainage flow through the development, easements, and/or right-of-way dedications.
 14. Location/alignment of watercourse and the appropriate hydraulic analysis for any alteration of a watercourse.
 15. Hydraulic analysis for compensatory storage requirements for any alterations of the floodplain.
 16. Detention facility outlet details and maintenance plan.
 17. All appropriate FEMA submittal data and application for a LOMR, if applicable.

(4) Final drainage plan.

- a. A drainage plan must contain a general location map in sufficient detail to identify all surface drainage entering and leaving the development and general drainage patterns. The map should be at a scale of one inch equals 200 feet up to one inch equals 2,000 feet and show the path of all drainage from the upper reach of any off-site basins to the defined major drainage ways.
- b. All final drainage plans submitted for final acceptance shall include the certifications as stated in section 35-109
- c. Maps of the proposed development at a scale of one inch equals 20 feet to one inch equals 100 feet on a full size drawing (22 inches by 34 inches) oriented in plan view with north arrow and scale shall be included with the drainage plan. The plan shall show the following:
 1. Existing and proposed contours at one-foot maximum intervals.
 2. Spot elevations and drainage arrows at all grade breaks within the development and at all locations where proposed surface improvements tie into existing grade around the perimeter of the property. In every instance, the plan shall include topography a minimum of 75 feet beyond the limits of proposed development.
 3. Property lines, easements, and common areas with purposes noted.
 4. Streets, roads, and highways adjacent to the property.
 5. Overall drainage area boundary and drainage sub-area boundaries identified by bold, dashed lines.
 6. Existing drainage facilities and structures, natural or manmade, including roadside ditches, drainage ways, gutter flow directions, and culverts. All pertinent information such as material, size, shape, slope and location shall also be included.
 7. Proposed storm sewers and open drainage ways, including inlets, manholes, culverts, retaining walls, erosion control measures, and other appurtenances.
 8. Drainage arrows indicating individual lot grading patterns shall be clearly illustrated. Surface drainage from the lesser of three residential lots or three acres is allowed to combine before entering storm water drainage facilities designed to collect and transport surface drainage.
 9. Proposed discharge points for runoff from the project area and all facilities designed to convey flows to the final outfall point without adverse effects to downstream property.
 10. The on-site 100-year flood elevations and the limits of regulatory floodway, floodplain and/or water surfaces. In every instance, the plan shall include a determination of the 100-year water surface elevation and the area of inundation based on routing off-site drainage flow through the development for a 100-year 24-hour storm.
 11. Location and elevation of all existing and proposed utilities affected by or affecting the drainage design.
 12. Details for the construction of all proposed storm water drainage facilities at a scale sufficient to demonstrate conformance with city drainage standards and city standards shall be included. Details shall include, but not be limited to, plan and profile view of all drainage facilities, culvert and underground pipe trench details, detention storage and outlet details, street inlet details, low-flow concrete swale and curb cut details and channel and swale standard cross sections.
 13. Water surface profiles for the major storm shall be computed using standard backwater analysis (taking into consideration all losses due to changes in velocity, drops, bridge openings, culverts, and other obstructions) and delineated in the profile view of all channels and drainage facilities.

14. The existing and proposed surface area (in units of square feet) of impervious materials for nonresidential land development projects shall be calculated and included in tabular form for proper assignment of equivalent residential units (ERUs) for drainage fees.
15. When construction is phased or when temporary facilities are used, an outline of the sequence of construction activities shall be provided that notes when the various aspects of the drainage study will be implemented.

Drainage System Requirements

A. Storm water Drainage System Design Capacity

1. The storm water drainage system shall be designed to receive and pass the runoff from a 1% (100-year) frequency rainstorm under full urbanization. The entire flow shall be confined within the storm water drainage system and shall include easements and drainage facilities within the public rights-of-way.
2. When roadways are used as a part of the storm water drainage system, all street design requirements shall be followed.

B. Storm water Flow

1. The storm water flow of a collector system shall be designed within the confines of dedicated rights-of-way or restricted drainage easements to ensure that storm water runoff can pass through a project site without inundating the lowest level of any building, dwelling, or structure.
2. When storm water drainage system features are located between buildings or lots rather than within the right-of-way of a street, designs shall include restricted drainage easement as platted. City code prohibits structures from being located within restricted drainage easements.
3. The adjacent water surface elevation produced from a 1% (100-year) storm shall be no closer than 1 foot from the finished floor of any structure.
4. Drainage easement language shall state on the plat that the restricted drainage easement is provided for storm water flow, and that the area shall be maintained by the property owner in accordance with the Land Development Code.

C. Bridges, Culverts, and Swales

1. All bridges shall be designed to pass the flow produced by the regulatory 1% (100-year) storm with 2 feet of freeboard from the water surface to the low chord of the bridge. All culverts determined to be bridge box culverts, shall be designed to pass the flow produced by the regulatory 1% (100-year) storm with 2 foot of freeboard from the water surface to the inside top of the culvert.
2. All culverts under roadways, regardless of size, shall be designed to pass the flow produced by the regulatory 1% (100-year) storm with 1 foot of freeboard from the water surface to the upstream edge of pavement, for which backwater from 100% blockage would flood upstream structures. Backwater analysis shall be provided to illustrate compliance with this requirement.
3. Maximum upstream headwater allowed shall be 1.5 times the vertical interior dimension of the culvert; the culverts shall be designed to have overland relief in a restricted drainage easement or right-of-way assuming 100% blockage of the culvert.
4. Culverts, gutter lines, and associated longitudinal street grades for all streets shall be designed without street overtopping for floods produced by all storms up to and including the regulatory 1% (100-year) storm. Where overtopping will occur, the design shall include roadside swales, storm sewers or other storm water appurtenances.
5. Culverts shall be designed such that backwater from the culvert does not inundate any structure.
6. Provide protective measures for culverts and embankments to minimize embankment damage during overflow.
7. When roadside swales without storm sewers are to convey storm water, the swales shall convey the regulatory 1% (100-year) flow and have a maximum depth of 30 inches to limit traffic and pedestrian safety hazards, regardless of right-of-way width, slope or paved bottom. If a greater depth is required, by design and/or site conditions, an alternative storm water conveyance system must be used. Special considerations will be made for use of engineered bioswales which

require a greater depth than 30 inches; traffic and pedestrian safety will be required to be addressed as part of the design. Roadside swale cross-slopes shall be no steeper than 3:1 (H:V). Wherever practical, side slopes of 4:1 (H:V) shall be required to allow for maintenance safety.

8. Roadside swales with vegetative cover shall have a longitudinal slope of no less than 2% to ensure drainage. When slopes greater than 2% are used, the channel must be designed to ensure that surfaces are protected from erosion.

Rainfall

A. Introduction

All hydrological analyses for projects within the City of Elk City shall utilize the rainfall data published by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 as the basis for rainfall intensity or cumulative depth.

Runoff

A. General

1. A drainage study which compares pre-project conditions to proposed conditions and shall be developed and submitted as a report as part of the design submittals.
2. For new construction projects, "pre-project conditions" refers to the natural state.

B. Soil Conservation Service (SCS) Unit Hydrograph Method The method of runoff analysis that shall be used for the design of storm drainage system components is the SCS Method.

1. **Soil-Cover Complex Number (CN) Determination** When using the SCS unit hydrograph method for a sub-basin, the SCS basin lag time shall be used in conjunction with the CN value to determine runoff. The soil type and vegetative covers of a watershed are generally classified separately. A combination of a specific soil type and a specific cover is referred to as a Soil-Cover Complex Number (CN) and a measure of this complex can be used as a watershed parameter in estimating runoff. The CN for each area in the hydrologic analysis can be derived by first determining the classification of the soil, and then choosing the CN from the NRCS Urban Hydrology For Small Watersheds (TR-55 report).

2. Basin Characteristics

Sub-basin characteristics needed for the SCS Unit Hydrograph Method are:

- a) Drainage area of the sub-basin;
- b) Longest flow path length;
- c) Characteristics of individual flow paths that make up the longest flow path (e.g., overland, grassed channel, gutter);
- d) Slope of individual flow paths; and
- e) Land use types and areas throughout the basin (e.g., agricultural, residential, business)

3. Time of Concentration

The Time of Concentration (T_c) for the basin is made up of two time components, according to the following equation:

$$T_c = T_o + T_t$$

Where: T_c = time of concentration (minutes)

T_o = initial, inlet, or sheet flow time (minutes)

T_t = travel time in the ditch, channel, gutter, storm sewer, etc. (minutes)

a) For urban areas, the time of concentration consists of an overland sheet flow time (T_o) plus the time of travel (T_t) in the storm sewer, paved gutter, roadside drainage ditch, or drainage channel.

b) For non-urban areas, the time of concentration consists of an overland sheet flow time (t_o) plus the time of travel (T_t) in a combined form, such as a small swale, channel, or drainage way.

c) Overland sheet flow time, T_o , varies with surface slope, surface coverage and distance of surface flow.

d) overland flow distance shall not exceed 200 feet.

e) A one-minute time increment shall be used in developing the rainfall distribution.

C. Rational Formula

The Rational Method shall only be used to determine pipe sizes for storm water drainage systems. It shall not be used for any routing calculations for storm water storage facilities.

1. The Rational Method, using the Wright-McLaughlin modifier (correction factor) is based on the formula:

$$Q = CIA$$

Where: Q = peak discharge, (cubic feet per second, cfs)

C = runoff coefficient (dimensionless) (see Table 1800.2 or 1800.3)

I = rainfall intensity for a duration equal to the time of concentration, (inches/hour)

A = watershed area (acres)

2. Runoff Coefficient

Runoff coefficients for different land use or surface characteristics are found in Table x. If the sub basin is not homogeneous in its land use type, then a composite runoff coefficient should be calculated by averaging the areas of different runoff coefficients.

3. Rainfall Intensity: The rainfall intensity is the average rainfall rate in inches per hour for the period of maximum rainfall of a given frequency having a duration equal to the time of concentration. As described in the February 1988 ODOT Drainage Design Manual, the following equations shall be used. The most current ODOT Intensity-Duration-Frequency curves shall supersede this information.

$$I = a/(T_c + b)^c$$

Where: I = rainfall Intensity (inches per hour)

T_c = time of concentration (minutes)

a, b, c = defined through regression of NOAA Atlas 14 data

Buisnesses:		
Commercial Areas	70 to 95	0.7 to 0.95
Neighborhood Areas	60 to 80	**

Single Family Multi-unit (detached)	35 to 50	45 to	0.47 to
Multi-unit (attached) ½ acre lot or larger	55 to 45	65 to 30	0.64* * * * *
Apartment	to 45	65 to 75	
INDUSTRIAL Light uses	70 to 80	80 to	*
INDUSTRIAL Heavy uses	90		
PARKS,	4 to 8		*
CEMETERIES			
PLAYGROUNDS	40 to 60		*
RAILROAD YARDS	35 to 45		*
STREETS Paved	90 to 100	50 to	
Gravel	70		0.95 0.65
DRIVES AND WALKS	90 to 100		0.95
ROOFS	85 to 95		0.95
LAWNS Sandy Soils			0.10 to
Clayey soils	5 to 10	10 to 30	0.20 0.13 to 0.35



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-12

The Honorable Mike Ritze
State Representative, District 80
2300 N. Lincoln Blvd., Room 433B
Oklahoma City, Oklahoma 73105

November 30, 2015

The Honorable Chris Kannady
State Representative, District 91
2300 N. Lincoln Blvd., Room 246 A
Oklahoma City, Oklahoma 73105

The Honorable Kevin Calvey
State Representative, District 82
2300 N. Lincoln Blvd., Room 301A
Oklahoma City, Oklahoma 73105

Dear Representatives:

This office has received your requests for an official Attorney General Opinion in which you ask, in effect, the following questions:

Pursuant to Title 52, Section 137.1 of the Oklahoma Statutes, political subdivisions of the State of Oklahoma may (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[.]” Section 137.1 also provides, in relevant part, that “[a]ll other regulations of oil and gas operations shall be subject to the exclusive jurisdiction of the Corporation Commission.”

- 1. Do the provisions of Section 137.1, which limit municipal regulation of oil and gas operations, apply equally to charter municipalities**

organized under Article XVIII, Section 3 of the Oklahoma Constitution and non-charter municipalities?

2. May a political subdivision regulate aspects of oil and gas operations that are not specifically enumerated in Section 137.1?
3. If a political subdivision adopts setback and/or fencing requirements for oil and gas well sites that effectively prohibit certain types of drilling within its boundaries, will those measures be enforceable in light of Section 137.1?
4. Will an ordinance adopted by a political subdivision be enforceable, notwithstanding a conflict with Section 137.1, if the ordinance (a) predates the statute, or (b) provides for an appeal process to a board of adjustment or local governing body?
5. How will it be determined whether an ordinance, rule, or regulation concerning road use, traffic, noise, or odors incidental to oil and gas operations or a particular setback and fencing requirement for oil and gas well site locations meet the reasonableness requirement of Section 137.1?

BACKGROUND

A common theme underlying each of the questions presented is the proper balance of regulatory power between the State and its localities. While there is a clear hierarchy of regulatory authority between a State and its political subdivisions, *see, e.g., City of Hartshorne v. Marathon Oil Co.*, 1979 OK 48, ¶ 6, 593 P.2d 97, 99, a locality is not without power to police matters within its boundaries. Indeed, the concept of concurrent jurisdiction has deep roots in Oklahoma law. *See, e.g., Sparger v. Harris*, 1942 OK 418, ¶ 19, 131 P.2d 1011, 1014 (“Where the Legislature has made or may by general law make a specific police regulation, that fact of itself will not prevent the lawmaking power of a city from making further regulations on the same subject, not inconsistent with general laws.” (quoting *Ex parte Johnson*, 1921 OK CR 202, (Syllabus ¶ 4), 201 P. 533, 534 (Syllabus ¶ 4))); *see also Moore v. City of Tulsa*, 1977 OK 43, ¶ 2, 561 P.2d 961, 963 (“A municipal corporation may exercise police power on subjects of municipal concern which are also proper for statutory regulation, and where the state has not spoken the position of a municipal corporation is analogous to that of the state to the federal government with reference to matters of interstate commerce.”). A full discussion of the contours of this balance between state and local powers is beyond the scope of this opinion. Nevertheless, this framework informs our analysis regarding the effects of Section 137.1 on local regulation of oil and gas activities.

Municipalities in Oklahoma have had a long-recognized role in regulating oil and gas operations within their boundaries.¹ See *Vinson v. Medley*, 1987 OK 41, ¶ 6, 737 P.2d 932, 936 (“A city is empowered to enact zoning laws to regulate the drilling of oil-and-gas wells with a view to safeguarding public welfare. Without these regulations residents would be exposed to multiple dangers and unnecessary inconveniences.” (footnote omitted)); *City of Hartshorne*, 1979 OK ¶ 6, 593 P.2d at 99 (“There is no doubt a city, under its police power, may enact ordinances regulating the drilling of oil and gas wells within its city limits.”); *Van Meter v. H.F. Wilcox Oil & Gas Co.*, 1935 OK 188, ¶ 27, 41 P.2d 904, 911 (“It is no longer open to doubt that a city has the authority to regulate the drilling of oil wells within its corporate limits.”). Thus, courts have upheld ordinances ranging from simple permitting and fee requirements, see, e.g., *Plak v. Oklahoma City*, 1951 OK 99, 229 P.2d 567, to those that confine oil and gas operations to certain areas within the municipality and restrict the number of wells allowed per parcel. See, e.g., *Van Meter*, 1935 OK 188, 41 P.2d 904.

At the same time, the State has an interest in regulating the extraction and production of oil and gas resources, an industry that has long been a driving force behind the State’s economy. See, e.g., *C.C. Julian Oil & Royalties Co. v. Capshaw*, 1930 OK 452, ¶ 13, 292 P. 841, 844. But even with the creation of the Oklahoma Corporation Commission as the state entity with exclusive jurisdiction over the drilling and operation of oil and gas wells, see 1917 Okla. Sess. Laws ch. 207, § 2, municipalities have retained some regulatory authority regarding oil and gas production within city limits. See *Gant v. Oklahoma City*, 1931 OK 241, ¶ 11, 6 P.2d 1065, 1068 (declining to hold “that the general police power of Oklahoma City to provide for the safety and health of its inhabitants, is in any way taken away by virtue of the jurisdiction conferred upon the corporation commission, to superintend the drilling for oil and gas, and their carrying and preservation”); *C.C. Julian Oil & Royalties Co. v. Oklahoma City*, 1934 OK 88, ¶ 16, 29 P.2d 952, 955 (rejecting the argument that the Legislature’s grant to the Corporation Commission of “exclusive power” to regulate oil and gas drilling deprived cities of the authority “to adopt any ordinance, rule, or regulation attempting to govern or control the drilling of such wells”).

We acknowledged this concurrent authority in a 2006 Attorney General Opinion interpreting Section 52(B) of Title 17, which grants the Corporation Commission and incorporated cities and towns, together, “exclusive jurisdiction over permit fees for the drilling and operation of oil and gas wells.” 17 O.S.2011, § 52(B). In that opinion, we stated, “[t]he fact that the Corporation Commission has issued a permit to drill a well would not prevent a city from denying an application for a permit to drill the well pursuant to its municipal ordinances when, for example, the location was not zoned for such an activity.” A.G. Opin. 2006-12, at 94. The concept of shared authority over oil

¹ While several of the questions addressed herein refer to political subdivisions generally, counties in Oklahoma do not have the same regulatory authority over oil and gas operations as municipalities. For instance, the extraction of oil and gas is specifically exempt from the zoning authority granted to counties. See 19 O.S.2011, §§ 866.30, 868.11; see also A.G. Opin. 86-37, at 66. We do not address in this opinion all of the implications of this disparate regulatory authority.

and gas regulation was also recognized in Section 137 of Title 52, which provided as follows:

Nothing in this act is intended to limit or restrict the rights of cities and towns governmental corporate powers to prevent oil or gas drilling therein nor under its police powers to provide its own rules and regulations with reference to well-spacing units or drilling or production which they may have at this time under the general laws of the State of Oklahoma.

52 O.S.2011, § 137 (repealed by 2015 Okla. Sess. Laws ch. 341, § 2). The “act” referenced in Section 137 is found in 1935 Session Laws, Chapter 59, Article 1, which addressed, among other things, “the spacing of oil wells in the common sources of oil supply in this State, more effectively preventing waste and adjusting the correlative rights of producers of oil and royalty owners in such common sources of supply[.]” The legislation also clarified the role of the Corporation Commission in regulating well spacing to prevent waste in oil and gas production. *See id.* § 3.

In the most recent legislative session, however, the Legislature altered this shared regulatory structure via its enactment of Senate Bill 809. *See* 2015 Okla. Sess. Laws ch. 341. The bill had two sections. The second section repealed the entirety of Section 137 of Title 52, quoted above. *Id.* § 2. The first section created Section 137.1 of Title 52, which, subject to the following exceptions, provides that “*all...regulations of oil and gas operations shall be subject to the exclusive jurisdiction of the Corporation Commission.*” *See id.* § 1 (emphasis added). The first exception authorizes municipalities, counties, or other political subdivisions to:

enact reasonable ordinances, rules and regulations concerning road use, traffic, noise and odors incidental to oil and gas operations within [their] boundaries, provided such ordinances, rules and regulations are *not inconsistent with any regulation* established by Title 52 of the Oklahoma Statutes or the Corporation Commission.

Id. (emphasis added). This exception appears to be a recognition of the traditional power of municipalities to regulate traffic and road use, *see* 11 O.S.2011, §§ 22-117, 36-101, and abate nuisances, *see id.* § 22-121, within their boundaries. *See also Moore*, 1977 OK ¶ 2, 561 P.2d at 963 (describing home-rule municipalities’ powers of self-government to address similar concerns).

The second exception permits municipalities, counties, or other political subdivisions to:

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 its citizens *but may not effectively prohibit or ban any oil and gas operations*, including oil and gas exploration, drilling, fracture stimulation, completion, production, maintenance, plugging and

abandonment, produced water disposal, secondary recovery operations, flow and gathering lines or pipeline infrastructure.

2015 Okla. Sess. Laws ch. 341, § 1 (emphasis added). This provision appears to be directed at the zoning power of a municipality to restrict certain industries and activities to particular sub-areas within city limits. *See* 11 O.S.2011, § 43-101. As noted above, municipal zoning ordinances that affect oil and gas development have been the subject of litigation since shortly after statehood.²

ANALYSIS

Your questions touch on several topics regarding the impact of Senate Bill 809—and in particular the provisions of new Section 137.1 of Title 52—on the regulatory authority of political subdivisions. These are addressed in the following order. *First*, we analyze whether Section 137.1 affects charter municipalities and statutory municipalities differently, concluding that it does not. Specifically, if local regulation by either type of municipality conflicts with Section 137.1, the regulation is void. *Second*, we examine whether regulation by political subdivisions is now limited to only those aspects of oil and gas operations that are specifically enumerated in Section 137.1, and conclude that it is. *Third*, we address three specific scenarios in which local regulation would conflict with Section 137.1 and conclude that, in each case, the local regulation would be void. *Finally*, even permissible local regulations of oil and gas activity—*i.e.*, those that address a subject matter specifically listed in Section 137.1 and that do not otherwise conflict with state law—must also be reasonable. Therefore, in the final section we review the guidelines for determining whether local oil and gas regulations satisfy the reasonableness requirement of Section 137.1.

1. The provisions of Section 137.1 of Title 52 apply equally to charter municipalities organized under Article XVIII, Section 3 of the Oklahoma Constitution and non-charter municipalities.

