

EDDY COUNTY ORDINANCE NO. 1975 - 5

AN ORDINANCE RELATING TO OIL & GAS WELL DRILLING;
PROVIDING LIMITATIONS ON THE DISTANCE OIL & GAS WELLS MAY
BE DRILLED FROM INHABITED DWELLING HOUSES, MERCANTILE
ESTABLISHMENTS, CHURCHES, OR SCHOOLS; PROVIDING A PENALTY.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF EDDY
COUNTY, NEW MEXICO:

Section 1. Purpose. This ordinance is intended to provide for the safety, promote the prosperity and improve the order, comfort and convenience of the inhabitants of Eddy County, New Mexico and to compliment the Rules and Regulations of the New Mexico Oil Conservation Commission, the Rules and Regulations of the United States Geological Survey, and the Rules and Regulations of the New Mexico State Corporation Commission and shall be liberally interpreted to effectuate these purposes.

Section 2. Definitions. As used in this Ordinance:

- A. "Person" means any human being or legal entity whether incorporated or unincorporated, including but not limited to, any individual, estate, trust, receivership, association, corporation, club, company, firm, partnership, limited partnership, guardian, joint venture or syndicate.
- B. "Residence" means any dwelling house which is inhabited at the time an application to drill is filed with the United States Geological Survey or the New Mexico Oil Conservation Commission.
- C. All technical or oil and gas industry words or phrases used herein and not specifically defined shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

Section 3. Drilling Location.

No person shall drill or deepen an oil or gas well within three hundred (300) feet of a residence, mercantile establishment, school or church located outside an incorporated municipality in Eddy County, New Mexico without the written consent of the owner of such residence, mercantile establishment, school or church.

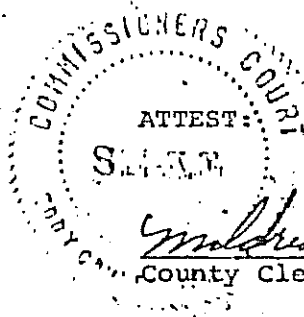
Section 4. Penalties. Any person violating this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars (\$300) or by imprisonment in the County Jail for a term not to exceed ninety (90) days or both such fine and imprisonment.

Section 5. Construction. Any violation of this ordinance for a period of time in excess of twenty-four (24) hours shall constitute a separate offense for each twenty-four (24) hour period such violation continues and shall be punishable as provided in Section 4 hereof.

PASSED, APPROVED AND ADOPTED this 19 day of

November, 1975.

Arnold Crabt
CHAIRMAN, EDDY COUNTY COMMISSION



Mildred Branch
County Clerk

STATE OF NEW MEXICO, County of Eddy, ss: I hereby certify that this instrument was filed for record on the 2 day of Dec 1975 at 5:00 o'clock P.M. and duly recorded in book 1, page 15 of the Records of Ordinances

Mildred Branch, County Clerk

By Harold Davis Deputy

FROM: Eddy County Board of Commissioners
P.O. Box #850
Carlsbad, New Mexico 88220 (Mail affidavit of publication to this address)

PLEASE PUBLISH: November 25, 1975 & December 2, 1975.

NOTICE OF PUBLIC HEARING

December 8, 1975

The Eddy County Board of Commissioners will hold a special meeting on the above date at 10:00 A.M. in the Eddy County Commissioners Courtroom, Room #201, Eddy County Courthouse, Carlsbad, New Mexico, for the purpose of considering the following Ordinance and to consider or act on any matters that come before the Board of Commissioners on the above date:

Free

No 1587

Affidavit of Publication

State of New Mexico,
County of Eddy, as.

E. C. Cantwell, being first duly sworn, on oath says:

That he is publisher of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the state wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

..... November 25 1975
..... December 2 1975
....., 19

that the cost of publication is \$ 43.80, and that payment thereof has been made and will be assessed as court costs.

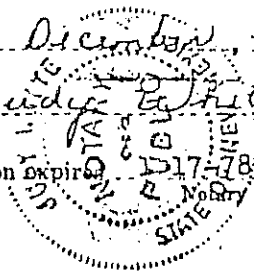
E. C. Cantwell

Subscribed and sworn to before me this

2nd day of *December*, 1975.

Judge White

My commission expires *12-17-78*
Notary Public.



November 25
December 2, 1975
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EDDY COUNTY
ORDINANCE NO. 1975-5
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B. "Residence" means any

C. All technical or oil and gas industry words or phrases used herein and not specifically defined shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

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PASSED, APPROVED AND ADOPTED this 19 day of November, 1975.
Arnold Crabb, Chairman
Eddy County Commission
Attest: Mildred Branch
County Clerk