

ORDINANCE NO. 057, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
TERMINATING THE MORATORIUM IMPOSED BY ORDINANCE NO. 145, 2012
WITH RESPECT TO OIL AND GAS OPERATIONS CONDUCTED
UNDER AN OIL AND GAS OPERATOR AGREEMENT BETWEEN THE CITY
AND PROSPECT ENERGY, LLC AND EXEMPTING SUCH OPERATIONS FROM
THE PROHIBITIONS CONTAINED IN SECTION 12-135 OF THE CITY CODE

WHEREAS, by Ordinance No. 145, 2012, the City Council established a moratorium on the acceptance or processing of land use applications, permit applications and other applications seeking approval to conduct oil and gas extraction or related operations within the City (the Moratorium”); and

WHEREAS, Section 12-135 of the City Code prohibits hydraulic fracturing and open pit storage in the City; and

WHEREAS, by Resolution 2013-024 of the Council of the City of Fort Collins, the City Council has approved an Oil and Gas Operator Agreement between the City and Prospect Energy, LLC dated March 19, 2013; and

WHEREAS, the City Council has determined that the oil and gas operations of Prospect Energy, LLC should be exempted from the Moratorium and the prohibitions contained in Section 12-135 of the City Code as long as such operations are conducted in conformance with the terms and conditions of said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The moratorium imposed by Ordinance No. 145, 2012 is hereby terminated with respect to all oil and gas operations conducted in conformance with the terms and conditions of that certain Oil and Gas Operator Agreement between the City and Prospect Energy, LLC dated March 19, 2013.

Section 2. The prohibitions contained in Section 12-135 of the City Code shall not apply to oil and gas operations conducted by Prospect Energy, LLC as long as Prospect Energy, LLC conducts its operations in conformance with the terms and conditions of that certain Oil and Gas Operator Agreement between the City and Prospect Energy, LLC, dated March 19, 2013, and provided further that in the event that a conflict exists between the provisions contained in Section 12-135 of the City Code and this ordinance, this ordinance shall control.

Introduced, considered favorably on first reading, and ordered published this 19th day of March, A.D. 2013, and to be presented for final passage on the 23rd day of April, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 23rd day of April, A.D. 2013.

Mayor

ATTEST:

City Clerk