“In Oklahoma, municipalities are divided into two categories: charter and non-charter (or statutory) municipalities.” *Trentham v. Isaacs*, 2014 OK CIV APP 35, ¶ 16, 324 P.3d 425, 428. As the name suggests, statutory/non-charter municipalities derive their legislative authority from statute. *See* 11 O.S.2011, § 14-101 (permitting municipalities to “enact ordinances, rules and regulations not inconsistent with the Constitution and laws of Oklahoma *for any purpose mentioned in Title 11 of the Oklahoma Statutes or for carrying out their municipal functions*”) (emphasis added); *see also City of Hartshorne*, 1979 OK, ¶ 4, 593 P.2d at 99 (“A city has no inherent power or authority; it possesses and can exercise only those powers expressly granted, or incidental to powers

² A third exception, not relevant here, permits political subdivisions to “enact reasonable ordinances, rules and regulations concerning development of areas within [their] boundaries which have been or may be delineated as a one-hundred-year floodplain but only to the minimum extent necessary to maintain National Flood Insurance Program eligibility.” *See* 2015 Okla. Sess. Laws ch. 341, § 1.

expressly granted, by the state.”). In all cases of conflict between an ordinance of a non-charter municipality and state law, the ordinance is void and state law controls. See *Nucholls v. Bd. of Adjustment*, 1977 OK 3, ¶ 8, 560 P.2d 556, 559; *Morehead v. Dyer*, 1973 OK 121, ¶¶ 8-9, 518 P.2d 1105, 1107-08 .

As for charter (or “home-rule”) municipalities, the Oklahoma Constitution permits a municipality with a population greater than 2,000 to “frame a charter for its own government, consistent with and subject to the Constitution and laws of this State[.]” OKLA. CONST. art. XVIII, § 3(a); see also 11 O.S.2011, § 13-101. “A city which adopts a home-rule charter . . . is accorded full power of local self-government, and as such the city has the power to enact and enforce ordinances to protect the public peace, order, health, morals and safety of its inhabitants, even though general statutes exist relating to the same subjects.” *Moore*, 1977 OK ¶ 2, 561 P.2d at 963. In cases of conflict between charter provisions and state law, the charter will control if the provision “affects a subject that is deemed to lie *exclusively within municipal concern*.” *Vinson*, 1987 OK ¶ 5, 737 P.2d at 936 (emphasis added); see also 11 O.S.2011, § 1-102 (“Once a municipal charter has been adopted and approved, it becomes the organic law of the municipality in all matters pertaining to the local government of the municipality and prevails over state law on matters relating to purely municipal concerns[.]”). Conversely, if a charter provision conflicts with statutes “affecting matters of general statewide concern, or in matters where the state ha[s] a sovereign interest, the statutes control.” *Brown v. Dunnaway*, 1952 OK 297, ¶ 13 248 P.2d 232, 234; see also *City of Chickasha v. Arkansas Louisiana Gas Co.*, 1981 OK CIV APP 5, ¶ 7, 625 P.2d 638, 641 (holding that charter enabling statutes “may not be used to achieve predomination of an ordinance over a conflicting statute in matters of statewide concern in an attempt to override substantive statutory law which relates to matters of statewide concern”).

“The line between a chiefly municipal affair and a sovereign state interest is not well illuminated.” *Edwards v. City of Sallisaw*, 2014 OK 86, ¶ 11, 339 P.3d 870, 874; see also Maurice H. Merrill, *Constitutional Home Rule for Cities Oklahoma Version*, 5 OKLA. L. REV. 139, 159 (1952) (noting the difficulty in identifying any “harmonizing principle” to differentiate matters of statewide concern from “merely municipal affairs”). However, there is little question that regulation of oil and gas production is a matter of statewide concern. As the Oklahoma Supreme Court long ago recognized:

[I]t cannot be disputed that the production of petroleum and its various products is one of the major industries of this state, and one in which many of its citizens are vitally concerned. The almost universal use of oil, gasoline, and other petroleum products, together with the fact that a major portion of the revenues to support our educational and eleemosynary institutions and other departments of state government is derived from taxes levied upon this industry, makes the conservation of this great natural resource a matter of grave concern to the state and every citizen thereof.

C.C. Julian Oil & Royalties Co. v. Capshaw, 1930 OK ¶ 13, 292 P. at 844; *cf. Jacobs Ranch, LLC v. Smith*, 2006 OK 34, ¶ 53, 148 P.3d 842, 856 (noting the Legislature's responsibility to regulate the state's water resources for the benefit of the state as a whole). With the passage of Senate Bill 809, the Legislature reinforced this notion by situating all regulation of oil and gas operations, unless specifically reserved to political subdivisions, within the exclusive jurisdiction of a single state agency.

Therefore, because the production of oil and gas is a matter of statewide concern, municipal charter provisions that conflict with state regulation of oil and gas operations are invalid. *See, e.g., Brown*, 1952 OK ¶ 13, 248 P.2d at 234. Likewise, state regulation of oil and gas operations will, in all cases, control over conflicting municipal ordinances of non-charter municipalities. *See, e.g., Nucholls*, 1977 OK ¶ 8, 560 P.2d at 559. Accordingly, the effect of Section 137.1 of Title 52 on a municipality will be the same regardless of whether it is a charter or a non-charter municipality: conflicting municipal regulations are void and of no effect.³

2. Political subdivisions may regulate only those aspects of the oil and gas industry that are specifically listed in Section 137.1 of Title 52.

Your second question involves the scope of local authority to regulate oil and gas operations in light of the limiting language of Section 137.1. We believe the answer lies in the plain language of the statute. *See Rogers v. Quiktrip Corp.*, 2010 OK 3, ¶ 11, 230 P.3d 853, 859 (“If a statute is plain and unambiguous, it will not be subjected to judicial construction but will receive the interpretation and effect its language dictates.”). Indeed, it is clear from the entirety of Senate Bill 809 that the Legislature intended to limit local regulation to the areas specifically enumerated therein.

We reach this conclusion for several reasons. First, the bill repealed Section 137 of Title 52, which recognized a broad authority of municipalities, pursuant to their general police power, to ban oil and gas drilling within city limits or to implement their own rules and regulations for well-spacing, drilling, and production. *See* 2015 Sess. Laws ch. 341, § 2.

Second, the broad municipal authority recognized in Section 137 was replaced with clear subject-matter limitations on oil and gas regulation by political subdivisions. Now, Section 137.1 permits only regulations that (i) concern “road use, traffic, noise and odors

³ Importantly, this opinion does not address the question of whether any particular ordinance or charter provision conflicts with Section 137.1 or any other state regulation of oil and gas operations. Answering that question would require parsing the language of both to determine whether they “contain either express or implied conditions which are inconsistent and irreconcilable with one another.” *Moore*, 1977 OK ¶ 2, 561 P.2d at 963; *see also Hampton v. Hammons*, 1987 OK 77, ¶ 27, 743 P.2d 1053, 1060 (holding that in matters that “are of concern to both the city and state and not the exclusive concern of either,” municipal and state regulations that are not irreconcilable “are to be construed cumulatively”). Such an inquiry is beyond the scope of this opinion.

incidental to oil and gas operations” or (ii) establish “setbacks and fencing requirements for oil and gas well site locations[.]” See 2015 Sess. Laws ch. 341, § 1.⁴

Finally, the Legislature included explicit language in Section 137.1 that “[a]ll other regulations of oil and gas operations shall be subject to the *exclusive jurisdiction of the Corporation Commission.*” *Id.* (emphasis added). The plain language of these provisions, when taken together, evince clear legislative intent to limit local oil and gas regulation to only those areas set forth in Section 137.1.⁵ See, e.g., *State v. Tate*, 2012 OK 31, ¶ 7, 276 P.3d 1017, 1020 (“Words and phrases of a statute are to be understood and used not in an abstract sense, but with due regard for context, and they must harmonize with other sections of the Act.”).

3. Local regulations that conflict with Section 137.1 of Title 52 are invalid and unenforceable, regardless of when the regulation was adopted or whether it provides for an appeal process.

In this section, we address three scenarios described in your request letters, each involving potential conflicts between local regulation of oil and gas activity and the provisions of Section 137.1. Specifically, you asked, in effect, (a) whether setback or fencing requirements that have the effect of banning certain types of oil and gas activity are invalidated by Section 137.1, (b) whether a preexisting local regulation that conflicts with Section 137.1 will remain valid due to the fact that it was in place before the effective date of Senate Bill 809, and (c) whether a local regulation that conflicts with Section 137.1 is valid if it includes an appeal process to a board of adjustment or local governing body.

A. Setback and/or fencing requirements for oil and gas well sites that effectively prohibit certain types of oil and gas drilling within the subdivision’s boundaries conflict with Section 137.1 and are invalid.

Section 137.1 provides that, while political subdivisions may “establish reasonable setbacks and fencing requirements for oil and gas well sites,” they “may *not effectively prohibit or ban any oil and gas operations.*” 52 O.S.Supp.2015, § 137.1 (emphasis added). Such operations include, among other things, “oil and gas exploration, drilling, [and] fracture stimulation[.]” *Id.* The plain language of the statute proscribes the implementation by political subdivisions of fencing or setback requirements for well sites that have the effect—whether direct or indirect—of prohibiting or banning *any* oil and gas operations. As noted above, “[i]f a statute is plain and unambiguous, it will not be subjected to judicial construction but will receive the interpretation and effect its language dictates.” *Rogers*, 2010 OK ¶ 11, 230 P.3d at 859. We emphasize, however,

⁴ As noted above, Section 137.1 also includes a third exception, not relevant here, pertaining to local regulation of flood plain development.

⁵ However, we note that incorporated cities and towns, along with the Corporation Commission, may collect “permit fees for the drilling and operation of oil and gas wells.” 17 O.S.2011, § 52(B).

that while the answer to this question is clear in the abstract, its application to particular ordinances, rules, or regulations is likely to be less obvious. Specifically, whether a particular setback or fencing requirement for oil and gas well sites—or any set of such ordinances, rules, and regulations taken together—has the effect of prohibiting oil and gas activity in violation of Section 137.1 will require a fact-specific inquiry undertaken on a case-by-case basis. Any such inquiry is beyond the scope of this opinion.

B. An ordinance that conflicts with Section 137.1 is void even if the ordinance was in existence before the effective date of the statute.

As a general rule, an ordinance, regardless whether it was earlier enacted, “is impliedly repealed by a later valid statute on the same subject which is incompatible with it.” 6 MCQUILLIN MUNICIPAL CORPORATIONS § 21:32 (3d ed. 2015); *see also City of St. Louis v. Doss*, 807 S.W.2d 61, 63 (Mo. 1991) (holding that a preexisting municipal ordinance “was superceded and became unlawful when the [conflicting] statute was enacted”). The same can be said for municipal charter provisions. *See* 6 MCQUILLIN MUNICIPAL CORPORATIONS § 21:28 (“Undoubtedly a subsequent statute supersedes an earlier charter provision or ordinance, where the repugnancy between the two makes it impossible that they both can stand and where there is nothing in the constitution or statutes giving the charter provision or ordinance continued force and effect locally despite the repugnancy.”).

Oklahoma law supports this general rule. *See Ex Parte Shaw*, 1916 OK 179, 157 P. 900 (invalidating a local traffic ordinance that required drivers to register their vehicles with the city because the ordinance conflicted with a later-adopted state law that placed exclusive authority for vehicle registration with the State Department of Highways); *City of Kingfisher v. State*, 1998 OK CIV APP 39, ¶9, 958 P.2d 170, 172 (holding that a municipal charter provision that required all sessions of the city’s governing board to be public was voided by later amendments to the Open Meetings Act that permitted executive session for certain purposes).

Moreover, a municipality may exercise only those powers that have been delegated to it by the State as the sovereign entity. *See Fine Airport Parking, Inc. v. City of Tulsa*, 2003 OK 27, ¶ 18, 71 P.3d 5, 11. And where such power has been delegated, it can also be withdrawn. *See City of Chickasha*, 1981 OK CIV APP ¶ 11, 625 P.2d at 641. Indeed, it is a “well-established rule that a municipal corporation is but a political subdivision of the state, and, being a mere creature of the state, the powers may be enlarged, modified, or diminished by the state, without its consent.” *Western Okla. Gas & Fuel Co. v. City of Duncan*, 1926 OK 945, ¶ 13, 251 P. 37, 40.

In passing Senate Bill 809, the Legislature expressly withdrew the broad regulatory authority of localities over oil and gas operations, leaving in its place a more limited scope of power. *See* discussion in Section 2, pp. 7 – 8 above. With this withdrawal, localities no longer have the authority to enforce regulations that fall outside the powers specifically granted to them by the Legislature in Section 137.1. Thus, an ordinance or

charter provision that conflicts with Section 137.1, but was adopted prior to the statute's effective date, is nevertheless invalid.

C. That an appeal process may exist for an ordinance that otherwise conflicts with Section 137.1 will not render the ordinance valid.

Similarly, the inclusion of a procedure for appeal to a board of adjustment or local governing body will not validate an ordinance that conflicts with Section 137.1. As explained above, an ordinance conflicting with Section 137.1 is null and void, leaving no doubt as to which party would prevail in any appeal. *See City of Cherokee v. Tatro*, 1981 OK 127, ¶ 8, 636 P.2d 337, 339 (noting futility of judicial review of city's denial of a variance where underlying ordinance is void on its face). Indeed, the statutory authority of a board of adjustment to grant special exceptions and variances from local zoning ordinances implicitly assumes the validity of the underlying ordinance. *See* 11 O.S.2011, §§ 44-104 – 107. Thus, a local appeal process will not serve to cure an otherwise invalid ordinance.

4. A political subdivision's regulation of oil and gas operations within its boundaries must be "reasonable" to comply with Section 137.1 of Title 52.

For the reasons outlined above, local regulation of oil and gas operations may not conflict with, or regulate areas not expressly enumerated in, Section 137.1. Further, Section 137.1 explicitly requires all such regulations to be reasonable.⁶ *See* 52 O.S.Supp.2015, § 137.1. In general, the reasonableness of a municipal ordinance can only be judged by applying the language of a particular ordinance to a specific set of facts. *See, e.g., Hisaw v. Atchison, T. & S. F. Ry. Co.*, 1946 OK 139, ¶ 15, 169 P.2d 281, 284 (“A general ordinance may be unreasonable when applied to one state of facts or to one particular locality, and reasonable when applied to another set of facts or to another locality, and the fact that it may be unreasonable as to one particular place does not necessarily render it invalid as to all.”). Accordingly, we cannot evaluate the reasonableness of any particular regulation not before us. Nevertheless, Oklahoma law does provide general guidelines for assessing the reasonableness of municipal zoning ordinances, which are the most obvious example of local regulation that will be affected by the enactment of Section 137.1.

In order to be considered reasonable, a zoning ordinance must be tethered to a municipality's proper exercise of its police power. *See Clouser v. City of Norman*, 1964 OK 109, ¶ 18, 393 P.2d 827, 829; *Nucholls*, 1977 OK ¶ 11, 560 P.2d at 560. For instance, Oklahoma zoning statutes allow municipalities, “[f]or the purpose of promoting health, safety, morals, or the general welfare of the community,” to enact regulations or restrictions on “the location and use of buildings, structures and land for trade, industry,

⁶ While Section 137.1 explicitly requires local regulations of oil and gas operations to be reasonable, we note also the general principles that any local regulation “must be reasonable and not arbitrary or discriminatory.” A.G. Opin. 2012-10, at 89.

residence or other purposes.” 11 O.S.2011, § 43-101. This means that “[m]unicipal power to interfere by zoning with the general rights of landowners is not unlimited, and a restriction by the character of use cannot be imposed if it does not bear substantial relation to public health, safety, morals or general welfare.” *Nucholls*, 1977 OK ¶ 11, 560 P.2d at 560. If the required relationship between the zoning ordinance and a permissible public purpose is absent, the ordinance will be invalidated as arbitrary and unreasonable. See *Clouser*, 1964 OK 109, ¶ 23, 393 P.2d at 830 (invalidating municipal ban on oil and gas drilling as applied to particular tract).

In many cases, the reasonableness of a zoning ordinance will amount to a judgment call. Indeed, as the Oklahoma Supreme Court has recognized, “the ‘line established [by a zoning ordinance] is necessarily somewhat arbitrary, since a striking or marked difference cannot be expected to exist between property on one side of an established line and that on the other.’” *Mid-Continent Life Ins. Co. v. Oklahoma City*, 1985 OK 41, ¶ 15, 701 P.2d 412, 415 (quoting *Beveridge v. Harper & Turner Oil Trust*, 1934 OK 388, ¶ 24, 35 P.2d 435, 441). In cases where there is legitimate uncertainty as to whether a zoning ordinance bears a substantial relationship to a permissible public purpose, the uncertainty will be resolved in favor of the municipality.⁷ Specifically, if the validity of a zoning ordinance is “fairly debatable” the legislative judgment of the governing body “must be allowed to control.” *McNair v. Oklahoma City*, 1971 OK 134, ¶ 11, 490 P.2d 1364, 1367 (quoting *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388 (1926)); see also *Hud Oil & Refining Co. v. Oklahoma City*, 1934 OK 94 (Syllabus ¶ 4), 30 P.2d 169, 170 (Syllabus ¶ 4) (“If there is room for debate as to whether a municipal ordinance is arbitrary or unreasonable, the court will not substitute its own judgment for that of the legislative body charged with the primary duty and responsibility of determining the question.”).

Whether the validity of an ordinance is “fairly debatable” will vary case by case. Ultimately, the determination of whether a zoning ordinance is reasonable will depend on the nature of the restriction and the characteristics of the affected property. For instance, in *Beveridge v. Harper & Turner Oil Trust*, a municipal ordinance prohibiting drilling for oil and gas in an area of Oklahoma City was upheld due to, among other things, the dense population of the area, the likelihood of future growth and the inherent dangers and nuisance effects of oil and gas production at that time. See *id.*, 1934 OK 398, ¶¶ 7 – 23, 35 P.2d 435, 438-40. By contrast, in *Clouser v. City of Norman*, the court found a similar ban to be unreasonable as applied to a ten-acre tract that was occupied only by a single family and where oil and gas development on the tract “could not affect other areas . . . [or] the future development of the city.” See *id.*, 1964 OK ¶ 22, 393 P.2d at 830.⁸ While

⁷ Indeed, with regard to municipal ordinances more generally, there is a “presumption in favor of [upholding] a municipal ordinance.” *Garrett v. Oklahoma City*, 1979 OK 60, ¶ 5, 594 P.2d 764, 766.

⁸ Compare *Mid-Continent Life Ins. Co.*, 1985 OK ¶ 14, 701 P.2d at 414 (“The existence of conflicting opinions, with the City’s position supported by highly regarded planning experts, is one indication the zoning decision was ‘fairly debatable’ and best left to the sound legislative

these decisions, along with the general rules reviewed herein, provide some guidelines for determining whether a particular ordinance, rule, or regulation is reasonable as required by Section 137.1, the ultimate determination of reasonableness can only be made on a case-by-case basis.

It is, therefore, the official Opinion of the Attorney General that:

- 1. The provisions of 52 O.S.Supp.2015, § 137.1, which limit municipal regulation of oil and gas operations, apply equally to charter municipalities organized under OKLA. CONST. art. XVIII, § 3 and non-charter municipalities.**
- 2. The power of political subdivisions to regulate oil and gas activity is limited to those areas enumerated in 52 O.S.Supp.2015, § 137.1, specifically (a) enacting reasonable ordinances, rules, or regulations concerning road use, traffic, noise, and odors incidental to oil and gas operations, (b) establishing 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 that do not effectively prohibit or ban any oil and gas operations, and (c) enacting ordinances, rules, and regulations regarding development of areas that have been or may be delineated as a one-hundred-year floodplain but only to the minimum extent necessary to maintain National Flood Insurance Program eligibility.**
- 3. Setbacks or fencing requirements for oil and gas well site locations adopted by a political subdivision that effectively prohibit certain types of oil and gas drilling within the subdivision's boundaries conflict with 52 O.S.Supp.2015, § 137.1, and are therefore invalid.**
- 4. A municipal ordinance that conflicts with 52 O.S.Supp.2015, § 137.1 is invalid and unenforceable regardless of when the ordinance was adopted or whether it provides for an appeal process.**
- 5. In addition to the aforementioned limitations, 52 O.S.Supp.2015, § 137.1 requires regulations of oil and gas**

discretion of the municipality.”) with *City of Tulsa v. Swanson*, 1961 OK 286, ¶ 10, 366 P.2d 629, 633 (“An academic opinion of a professional city planner as to the desirability of a particular restriction . . . will not, when contradicted by controlling physical facts, justify this court in holding as a matter of law that the question here presented is ‘fairly debatable’ . . .”).

activity by political subdivisions to be reasonable. To meet this standard, the local regulation must bear a substantial relation to public health, safety, morals or general welfare of the community, a determination that can only be reached by examining the specific language of the regulation and the application to a particular set of facts. In cases of uncertainty or reasonable debate, doubt will be resolved in favor of finding the local regulation to be reasonable.



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA



ETHAN SHANER
ASSISTANT ATTORNEY GENERAL



ARTICLE XXI. - OIL, GAS AND DISPOSAL WELL REGULATIONS⁶

Footnotes:

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Editor's note— [Ord. No. 3310, § 1, adopted July 20, 2015](#), repealed the former Art. XXI, §§ 23-410, 23-411. Section 2 of said ordinance enacted a new Art. XXI as set out herein. The former Art. XXI pertained to similar subject matter and derived from Ord. No. 3023, § 1(23.410, 23.411), adopted March 3, 2008.

Sec. 23-410.1. - Findings of fact; authority.

- A. Findings. The regulations contained in this article are supported by the following findings of fact:
1. Oil and gas drilling and production is an important component of the Stillwater area economy.
 2. Oil and gas well drilling and production activities create conditions that potentially threaten the health, safety and general welfare of persons residing or working on property in proximity to such operations.
 3. Oil and gas well drilling and production activities, in the absence of local regulatory controls, may generate noxious aerial emissions, introduce contaminants into groundwater, emit high noise or light levels, produce large volumes of dust, congest local streets, present fire or chemical spill hazards and produce other deleterious effects, all of which fall disproportionately on adjacent land uses, and which can result individually or cumulatively in injury to persons or damage to property and inhibit the quiet peace and enjoyment of the surface uses of real property in the vicinity of such operations.
 4. The proliferation of oil and gas well pad sites within the city creates conflicts between such development and other existing and future surface uses of real property within the city. To assure the compatibility of residential, commercial, industrial and agricultural uses with oil and gas well development, it is necessary for the city to regulate the location of oil and gas well operations relative to other surface uses of real property within the city consistent with the right of mineral owners to reasonably access subsurface resources.
 5. The city recognizes that the State of Oklahoma regulates oil and gas well drilling and production activities. The regulations in this article are intended to supplement such standards and additionally implement compatible local measures that assure the health, safety and general welfare of the city's residents and businesses.
- B. Authority. This article is adopted pursuant to authority vested under the constitution and laws of the State of Oklahoma and the Stillwater City Charter. Each authorization identified in this article shall be construed as an exercise of the city's police, nuisance, and zoning powers pursuant to the Charter and Oklahoma Statutes.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.2. - Definitions.

