



AGENDA REPORT

Meeting Date: January 24, 2013
Item Number: F-4
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE SEPARATION REQUIREMENTS BETWEEN OIL WELLS AND SENSITIVE USES, REQUIRING REGULAR INSPECTIONS OF OIL WELLS FOR SUBSIDENCE, AND REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL
Attachments: 1. Ordinance

RECOMMENDATION

Staff recommends that the City Council move to adopt the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE SEPARATION REQUIREMENTS BETWEEN OIL WELLS AND SENSITIVE USES, REQUIRING REGULAR INSPECTIONS OF OIL WELLS FOR SUBSIDENCE, AND REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL."

INTRODUCTION

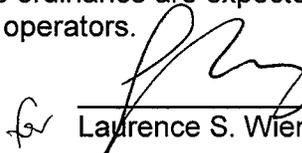
The City Council introduced this ordinance at its January 8, 2013 meeting.

DISCUSSION

This ordinance revises the City's existing oil well regulations to clarify that distance requirements between drill sites and certain sensitive uses are measured from sensitive uses located in the City of Beverly Hills. The ordinance also requires the Director of Public Works to monitor subsidence bi-annually and to report annually to the City Council concerning the records of those agencies responsible for monitoring oil wells drilled under the City of Beverly Hills.

FISCAL IMPACT

The cost of administering the provisions of this ordinance are expected to be recovered through regulatory fees imposed upon oil well operators.



Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. 13-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE SEPARATION REQUIREMENTS BETWEEN OIL WELLS AND SENSITIVE USES, REQUIRING REGULAR INSPECTIONS OF OIL WELLS FOR SUBSIDENCE AND REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Subsection C.11 of Section 10-5-316 of Article 3 of Chapter 5 of Title 10, of the Beverly Hills Municipal Code is hereby revised to read as follows:

“11. Any and all above surface equipment and extraction activities associated with any oil and gas or oil or gas well drilled pursuant to any council permit shall be located at least five hundred feet (500’) from any school or park site located in the City of Beverly Hills.”

Section 2. Section 10-5-321 of Article 3 of Chapter 5 of Title 10 of the Beverly Hills Municipal Code is hereby amended to read as follows:

“10-5-321: DIRECTOR PUBLIC WORKS; SUBSIDENCE AND MONITORING PUBLIC RECORDS OF DRILL SITE AND WELL INSPECTIONS

The Director of Public Works, from time to time as he deems appropriate but no less often than once every two years, shall determine if any adverse effect upon the surface of the city is occasioned or is in danger of being occasioned by reason of the removal of oil, gas, or other hydrocarbon substances from the subsurface of the city pursuant to a well regulated by the provisions of this article or pursuant to a well, no part of which is located within the city but which drains a subterranean oil or gas pool, part of which is in the city. In the event the Director of Public Works observes any such adverse effect or danger, the Director may order the immediate suspension of further production from such well or wells as may be located entirely or partly within the city, and, in the event of such an order, production on such wells shall be suspended by the permittee or other operator immediately upon receiving notice of such order. The permittee or other person lawfully producing oil or gas or oil and gas or any other hydrocarbon substance from any such well may appeal to the council. The council, upon good cause being shown by the permittee or such other person, may vacate or modify the order of the Director of Public Works, or, if no part of the well is in the city, the council may direct the city attorney to immediately commence such actions or proceedings as may be necessary for the abatement, removal, and enjoining of further drilling operations which adversely affect property within the city in the manner provided by law and to take such other action and to apply to any

court having jurisdiction to grant such relief as will restrain or enjoin any person from drilling or producing any such well.

The Director of Public Works shall annually request from those agencies that inspect oil wells drilled beneath the City, and from those agencies that inspect the sites from which such wells are drilled, all public records relating to inspections or notices of violation created within the previous year. Upon compiling the records each year, the Director shall provide to the City Council a summary of their contents.

The city council may impose a regulatory fee on oil well operators to recover the cost of subsidence monitoring and the monitoring of public records pursuant to this section.”

Section 3. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

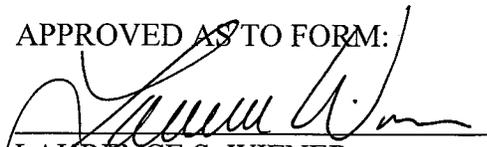
WILLIAM W. BRIEN, M.D.
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

[Signatures continue]

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager



DAVID D. GUSTAVSON
Director of Public Works & Transportation



SUSAN HEALY KEENE
Director of Community Development