

**TOWN OF SUPERIOR  
ORDINANCE NO. O-1  
SERIES 2019**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR IMPOSING A TEMPORARY MORATORIUM ON THE  
ACCEPTANCE, PROCESSING, AND APPROVAL OF LAND USE  
APPLICATIONS RELATED TO OIL AND GAS EXPLORATION,  
EXTRACTION, AND RELATED OPERATIONS**

**WHEREAS**, the Town received notification from the Colorado Oil and Gas Conservation Commission ("COGCC") concerning an application to authorize and install an oil and gas extraction facility within Town limits;

**WHEREAS**, though that application was recently withdrawn, considerable concern has been voiced in the community regarding the impacts of oil and gas activities on the public health, safety and welfare;

**WHEREAS**, oil and gas exploration, extraction, and related activities present health and safety issues that may be addressed, minimized or otherwise regulated by the exercise of police power through municipal land use authority;

**WHEREAS**, currently, the Superior Municipal Code (the "Code") does not adequately address the health, safety and other potential impacts of oil and gas activities in the Town;

**WHEREAS**, pursuant to Code § 16-1-10(a), the purpose of the Town's land use code is to "ensure the orderly, efficient and integrated development of the Town in a way that promotes the public health, safety and general welfare, and that is compatible and protective of the natural environment";

**WHEREAS**, pursuant to the Oil & Gas Conservation Act, C.R.S. § 34-60-101, et seq., a local government may implement local land use regulations and permitting schemes concerning oil and gas activities;

**WHEREAS**, the Board of Trustees wishes to study effective land use regulations pertaining to oil and gas activities that are sufficient to promote and protect the public health, safety and welfare;

**WHEREAS**, the acceptance, processing or approval of land use applications, or any other application or request providing for the establishment or operation of oil and gas facilities prior

to the completion of the study of the potential impact of such facilities, poses a current and immediate threat to the public health, safety and welfare, and a temporary moratorium on the issuance of such permits, licenses and entitlements is necessary;

**WHEREAS**, the Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; Part 3 of Article 23 of Title 31 (municipal zoning powers); C.R.S. § 31-15-103 (municipal police powers); C.R.S. § 31-15-401 (municipal police powers); and C.R.S. § 31-15-501 (municipal power to regulate businesses); and

**WHEREAS**, for the protection of the public health, safety and general welfare, the Board of Trustees desires to adopt this moratorium to maintain the *status quo* and to provide time for the Town Manager, Town Attorney and staff to study applicable law and regulations, a permitting procedure, the appropriate zoning and land use regulation for such uses, and to recommend adoption of regulatory standards and conditions to be imposed on such operations.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUPERIOR, COLORADO, THAT:**

Section 1. Temporary Moratorium. The Board of Trustees hereby imposes a moratorium on the acceptance, processing, and approval of any and all land use applications and any other requests for approval to conduct oil and gas exploration, extraction or development within the Town limits (the "Moratorium").

Section 2. Definition. For purposes of this Ordinance, "oil and gas exploration, extraction, or development" shall mean and include the use of any equipment, facilities, or infrastructure designed or intended to assist in locating or developing oil and gas resources.

Section 3. Term. The Moratorium imposed by this Ordinance shall commence on the effective date of this Ordinance and shall expire 180 days thereafter, unless sooner repealed. The provisions of this Ordinance are temporary in nature and are intended to be removed in totality or replaced by subsequent legislative enactment. This Ordinance may be extended by action of the Board of Trustees if the Board of Trustees finds that such an extension is necessary for the preparation and

implementation of legislative enactments, and that such extension is in the best interest of the public health, safety and welfare.


Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 5. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14<sup>th</sup> day of January, 2019.

  
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Clint Folsom, Mayor

ATTEST:

  
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Phyllis L. Hardin, Town Clerk-Treasurer