All technical industry words or phrases related to the drilling and production of gas wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the gas industry. For the purposes of this article the following definitions, without regard to whether the defined terms are capitalized when used, shall apply unless the context clearly indicates or requires a different meaning. Except as otherwise provided, these definitions shall be applicable only to this article.

City means the City of Stillwater, Oklahoma.

Commercial disposal well means a well where the owner/operator receives and disposes of produced water or any other deleterious substance from multiple well owners/operators and receives compensation for these services and where the owner/operator's primary business objective is to provide these services. This definition does not include those private wells established for on-site disposal of produced water from wells within a common unit established by the OCC.

Completion operations or completion means that portion of the drilling activities that includes the work that is performed after initial drilling activities and prior to production activities for the purpose of optimizing the production of a well.

Drilling means the process by which the earth is bored to create a pathway to formations containing hydrocarbons to allow for their production to the surface.

Drilling activities means those activities commonly performed at the drilling and production site necessary or incidental to getting hydrocarbons to market, including completion, re-drilling, re-completion or re-working operations, but not including production activities or establishment of a commercial disposal well as defined in this article.

Drilling and production site means the area dedicated to all gas well drilling or production activities, or both, including the drilling and production area, all structures, dehydrators, parking areas, security cameras, lighting, tanks, tank battery (or any other tank grouping area), drilling rigs, separators, compressors as associated with gathering lines, perimeter walls, utilities, and all other features or objects contemplated for use during and after gas well drilling or production activities, as designated on the specific use permit site plan. Excluded from this definition are gathering and transmission lines and compressor stations and commercial disposal wells as defined in this article.

EPA means the United States Environmental Protection Agency or successor agency.

Gas means gas or natural gas, as such terms are used in the rules, regulations, or forms of the Oklahoma Corporation Commission. Typically, a naturally-occurring gaseous substance primarily composed of methane and other light, gaseous hydrocarbons.

Gas production means the phase that occurs after successful exploration, drilling and development involving operations including, but not limited to, gas wells, tanks, dehydrators, separators, mud pits, ponds, tank batteries or associated mechanical equipment, and during which hydrocarbons are extracted from the gas field, but does not include the operation of a commercial disposal well as defined in this article.

Gas well means any well drilled for the production of gas or classified as a gas well under Oklahoma Statutes or Oklahoma Corporation Commission Regulations.

Hazardous materials management plan means the hazardous materials management plan and hazardous materials inventory statements required by the Fire Code.

OCC means "Oklahoma Corporation Commission" or successor agency.

ODEQ means "Oklahoma Department of Environmental Quality" or successor agency.

Oil means oil or crude oil as such terms are used in the rules, regulations, or forms of the Oklahoma Corporation Commission.

Oil and gas inspector or inspector means an inspector designated by the city that is responsible for primary enforcement of this article.

Oil production means the phase that occurs after successful exploration, drilling and development involving operations including, but not limited to, oil wells, tanks, dehydrators, separators, mud pits, ponds, tank batteries or associated mechanical equipment, and during which hydrocarbons are extracted from the oil field, but does not include the operation of a commercial disposal well as defined in this article.

Operator means the person(s) in charge and in control of drilling, maintaining, operating, pumping, or controlling any well or pipeline including without limitation, a unit operator.

Pit means a temporary or permanent containment for circulated fluids and drilling products or waste.

Plugging and abandonment means "plugging" as defined by the Oklahoma Corporation Commission and includes the plugging of the well, abandoned, orphaned or otherwise, and restoration of the drilling and production site as required by this article.

Producing well means a well that has been completed and is presently capable of yielding oil or gas in paying quantities.

Production activities or production means the extraction of hydrocarbons from a well after drilling and completion, but does not include the operation of a commercial disposal well as defined in this article.

Production site means that area of the drilling and production site utilized for production activities after well completion.

Protected use means any dwelling, church, public park, public library, medical facility, pre-kindergarten, kindergarten or elementary, middle or high school, public pool, senior center, or public recreation center. This definition does not apply to any structure constructed in the proximity of a producing well drilled after the effective date of this ordinance as set forth under subsection 23-410.6(A)(5).

Separation boundary means the location of the property line of the nearest protected use, nearest lot line of a previously platted residential subdivision, or closest property line of an adjoining use that is not defined as a protected use, as measured from the drilling and production site.

Tank means a natural or man-made container, covered or uncovered, in which to store, contain or mix liquids or hydrocarbons used or produced in conjunction with the drilling, stimulation or production operations of an oil or gas well.

Well means a hole or bore drilled to any horizon, formation, or strata for the purpose of producing natural gas, or liquid hydrocarbons.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.3. - Oil and gas well drilling and development generally; exceptions

- A. Oil and gas well drilling and production may be conducted in areas zoned "A-Agricultural" or "IG-Industrial General" provided the operator of such well has obtained a specific use permit from the city council, after notice and hearing, as required by this article.
- B. Commercial disposal well drilling and operation may be conducted in areas zoned "IG-Industrial General" provided the operator of such well has obtained a specific use permit from the city council, after notice and hearing, as required by this article.
- C. This article shall not apply to any producing oil or gas well located within the boundaries of the city on the effective date of this article. Such wells shall remain subject to the requirements of any ordinance that was in effect at the time of drilling.
- D. This article shall not apply to any producing oil or gas well located on property annexed by the city after the effective date of this article.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.4. - Specific use permit; site plan requirements; additional submittals; notice.

- A. In addition to the standard application requirements for a specific use permit as set forth in section 23-180, the application shall include a site plan showing the following:
 - 1. The location, by metes and bounds description, and dimensions of the drilling and production site;
 - 2. The location of all drilling and production site ingress and egress points;
 - 3. The location of all affected floodways and floodplains;

4. The location of any protected use within 960 feet of the drilling and production site;
 5. The location of any permanent structure not defined as a protected use within 700 feet of the drilling and production site;
 6. Distances between the proposed drilling and production site and adjoining property lines;
 7. The location of all existing and proposed underground pipelines.
- B. No site plan shall provide for more than one drilling and production site. The site plan shall describe how all OCC Regulations and on-site standards set forth in this article will be achieved. All conditions set forth in any prior site plan approval for the drilling and production site shall be included in the specific use permit site plan submittal.
- C. The applicant shall also submit the following plans with the application for a specific use permit:
1. Drilling/completion and production mitigation plans prepared in accordance with section 23-410.5(A) and (B);
 2. A site reclamation plan prepared in accordance with section 23-410.5(C);
 3. An erosion and sediment control plan prepared in accordance with sections 35-1 through 35-142;
 4. Certified copy of all permits required by the Oklahoma Corporation Commission (OCC) and Oklahoma Department of Environmental Quality (ODEQ); and
 5. Certificates of insurance coverage and security as required by sections 23-410.8 and 23-410.9.
- D. Notice for a specific use permit under this article shall be the same as required by subsection 23-180(d), except as follows: Notice shall be given in writing by mail to all owners of any protected use or platted residential property located within 300 feet of the applicable separation boundary.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.5. - Mitigation and restoration plans.

- A. Drilling/completion mitigation plan. The drilling/completion mitigation plan shall describe all temporary measures and controls to be established by the operator to minimize the effects of noise, dust, odors, chemicals, and other negative impacts of oil and gas drilling on adjoining properties emanating from the drilling and production site during the drilling and completion of the well.

The drilling/completion mitigation plan shall include a noise abatement study which shall articulate how compliance with subsection 23-410.6(B)(3) shall be accomplished during drilling operations. The study shall:

- a. Identify operation noise impacts;
- b. Provide documentation establishing the ambient noise level prior to construction of any wellhead, compressor or compression facility, said ambient level being based upon a continuous 72-hour period that includes one 24[-hour] period over a Saturday or Sunday; and
- c. Detail how the impacts will be mitigated, based upon consideration of specific area characteristics, including but not limited to the following:
 - i. Nature and proximity of adjacent development, location and type;
 - ii. Seasonal and prevailing weather patterns, including wind directions;
 - iii. Vegetative cover on or adjacent to the site; and
 - iv. Topography.

The drilling/completion mitigation plan may be submitted in the form of a site diagram, provided sufficient description of the mitigation and control measures are provided, including references to applicable OCC Regulations and/or this article.

No specific use permit shall be issued until a drilling/completion mitigation plan is approved by the planning commission and no drilling activities shall commence until said plan is fully implemented by the operator at the drilling and production site.

- B. Production mitigation plan. The production mitigation plan shall describe the location, by metes and bounds description, and dimensions of the production site. Said plan shall additionally describe all permanent measures and controls to be established by the operator to minimize the effects of noise, dust, odors, chemicals, and other negative impacts of oil and gas production on adjoining properties emanating from the production site during the production life of the well. The plan may be submitted in the form of a site diagram, provided sufficient description of the mitigation and control measures are provided, including references to applicable OCC Regulations and/or this article.

The production mitigation plan shall be filed with the application for a specific use permit. It shall be fully implemented by the operator within 30 days of completion. The plan may be amended upon application of the operator and approval by the planning commission after notice and hearing in accordance with section 23-410.4(D). No production mitigation plan shall be required for any well excepted under subsection 23-410.3(C) or (D).

- C. Site reclamation plan. The site reclamation plan shall describe both closure and post-closure measures and controls, including plugging or abandonment, specifically setting forth how the final site closure will be achieved, a detailed description of the closure methods, and any subsequent activities necessary to minimize the need for drilling and production site care after closure.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.6. - Standards for oil and gas well drilling and completion.

A. Separation.

1. No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within 660 feet of the nearest property line of any protected use or any lot located within a previously platted residential subdivision.
2. No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within 660 feet of the nearest outside wall of any protected use located on the same parcel as the well.
3. No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within 400 feet of the nearest outside wall of any structure other than those defined as a protected use.
4. The city council may, upon application, reduce the separation distance set forth in subsection 23-410.6(A) if:
 - (a) The operator demonstrates that due to size or shape alone, said requirement will prevent any oil and gas drilling and production on the A or IG zoned parcel, provided, no such reduction of separation distance shall be granted unless the operator demonstrates that additional or enhanced mitigation measures will adequately offset any increased negative impact to adjoining property caused by the separation reduction; or

(b) The operator produces notarized written consent to a separation reduction from each owner of a protected use or platted residential subdivision parcel located within or immediately adjacent to the separation boundary; a notarized written consent to a separation reduction from each owner of an adjoining use other than a protected use; or, a notarized written consent to a separation reduction from each owner of a structure located on the same parcel as the drilling and production site; as applicable.

5. No structure shall be constructed within 400 feet of a producing well drilled after the effective date of this article, except with written consent of the well operator. Said distance shall be determined in the same manner as set forth in subsection 23-410.6(A)(3), except that the closest permanent structure located on the production site shall serve as the initial point of measurement.

B. On-site requirements.

1. All drilling and completion operations proposed within the FEMA One Hundred Year Designated Floodplain shall comply with the adopted Flood Hazard Regulations and shall be fully flood proofed.

2. All drilling and production sites shall be screened with an opaque temporary fencing of sufficient size and dimension to secure the area where drilling activities are conducted and to protect adjoining uses from the deleterious effects of noise, light, dust, and other nuisances associated with such activities, consistent with the standards set forth in this Code.

3. The ambient noise level shall be 69 dB. No operation conducted on the drilling and production site shall create any noise which causes an exterior noise level when measured at the separation boundary for a protected use that:

(a) Exceeds the ambient noise level by more than five decibels during daytime hours and more than three decibels during nighttime hours;

(b) Creates pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five dB for center frequencies of 500 Hertz and above, and by eight dB for center frequencies between 160 and 400 Hertz, and by 15 dB for center frequencies less than or equal to 125 Hertz; or

(c) Creates low-frequency outdoor noise levels that exceed the following dB levels:

16 Hz octave band	69 dB
31.5 Hz octave band	69 dB
64 Hz octave band	69 dB

(d) Adjustments to the noise standards as set forth above may be permitted intermittently in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
10	5

15	1
20	Less than 1

* Cumulative minutes during any one hour.

- (e) The exterior noise level generated by operations at the drilling and production site shall be continuously monitored for compliance. The cost of such monitoring shall be borne by the operator. If a complaint is received by either the operator or the city from the occupant of any protected use, the operator shall, within 24 hours of notice of the complaint, continuously monitor for a 72-hour period the exterior noise level generated by operations at the drilling and production site at the nearest property line of the source of the complaint.
 - (f) Acoustical blankets, sound walls, mufflers, landscaping or other alternative methods may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and applicable fire codes.
 - (g) The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 - (h) A citation may be immediately issued for failure to comply with the provisions of this subsection. However, if the operator is in compliance with the approved drilling/completion mitigation plan, and a violation still occurs, the operator will be given 24 hours from notice of noncompliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour grace period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the operator.
4. Exhaust from any internal combustion engine, stationary or mounted on wheels, used with the drilling of any well 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 noncombustible materials sufficient to suppress noise and prevent the escape of noxious gases, fumes, or ignited carbon or soot.
 5. The operator shall minimize the escape of toxic, noxious or offensive odors, fumes, and emissions from the drilling and production site during drilling and completion operations. Gas emissions shall be shielded from the direction of any protected use located adjacent to the drilling and production site. Air quality at the separation boundary of an adjoining protected use shall meet applicable EPA or ODEQ standards during such operations. The oil and gas inspector may require the installation of air quality monitoring devices at the separation boundary upon receipt of a complaint or whenever conditions warrant such action. The cost of monitoring may be assessed against the operator.
 6. The operator shall minimize the escape of dust from the drilling and production site during drilling and completion operations. Clean water shall be applied to the drilling and production Site and all unpaved points of access to said site to prevent dust migration to adjoining properties, as necessary. The operator may utilize a chip seal or equivalent best management practice approved by the city in lieu of watering for dust mitigation.
 7. All electric lines to drilling and production facilities shall be located in a manner compatible to those already installed in the surrounding area.
 8. No operator shall excavate or construct any lines for the conveyance of fuel, water, or minerals on, under, or through the streets or alleys or other land of the city without an easement or right-of-way agreement from the city.

9. The operator shall utilize secondary containment measures in accordance with OCC Regulations. In the absence of such regulations, outside storage areas shall be equipped with a secondary containment system designed to fully contain a spill quantity equal to the aggregate rated capacity of all tanks and vessels located on the drilling and production site. Secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provision shall be made to drain accumulations of ground water and rainfall.
10. The city manager may designate specific routes to and from the drilling and production site for trucks and other vehicles used in conjunction with drilling and completion operations to minimize excessive wear and tear or damage to city streets.
11. The drilling and production site shall remain free of all weeds, rubbish, brush, trash or debris at all times.
12. A hazardous materials management plan shall be on file with the fire marshal. Any updates or changes to this plan shall be provided to the fire marshal within three working days of the change. All chemicals and/or hazardous materials shall be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material. Operator shall have all material safety data sheets (MSDSs) for all hazardous materials on-site. All applicable federal and state regulatory requirements for the proper labeling of containers shall be followed.
13. The operator shall remove or cause to be removed all contamination and associated waste materials after any spill, leak or discharge. Clean-up operations shall begin immediately.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.7. - Standards for oil and gas well production.

A. On-site requirements.

1. All production operations proposed within the FEMA One Hundred Year Designated Floodplain shall comply with the adopted flood hazard regulations and shall be fully flood proofed.
2. The production site shall be of sufficient size and dimension to permit the entry and safe movement of emergency and fire vehicles.
3. The Production Site shall be screened with an opaque permanent fencing sufficient to secure the area where production activities are conducted and to protect adjoining uses from the deleterious effects of noise, light, dust, and other nuisances associated with production activities, consistent with the standards set forth in this Code. The presumptive minimum height of such fencing shall be eight feet. Provided, however, the minimum height may be reduced if trees or similar vegetation are planted in the separation area between the production site and any adjoining protected use.
4. The ambient noise level shall be 69 dB. No operation conducted on the production site shall create any noise which causes an exterior noise level when measured at the separation boundary for a protected use that:
 - (a) Exceeds the ambient noise level by more than five decibels during daytime hours and more than three decibels during nighttime hours;
 - (b) Creates pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five dB for center frequencies of 500 Hertz and above, and by eight dB for center frequencies between 160 and 400 Hertz, and by 15 dB for center frequencies less than or equal to 125 Hertz; or
 - (c) Creates low-frequency outdoor noise levels that exceed the following dB levels:

16 Hz octave band	69 dB
31.5 Hz octave band	69 dB
64 Hz octave band	69 dB

(d) Adjustments to the noise standards as set forth above may be permitted intermittently in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
10	5
15	1
20	Less than 1

* Cumulative minutes during any one hour

- (e) The exterior noise level generated by operations at the production site may be monitored by the city for compliance. If a complaint is received by either the operator or the city from the occupant of any protected use, the operator shall, within 24 hours of notice of the complaint, continuously monitor for a 72-hour period the exterior noise level generated by operations at the production site at the nearest property line of the source of the complaint.
 - (f) Landscaping, sound walls, and other alternative permanent methods may be utilized to mitigate noise emanating from the production site. All soundproofing shall comply with accepted industry standards and applicable fire codes.
 - (g) The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 - (h) A citation may be immediately issued for failure to comply with the provisions of this subsection. However, if the operator is in compliance with the approved production mitigation plan, and a violation still occurs, the operator will be given 24 hours from notice of noncompliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour grace period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the operator.
5. Motive power for all production operations shall be by utility-provided electricity. All electric lines to drilling and production facilities shall be located in a manner compatible to those already installed in the surrounding area.
 6. The operator shall minimize the escape of toxic, noxious, or offensive odors, fumes, and emissions from the production site during production operations. Gas emissions shall be shielded

from the direction of any protected use located adjacent to the production site. Air quality at the separation boundary of an adjoining protected use shall meet applicable EPA or ODEQ standards during production operations. The oil and gas inspector may require the installation of air quality monitoring devices at the separation boundary upon receipt of a complaint or whenever conditions warrant such action. The cost of monitoring may be assessed against the operator.

7. The operator shall minimize the escape of dust from the production site during production operations. Clean water shall be applied to the production site and all unpaved points of access to said site to prevent dust migration to adjoining properties, as necessary. The operator may utilize a chip seal or equivalent best management practice approved by the city in lieu of watering for dust mitigation.
8. The operator shall utilize secondary containment measures in accordance with OCC Regulations. In the absence of such regulations, the operator shall construct a secondary containment system at the production site designed to fully contain a spill quantity equal to 150 percent the aggregate rated capacity of all tanks and vessels located on the production site. Secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provision shall be made to drain accumulations of ground water and rainfall.
9. The production site shall remain free of all weeds, rubbish, brush, trash or debris at all times.
10. The operator shall remove or cause to be removed all contamination and associated waste materials after any spill, leak or discharge. Clean-up operations shall begin immediately.
11. The operator shall close the production site in a manner that minimizes the need for care after closure. To achieve this requirement, the site shall be reclaimed to the condition identified on the site reclamation plan, as nearly as practicable.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.8. - Insurance and indemnification.

The operator shall provide or cause to be provided the insurance described below for each well for which a specific use permit is issued, such insurance to continue until the well is abandoned and the site restored. The operator may provide the required coverage on a "blanket" basis for multiple wells. Such coverage shall be reviewed by the city attorney and approved by the city manager.

A. General requirements.

1. All policies shall be endorsed to read "this policy will not be cancelled or non-renewed without 30 days advance written notice to the owner and the city except when this policy is being cancelled for nonpayment of premium, in which case ten days advance written notice is required".
2. Liability policies shall be written by carriers licensed to do business in Oklahoma.
3. Liability policies shall name as "Additional Insured" the city and its officials, employees, agents and volunteers.
4. Certificates of insurance shall be presented to the city evidencing all coverage and endorsements required by this section and the acceptance of a certificate without the required limits and/or coverage shall not be deemed a waiver of these requirements.

B. Required insurance coverage.

1. Commercial general liability insurance.
 - (a) Coverage should be a minimum combined single limit of \$1,000,000.00 per occurrence for bodily injury and property damage. This coverage shall include premises, operations, blowout or explosion, products, completed operations, blanket contractual

liability, underground property damage, broad form property damage, independent contractors protective liability and personal injury.

- (b) Environmental impairment (or seepage and pollution) shall be either included in the coverage or written as separate coverage, and shall be a minimum of \$2,000,000.00. Such coverage shall not exclude damage to the lease site. If environmental impairment (or seepage and pollution) coverage is written on a "claims made" basis, the policy shall provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.
2. Excess liability (umbrella). Excess liability insurance policy with limits of liability of not less than \$5,000,000.00 over the above required general liability insurance policy. Excess policy must follow the form of the underlying liability policy.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.9. - Bond or irrevocable letter of credit.

The operator shall, prior to commencement of drilling under a specific use permit authorized under this article, furnish to the city manager on forms approved by the city attorney, and maintain, a blanket bond or blanket irrevocable letter of credit in the principal sum of at least \$100,000.00. Said bond or letter of credit shall be executed by a reliable insurance company or bank authorized to do business in the State of Oklahoma, as surety or creditor, and with the operator as principal or debtor, running to the city for the benefit of the city and all persons concerned, conditioned that the operator shall comply with the terms and conditions of this article in the drilling and operation of oil wells drilled or operated within the city. Said bond or letter of credit shall become effective on or before the date the same is filed with the city and remain in full force and effect for at least 12 months subsequent to the expiration of the specific use permit term or well abandonment. The bond or letter of credit shall be conditioned that the operator must promptly pay all fines, penalties and other assessments imposed upon the operator by reason of its breach of any of the terms, provisions, or conditions of this article; that the operator shall promptly restore the streets, sidewalks, and other public property of the city which may be disturbed or damaged by the operator to their former condition; and that the operator must promptly clear all premises of all litter, trash, waste, and other substances and must, after abandonment, grade, level, and restore said property to the same surface condition, as far as possible, as existed prior to commencing operations. The bond or letter of credit submitted shall cover all wells drilled or operated by operator within the city.

