

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF WELLSBURG ENACTING  
ARTICLE 725 OF THE BUSINESS AND TAXATION CODE OF THE CITY OF  
WELLSBURG, PROVIDING FOR BUSINESS AND LICENSE FEES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WELLSBURG, THAT  
SECTION 725 OF THE BUSINESS AND TAXATION CODE SHALL BE ENACTED AS  
FOLLOWS:

**725.01 DEFINITIONS.**

For the purposes of this Article, the following words shall have the meanings set forth as follows:

(a) "Drilling" means the sinking, drilling, boring or digging of a shaft or hole in the earth for any purpose in conjunction with the production of oil or gas.

(b) "Fracturing" means any method used to increase the inherent productivity of an oil or gas well by injecting, shooting or pumping water, chemicals, or any other liquid into a well.

(c) "Gas" means all natural gas and all other fluid hydrocarbons not defined as oil herein.

(d) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoirs.

(e) "Person" means any natural person, corporation, firm, partnership, association or corporation that owns, manages, operates, controls, or possesses a well as principal or as lessee or contractor, employee or agent of such principal.

(f) "Well" means any shaft or hole drilled, sunk, bored or dug into the earth or into underground strata for the extraction or injection or placement of any oil, liquid or gas; or any shaft or hole sunk or used in conjunction with such extraction or injection. The term "well" does not include any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of testing for or pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use.

**725.02 DECLARATION AND FINDINGS**

(a) It is hereby found and determined that the drilling for oil and gas is an activity which adversely impacts the environment, interferes with the rights of citizens in the in the enjoyment of their property, and has the potential for adversely affecting the health, well being and safety of persons living and working in and around areas where drilling operations exist. It is also found and determined that the process known as fracturing has an increased level of potential harm which includes, but may not be limited to, contamination of ground water and hazards associated with the storage, treatment and transportation of the water or other liquids after being used in the

process of fracturing. These potential hazards associated with fracturing may impact the citizens and property within the City of Wellsburg, even though the activity may take place outside the corporate limits of the City.

(b) For the foregoing reasons, it is hereby found and determined that the powers and authority granted to the City of Wellsburg in Chapter 8 of the West Virginia Code cannot reasonably and efficiently be exercised by confining the exercise thereof within the corporate limits of the municipality, and that therefore, pursuant to Chapter 8, Article 12, Section 19 of the West Virginia Code, the provisions of this Article shall extend beyond the corporate limits where stated.

#### 725.03 DRILLING PROHIBITED; PENALTIES AND ENFORCEMENT

(a) Drilling a well for the purpose of extracting or storing oil or gas within the limits of the City of Wellsburg is prohibited.

(b) Fracturing a well is prohibited within one mile of the corporate limits of the City of Wellsburg.

(c) Any person who violates this section shall be fined up to the sum of five hundred dollars (\$500.00). Each day that such person continues to violate this section after being advised by the City Manager or any law enforcement officer of the City of Wellsburg that the law has been violated shall be considered a new offense.

(d) The City Manager shall have the authority to direct the city solicitor, or such other legal counsel as may be employed, to institute a civil action seeking an injunction to prevent the violation of this ordinance.

#### 725.04 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and for this purpose the provisions of this ordinance are hereby declared to be severable

By the administration:

First Reading date: \_\_\_\_\_

Motion made by Council Member: \_\_\_\_\_

Motion seconded by Council Member: \_\_\_\_\_

Second Reading date: \_\_\_\_\_

Motion made by Council Member: \_\_\_\_\_

Motion seconded by Council Member: \_\_\_\_\_

Passed by the Council of the City of Wellsburg, West Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk