

**An Ordinance of The City of Pennsboro Prohibiting  
Drilling, Fracturing, Completion, Reworking and Other  
Associated Well Work on Exploration, Production or Storage  
Wells for Oil, Natural Gas, Hydrocarbon and other  
Fugacious Minerals**

Whereas, the drilling, fracturing, completion, reworking and other associated well work on wells drilled or to be drilled and the purpose of which is to explore for, produce or store natural gas, oil, casinghead gas, other hydrocarbons and other fugacious minerals presents a high risk of personal injury or property damage and ground water pollution, when such drilling, completion, reworking or other associated work is performed in populated areas; and

Whereas, current West Virginia law forbids the drilling and certain other operations with respect to any oil or natural gas well within two hundred (200) feet of any dwelling house or water well; and

Whereas, THE CITY OF PENNSBORO has found, and does hereby find, that the aforesaid spacing requirements do not provide an adequate margin of safety for the people of THE CITY OF PENNSBORO and their property; now, therefore,

**Be it Ordained** by the Common Council of THE CITY OF PENNSBORO that the drilling, fracturing, completion, reworking and other associated work on wells drilled or to be drilled and the purpose of which is to explore for, produce or store natural gas, oil, casinghead gas, other hydrocarbons and other fugacious minerals at any place within the corporate boundaries of THE CITY OF PENNSBORO, as they may be adjusted from time to time, be, and each such activity is hereby, declared to be a public nuisance, a hazard to public health and safety and forbidden; provided, however, that nothing in this ordinance shall in any way interfere with any safe ongoing operations on any such well already drilled and completed within the corporate boundaries of THE CITY OF PENNSBORO as of the effective date of this ordinance or in any way interfere with the economic value of any such existing well; and provided, further, that this ordinance shall not apply to the drilling, fracturing, completion, reworking or other associated work on wells drilled or to be drilled and the purpose of which is to explore for, produce or store natural gas, oil, casinghead gas, other hydrocarbons or other fugacious minerals on any tract of real property within the corporate boundaries of THE CITY OF PENNSBORO that is owned by private persons and consists of more than twenty-five (25) acres, on which

one and only one such well may at any time be drilled, fractured, completed, reworked or the subject of associated work on said tract of land and at a location at least five hundred (500) feet, by closest measurement, to any dwelling house or water well or any public roadway or public right-of-way.

**Be it Further Ordained**, that Mayor be, and he is hereby, authorized and directed to procure and post, as soon as practical, at each state highway entrances to THE CITY OF PENNSBORO a suitable sign indicating the foregoing restriction on the drilling, fracturing, completion; reworking and other associated work on wells drilled or to be drilled and the purpose of which is to explore for, produce or store natural gas, oil, casinghead gas, other hydrocarbons and other fugacious minerals; and

**Be it Further Ordained**, that any person, firm, corporation or other business entity violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00), plus court costs, for each day of the violation, each day constituting a separate offense, and subject to suit in the Circuit Court of Ritchie County, West Virginia, to abate the public nuisance and hazard to public safety and health presented by such violation(s), or both; and

**Be it Finally Ordained**, that this ordinance be, and it is hereby, effective on April 9, 2004.

Date of First Reading:	March 15, 2004
Action on First Reading:	Adopted.
Date of Second Reading:	March 22, 2004
Action on Second Reading:	Amended, and as amended Adopted.
Date of Third Reading:	March 29, 2004
Action on Third Reading:	Adopted as Amended on Second Reading.