For good cause, the city manager, after notice to and hearing for the operator, may require the filing of a blanket bond or letter of credit in an amount higher than \$100,000.00 but not to exceed \$200,000.00. "Good cause" shall include, but shall not be limited to, a showing that the operator has previously violated any of the provisions of this article.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.10. - Transfer of specific use permit.

A specific use permit for oil or gas drilling or production may be transferred by the operator with the written consent of the city if the transfer is in writing signed by both parties, if the transferee agrees to be bound by the terms and conditions of the transferred permit, if all information previously provided to the city as part of the application for the transferred permit is updated to reflect any changes, and if the transferee provides the insurance and security required by section 23-410.8 and 23-410.9. The insurance and security provided by the transferor shall be released if a copy of the written transfer is provided to the city and all other requirements provided in this subsection are satisfied. The transfer shall not relieve the transferor from any liability to the city arising out of any activities conducted prior to the transfer.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Sec. 23-410.11. - Inspection.

- A. The oil and gas inspector shall have the authority to issue any orders or directives required to carry out the intent and purpose of this article. Failure of any person to comply with any such order or directive shall constitute a violation of this article.
- B. The oil and gas inspector shall have the authority to enter and inspect any premises covered by the provisions of this subchapter, to determine compliance with its provisions, and all applicable laws, rules, regulations, standards, or directives of any local state or federal authority.

[\(Ord. No. 3310, § 2, 7-20-2015\)](#)

Secs. 23-411—23-419. - Reserved.

ARTICLE 14: OIL AND GAS WELLS

§ 4-265 INTENT AND PURPOSE.

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

(Ord. 2991, passed 7-19-94)

Cross-reference:

Liquified petroleum gas, see §§ 4-70 et seq.

§ 4-266 DEFINITIONS.

(A) For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) 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.

ABANDONED WELL. Any well inside the city limits for which city bonds, insurance requirements or annual inspection fees have not been kept current; or which does not have on file State Corporation Commission Form 1003A which allows wells to remain shut-in; those wells which are not exempt from plugging under State Corporation Commission rules; or a well which has not had operations for one year, except that for purposes of § 4-268. No filing fees shall be required for a previously drilled well which is an **ABANDONED WELL** because it had no operations for one year.

ARTIFICIAL PRODUCTION. The raising to the surface of the earth, by means other than natural flow, petroleum or natural gas.

CITY. The City of Guthrie, Oklahoma.

CORPORATION COMMISSION. The Oklahoma Corporation Commission.

DELETERIOUS SUBSTANCE. Any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate.

ENHANCED RECOVERY. An operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom.

NATURAL PRODUCTION. The raising to the surface of the earth, by natural flow, petroleum or natural gas.

PERSON. Any person, firm, partnership, association, corporation, trust, cooperative or other type of organization.

PERMITTEE. The person to whom is issued a permit or permits under the terms of this article.

PLUGGED AND ABANDONED WELL. Any well plugged and abandoned in compliance with municipal and/or Corporation Commission regulations at time of plugging.

POLLUTION. The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the city, or the discharge of any liquid, gaseous or solid substance into any water of the city as will or is likely to create a nuisance or render the waters harmful or detrimental or injurious to public health, safety or welfare; to domestic, commercial, industrial, agricultural, recreational or other beneficial uses; or to livestock, animals or aquatic life.

PRESSURE MAINTENANCE. An operation by which gas, water or other fluids are injected into an oil or gas reservoir to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery therefrom, and which has been approved

by the Corporation Commission after notice and hearing.

STATE. The State of Oklahoma, its branches, departments, agencies, boards or the officers thereof.

WATER or WATERS OF THE CITY. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the city or any portion thereof.

WELL. Unless specifically qualified, any hole or holes or bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquified matter or for the injection or disposal of any of the foregoing.

(Ord. 2991, passed 7-19-94)

§ 4-267 PERMITS.

It shall be unlawful and an offense for any person acting for himself or herself or acting as agent, servant, employee, subcontractor or independent contractor of any other person, to commence to drill an original well or re-enter any abandoned well or plugged and abandoned well within this city, or to work upon or assist in any way in the production or operation of any well, without a drilling permit having first been issued by the authority of the City Manager or his or her designee in accordance with this article.

(Ord. 2991, passed 7-19-94)

§ 4-268 APPLICATION AND FILING FEES.

(A) Every application for a permit to drill an original well or to re-enter an abandoned well or plugged and abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his or her behalf, and it shall be filed with the City Manager or his or her designee and be accompanied by a filing fee of \$3,500. No application shall request a permit to drill more than one well. The application shall contain full information required by the City Manager or his or her designee, including the following:

(1) Name and address of applicant and date of application;

(2) Where applying for a proposed original well:

(a) A map of the drill site and proposed surface facilities, including thereon the location of the proposed well, and distance therefrom to all existing dwelling houses, buildings or other structures designated for the occupancy of human beings or animals within a 1,000-foot radius of the well bore, and the location of all existing oil, gas or fresh water wells within the 1,000-foot tract; and

(b) The names of the mineral, surface and lease owners.

(3) A copy of the approved drilling or re-entry permit from the Corporation Commission and a copy of the staking plat.

(4) A drilling prognosis, on city application forms, to specify in detail the amount, weight and size of conductor casing, surface casing and production casing and the procedure to be used for cementing each; (New casing is to be used for surface casing. New or pre-approved electronically inspected used production casing, meeting API 5CT specifications for new casing is required. Plugging procedures to be used in the event production is not established shall also be specified.)

(5) A statement of the provisions for water for the drilling rig, from private pond, stream or city fire hydrant and a copy of approved water resources board permit; (A flush meter is required on a city fire hydrant which can be obtained from the utility office with an appropriate deposit.)

(6) The name and address of the person within the state upon whom service of process upon applicant may be made within this state; and (In the case of any nonresident person who has no service agent within this state, there shall be attached to the application the designation of a service agent resident in the county, and a consent that service of summons may be made upon a person in any action to enforce any of the obligations of the applicant hereunder.)

(7) A verification of the applicant hereunder.

(B) Where the application is one for re-entry of an abandoned or plugged and abandoned well, the application shall contain all the information required by division (A) above, with the exception that the City Manager or his or her designee may vary the requirements thereof to suit the application before him or her. The application for a permit to re-enter an abandoned or plugged and abandoned well

shall provide the following information in every case:

(1) A statement of:

- (a) The existing condition of the well or Corporation Commission plugging report;
- (b) The depth to which the well shall be cleaned out to or deepened; and
- (c) The proposed casing program to be used in connection with the proposed activity.

(2) Evidence of current casing tests showing that the casing string or strings currently pass the same tests required for a new drilling application.

(Ord. 2991, passed 7-19-94)

§ 4-269 TESTING WATER WELLS.

Testing of producing fresh water wells within a 1,000-foot radius of a proposed well may be requested by City Council as a provision of the drilling permit, upon approval of the property owner.

(Ord. 2991, passed 7-19-94)

§ 4-270 ISSUANCE OR REFUSAL OF PERMIT.

(A) The City Manager or his or her designee's office within 30 business days after the filing of an application for a permit under this article shall determine whether or not the application complies in all respects with the provisions of this article and applicable federal and state law, and, if it does, shall recommend to the City Council that the permit be issued. Each permit issued under the terms of this article shall:

(1) By reference, have incorporated therein all the provisions of this article with the same force and effect as if this article were copied verbatim therein;

(2) By reference, have incorporated therein all the provisions of applicable 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 the permit shall be a period of one year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein;

(4) Specify the conditions imposed by the City Manager or his or her designee as are by this article authorized; and

(5) Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein;

(B) If the permit is issued, it shall, in two originals, be signed by the City Manager or his or her designee and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the city and the contractual obligation of the permittee to comply with the terms of the permit, the bonds as are required, and applicable state law, rules, regulations, standards and directives. One executed original copy of the permit shall be retained by the City Manager or his or her designee and the other shall be retained by the permittee and shall be kept available for inspection by any city or state law enforcement official who shall demand to see same.

(C) If the permit is refused, or if the applicant notifies the City Manager or his or her designee in writing that he or she does not elect to accept the permit as tendered and wishes to withdraw his or her application, or if the bonds of the applicant are not approved, then upon the happening of any of events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained therefrom by the city the sum of \$200 as a processing fee.

(Ord. 2991, passed 7-19-94)

§ 4-271 PERMITTEE'S INSURANCE AND BONDS.

(A) In the event a permit shall be issued by the city, no actual operations shall be commenced until the permittee shall file with the

city a bond and insurance certificates as follows:

(B) The permittee shall file with the city certificates of the insurance, as stated below, and shall obtain the written approval thereof of the City Manager or his or her designee who shall act thereon promptly after the date of the filing.

(C) The insurance policy or policies shall not be canceled without written notice to the City Manager or his or her designee at least 30 days prior to the effective date of the cancellation. In the event the policy or policies are canceled, the permit granted shall immediately thereupon terminate without any action on the part of the City Manager or his or her designee, and permittee's rights to operation under the permit shall cease until permittee files additional insurance as provided herein.

(1) Any person who drills or operates any well for the exploration, development or production of oil or gas, or as an injection or disposal well, within this city, shall furnish on forms approved by the city and maintained at all times as a blanket site restoration bond or a blanket site restoration irrevocable letter of credit in the principal sum of \$25,000. The bond or letter of credit must be executed by a reliable insurance company or bank authorized to do business in the state, as surety or creditor, with the permittee as principal or debtor, running to the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this article in the drilling and operation of all oil or gas wells drilled or operated within the city. The bond or letter of credit must become effective on or before the date same filed with the city and remain in full force and effect for at least 12 months subsequent to the expiration of the permit term, and in addition, the bond or letter of credit must be conditioned that the permittee must promptly pay all fines, penalties and other assessments imposed upon the permittee by reason of his or her breach of any of the terms, provisions or conditions of this article, and that the permittee must promptly restore the streets, sidewalks and other public property within the city which may be disturbed or damaged during the permittee's operations, to their former condition; and that the permittee must promptly clear all premises of all litter, trash, waste and other substances, and must, after plugging and abandonment, grade, level and restore the property to the same surface condition, as far as possible, as existed prior to commencing operations; and further that the permittee shall indemnify and hold harmless the city from and all liability attributable to granting the permit; and that the permittee shall promptly pay all sums with respect to deductibles on covered losses under insurance policies required by this article; and that the permittee shall comply with all of the terms of this article concerning the plugging and abandonment of all wells. Each bond or letter of credit submitted shall cover all wells drilled or operated by the person within the city as specifically described all wells covered by name, legal description and oil and gas permit number, if any. For good cause shown, the city, after notice to a permittee and opportunity for hearing, may require the filing of a blanket bond or letter of credit for all wells within the city in an amount higher than \$25,000, but not to exceed \$100,000. "Good cause" shall include, but shall not be limited to a showing that the operator or permittee has previously violated the provisions of this article, or that the operator has multiple wells that in the exercise of ordinance prudence, the City Council shall require an additional amount.

(2) In addition to the bond required in division (C)(1) above, the permittee shall obtain \$1,000,000 seepage and pollution insurance per well for the benefit of the city and all persons concerned, conditioned that the permittee will comply with every applicable federal and state law, rules, regulations, standard or directive relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters of the city. The permittee shall obtain the necessary permits from the city and state with regard to any operations which have the potential of rendering the waters harmful or detrimental or injurious to the public health, safety and welfare. The permittee shall bear all the cost necessary and incidental to the correction of any pollution to the waters caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors; that the permittee shall pay all fines, penalties, assessments or judgements resulting directly or incidentally from the permittee's activities and which result in pollution of city waters. The permittee shall indemnify and hold harmless the city from any and all liability attributable to granting the permit where the liability results from the pollution of city waters.

(3) In addition to the bond and insurance required in divisions (C)(1) and (2) above, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the city, issued by an insurer authorized to do business within the state, the policy or policies in the aggregate of \$1,000,000 per occurrence.

(Ord. 2991, passed 7-19-94)

§ 4-272 CONVERSION FROM NATURAL OR ARTIFICIAL RECOVERY.

(A) No person shall convert any well from natural or artificial production to a use for enhanced recovery or disposal without first obtaining the necessary permit therefor.

(B) No person shall re-enter any abandoned or plugged and abandoned well or drill an original well to be used for enhanced recovery without first obtaining the necessary permit therefor.

§ 4-273 ENHANCED RECOVERY AND DISPOSAL WELLS.

(A) An application for a permit as is required by the preceding section shall be in the same form as that required for a permit to drill an original well, and shall contain complete information required by the City Manager or his or her designee, including the following:

(1) A map of the well site, showing all equipment to be used there, location of pipelines, access road and distances from the well to any and all fences, public roadways and buildings within a radius of 1,000 feet;

(2) A map of the project showing the location of all supply, disposal, injection and producing wells; all conduits; tank battery, pumping station and appurtenant equipment; all wells in the project area and those located in the sections immediately adjacent to include producing, abandoned, plugged and abandoned, disposal and public or private fresh water supply wells;

(3) Evidence that all wells in the area of the project and adjacent section were plugged and abandoned in compliance with Corporation Commission regulations at the time the well was plugged and abandoned; (A plugging record (OCC Form 9003) to demonstrate compliance is acceptable.)

(4) All wells associated with the project shall be indicated by status (e.g., plugged and abandoned (P&A), abandoned, injector, source well, producer, idle and the like) and showing the additional information:

(a) Surveyed surface location;

(b) DF or KB elevation;

(c) Drilled total depth;

(d) PBTD;

(e) Size, depth and grade of surface and production casing;

(f) Location of all plugs, packers, cement plugs, tubing anchors and the like within the well bore;

(g) Depth and nature of all cement squeeze jobs;

(h) Formation name and depth of all open perforations and open hole interval;

(i) Volume and type of cement used on surface and production strings; and

(j) Top of cement behind pipe.

(5) One copy of all electric, mechanical, sample and driller's log, if available;

(6) Fee and operator name for each well;

(7) One copy of all cement bond logs and production logs;

(8) One copy of all work performed on the well;

(9) Copies of all information supplied to the Corporation Commission and the Commission's approval of the project; and

(10) Copies of the Corporation Commission Form No. 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no the form has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well.

(B) Upon the completion of the application required hereunder, the City Manager or his or her designee shall have 30 business days to review same and make a recommendation of approval or disapproval to the City Council.

(C) A fee in the sum of \$1,000 shall be submitted along with every application required hereunder.

(D) Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of an integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage and bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this section, the City Manager or his or her designee shall be notified thereof sufficiently in advance in order for him or her to be present for the operations.

(E) Injection lines shall be buried in a trench at a depth no less than four feet, below grade level and shall be pressure tested annually at a minimum of 150% of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the City Manager or his or her designee. They shall be notified five business days in advance of the test and may supervise same. Test results shall be filed with the city upon completion.

(F) Fresh water wells located within a radius of 1,000 feet of any enhanced recovery or disposal well shall be tested semi-annually for the presence of deleterious substances, such as chloride, sulphates and dissolved solids. If any enhanced recovery or disposal well is not being used for injection or disposal purposes and is in compliance with OCC rule 3-305, (Testing and Monitoring Requirements for Enhanced Recovery Injection Wells; and Disposal Wells), the City Manager or his or her designee may waive the testing of fresh water wells located within the 1,000-foot radius of the inactive well. The testing is the responsibility of the permittee and permittee's expense. The City Manager or his or her designee shall be notified five business days in advance of the testing and may be present therefor. Test results shall be filed with the city upon completion.

(Ord. 2991, passed 7-19-94)

§ 4-274 DEEPENING AND SIDETRACKING WELLS.

Deepening and existing well bore or sidetracking a well from an existing well bore is permitted upon proper approval from the Corporation Commission and the City Manager or his or her designee and may require City Council approval. Information regarding kickoff point, angle of kickoff, cement behind kickoff and other information relating to sidetracking may be required.

(Ord. 2991, passed 7-19-94)

§ 4-275 ANNUAL FEE TO OPERATE.

(A) An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the city. The fee shall be payable to the city on or before the annual anniversary date of the issuance of any permit under this article.

(B) No permit for any well shall be considered valid for any year for which the annual fee has not been paid.

(Ord. 2991, passed 7-19-94)

§ 4-276 DISPOSAL OF SALT WATER.

(A) Every permittee under this article shall make sufficient provisions for the safe disposal of salt water or other deleterious substances which he may bring to or leave on the surface of the earth. The disposal shall not result in pollution of the waters of the city and shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.

(B) In the event of any leakage or spillage of any pollution or deleterious substance, whatever the cause thereof, the permittee shall cause the City Manager or his or her designee to be notified thereof promptly. If, in the judgement of the City Manager or his or her designee, the leakage or spillage represents a potential environmental hazard, he or she may issue whatever corrective orders he or she deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of the test or test to be borne by the permittee.

(Ord. 2991, passed 7-19-94)

§ 4-277 COMPLIANCE.

No person shall drill an original well or re-enter an abandoned well or a plugged and abandoned well for any purpose, or permit to exist any well, structure, equipment, pipeline, machinery, tank or other appurtenance, in violation of any of the provisions of this article or other city ordinances as may be applicable, or the laws, rules, regulations, operative standards or directives of the state.

(Ord. 2991, passed 7-19-94)

Conductor casing shall be set to a minimum depth of 40 feet below ground level or to bedrock, whichever is less. The conductor hole shall be drilled with fresh water and native mud or air. No chemicals or foreign substances are to be added to the drilling fluid. The conductor casing shall be cemented to the surface by circulating cement or by using the grout method. After cementing the conductor casing, drilling shall not be resumed until the cement has set for 24 hours.

(Ord. 2991, passed 7-19-94)

§ 4-279 SURFACE CASING.

(A) Surface casing shall be set a minimum of 200 feet below the deepest fresh water zone found in the well site section or in the eight sections adjacent to the wellsite section. If a well has previously been drilled in the same quarter section as the proposed well but does not have a previously run resistivity or porosity log to identify the base of the treatable water, or the proposed well is the first well in that quarter section, a resistivity and porosity log to identify the base of the treatable water, or other evidence satisfactory to the City Manager or his or her designee, shall be run in the surface, hole before surface pipe is set, a copy of which will be filed with the Corporation Commission, State Water Resources Board and the City Manager or his or her designee. Surface pipe shall have a centralizer on the shoe joint, a centralizer within 50 feet of the shoe joint and centralizers no more than 200 feet apart above the second centralizer.

(B) (1) Surface pipe shall be cemented by circulating good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be over-displaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conductor string and the surface pipe until the top of the cement is tagged. The remaining uncemented annular space will then be cemented until good cement is circulated to surface.

(2) The City Manager or his or her designee may require logs to be run to determine the actual top of the cement in the annulus prior to pumping cement down the small string of pipe installed in the annulus of the well. The casing shall not be disturbed in any way until the cement has set for a minimum of eight hours or any longer time required for the cement to reach a compressive strength of 500 psi. A cement bond log shall be run after the cement has set for 12 hours and before drilling operations are resumed. The City Manager or his or her designee shall witness calibration and running of the cement bond log, and he or she shall examine the log and give his or her approval of the cement bond before drilling operations are resumed. Surface casing must be new pipe of API grade J or K or higher grade and have a minimum burst pressure rating of 2,900 psi.

(3) The City Manager or his or her designee may require cement samples as necessary to be submitted at drilling sites or elsewhere for quality control testing.

(C) (1) Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of an integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage or bleeding of injection fluids or disposants.

(2) Where additional protective operations are undertaken to comply with this division, the City Manager or his or her designee shall be notified thereof sufficiently in advance in order for him or her to be present for the operations.

(Ord. 2991, passed 7-19-94)

§ 4-280 NOTIFICATION OF CERTAIN OPERATIONS.

Any person operating a well within the city shall give at least three business days advanced notice to the City Manager or his or her designee before taking any of the following actions with regard to the well removal of any casing, including removal for purposes of replacement, completing or re-completing the well in a different formation or placing the well on artificial production.

(Ord. 2991, passed 7-19-94)

§ 4-281 PLUGGING AND ABANDONMENT.

Whenever any well is abandoned or to be plugged and abandoned it shall be the obligation of the permittee and the operator of the well to obtain a plugging permit and to plug the well as follows: set a 200-foot cement plug across and 100 feet above Perry Gas Sand (last known hydrocarbon bearing zone in area); a 200-foot cement plug in the bottom of the surface casing, with the top of the plug 100

feet inside the surface casing section; and to set a 50-foot cement plug in the top of the surface casing. In any well where surface casing has not been set in accordance with § 4-279, the well bore shall be filled with cement from 200 feet below the base of the deepest fresh water zone and back to surface. No surface or conductor string of casing may be pulled or removed from a well. During initial plugging and abandonment operations, it will be the obligation of the permittee and operator to circulate the well with drilling mud weighing not less than nine pounds per gallon, and to circulate this mud until stabilized and the well shall be kept filled to the top with drilling mud of the weight herein specified, at all times; mud- laden fluid of the above specifications will be left in the well bore below and between cement plugs. Any additional provisions or precautionary measures prescribed by the state, the Corporation Commission or the City Manager or his or her designee in connection with the plugging and abandonment of a well shall be complied with by the permittee.

(Ord. 2991, passed 7-19-94)

§ 4-282 MOVEMENT WITH HEAVY EQUIPMENT.

(A) No person shall move or cause to be moved, over, upon or across any pavement or paved street or alley within city limits any piece of machinery of extreme weight which may crack or injure the pavement, except as herein provided.

