

ORDINANCE NO. 2023-\_\_\_\_

AN ORDINANCE AMENDING A PORTION OF SECTION 63(a) and (b) OF CHAPTER 34 OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO, REGARDING THE PROXIMITY OF WELLS, TANKS OR PIPELINES TO BUILDINGS.

**WHEREAS**, Chapter 34 of the City of Carlsbad Code of Ordinances, Articles I, II and II were adopted in 2004 in response to an event involving a gas well; and

**WHEREAS**, the City of Carlsbad reviewed Section 63 of Article 34 regarding the proximity of wells, tanks or pipelines to buildings; and

**WHEREAS**, the City of Carlsbad wishes to amend a portion of Section 63 (a) and (b) of Chapter 34 to allow for a well, storage tank or pipeline within 400 feet of a commercial building.

**NOW, THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, as follows:

1. Section 63 (a) and (b) of Article 34 of the City of Carlsbad Code of Ordinances is amended to add language to allow for wells, tanks or pipelines to be within 400 feet of any existing commercial building.
2. The following language replaces Section 63 (a) and (b) of Article 34 and is hereby adopted:

**ARTICLE III**

**Sec. 34-63. Proximity of wells, tanks or pipelines to buildings.**

(a) No well shall be drilled at any location within the city, and no permit shall be issued for any well to be drilled at any location within the city nor shall any storage tank be located within the city nearer than 500 feet to any existing residence or nearer than 400 feet to any existing commercial building. Provided, however, that the council may, in considering any application for a permit, require a greater distance, depending on the circumstances and so specify in the permit.

(b) No high pressure gas injection well or a compressor used in conjunction therewith shall be located nearer than 500 feet to any existing residence or nearer than 400 feet to any existing commercial building. Provided, however, that the council may, in considering any application for a permit, require a greater distance, depending on the circumstances and so specify in the permit.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_,  
2023.

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**DALE JANWAY, MAYOR**

**ATTEST:**

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City Clerk

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