

## **Article X**

### **Oil and Gas Drilling and Production**

**16-10-101. Purpose.** These regulations are enacted to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the present and future residents of the Town. It is the Town's intent by enacting these regulations to facilitate the development of oil and gas resources within the Town, while mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of these regulations and any applicable statutory and regulatory requirements. The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources, and in the prevention of waste and protection of the correlative rights of common source owners and producers to a fair and equitable share of production profits. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner. —Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. These regulations are intended as an exercise of this land use authority.

#### **16-10-102. Definitions.**

(1) All terms used in this Article that are defined in the Oil and Gas Conservation Act of the State of Colorado (Act) or in Oil and Gas Conservation Commission (OGCC) regulations and

are not otherwise defined in this Section, are defined as provided in the Act or in such regulations as of the effective date of this Article. All other words used in this Article are given their usual, customary, and accepted meaning and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this Article have the following meanings:

(a) Act means the Oil and Gas Conservation Act of the State of Colorado.

(b) Applicant means the person making an application for a special use permit on behalf of the operator or owner of a well.

(c) Approved plan means the totality of the material contained in the application for a special use permit approved by the Board of Trustees following a public hearing; or, in the case of a special use permit for pre-existing oil and gas operations, the totality of the material contained in the application for a special use permit approved administratively by the Town.

(d) Commission or OGCC means the Oil and Gas Conservation Commission of the State of Colorado.

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(e) Completion, an oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in the rules of the OGCC. Any well not previously defined as an oil or gas well, shall be considered completed ninety (90) days after reaching total depth. If approved by the Director, a well that requires extensive testing shall be considered completed when the

- drilling rig is released or six (6) months after reaching total depth, whichever is later.
- (f) Day means a period of twenty-four (24) consecutive hours.
- (g) Director means the Director of the Oil and Gas Conservation Commission of the State of Colorado.
- (h) Flow Lines means those segments of pipe from the wellhead downstream through the production facilities ending at the gas metering equipment or the oil loading point.
- (i) Gas well means a producing well with natural gas as the primary commercial product. Most gas wells frequently produce some condensate (natural gas liquids such as propane and butane) and occasionally produce some water.
- (j) Gathering Line means a pipeline that transports gas from a current production facility to a transmission line or main.
- (k) Injection well means any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the Commission.
- (l) Inspector means any person designated by the Town or by the Town's designee, who shall have the authority to inspect well sites to determine compliance with this Article and other applicable ordinances of the Town.
- (m) Oil well means a producing well with oil as its primary commercial product. Oil wells almost always produce some gas and frequently produce water. Most oil wells eventually produce mostly gas or water.
- (n) Operating plan means a general description of a well site or a production site identifying the purpose, use, typical staffing, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure, and any other information related to the regular functioning of the facility.
- (o) Operator means the company that serves as the overall manager and decision-maker of a drilling project. Generally, but not always, the operator will have the largest financial stake in the project. The operator is designated by the working interest owners and named
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- in Commission Form 2, or a subsequently filed Commission Form 10.
- (p) Owner means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas produced there from either for such owner or others or for such owner and others, including owners of a well capable of producing oil or gas, or both.
- (q) Person means both the singular and plural and means a natural person, a corporation, association, guardian, partnership, receiver, trustee, administrator, executor, and/or fiduciary or representative of any kind.
- (r) Pre-existing oil and gas wells and/or production facilities means any well or production facility, existing within the corporate limits of the Town on the effective date of the ordinance establishing this Article X, or any well or production facility for which drilling has commenced on the effective date of the ordinance establishing this Article X, or any well or production facility in existence on land annexed into the Town after the effective date of the ordinance establishing this Article X.
- (s) Production facilities mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowlines, and other equipment directly associated with oil wells, gas wells, or injection wells.
- (t) Production site means the area containing production facilities, exclusive of gathering lines.
- (u) Reentering means accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.
- (v) Separator means a cylindrical or spherical vessel used to separate oil, gas and water

from the total fluid stream produced by a well. Separators can be either horizontal or vertical.

(w) Sidetracking means to drill a secondary wellbore away from an original wellbore. A sidetracking operation may be done intentionally or may occur accidentally. Intentional sidetracks might bypass an unusable section of the original wellbore or explore a geologic feature nearby. In the bypass case, the secondary wellbore is usually drilled substantially parallel to the original well, which may be inaccessible due to an irretrievable fish, junk in the hole, or a collapsed wellbore.