(B) Prior of the moving of any machinery over, across or upon any paved street or alley within this city, application shall be made to the City Clerk, as provided in this code.

(Ord. 2991, passed 7-19-94)

§ 4-283 WELL LOCATION.

(A) (1) No permit shall be issued for the drilling of an original well or the re-entry of an abandoned well or plugged and abandoned well if the well or the exterior of any tank or pressure vessel is nearer than 300 feet of any residence, commercial building or producing fresh water well.

(2) This 300-foot separation can be reduced to a 200-foot separation if written consent from the property owners within the reduced distance has been submitted with the drilling application. The 300-foot minimum separation from a water well cannot be reduced.

(B) No permit shall be issued for the drilling of an original well or the re-entry of an abandoned well, or a plugged and abandoned well at any location which is within the boundaries of a public cemetery.

(Ord. 2991, passed 7-19-94)

§ 4-284 FENCES.

Any person who completes any well as a producer shall have the obligation to enclose the 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 or her employees are not within the enclosure. A key to the lock shall be filed with the City Manager or his or her designee. In areas not imminent for urban development, the City Council, at their discretion, may waive the requirement of any fence or may designate the type of fence to be erected. If fencing requirements are waived by the City Council and the landowner consents thereto in writing, any application to plat the property shall constitute an agreement by the developer to fence the well at the developer's expense.

(Ord. 2991, passed 7-19-94)

§ 4-285 NOISE AND OTHER NUISANCES.

All oil operations shall be conducted in 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 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.

(Ord. 2991, passed 7-19-94)

§ 4-286 FACILITIES.

All lease equipment shall be painted and maintained in a good state of appearance, and shall have posted in a prominent place as required by the Corporation Commission, a metal sign no less than two square feet in area upon which the following information shall be conspicuous; permittee's name; 24-hour emergency phone number; lease name; and location of the well bore by reference to the United States survey. In the event of a change in operator, it will be the new operator's responsibility to replace the sign within 30 days after the change is effective.

(Ord. 2991, passed 7-19-94)

§ 4-287 STORAGE TANKS AND SEPARATORS.

(A) Crude oil storage tanks shall not be constructed, operated or used, except to the extent of two steel tanks for oil storage, not exceeding 500 barrels capacity and so constructed and maintained as to be vapor tight provided, that additional tankage may be approved by the City Manager or his or her designee.

(B) A permittee may use, construct and operate a steel conventional separator and other steel tanks and appurtenances as are necessary for treating oil with each of the facilities to be so constructed and maintained as to be vapor tight. Each oil, gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head.

(C) There shall be a minimum separation distance of at least 25 feet between storage tanks (crude and water) and heater treaters or other equipment designed to be heated with burners or electric elements. The provisions of this section shall apply only to tanks or equipment installed, placed or replaced, on or after the effective date of the ordinance by which this section was enacted.

(D) One hundred-twenty days after completion of the well, the tank battery, diking, fencing and other surface equipment needs to be installed.

(Ord. 2991, passed 7-19-94)

§ 4-288 IMPOUNDING AROUND TANKS BY DIKING.

When protection of adjoining property or waterways is by means of impounding by diking around the tanks, the system shall comply with the following:

(A) A slope of not less than 1% away from the tank shall be provided for at least 50 feet or to the dike base, whichever is less.

(B) The volumetric capacity of the dike area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. To allow for volume occupied by tanks, the capacity of the diked area enclosing more than one tank shall be calculated after deducting the volume of the tanks, other than the largest tank, below the height of the dike.

(C) To permit access, the outside base of the dike at ground level shall be no closer than ten feet to any property line that is or can be built upon.

(D) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls three feet or more in height shall have a flat section at the top not less than two feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed. Dike areas for tanks containing Class 1 liquids located in extremely porous soils may require special treatment to prevent seepage of hazardous quantities of liquids to low-lying areas or waterways in case of spills.

(E) (1) Every tank battery associated with a well or group of wells shall be separated from any other tank battery associated with any other well or wells by a dike of a height as required above. A dike shall also be constructed to separate the crude storage tanks and water storage tanks from separators, heater treaters and other vessels. The height of this dike shall meet the requirements specified above.

(2) The provisions of this section shall apply only to tanks or equipment installed, placed or replaced on or after the effective date

of the ordinance by which this subsection was enacted.

(F) Where provision is made for draining water from diked areas, the drains shall be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions from outside the dike.

(Ord. 2991, passed 7-19-94)

§ 4-289 FIRE PREVENTION.

(A) Adequate firefighting apparatus and supplies approved by the Fire Department shall be maintained on the drilling site at all times during drilling and production operations.

(B) All machinery, equipment and installations on all drilling sites within the city limits shall conform with the requirements as may from time to time be issued by the Fire Department.

(Ord. 2991, passed 7-19-94)

§ 4-290 PITS.

(A) Non-leaking steel mud or circulating pits shall be used. The pits and contents shall be removed from the premises and the drilling site within 60 days after completion of the well. No earthen pits shall be allowed, unless clay lined, small and temporary, and approved in writing by the City Manager or his or her designee.

(B) Haul-off pits will not be dug in unless approved in writing by the City Manager or his or her designee.

(Ord. 2991, passed 7-19-94)

§ 4-291 MOTIVE POWER.

Motive power for all well pumping equipment shall be electricity, with the exception the City Manager or his or her designee may vary the requirements thereof to suit the application before him or her.

(Ord. 2991, passed 7-19-94)

§ 4-292 DERRICK AND RIG.

It shall be unlawful and an offense for any person to use or operate in connection with the drilling, re-entry or reworking of any well within the city, any wooden derrick or any steam-powered rig, and all engines, shall be equipped with adequate mufflers approved by the City Manager or his or her designee. The permitting of any drilling rig or derrick to remain on the premises or drilling site for a period longer than 60 days after completion or plugging and abandonment of a well is hereby prohibited, unless an extension is granted by the City Manager or his or her designee.

(Ord. 2991, passed 7-19-94)

§ 4-293 OPEN HOLE FORMATION TESTING.

(A) All open hole formation testing shall be done during daylight hours, with advance notification thereof made to the City Manager or his or her designee adequate to enable him or her to be present.

(B) All open hole formation testing shall be done into steel tanks or flared properly in the case of gas.

(Ord. 2991, passed 7-19-94)

§ 4-294 DRILLING OPERATIONS; EQUIPMENT.

All drilling, re-entry and operations at any well performed under this article shall be conducted in accordance with the best practices of the reasonably prudent operator. All casing, valve and blow-out preventors, drilling fluid, tubing, bradenhead, Christmas tree and well head connections shall be of a type and quality consistent with the best practices of a reasonably prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the best practices of the reasonably prudent operator. Any permittee under this article shall observe and follow the recommendations or regulations of the American Petroleum Institute and the State Corporation Commission. A copy of all electric, production, case hole and cement bond logs shall be filed with the City Manager or his or her designee.

(Ord. 2991, passed 7-19-94)

§ 4-295 STREETS AND ALLEYS.

(A) (1) 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.

(2) No street or alley shall be blocked or encumbered or closed in any drilling or production operation, except with the written approval of the City Manager or his or her designee, and then only temporarily.

(B) The permittee shall construct a concrete drive approach to city standards outlined herein, with proper curbs where applicable, within 60 days after production casing has been run.

(Ord. 2991, passed 7-19-94)

§ 4-296 FLARING OF GAS.

All produced gas shall either be sold or flared with the flaring procedures being approved by the City Manager or his or her designee and the Fire Marshal.

(Ord. 2991, passed 7-19-94)

§ 4-297 FRACTURING AND ACIDIZING.

(A) In the completion of an oil and gas, injection, disposal or service well, where acidizing or fracturing processes are used, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters.

(B) All fluids produced shall be put into tankage.

(Ord. 2991, passed 7-19-94)

§ 4-298 SWABBING AND BAILING.

In swabbing, bailing or purging a well, all deleterious substances removed from the bore hole shall be placed in appropriate tanks and no substances shall be permitted to pollute any surface or subsurface fresh waters.

(Ord. 2991, passed 7-19-94)

§ 4-299 RUPTURE IN SURFACE CASING.

In the event a rupture, break or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall take immediate action to repair it and shall promptly report the incident to the City Manager or his or her designee.

(Ord. 2991, passed 7-19-94)
City of Guthrie

§ 4-300 DEPOSITING OIL PRODUCTS.

No person shall deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, any oil or oily liquid with petroleum content or any mud, rotary mud, sand, water or salt water, or in any manner permit by seepage, overflow or otherwise, any of the substances to escape from any property owned, leased or controlled by the person and flow or be carried into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, within the city.

(Ord. 2991, passed 7-19-94)

§ 4-301 SAFETY PRECAUTIONS.

(A) Persons drilling, operating, maintaining or plugging any well shall use all necessary care and take all precautions which shall be reasonably necessary under the circumstances to protect the public. The provisions of this article shall be deemed to be the minimum requirements for the preservation of the public health, safety and welfare, and compliance with the terms hereof shall not be deemed to relieve any person of any additional duty imposed by law.

(B) Blowout prevention equipment is required and shall be as follows:

(1) For drilling operations:

(a) The BOP stack shall be hydraulically operated BOPs equipped with the following: accumulator bottles capable of closing all rams and keeping them closed. Three type preventors, one of which shall contain pipe rams to fit the drill pipe in use, one set to be blind rams, and the third one shall be an annular type. A remote control station is required to operate the BOP's in case of emergency.

(b) The BOP stack rated at no less than 3,000 psi shall be installed and pressure tested according to the API Bulletin RP 53 specifications using only water, prior to drilling out the surface casing shoe.

(c) Choke manifolds shall be considered as a part of the BOP system and will be installed, tested and maintained in accordance with specifications contained within API Bulletin RP 53.

(2) For maintenance, remedial, recompletion or plugging operations the BOP requirement may be altered to conform to potential risk if approved by the City Manager or his or her designee in writing, but the requirement cannot be deleted.

(3) A safety valve, with appropriate threaded connections to fit any tubular string being moved in or out of the well and having an inside diameter at least as large as the inside diameter of the tubular string and with a working pressure rating equal to at least 3,000 psi or greater than any well pressure that might possibly be encountered during the operations described above must be on the rig floor, in the open position, at all times.

(4) Production operations:

(a) Flowing wells shall be equipped with high-low pressure safety valves with sensing points to be determined by the flowing characteristics of each well.

(b) Beam pumping wells, producing in excess of ten psi of combined oil and water per day shall be equipped with sensing devices and appropriate equipment to shut down the pump if the stuffing box should develop a leak and to seal the tubing if the polish rod should part and allow the well to flow to the atmosphere.

(c) Other artificial lift methods, if used, should be protected by appropriate safety equipment to prevent the accidental discharge of produced oil, gas and/or water to the atmosphere or drainage system.

(d) All pressure vessels should be manufactured in accordance with the appropriate API code in approved manufacturing facilities.

(e) All fired vessels must be equipped with flame arrester.

(f) Injection and transportation systems must be protected with appropriate high-low safety shut-down equipment with sensing points to be determined according to the individual installation.

(Ord. 2991, passed 7-19-94)

§ 4-302 FORMS FILED WITH CORPORATION COMMISSION.

Copies of all applications, notices, forms, records, logs and the like filed by permittee with the State Corporation Commission shall be filed with the city as well. The City Manager or his or her designee shall keep confidential all submitted material which the state allows to be kept confidential.

(Ord. 2991, passed 7-19-94)

§ 4-303 WATER FOR MUDS.

In the event a fresh water supply well is drilled to provide water for drilling muds, the depth of the well shall not be greater than 200 feet below surface. Upon the completion of operations for which the well is required, the city shall have the right to purchase the well at a price determinable by the cost of completion. If the city, in a proper case, does not make the purchase, any well shall be properly plugged and abandoned after notice of intention to so plug is provided the City Manager or his or her designee, who may supervise the operation.

(Ord. 2991, passed 7-19-94)

§ 4-304 SERVICE COMPANIES.

(A) Upon request of the City Manager or his or her designee, service companies or other persons shall furnish and file reports and records showing perforating, hydraulic fracturing, cementing, shooting, chemical treatment and all other service operations on any site covered by this article. The furnished material shall remain confidential where the confidentiality is usually granted by the state.

(B) Failure to provide any requested material shall be deemed a violation of this article.

(Ord. 2991, passed 7-19-94)

§ 4-305 ACCUMULATION OF VAPOR.

The City Manager or his or her designee shall have the authority to require the immediate shutting in or closing of any well if he or she finds that there exists, within a 100-foot radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute, in his or her judgement, or in the judgement of the Fire Marshal, a fire hazard. The well shall remain shut or closed in until the hazard and its cause are removed.

(Ord. 2991, passed 7-19-94)

§ 4-306 INSPECTION OF PRESSURE LINES.

The City Manager or his or her designee shall inspect all pressure lines in use at any well or at any project to assure that tubing, fittings, equipment or connections are reasonably tight, safe and free from leaks and be a minimum of four feet below grade. The lines on the location should be on or near the surface, (i.e. tank battery lines and well to battery flowline.)

(Ord. 2991, passed 7-19-94)

§ 4-307 INGRESS AND EGRESS.

Lease roads shall be maintained in a manner as to safely and comfortably allow for ingress and egress of city or state personnel traveling in a common passenger motor vehicle. All mud, dirt, gravel and other debris on city roads, streets and public ways must be removed promptly.

(Ord. 2991, passed 7-19-94)

§ 4-308 ORDER TO CEASE OPERATIONS.

(A) If the City Manager or his or her designee finds that, in his or her judgement, a hazard to life or natural resources exists, he or she shall order immediate rectification of the cause. If the permittee takes no immediate measure to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then in either of these events he or she may order the prompt cessation of activity, and if necessary, the clearance of the premises. If there is no hazard, fire or otherwise existing, if the permittee desires, he or she may continue circulating the hole with drilling fluids in order to protect the drilled hole from being lost.

(B) (1) A hearing shall be scheduled before the City Manager within 24 hours after the issuance of the order. The City Manager shall determine if proper cause existed, and, if not, shall order the permittee's activity to resume without delay.

(2) If the City Manager determines that proper cause did exist for the order to cease activity to be issued, then he or she shall make whatever ruling is proper to assure rectification of the cause of the peril. The ruling and compliance with it by the permittee shall not be construed to absolve the permittee of any liability for any violation of this article or for any damage or injury caused thereby.

(Ord. 2991, passed 7-19-94)

§ 4-309 APPEALS.

Any permittee aggrieved by any order, directive or ruling issued by the City Manager or his or her designee may appeal the same to the City Council. The matter shall be placed on the next Council agenda for consideration by the Council, in accordance with the requirements of the State Open Meeting Act, 25 O.S. §§ 301 et seq., which shall hear the matter at its next scheduled meeting. The lodging of the appeal shall not stay the enforcement of any of the provisions of this article. The Council, upon hearing the matter, may issue whatever ruling or order is appropriate, provided that the ruling or order be in keeping with the spirit and purpose of this article.

(Ord. 2991, passed 7-19-94)

§ 4-310 REVIEW OF PERMIT RECOMMENDATIONS.

Upon the consideration of any application for a permit required by the terms of this article, the City Manager or his or her designee shall recommend approval or disapproval thereof to the Mayor and City Council, who shall review the matter at a regularly scheduled meeting, and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto.

(Ord. 2991, passed 7-19-94)

§ 4-311 CONDUITS ON STREETS AND ALLEYS.

(A) No permittee shall make any excavations or construct any lines for the conveyance of fuel, water or minerals, on, under or through the streets and alleys of the city without first having obtained a permit therefor upon application to the City Manager or his or her designee.

(B) The City Manager or his or her designee shall prescribe the forms to be used for the application and the information to accompany it.

(C) Each application for a permit under this section shall be accompanied by a non-refundable filing fee.

(D) The City Manager or his or her designee within 20 days of receipt of the properly executed application, shall either grant or deny the request.

(E) The granting of any permit shall not be construed to be the granting of a franchise.

(Ord. 2991, passed 7-19-94)

§ 4-312 ANNUAL FEE FOR CONDUITS.

(A) The permittee under § 4-311 shall pay to the city an annual renewal and inspection fee, being the total of \$1 per rod of conduit multiplied by the number of rods in the conduit for which the permit was issued.

(B) The City Manager shall appoint a representative who shall inspect the conduits to assure the public safety. No permit issued under § 4-311 shall be renewed if the conduit or any part thereof covered by the permit is in an unsafe condition.

(Ord. 2991, passed 7-19-94)

§ 4-313 APPLICABILITY TO EXISTING CONDITIONS.

This article shall apply to any person drilling an original well, re-entering an abandoned well or plugged and abandoned well, conducting natural or artificial production operations or maintaining a disposal well within the city limits and every person shall have no longer than 90 days to come into compliance with this article.

(A) No initial permit fees shall be charged the person as would otherwise apply;

(B) No penalties shall be sought against any activity violative of this article where an activity pre- existed the adoption of this article and was otherwise in compliance with the applicable state law, rules, regulations, standards and directives.

(C) The City Manager or his or her designee may allow for reasonable extensions or variations for compliance with this article where to do so would be in the interest of fairness.

(Ord. 2991, passed 7-19-94)

§ 4-314 PENALTIES.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that the violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this article, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this article, or who shall neglect to comply with the terms hereof, shall be fined in a sum of not more than \$100, plus court costs and the violation of each separate provision of this article, and of the permit, and of the bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense. In addition to the foregoing penalties, except as to termination of permits as provided for herein and cessation of operations as provided for herein, which termination or cessation shall be effective without any action by City Council and only with the notices provided for in those sections, it is further provided that the City Council at any regular or special session or meeting thereof, may, provided ten business days notice has been given to the permittee that revocation is to be considered at the meeting, revoke or suspend any permit issued under this article and under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of the permit, the bond or this article. In the event the permit be revoked, the permittee may make application to the City Manager or his or her designee for re-issuance of the permit, and the action of the city thereon shall be final. Any continuing offense shall be considered a public nuisance, the remedies for which under law shall be in addition to those hereinbefore enumerated.

(Ord. 2991, passed 7-19-94)

CHAPTER 18.02 - OIL AND GAS REGULATIONS

18.02.010 - Intent and Purpose.

Whereas the imprudent operation of an oil and gas facility can constitute a menace to the public health, safety and welfare of the City of Edmond, it is the intent and purpose of this Chapter that oil and gas operations be reasonably regulated for the public good. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.020 - Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- (a) "City" shall mean the City of Edmond, Oklahoma;
- (b) "State" shall mean the State of Oklahoma, its branches, departments, agencies, boards or the officers thereof;
- (c) "Person" shall mean and include any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization;
- (d) "Permittee" shall mean the person to whom is issued a permit or permits under the terms of this Chapter;
- (e) "Well" shall mean, unless specifically qualified, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquified matter, or for the injection or disposal of any of the foregoing;
- (f) "Natural production" shall mean the raising to the surface of the earth, by natural flow, petroleum or natural gas;
- (g) "Artificial production" shall mean the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas;
- (h) "Deleterious substance" shall mean any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate;
- (i) "Pollution" shall mean the contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the City, or such discharge of any liquid, gaseous or solid substance into any water of the City as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or to livestock, animals or aquatic life;
- (j) "Water" or "waters of the City" shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the City or any portion thereof;
- (k) "Pressure maintenance" shall mean an operation by which gas, water or other fluids are injected into an oil or gas reservoir to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery therefrom, and which has been approved by the Corporation Commission after notice and hearing.
- (l) "Enhanced Recovery" shall mean an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom.
- (m) "Corporation Commission" shall mean the Oklahoma Corporation Commission;

- (n) 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;
- (o) "Abandoned well" shall mean any well inside the City Limits for which City bonds, insurance requirements or annual inspection fees have not been kept current; or which does not have on file State Corporation Commission Form 1003A which allows wells to remain shut-in; or those wells which are not exempt from plugging under State Corporation Commission rules; or a well which has not had operations for one (1) year, except that for purposes of Section 18.02.040, no filing fees shall be required for a previously drilled well which is an abandoned well because it has not had operations for one (1) year.
- (p) "Plugged and abandoned well" shall mean any well plugged and abandoned in compliance with municipal and/or Oklahoma Corporation Commission regulations at time of plugging. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.030 - Permits.

A Special Use Permit approved by Edmond City Council, reviewed by Edmond Planning Commission, is required prior to applying for a drilling permit. It shall be unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person, to commence to drill an original well or re-enter any abandoned well or plugged and abandoned well within this City, or to work upon or assist in any way in the production or operation of any such well, without a drilling permit having first been issued by the authority of the City Manager or his designee in accordance with this Chapter. (Ord. 1052, July 1979; Ord. 1989, 1992).

18.02.040 - Application and Filing Fee.

- (a) Every application for a permit to drill an original well or to re-enter an abandoned well or plugged and abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the City Manager or his designee and be accompanied by a filing fee of Three Thousand Five Hundred Dollars (\$3,500.00). No application shall request a permit to drill more than one well. The application shall contain full information required by the City Manager or his designee, including the following:
 - (1) Name and address of applicant and date of application;
 - (2) Where applying for a proposed original well:
 - (a) A map of the drill site and proposed surface facilities, including thereon the location of the proposed well, and distance therefrom to all existing dwelling houses, buildings, or other structures designated for the occupancy of human beings or animals within a one thousand foot (1000') radius of the well bore, and the location of all existing oil, gas or fresh water wells within said one thousand foot (1000') tract.
 - (b) The names of the mineral, surface, and lease owners.
 - (3) A copy of the approved Drilling or re-entry Permit from the Corporation Commission and a copy of the staking plat.
 - (4) A drilling prognosis, on City application forms, to specify in detail the amount, weight, and size of conductor casing, surface casing, and production casing; and the procedure to be used for cementing each. New casing is to be used for surface casing. New or pre-approved electronically inspected used production casing, meeting API 5CT specifications for new casing is required. Plugging procedures to be used in the event production is not established shall also be specified.

