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ORDINANCE NO. 7915

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF EXTENDING ORDINANCE NO. 7907, THE MORATORIUM ON ACCEPTING AND PROCESSING APPLICATIONS FOR DRILLING PERMITS ON CITY OF BOULDER OPEN SPACE PROPERTIES AND ON ANY CITY PERMITS OR USE REVIEW OF NEW MINING INDUSTRY USES INVOLVING OIL AND GAS EXTRACTION IN THE CITY OF BOULDER, AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

- A. On June 4, 2013, the City Council adopted Ordinance No. 7907 an emergency ordinance imposing a moratorium until June 3, 2014, on application for any city permit that results in oil or gas exploration or for any application for use review under Title 9 of the Boulder Revised Code for new "Mining Industries" uses involving oil and gas extraction or exploration;
- B. Ordinance No. 7907, recited numerous unresolved scientific and legal issues regarding the effects of oil and gas exploration, including directional or horizontal drilling and hydraulic fracturing, on public peace, health and property and the legal authority of a home rule city, such as Boulder, to protect the health and safety of its environment and citizens from dangers associated with those processes using its land use and police powers;
- C. Several important scientific studies, including a study by the University of Colorado, are currently underway regarding the public health and safety effects of oil and gas exploration;
- D. It may require 3 to 5 years before completion of those studies provides sufficient analysis of the public health and safety effects of oil and gas exploration;
- E. It may also require 3 to 5 years to resolve pending litigation involving the legal authority of Colorado home rule cities to regulate oil and gas exploration; and
- F. It is both useful and compelling to have a vote of the people on such matters of new and controversial public policy, having the potential to affect the public peace, health and property.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
2 OF BOULDER, COLORADO:

3 Section 1. A general municipal coordinated election will be held in the City of
4 Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013,
5 between the hours of 7 a.m. and 7 p.m.
6

7 Section 2. At that election, there shall be submitted to the electors of the City of
8 Boulder entitled by law to vote the question of extending the oil and gas exploration
9 moratorium of Ordinance No. 7907 as stated below.
10

11 Section 3. The official ballot shall contain the following ballot title, which shall
12 also be the designation and submission clause for the question:

13 Ballot Question NO. 2H

14 **Oil and Gas Exploration Moratorium Extension**

15 Shall Ordinance No. 7907 be amended to extend the current
16 moratorium on new oil and gas exploration until June 3,
17 2018 and to set legal standards and the council voting
18 requirements for lifting the moratorium amended pursuant to
19 Ordinance No. 7915?

FOR THE MEASURE _____ AGAINST THE MEASURE _____

20 Section 4. If a majority of all the votes cast at the election on the question
21 submitted shall be for the question, the question shall be deemed to have passed and shall
22 be effective upon passage, and sections 2 and 3 of Ordinance 7907 shall be amended to
23 read as follows:
24

25 Section 2. Commencing immediately and continuing until 8 a.m. on June 3, ~~2014~~
26 2018, the city manager and city staff shall neither accept nor process any
27 application for a new oil and gas exploration permit under the Oil and Gas
28 Regulations of the City of Boulder, Colorado Open Space Board of Trustees

1 unless the City Council, after June 3, 2016, by a two-thirds majority vote of the
2 council members present, finds, by ordinance, that credible scientific studies of
3 the public health and safety effects of oil and gas exploration and development, or
4 settled legal authority support or require earlier acceptance and processing of such
5 applications.

6
7 Section 3. Commencing immediately and continuing until 8 a.m. on June 3, ~~2014~~
8 2018, the city manager and city staff shall neither accept nor process any
9 application for any city permit that results in oil or gas exploration or for any
10 application for use review under Title 9 of the Boulder Revised Code for new
11 “Mining Industries” uses involving oil and gas extraction or exploration unless
12 the City Council, after June 3, 2016, by a two-thirds majority vote of the council
13 members present, finds, by ordinance, that credible scientific studies of the public
14 health and safety effects of oil and gas exploration and development, or settled
15 legal authority support or require earlier acceptance and processing of such
16 applications.

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19 Section 5. The election shall be conducted under the provisions of the Colorado
20 Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981 and
21 this ordinance, and all contrary provisions of the statutes of the State of Colorado are
22 hereby superseded.

23
24 Section 6. The officers of the City are authorized to take all action necessary or
25 appropriate to effectuate the provisions of this ordinance and to contract with the county
26 clerk to conduct the election for the City.
27
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