

ORDINANCE NO. 2015-009

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Definitions:

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

- (b) “Natural Gas” shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth in which maintains the gaseous or rarefied state at standard temperature or pressure conditions.
 - (c) “Hydraulic fracturing” or “Fracking” shall mean any type of well stimulation treatment that involves a high-pressure injection of hydraulic fracturing fluids containing a mixture of water and/or sand and chemicals into underground geological formations
 - (d) “Acid well stimulation treatment”, or “Aciding” shall mean any type of well stimulation treatment that uses, in whole or in part, the application or injection of one or more acids into a well or underground geological formation to enhance production of oil and or gas
 - (e) “Well stimulation” shall mean any method of hydraulic fracturing or acid well stimulation.
- (2) Oil and or natural gas exploration or extraction by means of well stimulation practices is prohibited within the municipal boundaries of the City.
 - (3) It shall be a violation of this section for any person, firm, corporation or other entity to conduct any exploration or drill any well for oil or natural gas extraction within the municipal boundaries of the City of Coconut Creek utilizing any method of well stimulation.
 - (4) It shall be a violation of this section for any person, firm, corporation or other entity to conduct any exploration or drill any well for oil or natural gas extraction using any method of well stimulation not withstanding its commencement in another jurisdiction or municipality which encroaches on the horizontal subsurface of the municipal boundaries of the City.

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

Sec. 13-1001 Penalties.

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

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

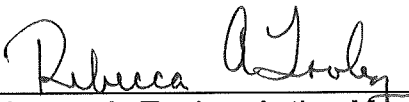
Section 3: Severability. If any section, sentence, clause or phrase for this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause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

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

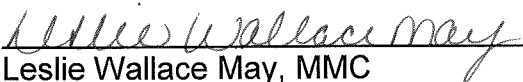
Section 5: Effective Date. This Ordinance shall be in full force and effect immediately.

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

PASSED SECOND READING THIS 26th DAY OF FEBRUARY, 2015.


Rebecca A. Tooley, Acting Mayor

Attest:


Leslie Wallace May, MMC
City Clerk

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| TOOLEY | Aye | Aye |
| BELVEDERE | Aye | Aye |
| SARBONE | Aye | Absent |
| WELCH | Aye | Aye |

RESOLUTION NO. 2015 - 272

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, OPPOSING HB 191 AND SB 318 AND ANY AND ALL OTHER LEGISLATION PERMITTING HYDRAULIC FRACTURING, ACID FRACTURING, HIGH-PRESSURE WELL STIMULATION, AND OIL AND GAS EXPLORATION, PRODUCTION, AND TRANSPORTATION WITHIN THE STATE OF FLORIDA AND PRE-EMPTING REGULATION OF SAME TO THE STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recently learned of HB 191 and SB 318 both of which propose to regulate hydraulic fracturing, acid fracturing, high-pressure well stimulation ("fracking") and oil and gas exploration, production, and transportation within the State of Florida; and

WHEREAS, if approved, HB 191 and SB 318 propose to retroactively preempt such regulation to the State of Florida, Department of Environmental Protection, nullifying existing ordinances or resolutions adopted before January 1, 2015; and

WHEREAS, the City Commission of Coconut Creek approved Ordinance No. 2015-009 on February 26, 2015 prohibiting all hydraulic fracturing, acid fracturing, and/or extreme well stimulation within the City of Coconut Creek; and

WHEREAS, the City Commission of Coconut Creek is concerned about the health, safety, and welfare of its residents if HB 191 and/or SB 318 or other similar legislation is approved; and

WHEREAS, the City, has substantial concerns about the potential harmful effects of the fracking, including potential adverse environmental impacts such as the degradation and possible contamination of the Biscayne Aquifer, the substantial impact that such fracking/drilling operations will have on the Florida Everglades fragile ecosystem comprised of water supplies, plant and vegetation, as well as the possible harm and injury to wildlife; and

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

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

WHEREAS, there have been more than 1,000 documented cases of water contamination near fracking sites; and