- (5) A statement of the provisions for water for the drilling rig, from private pond, stream or City fire hydrant and a copy of approved water resources board permit. A flush meter is required on a City fire hydrant which can be picked up from the utility office with a \$750.00 deposit.
 - (6) 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 non-resident person who has no such service agent within this State, there shall be attached to the application the designation of such a service agent resident in Oklahoma County, Oklahoma, 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.
 - (7) A verification of the applicant hereunder.
- (b) Where the application is one for re-entry of an abandoned or plugged and abandoned well, said application shall contain all the information required by Section 18.02.040(a) above, with the exception that the City Manager or his designee may vary the requirements thereof to suit the application before him. Such application for a permit to re-enter an abandoned or plugged and abandoned well shall provide the following information in every case:
- (1) A statement of:
 - (a) The existing condition of the well or Oklahoma Corporation Commission plugging report;
 - (b) The depth to which the well shall be cleaned out to or deepened;
 - (c) The proposed casing program to be used in connection with the proposed activity.
 - (2) Evidence of current casing tests showing that the casing string or strings currently pass the same tests required for a new drilling application. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.045 - Testing of Water Wells.

Testing of producing fresh water wells within a 1000 foot radius of a proposed well may be requested by City Council as a provision of the drilling permit, upon approval of the property owner. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.050 - Issuance or Refusal of Permit.

- (a) The City Manager or his designee's office 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 applicable Federal and State law, and, if it does, shall recommend to the Mayor and City Council that the permit 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 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 a period of one (1) year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein;
 - (4) Specify such conditions imposed by the City Manager or his designee as are by this ordinance authorized;
 - (5) Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein;

- (b) If the permit is issued, it shall, in two (2) originals, be signed by the City Manager or his designee and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the City and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable State law, rules, regulations, standards and directives. One executed original copy of said permit shall be retained by the City Manager or his designee; and the other shall be retained by the permittee and shall be kept available for inspection by any City or State law enforcement official who shall demand to see same.
- (c) If the permit is refused, or if the applicant notifies the City Manager or his designee in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bonds of the applicant are not approved, then upon the happening of any of said events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained therefrom by the City the sum of Two Hundred Dollars (\$200.00) as a processing fee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.060 - Permittee's Insurance and Bonds.

In the event a permit shall be issued by the City of Edmond, no actual operations shall be commenced until the permittee shall file with the City a bond and insurance certificates as follows:

Permittee shall file with the City of Edmond certificates of said insurance as stated below, and shall obtain the written approval thereof of the City Manager or his designee who shall act thereon promptly after the date of such filing.

Said insurance policy or policies shall not be cancelled without written notice to the City Manager or his designee at least thirty (30) days prior to the effective date of such cancellation. In the event said policy or policies are cancelled, the permit granted shall immediately thereupon terminate without any action on the part of the City Manager or his designee, and permittee's rights to operation under said permit shall cease until permittee files additional insurance as provided herein.

- (a) A bond in the principal of Twenty-five Thousand Dollars (\$25,000.00). Any person who drills or operates any well for the exploration, development or production of oil or gas, or as an injection or disposal well, within this City, shall furnish on forms approved by the City of Edmond and maintained at all times as a blanket site restoration bond or a blanket site restoration irrevocable letter of credit in the principal sum of Twenty-Five Thousand Dollars (\$25,000.00). Said bond or letter of credit must be executed by a reliable insurance company or bank authorized to do business in the State of Oklahoma, as surety or creditor, with the permittee as principal or debtor, running to the City of Edmond for the benefit of the City and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this Chapter in the drilling and operation of all oil or gas wells drilled or operated within the City. Said bond or letter of credit must become effective on or before the date same filed with the City and remain in full force and effect for at least twelve (12) months subsequent to the expiration of the permit term, and, in addition, the bond or letter of credit must be conditioned that the permittee must promptly pay all fines, penalties, and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions or conditions of this Chapter, and that the permittee must promptly restore the streets, sidewalks and other public property within the City which may be disturbed or damaged during the permittee's operations, to their former condition; and that the permittee must promptly clear all premises of all litter, trash, waste and other substances, and must, after plugging and abandonment, grade, level and restore said property to the same surface condition, as far as possible, as existed prior to commencing operations; and further that the permittee shall indemnify and hold harmless the City of Edmond from any and all liability attributable to granting the permit; and that the permittee shall promptly pay all sums with respect to deductibles on covered losses under insurance policies required by this Chapter; and that the permittee shall comply with all of the terms of this Chapter concerning the plugging and abandonment of all such wells. Each bond or letter of credit submitted shall cover all wells drilled or operated by said person within the City of Edmond as specifically described all wells covered by name, legal description, and oil and gas permit

number, if any. For good cause shown, the City, after notice to a permittee and opportunity for hearing, may require the filing of a blanket bond or letter of credit for all wells within the City of Edmond in an amount higher than Twenty-Five Thousand Dollars (\$25,000.00), but not to exceed One Hundred Thousand Dollars (\$100,000.00). "Good cause" shall include, but shall not be limited to, a showing that the operator or permittee has previously violated the provisions of this Chapter, or that the operator has multiple wells that in the exercise of ordinance prudence, the Edmond City Council shall require an additional amount.

- (b) In addition to the bond required in paragraph (a) of this section, the permittee shall obtain One Million Dollar (\$1,000,000.00) Seepage and Pollution Insurance per well for the benefit of the City of Edmond and all persons concerned, conditioned that the permittee will comply with every applicable Federal and State Law, rules, regulations, standard or directive relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters of the City; that the permittee shall obtain the necessary permits from the City and State with regard to any operations which have the potential or rendering such waters harmful or detrimental or injurious to the public health, safety and welfare; that the permittee shall bear all the cost necessary and incidental to the correction of any pollution to said waters caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors; that the permittee shall pay all fines, penalties, assessments or judgments resulting directly or incidentally from the permittee's activities and which result in pollution of City waters; that the permittee shall indemnify and hold harmless the City from any and all liability attributable to granting the permit where such liability results from the pollution of City waters.
- (c) In addition to the bond and insurance required in paragraphs (a) and (b) of this section, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the City of Edmond, issued by an insurer authorized to do business within the State, said policy or policies in the aggregate of One Million Dollars (\$1,000,000.00) per occurrence. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.070 - Conversion From Natural or Artificial to Enhanced Recovery.

- (a) No person shall convert any well from natural or artificial production to a use for enhanced recovery or disposal without first obtaining the necessary permit therefor.
- (b) No person shall re-enter any abandoned or plugged and abandoned well or drill an original well to be used for enhanced recovery without first obtaining the necessary permit therefore. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.080 - Enhanced Recovery and Disposal Wells.

- (a) An application for such permit as is required by the preceding section shall be in the same form as that required for a permit to drill an original well, and shall contain complete information required by the City Manager or his designee, including the following:
 - (1) A map of the well site, showing all equipment to be used there, location of pipelines, access road, and distances from the well to any and all fences, public roadways, and buildings within a radius of one thousand feet (1000').
 - (2) A map of the project showing: the location of all supply, disposal, injection and producing wells; all conduits; tank battery, pumping station and appurtenant equipment; all wells in the project area and those located in the sections immediately adjacent to include producing, abandoned, plugged and abandoned, disposal, and public or private fresh water supply wells.
 - (3) Evidence that all wells in the area of the project and adjacent section were plugged and abandoned in compliance with Oklahoma Corporation Commission regulations at the time the well was plugged and abandoned. A plugging record (OCC Form 1003) to demonstrate compliance is acceptable.

- (4) All wells associated with the project shall be indicated by status (e.g., P and A'd, abandoned, injector, source well, producer, idle, etc.) and showing the additional information:
 - (a) Surveyed surface location;
 - (b) DF or KB elevation;
 - (c) Drilled total depth;
 - (d) PBTD;
 - (e) Size, depth and grade of surface and production casing;
 - (f) Location of all plugs, packers, cement plugs, tubing anchors, etc., within the well bore;
 - (g) Depth and nature of all cement squeeze jobs;
 - (h) Formation name and depth of all open perforations and open hole interval;
 - (i) Volume and type of cement used on surface and production strings;
 - (j) Top of cement behind pipe.
 - (5) One copy of all electric, mechanical, sample and driller's log, if available;
 - (6) Fee and operator name for each well;
 - (7) One copy of all cement bond logs and production logs;
 - (8) One copy of all work performed on the well;
 - (9) Copies of all information supplied to the Corporation Commission, and said Commission's approval of the project;
 - (10) Copies of the Corporation Commission Form No. 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no such form has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well;
- (b) Upon the completion of the application required hereunder, the City Manager or his designee shall have thirty (30) business days to review same and make a recommendation of approval or disapproval to the Mayor and City Council.
 - (c) A fee in the sum of One Thousand Dollars (\$1,000.00) shall be submitted along with every application required hereunder.
 - (d) Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage and bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this paragraph, the City Manager or his designee shall be notified thereof sufficiently in advance in order for him to be present for such operations.
 - (e) Injection lines shall be buried in a trench at a depth no less than four (4) feet, below grade level and shall be pressure tested (static) annually at a minimum of 150% of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the City Manager or his designee. They shall be notified five (5) business days in advance of such test and may supervise same. Test results shall be filed with the City upon completion.
 - (f) Fresh water wells located within a radius of one-thousand feet (1000') of any enhanced recovery or disposal well shall be tested semi-annually for the presence of deleterious substances, such as chloride, sulphates and dissolved solids. If any enhanced recovery or disposal well is not being used for injection or disposal purposes and is in compliance with OCC Rule 3-305, (Testing and Monitoring Requirements for Enhanced Recovery Injection Wells and Disposal Wells), the City Manager or his designee may waive the testing of fresh water wells located within the thousand foot (1000') radius of the inactive well. Such testing is the responsibility of the permittee and permittee's expense. The City

Manager or his designee shall be notified five (5) business days in advance of such testing and may be present therefor. Test results shall be filed with the City upon completion. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.085 - Deepening and Sidetracking Wells From Existing Well Bores.

Deepening an existing well bore or sidetracking a well from an existing well bore is permitted upon proper approval from the Corporation Commission and the City Manager or his designee and may require City Council approval. Information regarding kickoff point, angle of kickoff, cement behind kickoff, and other information relating to sidetracking may be required. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.090 - Annual Fee to Operate.

An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the City; such fee shall be in the amount of Two Hundred Fifty Dollars (\$250.00), payable to the City on or before the annual anniversary date of the issuance of any permit under this ordinance.

No permit for any well shall be considered valid for any year for which the annual fee has not been paid. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.100 - Disposal of Salt Water.

- (a) Every permittee under this Chapter shall make sufficient provisions for the safe disposal of salt water or other deleterious substances which he may bring to or leave on the surface of the earth. Such disposal shall not result in pollution of the waters of the City of Edmond and shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.
- (b) In the event of any leakage or spillage of any pollution or deleterious substance, whatever the cause thereof, the permittee shall cause the City Manager or his designee to be notified thereof promptly. If, in the judgment of the City Manager or his designee, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective orders he deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such tests to be borne by the permittee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.110 - Compliance With Applicable Laws.

No person shall drill an original well or re-enter an abandoned well or a plugged and abandoned well for any purpose, or permit to exist any well, structure, equipment, pipeline, machinery, tank or other appurtenance, in violation of any of the provisions of this ordinance or other City ordinances as may be applicable, or the laws, rules, regulations, operative standards or directives of the State. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.115 - Conductor Casing.

Conductor casing shall be set to a minimum depth of forty feet (40') below ground level or to bedrock, whichever is less. The conductor hole shall be drilled with fresh water and native mud or air. No chemicals or foreign substances are to be added to the drilling fluid. The conductor casing shall be cemented to the surface by circulating cement or by using the grout method. After

cementing the conductor casing, drilling shall not be resumed until the cement has set for twenty-four (24) hours. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.120 - Surface Casing.

- (a) Surface casing shall be set a minimum of two hundred feet (200') below the deepest fresh water zone found in the well site section or in the eight (8) sections adjacent to the wellsite section. If a well has previously been drilled in the same quarter section as the proposed well but does not have a previously run resistivity or porosity log to identify the base of the treatable water, or the proposed well is the first well in that quarter section, a resistivity and porosity log to identify the base of the treatable water, or other evidence satisfactory to the City Manager or his designee, shall be run in the surface hole before surface pipe is set, a copy of which will be filed with the Corporation Commission, Oklahoma Water Resources Board, and the City Manager or his designee. Surface pipe shall have a centralizer on the shoe joint, a centralizer within fifty (50) feet of the shoe joint and centralizers no more than two hundred (200) feet apart above the second centralizer.
- (b) Surface pipe shall be cemented by circulating good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be over-displaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conductor string and the surface pipe until the top of the cement is tagged. The remaining uncemented annular space will then be cemented until good cement is circulated to surface. The City Manager or his designee may require logs to be run to determine the actual top of the cement in the annulus prior to pumping cement down the small string of pipe installed in the annulus of the well. The casing shall not be disturbed in any way until the cement has set for a minimum of eight (8) hours or any longer time required for the cement to reach a compressive strength of 500 PSI. A cement bond log shall be run after the cement has set for twelve (12) hours and before drilling operations are resumed. The City Manager or his designee shall witness calibration and running of the cement bond log, and he shall examine the log and give his approval of the cement bond before drilling operations are resumed. Surface casing must be new pipe or API grade J or K or higher grade and have a minimum burst pressure rating of 2900 PSI.

The City Manager or his designee may require cement samples as necessary to be submitted at drilling sites or elsewhere for quality control testing.

- (c) Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage or bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this paragraph, the City Manager or his designee shall be notified thereof sufficiently in advance in order for him to be present for such operations. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.130 - Purchase of Wellsites by City.

If any well is to be abandoned or plugged and abandoned, or has otherwise been determined by the permittee to be useless for his purposes, said permittee shall give notice to the City thereof, and, in a proper case, the City shall have the right, if it so chooses, to acquire the well or any portion thereof for use as a fresh water supply well, at a price determinable by its costs to the permittee. No well shall be plugged and abandoned before the City has first, declined in writing, within 30 days after being notified by permittee, to obtain such well as a source of fresh water, any other provision of this Chapter notwithstanding. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.135 - Sale of Wellsite by Permittee.

Whenever a well is to be sold by permittee, the permittee shall notify the City Manager or his designee in writing a minimum of 30 days prior to the effective date of sale. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.136 - Notification by Operator of Certain Operations.

Any person operating a well within the City shall give at least three business days advanced notice to the City Manager or his designee before taking any of the following actions with regard to such well: removal of any casing, including removal for purposes of replacement; completing or recompleting the well in a different formation; or placing the well on artificial production. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.140 - Plugging and Abandonment.

Whenever any well is abandoned or to be plugged and abandoned it shall be the obligation of the permittee and the operator of the well to obtain a City of Edmond Plugging Permit and to plug the well as follows: set a two hundred foot (200') cement plug across and one hundred foot (100') above Perry Gas Sand (last known hydrocarbon bearing zone in area); a two hundred foot (200') cement plug in the bottom of the surface casing, with the top of the plug one hundred feet (100') inside the surface casing section; and to set a fifty foot (50') cement plug in the top of the surface casing. In any well where surface casing has not been set in accordance with Section 18.02.120 of this Ordinance, the well bore shall be filled with cement from two hundred feet (200') below the base of the deepest fresh water zone and back to surface. No surface or conductor string of casing may be pulled or removed from a well. During initial plugging and abandonment operations it will be the obligation of the permittee and operator to circulate the well with drilling mud weighing not less than nine (9) pounds per gallon, and to circulate this mud until stabilized and the well shall be kept filled to the top with drilling mud of the weight herein specified, at all times; mud-laden fluid of the above specifications will be left in the well bore below and between cement plugs. Any additional provisions or precautionary measures prescribed by the State, the Corporation Commission or the City Manager or his designee in connection with the plugging and abandonment of a well shall be complied with by the permittee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.150 - Movement of Heavy Equipment.

No person shall move or cause to be moved, over, upon or across any pavement or paved street, or alley within Edmond City Limits, any piece of machinery of extreme weight which may crack or injure such pavement, except as herein provided:

Prior to the moving of any such machinery over, across or upon any paved street or alley within this City, application shall be made to the City Clerk as provided in the City of Edmond Code, Section 14.16.030. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.160 - Well Location.

No permit shall be issued for the drilling of an original well or the re-entry of an abandoned well or plugged and abandoned well if the well or the exterior of any tank or pressure vessel is nearer

than three hundred feet (300') of any residence, commercial building, or producing fresh water well. This 300' separation can be reduced to a 200' separation if written consent from the property owners within the reduced distance has been submitted with the drilling application. The 300' minimum separation from a water well cannot be reduced.

No permit shall be issued for the drilling of an original well or the re-entry of an abandoned well, or a plugged and abandoned well at any location which is within the boundaries of a public cemetery. (Ord. 1052, 1979; Ord. 157, 1991; Ord. 1989, 1992).

18.02.170 - 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. A key to the lock shall be filed with the City Manager or his designee. In areas not imminent for urban development, the City Council, at their discretion, may waive the requirement of any fence or may designate the type of fence to be erected. If fencing requirements are waived by the City Council and the landowner consents thereto in writing, any application to plat the property shall constitute an agreement by the developer to fence the well at the developer's expense. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.180 - Noise and Other Nuisances.

All oil 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 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. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.190 - Facilities.

All lease equipment shall be painted and maintained in a good state of appearance, and shall have posted in a prominent place as required by the Oklahoma Corporation Commission, a metal sign no less than two square feet (2') in area upon which the following information shall be conspicuous; permittee's name; 24 hour emergency phone number; lease name; and location of the well bore by reference to the United States survey. In the event of a change in operator it will be the new operator's responsibility to replace the sign within thirty (30) days after the change is effective. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.200 - Storage Tanks and Separators.

- (a) Crude oil storage tanks shall not be constructed, operated or used except to the extent of two (2) steel tanks for oil storage, not exceeding 500 barrels capacity and so constructed and maintained as to be vapor tight provided, that additional tankage may be approved by the City Manager or his designee.
- (b) A permittee may use, construct and operate a steel conventional separator and such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed

and maintained as to be vapor tight. Each oil, gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head.

- (c) There shall be a minimum separation distance of at least twenty-five feet (25') between storage tanks (crude and water) and heater treaters or other equipment designed to be heated with burners or electric elements. The provisions of this subsection shall apply only to tanks or equipment installed, placed or replaced, on or after the effective date of the ordinance by which this subsection was enacted.
- (d) One hundred twenty days (120) after completion of the well, the tank battery, diking, fencing, and other surface equipment needs to be installed. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.205 - Impounding Around Tanks by Diking.

When protection of adjoining property or waterways is by means of impounding by diking around the tanks, such system shall comply with the following:

- (a) A slope of not less than one percent (1%) away from the tank shall be provided for at least fifty feet (50') or to the dike base, whichever is less.
- (b) The volumetric capacity of the dike area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. To allow for volume occupied by tanks, the capacity of the diked area enclosing more than one tank shall be calculated after deducting the volume of the tanks, other than the largest tank, below the height of the dike.
- (c) To permit access, the outside base of the dike at ground level shall be no closer than ten feet (10') to any property line that is or can be built upon.
- (d) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls three feet (3') or more in height shall have a flat section at the top not less than two feet (2') wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed. Dike areas for tanks containing Class 1 Liquids located in extremely porous soils may require special treatment to prevent seepage of hazardous quantities of liquids to low-lying areas or waterways in case of spills.
- (e) Every tank battery associated with a well or group of wells shall be separated from any other tank battery associated with any other well or wells by a dike of a height as required above. A dike shall also be constructed to separate the crude storage tanks and water storage tanks from separators, heater treaters, and other vessels. The height of this dike shall meet the requirements specified above. The provisions of this subsection shall apply only to tanks or equipment installed, placed or replaced on or after the effective date of the ordinance by which this subsection was enacted.
- (f) Where provision is made for draining water from diked areas, such drains shall be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions from outside the dike. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.210 - Fire Prevention.

Adequate fire fighting apparatus and supplies approved by the City Fire Department shall be maintained on the drilling site at all times during drilling and production operations. All machinery, equipment and installations on all drilling sites within the City Limits shall conform with such requirements as may from time to time be issued by the Fire Department. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.220 - Pits.

Non-leaking steel mud or circulating pits shall be used. Such pits and contents shall be removed from the premises and the drilling site within sixty (60) days after completion of the well. No earthen pits shall be allowed, unless clay lined, small and temporary, and approved in writing by the City Manager or his designee. Haul off pits will not be dug in unless approved in writing by the City Manager or his designee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.230 - Motive Power.

Motive power for all well pumping equipment shall be electricity, with the exception the City Manager or his designee may vary the requirements thereof to suit the application before him. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.240 - Derrick and Rig.

It shall be unlawful and an offense for any person to use or operate in connection with the drilling, re-entry or reworking of any well within the City, any wooden derrick or any steam-powered rig, and all engines shall be equipped with adequate mufflers approved by the City Manager or his designee. The permitting of any drilling rig or derrick to remain on the premises or drilling site for a period longer than sixty (60) days after completion or plugging and abandonment of a well is hereby prohibited, unless an extension is granted by the City Manager or his designee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.250 - Open Hole Formation Testing.

- (a) All open hole formation testing shall be done during daylight hours, with advance notification thereof made to the City Manager or his designee adequate to enable him to be present.
- (b) All open hole formation testing shall be done into steel tanks, or flared properly in the case of gas. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.260 - Drilling Operations Equipment.

All drilling, re-entry and operations at any well performed under this ordinance shall be conducted in accordance with the best practices of the reasonably prudent operator. All casing, valve, and blow-out preventers, drilling fluid, tubing, bradenhead, christmas tree and well head connections shall be of a type and quality consistent with and best practices of such reasonably prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the best practices of such reasonably prudent operator. Any permittee under this ordinance shall observe and follow the recommendations or regulations of the American Petroleum Institute and the State Corporation Commission. A copy of all electric, production, cased hole, and cement bond logs shall be filed with the City Manager or his designee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.270 - Streets and Alleys.

