

**TOWN OF ERIE
ORDINANCE NO. ____ -2019**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE EXTENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATIONS UNDER THE UNIFIED DEVELOPMENT CODE RELATED TO OIL AND GAS EXPLORATION, EXTRACTION AND RELATED OPERATIONS; UNTIL JANUARY 28, 2020 TO ADOPT UPDATED REGULATIONS AS AUTHORIZED UNDER SENATE BILL 19-181

WHEREAS, the Town is committed to protecting the health, safety, and welfare of its citizens and safeguarding the environment and wildlife resources;

WHEREAS, on July 18, 2018, the Board of Trustees adopted Ordinance 20-18, which imposed a temporary moratorium on the acceptance, processing and approval of any application under the Unified Development Code related to oil and gas exploration, extraction and related operations (the "Temporary Moratorium");

WHEREAS, on January 22, 2019, the Board of Trustees adopted Ordinance 02-2019, extending the Temporary Moratorium through August 13, 2019;

WHEREAS, during the time since the Town adopted the Temporary Moratorium and the extension of the Temporary Moratorium, the Town has investigated the regulatory practices of other municipal governments as they relate to oil and gas development, and has reviewed and begun to revise the Town's regulations relating to oil and gas exploration, extraction and related operations;

WHEREAS, prior to April 16, 2019, Colorado law limited a local government's authority to regulate some aspects of oil and gas developments within its jurisdiction;

WHEREAS, on April 16, 2019, the Governor signed SB 19-181, granting local governments express authority to regulate surface operations and nuisance impacts of oil and gas operations in order to better protect the health, safety, and welfare of its citizens and to safeguard the environment and wildlife resources;

WHEREAS, the Town needs time to analyze its regulatory authority under SB 19-181, draft amendments to its oil and gas or other land use regulations, receive and process public input, and revise, finalize, and enact appropriate regulations;

WHEREAS, in order for the Town to appropriately and effectively create and enact such protective regulations as authorized under SB 19-181, it is necessary to continue to suspend the processing or approving of any applications under the Unified Development Code for oil and gas exploration, extraction and related operations and to suspend the approving of any operator agreements to allow oil and gas exploration, extraction and related operations within the Town;

Moratorium on Permits and Agreements

and

WHEREAS, extending the temporary moratorium until January 28, 2020, is a reasonable length of time for the Town to review and update the Town's regulations relating to oil and gas exploration, extraction and related operations.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, THAT:

Section 1. Extension of Moratorium. The temporary moratorium on oil and gas exploration, extraction and related operations adopted by the Board of Trustees in Ordinance No. 20- 2019 is hereby extended to January 28, 2020.

Section 2. During the temporary moratorium, the Town shall not process or approve any applications under the Town's Unified Development Code to allow oil and gas exploration, extraction or related operations within the Town, and the Town shall not approve any operator agreement to allow oil and gas exploration, extraction or related operations within the Town.

Section 3. Investigation and Evaluation. During the moratorium, Town staff, working with the Town Attorney and the Town's special counsel, shall evaluate the expanded regulatory authority allowed under SB 19-181, develop amendments to the Unified Development Code related to oil and gas operations, and present those amendments for public input and Board of Trustees' approval for adoption.

Section 4. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 5. 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 6. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED THIS 25th day of June, 2019.

Jennifer Carroll, Mayor

ATTEST:

Moratorium on Permits and Agreements

Jessica Koenig, Town Clerk