

PROPOSED CITIZEN - INITIATED ORDINANCE

Fort Collins Public Health, Safety and Wellness Act.

Section 1. Purpose.

To protect property, property values, public health, safety and welfare by placing a five year moratorium on the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Fort Collins in order to study the impacts of the process on the citizens of the City of Fort Collins.

Section 2. Findings.

The people of Fort Collins hereby make the following findings with respect to the process of hydraulic fracturing within the City of Fort Collins:

The Colorado Constitution confers on all individuals in the state, including the citizens of Fort Collins, certain inalienable rights, including “the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness,” Colo. Const. Art. II, Sec. 3;

The Colorado Oil and Gas Act requires oil and gas resources to be extracted in a “manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources,” Colo. Rev. Stat. §34-60-102;

The well stimulation process known as hydraulic fracturing is used to extract deposits oil, gas, and other hydrocarbons through the underground injection of large quantities of water, gels, acids or gases; sands or other proppants; and chemical additives, many of which are known to be toxic;

The people of Fort Collins seek to protect themselves from the harms associated with hydraulic fracturing, including threats to public health and safety, property damage and diminished property values, poor air quality, destruction of landscape, and pollution of drinking and surface water;

Representatives from the State of Colorado have publically stated that they will be conducting a health impact assessment to assess the risks posed by hydraulic fracturing and unconventional oil and gas development.

The people of Fort Collins have determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to and ensure the “protection of public health, safety, and welfare, including protection of the environment and wildlife resources” as provided under the Colorado Oil and Gas Act, is to place a five year moratorium on hydraulic fracturing and the storage and disposal of its waste products within the City of Fort Collins in order to fully study the impacts of this process on property values and human health.

Section 3. Moratorium

Therefore, the people of Fort Collins have determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to ensure the “protection of public health, safety, and welfare, including protection of the environment and wildlife resources” as provided under the Colorado Oil and Gas Act, is to place a moratorium on hydraulic fracturing and the storage of its waste products within the City of Fort Collins or under its jurisdiction for a period of 5 years without exemption or exception in order to fully study the impacts of this process on property values and human health. The moratorium can be lifted upon a ballot measure approved by the people of the City of Fort Collins.

Section 4. Retroactive Application

In the event this measure is adopted by the voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.