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 no street or alley shall be blocked or

encumbered or closed in any drilling or production operation except with the written approval of the City Manager or his designee, and then only temporarily. The permittee shall construct a concrete drive approach to City standards outlined in Section 14.04.010, with proper curbs where applicable, within 60 days after production casing has been run. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.280 - Flaring of Gas.

All produced gas shall either be sold or flared with the flaring procedures being approved by the City Manager or his designee and the Fire Marshal. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.290 - Fracturing and Acidizing.

In the completion of an oil and gas, injection, disposal or service well, where acidizing or fracturing processes are used, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters. All fluids produced shall be put into tankage. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.300 - Swabbing and Bailing.

In swabbing, bailing or purging a well, all deleterious substances removed from the bore hole shall be placed in appropriate tanks and no substances shall be permitted to pollute any surface or subsurface fresh waters. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.310 - Rupture in Surface Casing.

In the event a rupture, break or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall take immediate action to repair it, and shall promptly report the incident to the City Manager or his designee. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.320 - Depositing Oil Products.

No person shall deposit, drain, or divert into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, any oil or oily liquid with petroleum content or any mud, rotary mud, sand, water or salt water, or in any manner permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person and flow or be carried into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, within the City. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.330 - Safety Precautions.

Persons drilling, operating, maintaining or plugging any well shall use all necessary care and take all precautions which shall be reasonably necessary under the circumstances to protect the public. The provisions of this Chapter shall be deemed to be the minimum requirements for the

preservation of the public health, safety and welfare, and compliance with the terms hereof shall not be deemed to relieve any person of any additional duty imposed by law.

Blowout prevention equipment is required and shall be as follows:

- (1) For drilling operations:
 - (a) The BOP stack shall be hydraulically operated BOPs equipped with the following: accumulator bottles capable of closing all rams and keeping them closed. Three (3) type preventers, one of which shall contain pipe rams to fit the drill pipe in use, one set to be blind rams, and the third one shall be an annular type. A remote control station is required to operate the BOP's in case of emergency.
 - (b) The BOP stack rated at no less than three thousand (3000) psig shall be installed and pressure tested according to the API Bulletin RP 53 specifications using only water, prior to drilling out the surface casing shoe.
 - (c) Choke manifolds shall be considered as a part of the BOP system and will be installed, tested and maintained in accordance with specifications contained within API Bulletin RP 53.
- (2) For maintenance, remedial, recompletion or plugging operations the BOP requirement may be altered to conform to potential risk if approved by the City Manager or his designee in writing, but the requirement cannot be deleted.
- (3) A safety valve with appropriate threaded connections to fit any tubular string being moved in or out of the well and having an inside diameter at least as large as the inside diameter of the tubular string and with a working pressure rating equal to at least three thousand (3000) psig or greater than any well pressure that might possibly be encountered during the operations described above must be on the rig floor, in the open position, at all times.
- (4) Production Operations:
 - (a) Flowing wells shall be equipped with high-low pressure safety valves with sensing points to be determined by the flowing characteristics of each well.
 - (b) Beam pumping wells, producing in excess of ten (10) bbls of combined oil and water per day shall be equipped with sensing devices and appropriate equipment to shut down the pump if the stuffing box should develop a leak and to seal the tubing if the polish rod should part and allow the well to flow to the atmosphere.
 - (c) Other artificial lift methods, if used, should be protected by appropriate safety equipment to prevent accidental the discharge of produced oil, gas and/or water to the atmosphere or drainage system.
 - (d) All pressure vessels should be manufactured in accordance with the appropriate API code in approved manufacturing facilities.
 - (e) All fired vessels must be equipped with flame arrestor.
 - (f) Injection and transportation systems must be protected with appropriate high-low safety shut-down equipment with sensing points to be determined according to the individual installation. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.340 - Forms Filed With the Corporation Commission.

Copies of all applications, notices, forms, records, logs and the like filed by permittee with the State Corporation Commission shall be filed with the City as well. The City Manager or his designee shall keep confidential all submitted material which the State allows to be kept confidential. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.350 - Water for Muds.

In the event a fresh water supply well is drilled to provide water for drilling muds, the depth of such well shall not be greater than two hundred feet (200') below surface. Upon the completion of operations for which such well is required, the City shall have the right to purchase said well at a price determinable by the cost of completion. If the City, in a proper case, does not make such purchase, any such well shall be properly plugged and abandoned after notice of intention to so plug is provided the City Manager or his designee, who may supervise the operation. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.360 - Service Companies.

Upon request of the City Manager or his designee, service companies or other persons shall furnish and file reports and records showing perforating, hydraulic fracturing, cementing, shooting, chemical treatment and all other service operations on any site covered by this Chapter. Such furnished material shall remain confidential where such confidentiality is usually granted by the State. Failure to provide any such requested material shall be deemed a violation of this Chapter. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.370 - Accumulation of Vapor.

The City Manager or his designee shall have the authority to require the immediate shutting in or closing of any well if he finds that there exists, within a one hundred foot (100') radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute, in his judgment, or in the judgment of the City Fire Marshal, a fire hazard. The well shall remain shut or closed in until the hazard and its cause are removed. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.380 - Inspection of Pressure Lines.

The City Manager or his designee shall inspect all pressure lines in use at any well or at any project to assure that tubing, fittings, equipment or connections are reasonably tight, safe and free from leaks; and be a minimum of four feet (4') below grade. The lines on the location should be on or near the surface, (i.e. tank battery lines and well to battery flowline.) (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.390 - Ingress and Egress.

Lease roads shall be maintained in such manner as to safely and comfortably allow for ingress and egress of City or State personnel traveling in a common passenger motor vehicle. All mud, dirt, gravel and other debris on City of Edmond roads must be removed promptly. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.400 - Order to Cease Operations.

- (a) If the City Manager or his designee finds that, in his judgment, a hazard to life or natural resources exists, he shall order immediate rectification of the cause. If the permittee takes no immediate measure

to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then in either of these events he may order the prompt cessation of activity, and if necessary, the clearance of the premises. If there is no hazard, fire or otherwise existing, if the permittee desires, he may continue circulating the hole with drilling fluids in order to protect the drilled hole from being lost.

- (b) A hearing shall be scheduled before the City Manager within twenty-four (24) hours after the issuance of said order. The City Manager shall determine if proper cause existed, and, if not, shall order the permittee's activity to resume without delay. If the City Manager determines that proper cause did exist for the order to cease activity to be issued, then he shall make whatever ruling is proper to assure rectification of the cause of the peril. Such ruling and compliance with it by the permittee shall not be construed to absolve the permittee of any liability for any violation of this Chapter or for any damage or injury caused thereby. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.410 - Appeals.

Any permittee aggrieved by any order, directive or ruling issued by the City Manager or his designee may appeal the same to the City Council. Such matter shall be placed on the next Council Agenda for consideration by the Council, in accordance with the requirements of the State Open Meeting Act which shall hear the matter at its next scheduled meeting. The lodging of such appeal shall not stay the enforcement of any of the provisions of this Chapter. The Council, upon hearing the matter, may issue whatever ruling or order is appropriate, provided that such ruling or order be in keeping with the spirit and purpose of this Chapter. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.420 - City Council Review of Permit Recommendations.

Upon the consideration of any application for a permit required by the terms of this ordinance, the City Manager or his designee shall recommend approval or disapproval thereof to the Mayor and City Council, who shall review the matter at a regularly scheduled meeting, and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.430 - Conduits on Streets and Alleys.

- (a) No permittee shall make any excavations or construct any lines for the conveyance of fuel, water or minerals, on, under or through the streets and alleys of the City without first having obtained a permit therefor upon application to the City Manager or his designee.
- (b) The City Manager or his designee shall prescribe the forms to be used for such application and the information to accompany it.
- (c) Each application for a permit under this Section shall be accompanied by a non-refundable filing fee in the amount of Two Hundred Fifty Dollars (\$250.00).
- (d) The City Manager or his designee within twenty (20) days of receipt of the properly executed application, shall either grant or deny the request.
- (e) The granting of any such permit shall not be construed to be the granting of a franchise. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.440 - Annual Fee for Conduits.

- (a) The permittee under 18.02.430 of this Chapter shall pay to the City an annual renewal and inspection fee, being the total of One Dollar (\$1.00) per rod of conduit multiplied by the number of rods in the conduit for which the permit was issued.
- (b) The City Manager shall appoint a representative who shall inspect such conduits to assure the public safety. No permit issued under 18.02.430 of this Chapter shall be renewed if the conduit or any part thereof covered by such permit is in an unsafe condition. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.450 - Applicability to Existing Conditions.

- (a) This Chapter shall apply to any person drilling an original well, re-entering an abandoned well, or plugged and abandoned well, conducting natural or artificial production operations, or maintaining a disposal well within the City Limits on the _____, 1992, and every such person shall have no longer than ninety (90) days to come into compliance with this Chapter. Provided, that:
 - (1) No initial permit fees shall be charged such person as would otherwise apply;
 - (2) No penalties shall be sought against any activity violative of this Chapter where such activity pre-existed the adoption of this Chapter and was otherwise in compliance with the applicable State Law, rules, regulations, standards and directives.
 - (3) The City Manager or his designee may allow for reasonable extensions or variations for compliance with this Chapter where to do so would be in the interest of fairness. (Ord. 1052, 1979; Ord. 1989, 1992).

18.02.460 - Penalties.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this Chapter, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this Chapter, or who shall neglect to comply with the terms hereof, shall be punished for a Class B offense as set forth in Section 2.56.210, and the violation of each separate provision of this Chapter, and of said permit, and of said bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense. In addition to the foregoing penalties, except as to termination of permits as provided for in 18.02.060 and cessation of operations as provided for in 18.02.400, which termination or cessation shall be effective without any action by City Council and only with the notices provided for in those sections, it is further provided that the City Council at any regular or special session or meeting thereof, may, provided ten (10) business days notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this Chapter and under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of said permit, said bond, of this Chapter. In the event the permit be revoked, the permittee may make application to the City Manager or his designee for re-issuance of such permit, and the action of the City of Edmond thereon shall be final. Any continuing offense shall be considered a public nuisance, the remedies for which under law shall be in addition to those hereinbefore enumerated. (Ord. 1052, 1979; Ord. 1989, 1992; Ord. 2513, § 69, Oct. 11, 1999).

Pre tax

City of Guthrie
Proposed CIP Sales Tax, \$0.75, 15 years

Year	Projects									
	Collections	WWTP*	Remaining \$	Ladder Truck	Remaining \$	Sports Complex	Remaining \$	Pool & Splash	Remaining \$	
2016	\$ 1,150,000		\$ 1,150,000	\$ 100,000	\$ 1,050,000		\$ 1,050,000			\$ 1,050,000
2017	\$ 1,167,250		\$ 1,167,250	\$ 100,000	\$ 1,067,250		\$ 1,067,250	\$ 300,000		\$ 767,250
2018	\$ 1,184,759	\$ 360,000	\$ 824,759	\$ 100,000	\$ 724,759	\$ 240,000	\$ 484,759	\$ 300,000		\$ 184,759
2019	\$ 1,202,530	\$ 360,000	\$ 842,530	\$ 100,000	\$ 742,530	\$ 240,000	\$ 502,530	\$ 300,000		\$ 202,530
2020	\$ 1,220,568	\$ 360,000	\$ 860,568	\$ 100,000	\$ 760,568	\$ 240,000	\$ 520,568	\$ 300,000		\$ 220,568
2021	\$ 1,238,877	\$ 360,000	\$ 878,877	\$ 100,000	\$ 778,877	\$ 240,000	\$ 538,877	\$ 300,000		\$ 238,877
2022	\$ 1,257,460	\$ 360,000	\$ 897,460	\$ 100,000	\$ 797,460	\$ 240,000	\$ 557,460	\$ 300,000		\$ 257,460
2023	\$ 1,276,322	\$ 360,000	\$ 916,322	\$ 100,000	\$ 816,322	\$ 240,000	\$ 576,322	\$ 300,000		\$ 276,322
2024	\$ 1,295,466	\$ 360,000	\$ 935,466	\$ 100,000	\$ 835,466	\$ 240,000	\$ 595,466	\$ 300,000		\$ 295,466
2025	\$ 1,314,898	\$ 360,000	\$ 954,898	\$ 100,000	\$ 854,898	\$ 240,000	\$ 614,898	\$ 300,000		\$ 314,898
2026	\$ 1,334,622	\$ 360,000	\$ 974,622		\$ 974,622	\$ 240,000	\$ 734,622	\$ 300,000		\$ 434,622
2027	\$ 1,354,641	\$ 360,000	\$ 994,641		\$ 994,641	\$ 240,000	\$ 754,641			\$ 754,641
2028	\$ 1,374,961	\$ 360,000	\$ 1,014,961		\$ 1,014,961		\$ 1,014,961			\$ 1,014,961
2029	\$ 1,395,585	\$ 360,000	\$ 1,035,585		\$ 1,035,585		\$ 1,035,585			\$ 1,035,585
2030	\$ 1,416,519	\$ 360,000	\$ 1,056,519		\$ 1,056,519		\$ 1,056,519			\$ 1,056,519
	\$ 19,184,458	\$ 4,680,000	\$ 14,504,458	\$ 1,000,000	\$ 13,504,458	\$ 2,400,000	\$ 11,104,458	\$ 3,000,000		\$ 8,104,458

Year	Cemetery	Remaining \$	Fleet	Remaining \$	Fire/EMS Station	Remaining \$	TBD	Remaining \$
2016	\$ 350,000	\$ 700,000	\$ 150,000	\$ 550,000		\$ 550,000		
2017		\$ 767,250	\$ 150,000	\$ 617,250		\$ 617,250		
2018		\$ 184,759	\$ 150,000	\$ 34,759		\$ 34,759		
2019		\$ 202,530	\$ 150,000	\$ 52,530		\$ 52,530		
2020		\$ 220,568	\$ 150,000	\$ 70,568		\$ 70,568		
2021		\$ 238,877	\$ 150,000	\$ 88,877		\$ 88,877		
2022		\$ 257,460	\$ 150,000	\$ 107,460		\$ 107,460		
2023		\$ 276,322	\$ 150,000	\$ 126,322		\$ 126,322		
2024		\$ 295,466	\$ 150,000	\$ 145,466		\$ 145,466		
2025		\$ 314,898	\$ 150,000	\$ 164,898		\$ 164,898		
2026		\$ 434,622	\$ 150,000	\$ 284,622		\$ 284,622		
2027		\$ 754,641	\$ 150,000	\$ 604,641	\$ 552,000	\$ 52,641		
2028		\$ 1,014,961	\$ 150,000	\$ 864,961	\$ 552,000	\$ 312,961		
2029		\$ 1,035,585	\$ 150,000	\$ 885,585	\$ 552,000	\$ 333,585		
2030		\$ 1,056,519	\$ 150,000	\$ 906,519	\$ 552,000	\$ 354,519		
	\$ 350,000	\$ 7,754,458	\$ 2,250,000	\$ 5,504,458	\$ 2,208,000	\$ 3,296,458		

* Denotes one-half (1/2) of payment, other half of payment from sewer rate increase

After tax

Fiscal Year	Projects				Youth and Senior				
	Collections	Streets	WWTP*	Remaining \$	Activities	Remaining \$	Ladder Truck	Remaining \$	
2017	\$ 1,150,000	\$ 250,000	\$ 900,000	\$ 900,000	\$ 100,000	\$ 700,000	\$ 100,000	\$ 800,000	
2018	\$ 1,167,250	\$ 50,000	\$ 1,117,250	\$ 1,117,250		\$ 1,017,250	\$ 100,000	\$ 1,017,250	
2019	\$ 1,184,759	\$ 50,000	\$ 1,134,759	\$ 1,134,759	\$ 225,000	\$ 809,759	\$ 100,000	\$ 1,034,759	
2020	\$ 1,202,530	\$ 50,000	\$ 1,152,530	\$ 360,000	\$ 792,530	\$ 225,000	\$ 467,530	\$ 692,530	
2021	\$ 1,220,568	\$ 50,000	\$ 1,170,568	\$ 360,000	\$ 810,568	\$ 225,000	\$ 485,568	\$ 710,568	
2022	\$ 1,238,877	\$ 50,000	\$ 1,188,877	\$ 360,000	\$ 828,877	\$ 225,000	\$ 503,877	\$ 728,877	
2023	\$ 1,257,460	\$ 50,000	\$ 1,207,460	\$ 360,000	\$ 847,460	\$ 225,000	\$ 522,460	\$ 747,460	
2024	\$ 1,276,322	\$ 50,000	\$ 1,226,322	\$ 360,000	\$ 866,322	\$ 225,000	\$ 541,322	\$ 766,322	
2025	\$ 1,295,466	\$ 50,000	\$ 1,245,466	\$ 360,000	\$ 885,466	\$ 225,000	\$ 560,466	\$ 785,466	
2026	\$ 1,314,898	\$ 50,000	\$ 1,264,898	\$ 360,000	\$ 904,898	\$ 225,000	\$ 579,898	\$ 804,898	
2027	\$ 1,334,622	\$ 50,000	\$ 1,284,622	\$ 360,000	\$ 924,622	\$ 225,000	\$ 699,622	\$ 924,622	
2028	\$ 1,354,641	\$ 50,000	\$ 1,304,641	\$ 360,000	\$ 944,641	\$ 225,000	\$ 719,641	\$ 944,641	
2029	\$ 1,374,961	\$ 50,000	\$ 1,324,961	\$ 360,000	\$ 964,961	\$ 964,961		\$ 964,961	
2030	\$ 1,395,585	\$ 150,000	\$ 1,245,585	\$ 360,000	\$ 885,585	\$ 885,585		\$ 885,585	
2031	<u>\$ 1,416,519</u>	<u>\$ 250,000</u>	<u>\$ 1,166,519</u>	<u>\$ 360,000</u>	<u>\$ 806,519</u>	<u>\$ 806,519</u>		<u>\$ 806,519</u>	
	\$ 19,184,458	\$ 1,250,000	\$ 17,934,458	\$ 4,320,000	\$ 13,614,458	\$ 2,350,000	\$ 10,264,458	\$ 1,000,000	\$ 12,614,458

Fiscal Year	Projects		Cemetery		Fleet & Equip		8. 14. 16. 17.		18. 20. 22. 23.		Cash on Hand
	Pool & Splash	Remaining \$	Remaining \$	Remaining \$	Remaining \$	Remaining \$	Remaining \$	Remaining \$			
2017		\$ 700,000	\$ 350,000	\$ 350,000	\$ 100,000	\$ 250,000		\$ 250,000	\$ 250,000	\$ 250,000	
2018	\$ 300,000	\$ 717,250		\$ 717,250	\$ 100,000	\$ 617,250	\$ 175,000	\$ 442,250	\$ 692,250	\$ 692,250	
2019	\$ 300,000	\$ 509,759		\$ 509,759	\$ 100,000	\$ 409,759	\$ 175,000	\$ 234,759	\$ 927,009	\$ 927,009	
2020	\$ 300,000	\$ 167,530		\$ 167,530	\$ 100,000	\$ 67,530	\$ 175,000	\$ (107,470)	\$ 819,539	\$ 819,539	
2021	\$ 300,000	\$ 185,568		\$ 185,568	\$ 100,000	\$ 85,568	\$ 175,000	\$ (89,432)	\$ 730,107	\$ 730,107	
2022	\$ 300,000	\$ 203,877		\$ 203,877	\$ 100,000	\$ 103,877	\$ 175,000	\$ (71,123)	\$ 658,984	\$ 658,984	
2023	\$ 300,000	\$ 222,460		\$ 222,460	\$ 100,000	\$ 122,460	\$ 175,000	\$ (52,540)	\$ 606,443	\$ 606,443	
2024	\$ 300,000	\$ 241,322		\$ 241,322	\$ 100,000	\$ 141,322	\$ 175,000	\$ (33,678)	\$ 572,765	\$ 572,765	
2025	\$ 300,000	\$ 260,466		\$ 260,466	\$ 100,000	\$ 160,466	\$ 175,000	\$ (14,534)	\$ 558,231	\$ 558,231	
2026	\$ 300,000	\$ 279,898		\$ 279,898	\$ 100,000	\$ 179,898	\$ 175,000	\$ 4,898	\$ 563,130	\$ 563,130	
2027	\$ 300,000	\$ 399,622		\$ 399,622	\$ 100,000	\$ 299,622	\$ 175,000	\$ 124,622	\$ 687,752	\$ 687,752	
2028		\$ 719,641		\$ 719,641	\$ 100,000	\$ 619,641		\$ 619,641	\$ 1,307,393	\$ 1,307,393	
2029		\$ 964,961		\$ 964,961	\$ 125,000	\$ 839,961		\$ 839,961	\$ 2,147,354	\$ 2,147,354	
2030		\$ 885,585		\$ 885,585	\$ 150,000	\$ 735,585		\$ 735,585	\$ 2,882,939	\$ 2,882,939	
2031		<u>\$ 806,519</u>		<u>\$ 806,519</u>	<u>\$ 150,000</u>	<u>\$ 656,519</u>		<u>\$ 656,519</u>	<u>\$ 3,539,458</u>	<u>\$ 3,539,458</u>	
	\$ 3,000,000	\$ 7,264,458	\$ 350,000	\$ 6,914,458	\$ 1,625,000	\$ 5,289,458	\$ 1,750,000	\$ 3,539,458			