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

WHEREAS, Florida’s water supplies and resources are better protected through the prevention of contamination and environmental degradation from the outset, rather than the cleanup of contamination and restoration of degraded environments after the fact; and

WHEREAS, the City Commission deems it to be in the best interest of the residents of the City of Coconut Creek to present its vehement opposition to HB 191 and SB 318 and any other similar legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: That it hereby publicly expresses its vehement opposition to HB 191 and SB 318, and any other similar legislation permitting fracking and/or drilling statewide and preempting such regulation to the State of Florida, Department of

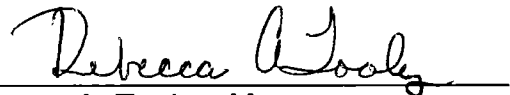
Environmental Protection, on a retroactive basis and urges all municipalities in the State of Florida to do the same.

Section 3: The City hereby opposes extreme high-pressure well stimulation, hydraulic fracturing, acid fracturing, and any form of extreme well stimulation for purposes of resource extraction.

Section 4: The City Clerk is directed to send a copy of this Resolution to all cities within Broward County, the Broward County League of Cities, the Florida League of Cities, the Governor, and the State Legislature.

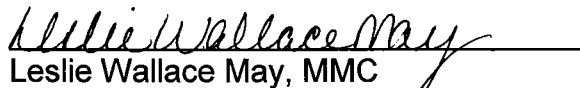
Section 5: This Resolution shall take effect upon its adoption.

Adopted this 10th day of December, 2015.



Rebecca A. Tooley, Mayor

Attest:



Leslie Wallace May, MMC
City Clerk

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| Tooley | <u>Aye</u> |
| Belvedere | <u>Aye</u> |
| Sarbone | <u>Aye</u> |
| Welch | <u>Aye</u> |
| Rydell | <u>Aye</u> |

RESOLUTION NO. 2014 -48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK URGING THE 2014 GUBERNATORIAL CANDIDATES TO OPPOSE HORIZONTAL OIL DRILLING AND HYDRAULIC FRACTURING (FRACKING) IN THE STATE OF FLORIDA IF ELECTED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the Florida Department of Environmental Protection has issued a Consent Order against the Dan A. Hughes Oil Company, for the unauthorized use of hydraulic fracturing (fracking) in Southwest Florida, which may cause contamination to the underground water aquifers that supply drinking water to municipal and county water systems, endangering the health and safety of its residents;

WHEREAS, the Florida Department of Environmental Protection Big Cypress Swamp Advisory Panel voted to recommend to deny the permit application for horizontal oil drilling to the Dan A. Hughes Oil and Gas Company Permit in Southwest Florida, for inadequate safeguards to drinking water, and threatening the habitat of federally endangered species, such as the Florida Panther;

WHEREAS, the United States Environmental Protection Agency, has issued a permit to the Tocala LLC company for oil exploration seismic testing in 103,000 acres of Florida Everglades, which supplies the underground water aquifers for Broward County drinking water systems; and

WHEREAS, the Mayor and City Commission of the City of Coconut Creek believe that horizontal oil drilling and hydraulic fracturing (fracking) are a threat to the health and safety of the drinking water for the City's residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

SECTION 1. Opposition to Horizontal Oil Drilling and Hydraulic Fracturing The Mayor and City Commission urge the 2014 gubernatorial candidates to oppose horizontal oil drilling and hydraulic fracturing (fracking) in the state of Florida if elected governor.

SECTION 2. Directions to City Manager. The Mayor and City Commission direct the City Manager to cause a copy of this resolution to be forwarded to all appropriate parties.


SECTION 2. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

Adopted this 24th day of July, 2014.



Lisa K. Aronson, Mayor

Attest:


Leslie Wallace May, MMC
City Clerk

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| Aronson | <u>Absent</u> |
| Tooley | <u>Aye</u> |
| Sarbone | <u>Aye</u> |
| Belvedere | <u>Aye</u> |
| Welch | <u>Aye</u> |