

PUBLICATION

Texas City Council Rejects Fracking Ban

July 23, 2014

On July 16, 2014, the City Council of Denton, Texas rejected an ordinance that would prohibit hydraulic fracturing. The initiative will now be considered by the Denton residents in the November election. Earlier this year, the City Council unanimously approved a temporary ban on fracking which is effective through September.

The controversial ordinance would amend Chapter 16, "Licenses, Permits and Business Regulation," of Denton's Code of Ordinances to add a new Article VII, entitled "Prohibition of Hydraulic Fracturing." It dictates that "it shall be unlawful for any person to engage in hydraulic fracturing within the corporate limits in the City." The ordinance defines hydraulic fracturing as "the process of directing pressurized fluids containing any combination of water, proppant and any added chemicals to penetrate tight formations, such as shale or coal formations, that subsequently require high rate, extended flowback to expel fracture fluids and solids during completions." Penalties for violating the ordinance include a fine of up to two thousand dollars each day any violation or noncompliance continues.

If voters accept the initiative in November of this year, Denton would be the first city in Texas to ban fracking. Notwithstanding, other cities and municipalities have enacted outright bans, temporary moratoriums, or limitations on the practice.

Denton sits on the Barnett Shale located in the Fort Worth Basin in Northeast Texas. The Barnett Shale is the largest onshore natural gas field in Texas.