

TOWN OF SUPERIOR  
ORDINANCE NO. 0-4  
SERIES 2021

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR AMENDING SECTION 16-37-130 OF THE SUPERIOR MUNICIPAL CODE TO INCREASE THE SETBACK REQUIREMENT FOR OIL AND GAS WELL SITES FROM RESIDENCES, SCHOOLS, AND MEDICAL FACILITIES

WHEREAS, by Ordinance NO. 0-4, series of 2020, the Board of Trustees adopted comprehensive provisions regulating oil and gas development in the Town;

WHEREAS, by Order on final rulemaking on November 23, 2020, the Colorado Oil and Gas Commission amended Rule 604 regarding setbacks and siting requirements;

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; and

WHEREAS, the Board of Trustees wishes to utilize its enhanced regulatory authority pertaining to oil and gas activities in order to protect the public health, safety and welfare of the residents of the Town.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 16-37-130(b) of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Sec. 16-37-130. Location restrictions.**

(a) Well sites shall only be located in the following zone districts: Agricultural Urban Reserve (A-UR), Heavy Industrial (I-H), and Light Industrial (I-L).

(b) Well sites shall be located at least two thousand (2,000) feet from the property line of any existing or platted residences, schools, future school facilities, hospitals, medical clinics, senior living or assisted living facilities, state licensed daycare centers, public parks, public hiking trails, public outdoor recreation areas, public water supply wells, and surface water bodies including without limitation rivers, streams, and reservoirs.

(c) Well sites shall comply with all applicable federal, state and local laws and regulations when located in a floodway or a floodplain. All equipment in a floodplain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one (1) foot above the level of a 100-year flood.

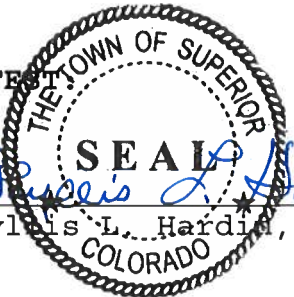
Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby 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 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 22<sup>nd</sup> day of February, 2021.

  
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Clint Folsom, Mayor

ATTEST

The seal is circular with a double-line border. The outer ring contains the text "THE TOWN OF SUPERIOR" at the top and "COLORADO" at the bottom, separated by two stars. In the center, the word "SEAL" is written in large, bold, capital letters.

  
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Phyllis L. Hardin, Town Clerk-Treasurer