

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 AMENDED 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 approved an Oil and Gas Operator Agreement between the City and Prospect Energy, LLC dated March 19, 2013 that applies to all existing and future operations in the areas that are the subject of the Agreement, and by Resolution 2013-036 the City Council has adopted certain amendments thereto (the “Amended Agreement”); 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 the Amended 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 the Amended Agreement.

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 that are governed by the Amended Agreement as long as Prospect Energy, LLC conducts such operations in conformance with the terms and conditions of the Amended Agreement.

Section 3. That in the event that a conflict exists between the provisions contained in Section 12-135 of the City Code and the provisions of 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 21st day of May, A.D. 2013.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 21st day of May, A.D. 2013.

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Mayor

ATTEST:

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City Clerk