Current

Fiscal Year	Projects				Youth and Senior				
	Collections	Streets	WWTP*	Remaining \$	Activities	Remaining \$	Ladder Truck	Remaining \$	
2017	\$ 1,150,000	\$ 250,000	\$ 900,000	\$ 16,000	\$ 884,000	\$ 100,000	\$ 684,000	\$ 100,000	\$ 784,000
2018	\$ 1,167,250	\$ 50,000	\$ 1,117,250	\$ 84,000	\$ 1,033,250		\$ 933,250	\$ 100,000	\$ 933,250
2019	\$ 1,184,759	\$ 50,000	\$ 1,134,759	\$ 84,000	\$ 1,050,759	\$ 225,000	\$ 725,759	\$ 100,000	\$ 950,759
2020	\$ 1,202,530	\$ 50,000	\$ 1,152,530	\$ 360,000	\$ 792,530	\$ 225,000	\$ 467,530	\$ 100,000	\$ 692,530
2021	\$ 1,220,568	\$ 50,000	\$ 1,170,568	\$ 360,000	\$ 810,568	\$ 225,000	\$ 485,568	\$ 100,000	\$ 710,568
2022	\$ 1,238,877	\$ 50,000	\$ 1,188,877	\$ 360,000	\$ 828,877	\$ 225,000	\$ 503,877	\$ 100,000	\$ 728,877
2023	\$ 1,257,460	\$ 50,000	\$ 1,207,460	\$ 360,000	\$ 847,460	\$ 225,000	\$ 522,460	\$ 100,000	\$ 747,460
2024	\$ 1,276,322	\$ 50,000	\$ 1,226,322	\$ 360,000	\$ 866,322	\$ 225,000	\$ 541,322	\$ 100,000	\$ 766,322
2025	\$ 1,295,466	\$ 50,000	\$ 1,245,466	\$ 360,000	\$ 885,466	\$ 225,000	\$ 560,466	\$ 100,000	\$ 785,466
2026	\$ 1,314,898	\$ 50,000	\$ 1,264,898	\$ 360,000	\$ 904,898	\$ 225,000	\$ 579,898	\$ 100,000	\$ 804,898
2027	\$ 1,334,622	\$ 50,000	\$ 1,284,622	\$ 360,000	\$ 924,622	\$ 225,000	\$ 699,622		\$ 924,622
2028	\$ 1,354,641	\$ 50,000	\$ 1,304,641	\$ 360,000	\$ 944,641	\$ 225,000	\$ 719,641		\$ 944,641
2029	\$ 1,374,961	\$ 50,000	\$ 1,324,961	\$ 360,000	\$ 964,961		\$ 964,961		\$ 964,961
2030	\$ 1,395,585	\$ 150,000	\$ 1,245,585	\$ 360,000	\$ 885,585		\$ 885,585		\$ 885,585
2031	<u>\$ 1,416,519</u>	<u>\$ 250,000</u>	<u>\$ 1,166,519</u>	<u>\$ 360,000</u>	<u>\$ 806,519</u>		<u>\$ 806,519</u>		<u>\$ 806,519</u>
	\$ 19,184,458	\$ 1,250,000	\$ 17,934,458	\$ 4,504,000	\$ 13,430,458	\$ 2,350,000	\$ 10,080,458	\$ 1,000,000	\$ 12,430,458

Fiscal Year	Projects		Cemetery		Fleet & Equip		8. 14. 16. 17. 18. 20. 22. 23.		Cash on Hand
	Pool & Splash	Remaining \$	Remaining \$	Remaining \$	Remaining \$	Remaining \$	Remaining \$		
2017	\$ 4,000	\$ 680,000	\$ 350,000	\$ 330,000	\$ 100,000	\$ 230,000	\$ 230,000	\$ 230,000	
2018	\$ 300,000	\$ 633,250		\$ 633,250	\$ 100,000	\$ 533,250	\$ 175,000	\$ 358,250	
2019	\$ 300,000	\$ 425,759		\$ 425,759	\$ 100,000	\$ 325,759	\$ 175,000	\$ 150,759	
2020	\$ 300,000	\$ 167,530		\$ 167,530	\$ 100,000	\$ 67,530	\$ 175,000	\$ (107,470)	
2021	\$ 300,000	\$ 185,568		\$ 185,568	\$ 100,000	\$ 85,568	\$ 175,000	\$ (89,432)	
2022	\$ 300,000	\$ 203,877		\$ 203,877	\$ 100,000	\$ 103,877	\$ 175,000	\$ (71,123)	
2023	\$ 300,000	\$ 222,460		\$ 222,460	\$ 100,000	\$ 122,460	\$ 175,000	\$ (52,540)	
2024	\$ 300,000	\$ 241,322		\$ 241,322	\$ 100,000	\$ 141,322	\$ 175,000	\$ (33,678)	
2025	\$ 300,000	\$ 260,466		\$ 260,466	\$ 100,000	\$ 160,466	\$ 175,000	\$ (14,534)	
2026	\$ 300,000	\$ 279,898		\$ 279,898	\$ 100,000	\$ 179,898	\$ 175,000	\$ 4,898	
2027	\$ 300,000	\$ 399,622		\$ 399,622	\$ 100,000	\$ 299,622	\$ 175,000	\$ 124,622	
2028		\$ 719,641		\$ 719,641	\$ 100,000	\$ 619,641		\$ 619,641	
2029		\$ 964,961		\$ 964,961	\$ 125,000	\$ 839,961		\$ 839,961	
2030		\$ 885,585		\$ 885,585	\$ 150,000	\$ 735,585		\$ 735,585	
2031		<u>\$ 806,519</u>		<u>\$ 806,519</u>	<u>\$ 150,000</u>	<u>\$ 656,519</u>		<u>\$ 656,519</u>	
	\$ 3,004,000	\$ 7,076,458	\$ 350,000	\$ 6,726,458	\$ 1,625,000	\$ 5,101,458	\$ 1,750,000	\$ 3,351,458	

PLANNING COMMISSION MINUTES
March 10, 2016

The regular meeting of the Planning Commission posted on March 8, 2016 before 5:00 PM. The meeting was held March 10, 2016 at Guthrie City Hall.

Members: Doug Powell, Chair
Joe Chappell
Joe Coffin
Ed French
Vern Ogden

Also Present: Cody Mosley, Sandie Freeman, Debbie Taylor, John Riddle, Mark Miller, Randy Robinson, Michael Gellenbeck, Manjit Hayer

Call to Order

The meeting was called to order on Thursday, March 10, 2016 at 5:30 PM. Commission members were present and a quorum declared.

Public Comments

Sandie Freeman expressed concern over allowing dirtbike use within Guthrie city limits. Debbie Taylor echoed Ms. Freeman's concerns, citing a noise issue. Mark Miller and Randy Robinson voiced support for allowing dirtbike use in town, advocating for the tourism that would be brought into town. Michael Gellenbeck noted that in his opinion, dirtbike use would generate interest in town but would not fall in line with existing noise restrictions. John Riddle voiced concern over the rezoning item on the agenda.

Approval of Previous Minutes

A motion was made by Commissioner French and seconded by Commissioner Ogden to approve the minutes of the February 11, 2016 meeting as written. All voted Aye.

Discussion and Action Item 1

Discussion was held regarding Application No. 2016-20113538 concerning a request to rezone property located at 1106 West Noble Avenue from R-2 to C-1. Commissioner French noted the area was used to a blend of commercial and residential components, and that just as there is residential surrounding the site, there is also commercial right across the street. Commissioner French made a motion to recommend the zoning be changed, but there was no second. The motion died. A motion was made by Commissioner Ogden and seconded by Commissioner Coffin to recommend that zoning not be changed. Commissioners Chappell, Coffin, and Ogden voted Yay. Commissioners Powell and French voted Nay. The motion carried.

Discussion and Action Item 2

Discussion was held regarding Application 2015-20113368 concerning a request to approve the preliminary plat for English Farms. Commissioner French asked when the drainage plan would be presented. Cody Mosley noted that engineers are currently looking at that and would present the drainage plan with the final plat. A motion was made by Commissioner French and seconded by Commissioner Chappell to approve the preliminary plat. All voted Aye.

Discussion and Action Item 3

Discussion was held regarding Application No. 2016-20113583 concerning an appeal to the residential guidelines for property to be located at 1320 West Lakeview Drive. A motion was made by Commissioner French and seconded by Commissioner Chappell to approve the appeal to the residential guidelines. All voted Aye.

Discussion and Action Item 4

Discussion was held regarding a recommendation to add dirtbike use to the Guthrie Zoning Code. Considering all public comments, the Commission wants more time to discuss the issue of adding dirtbike use into the City's zoning code. Cody Mosley reiterated that the Commission was not responsible for determining whether a specific applicant could host dirtbike activities at a specific site, rather the Commission was responsible for determining whether the use should be adopted into the City's zoning code. A motion was made by Commissioner French and seconded by Commissioner Ogden to table the item until the next regularly scheduled meeting on April 14, 2016.

Future Discussion

Commissioner Ogden reiterated the need for a Planning Commission workshop to discuss multiple issues. Previous attempts to hold a workshop failed due to inability to form a quorum.

Staff Comments

None.

Commission Comments

Commissioner French shared that the public would like to know what happened with the Mumford & Sons money. Commissioner French also voiced concern for private moving trucks being parked on the streets for extended periods of time.

Adjournment

The meeting adjourned at 6:15 PM.

Cody Mosley, Community and Economic Development Director

PLANNING COMMISSION MINUTES
April 14, 2016

The regular meeting of the Planning Commission posted on April 13, 2016 before 5:00 PM. The meeting was held April 14, 2016 at Guthrie City Hall.

Members: Doug Powell, Chair
Joe Chappell
Joe Coffin Absent
Vern Ogden

Also Present: Cody Mosley, Mark Miller, Jeff Taylor, Debbie Taylor, Sandi Freeman

Call to Order

The meeting was called to order on Thursday, April 14, 2016 at 5:30 PM. Commission members were present and a quorum declared.

Public Comments

Mark Miller voiced support for allowing dirtbike use in town. Sandi Freeman asked the Planning Commission not to recognize dirtbikes as an allowable use.

Approval of Previous Minutes

A motion was made by Commissioner Chappell and seconded by Commissioner Ogden to approve the minutes of the March 10, 2016 meeting as written. All voted Aye to approve the previous minutes.

Discussion and Action Item 1

Discussion was held regarding the addition of ATV/dirtbike use to the Guthrie Zoning Code. A motion was made by Commissioner Chappell and seconded by Commissioner Ogden to deny the addition of ATV/dirtbike use to the Guthrie Zoning Code. All voted Aye to deny dirtbike use inside city limits.

Discussion and Action Item 2

Discussion was held regarding metal buildings. Cody Mosley asked the Commission to share thoughts, before the next meeting, concerning metal accessory structures. He also asked the Commission to consider whether or not changes should be made to current design guidelines concerning accessory buildings.

Discussion and Action Item 3

Discussion was held regarding fence permitting. Cody Mosley asked the Commission to consider whether or not changes should be made to require permitting in the future.

Future Discussion

Permitting fence and metal accessory building as recommended by the Planning Commission.

Staff Comments

Cody Mosley noted work will begin on an ordinance to grant the Planning Commission authority to review all designs for commercial plans.

Commission Comments

None.

Planning Commission Minutes

March 10, 2016

Page 2

Adjournment

The meeting adjourned at 5:47 PM.

Cody Mosley, Community and Economic Development Director



GUTHRIE XTREME

2016 Outlaw MX Series

Round 3

Objective:

To put on a race at said location 829 E Triplett Rd located on the south side of Guthrie off of I-35 exit 153. We would also like to offer a new recreational area for the local community to come and participate in off road motorcycle and four wheeler events and activities at said location. The purpose of this first event is to bring awareness to the availability of this location to individuals that enjoy the sport of off road recreation. We at Guthrie Xtreme are hoping to bring more revenue into this great city that we have called home for over 20 years now. Many that will be attending our facility will be shopping at local stores and eating establishments as we are able to offer camping grounds to our guests.

Event details:

The first event of our new business is scheduled to be on April 16-17 of 2016. On Saturday the 16th riders will be participating in a practice only format that begins at 10am and ends at 4pm. On Sunday the 17th riders will have one round of practice starting at 8am and actual races start immediately after roughly around 10am. The final race usually ends around 4pm. These events will conclude after the final race and awards will be handed out as results are finalized for each class.

Overview:

We at Guthrie Xtreme are offering a family oriented atmosphere for all ages. Our rider's ages range from 4 years of age to 60+ years of age. These events are attended by many of their family members and friends wanting to cheer their rider on. My family and I are very familiar with how this process works and operates as we have been in the industry for over ten years now and myself racing for over 25 years. We want to include the city in this new adventure that we are starting as we have included the city name in our LLC. We want people to have a positive attitude when coming to Guthrie knowing they will be attending a well maintained facility and entering a city they know can accommodate their needs.



GUTHRIE XTREME

Background:

My family and I have lived in Guthrie since 1998. My mother, Carie Robison, married my stepfather, Randy Robison, who has lived his whole life here in this city. I graduated with honors from Guthrie High School and then attended a mechanical school in Orlando, FL before moving back in 2007. I've been married to my lovely wife for going on five years now and was fortunate enough to purchase the commercial property the facility is on. I am a very strong family man that believes a family that plays together stays together. Racing has been in my blood since a young age and I am lucky enough to be able to pass this passion on to my children and others that are in my life. We are blessed with six children, ages ranging from 18 to 2 weeks. I set out on this opportunity two years ago believing I could build something many people could enjoy and spend time with family and friends while gaining new friends along the way. I've been a part of the off road recreation community for a while now and can tell you they are the most giving and respectful people I have ever met. I passionately would like to get Guthrie on the map with my track and let them encounter the hospitality we offer.

Mark Miller
Owner
Guthrie Xtreme LLC.

(405)596-9348

2016 OUTLAW MX Race Series

#1 Feb 13-14
AMP (Stillwater, OK)

#2 Mar 19-20
Bar2Bar (Maize, KS)

#3 Apr 16-17
Guthrie Xtreme (Guthrie, OK)

#4 Apr 30 - May 1
Tulsa RV Ranch (Beggs, OK)

#5 Jun 11-12
Playground MX (Carthage, MO)

#6 Jun 25-26
AMP (Stillwater, OK)

\$10 gate fee (for weekend)
\$20 Sat Practice 10am-3pm
Sunday Races
8am Practice
10am Races
\$30 Entry Fee
\$25 additional class

NO Membership Fee!
Series Points
Prizes at Every Round!
Awards Banquet

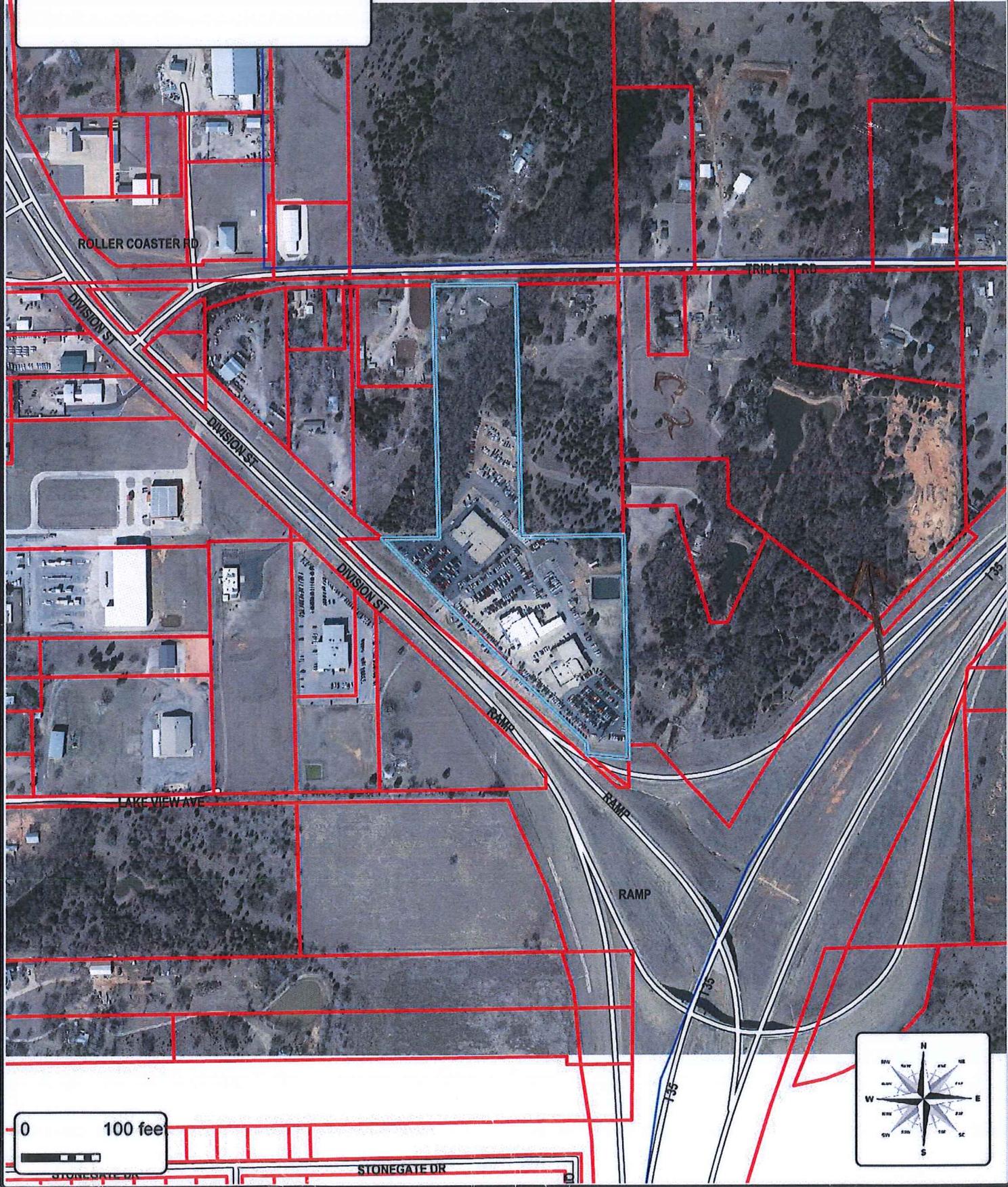
United Rentals

New!
EVO MX Classes
Pre Rear Disc
1995 & Prior
2000 & Prior

- 50cc Jr
- 50cc Sr
- 50cc Open
- 65cc 6-8
- 65cc 9-11
- 65cc Open
- 85 Beginner
- 85cc 7-11
- 85cc 12-15
- 85cc Open
- Super Mini
- School/Boy
- Open Beginner
- 250 Nov
- 250 Int
- 250 Exp
- 450 Nov
- 450 Int
- 450 Exp
- Vet Nov 30+
- Vet 30
- Vet 40
- Vet 50
- Vet 60
- Vet 25
- Open Outlaw
- Open Womens
- Trail/Bike Beginner
- 250 Beginner
- 450 Beginner

AMP **BAR2BAR** **GUTHRIE XTREME** **Playground MX** **Tulsa RV Ranch**

Parcel 420004829
Zoned C-2
Commercial



CONTRACT

This Contract is entered into between the City of Guthrie, Oklahoma (“the City”), an Oklahoma municipality, with principal offices at 101 North 2nd Street in Guthrie, Oklahoma 73044 and First Capital Neighborhood Solutions Foundation (“FCNS”), a Domestic Not For Profit Corporation, with principle offices at 101 North 2nd Street in Guthrie, Oklahoma 73044;

Whereas, the City requires the services of FCNS as a service provider to the City in the completion of certain tasks related to the ongoing planning and operations of various community development programs to be applied for or currently administered by the City, as detailed herein;

WHEREAS, FCNS is a nonprofit organization with the missions to provide resources that will strengthen, develop, and improve neighborhoods in Guthrie and has agreed to provide said services, to the extent outlined herein;

NOW THEREFORE, in consideration of the premises and conditions set forth below in the party’s contract;

Section 1

Term, Termination, and Expansion

- 1) The term of the contract shall be from June 1st, 2016 through September 30th, 2016.
- 2) The contract may be terminated for cause by either party with sixty (60) calendar days written notice to the addresses noted herein.
- 3) The contract will be extended for one (1) year beginning October 1st, 2016 unless provided for in Section 4.2.

Section 2

Scope of Services

FCNS agrees to organize and provide the following services:

- 1) Neighborhood Watch groups
- 2) Grant assistance for neighborhood groups
- 3) Grant assistance and financial assistance to qualified individuals repairing their homes
- 4) Financial assistance to qualified borrowers for home ownership
- 5) Financial counseling and credit report repair
- 6) Workshops and forums
- 7) Beautification programs
- 8) Speakers Bureau
- 9) A mechanism for neighborhoods and City Hall to work together
- 10) FCNS will provide ongoing technical services to the City on an on-demand basis for such other tasks as the City may determine.

Section 3
Payment Schedule, Terms and Conditions

- 1) The City agrees to lease 2003 W. Warner and its property to the FCNS for the amount of \$1.00 per year.
- 2) The City agrees to pay FCNS \$5,000.00 per year to organize and provide services in Section 2.
- 3) Need to determine FF&E and put here as City's contribution for services.

Section 4
Understanding and Authorization

This Contract shall constitute the entire understanding of the parties and any other understanding or representation of any kind shall not be binding upon either party. Each party represents that they are authorized by their organization to enter into this Contract and to bind their organization to its terms.

Section 5
Modification

Any modification of this Contract or additional obligations assumed by either party in connection with this Contract shall be binding only if placed in writing and signed by each party or an authorized representative thereof. Should any portion of this Contract be found to be invalid it shall not be deemed to invalidate the entire Contract.

Section 6
Assignment

The rights of either party under this agreement may not be assigned or transferred to any other person, firm, corporation or other entity, without the prior, express written consent of the other.

Section 7
Law

This Contract shall at all times be governed, construed and enforced by the laws of the State of Oklahoma. Prior to any litigation, disputes arising from this Contract shall be subject to arbitration as defined in accordance with the laws of the State of Oklahoma. The venue for any and all arbitration shall be in Logan County, Oklahoma.

Section 8
Notifications and Record Retention

- 1) All notifications concerning this Contract shall be sent to the following addresses:

To: The City of Guthrie at:
City of Guthrie
P.O. Box 908
Guthrie, OK 73044

To: First Capital Neighborhood Solutions at:
First Capital Neighborhood Solutions
P.O. Box 908
Guthrie, OK 73044

- 2) First Capital Neighborhood Solutions agrees to provide access by the City, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

IN WITNESS WHEREOF, each party has caused this Contract to be executed on the date indicated below, on this, the _____ of _____, _____.

The City of Guthrie

BY: _____

Steven J. Gentling, Mayor

DATE: _____

First Capital Neighborhood Solutions

BY: _____

Sue DuCharme, Director

DATE: _____