(x) Use tax means the tax on the use or consumption in the Town of any construction and building materials purchased at retail.

(y) Well means an oil well, or gas well, or an injection well.

(z) Wellhead means the surface termination of a wellbore that incorporates facilities for installing casing hangers during the well construction phase. The wellhead also

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incorporates a means of hanging the production tubing and installing the Christmas tree and surface flow-control facilities in preparation for the production phase of the well.

(aa) Well site means the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well.

(bb) Wildlife and natural areas shall include but not be limited to floodplains and floodways; natural drainage and waterways; significant native trees and vegetation; wildlife travel corridors; special habitat features such as raptor nests, key nesting, breeding or feeding areas for birds; fox and coyote dens; prairie dog colonies more than twenty-five (25) acres in size; remnant native prairie habitat; plains cottonwood galleries; natural or man-made lakes and ponds; and any wetland greater than one-quarter (1/4) acre in size.

(cc) Working interest means the interest in an oil and gas leasehold which is subject to the payment of the expenses of development, operation and maintenance of a well and is subject to the payment of Landowner's Royalty and Overriding Royalty Interests.

(2) All terms used herein that are defined in the Act or in Commission rules and regulations and are not otherwise defined in Subsection (1) above shall be defined as provided in the Act or in such rules and regulations.

#### **16-10-103. Special use permit required.**

(1) It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor, or servant for any person to engage in any work, or to erect any structure, tanks, machinery, pipelines, or other appurtenances incident to the drilling for or production of petroleum or natural gas; or to operate, maintain, or permit any equipment, structure or appurtenances incident to such production to exist; or use or maintain any property or premises in violation of any other provisions of this Article X without first obtaining a special use permit issued by the Town in accordance with this Article X. The term of the Special Use Permit shall be coterminous with the State of Colorado Well Permit issued by the OGCC for the well. Any extension of the permit granted by the OGCC, shall result in an automatic extension of the term of the Town issued special use permit equal to the extension granted by the OGCC. A permit shall not be required for seismic surveys unless the drilling of a seismic (shot hole), core, or other exploratory hole is involved.

(2) An operator must apply for and obtain a special use permit for the drilling, sidetracking, deepening, re-completing, re-working, activating, or converting of each well for which a special use permit has not been previously obtained. The special use permit shall automatically expire with the abandonment and reclamation of the associated well.

(3) The granting of a special use permit shall not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, the State, or the United States.

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(4) When a special use permit has been granted for a well, reentry of such well for purposes of sidetracking, deepening, recompleting, reworking, activating or converting the well shall not require a separate special use permit.

(5) The special use permit is limited to the facilities as shown in the approved plan. To the extent the applicant desires, after initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional equipment is necessary for a period of fourteen (14) days or less, notify the Town of installation of such additional equipment.

(6) Within thirty (30) days after the well is completed, the applicant shall provide to the Town —as-built drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to this permit.

(7) The special use permit required by this Article X is in addition to and is not in lieu of any permit which may be required by any other provision of the Mead Municipal Code or by any other governmental agency.

(8) No additional permit or filing fee shall be required for pre-existing oil and gas wells and or production facilities, except as provided in Sec. 16-10-106.

(9) By acceptance of any special use permit issued pursuant to this Article X, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this Article X and any subsequent amendments shall be deemed to be incorporated. The terms of this Article X shall be deemed to be incorporated in any special use permit issued pursuant to this Article X with the same force and effect as if this Article X was set forth verbatim in such special use permit.

**16-10-104. Special use permit – application and filing fees.**

(1) Submittal and Authorization. Every application for a special use permit issued pursuant to this Article X shall be in writing on a form supplied by the Town, signed by the operator, or some person duly authorized to sign on his behalf, and filed with the Town.

(2) Filing Fee. Every application shall be accompanied by a non-refundable filing fee of three thousand dollars (\$3,000.00).

(3) Application. The application shall include the following information:

(a) The date of the application.

(b) The Operator/Applicant's name and address and if the Operator is a corporation, the state of incorporation, and if the Operator is a partnership, the names and addresses of the general partners.

(c) The name, address, telephone number, fax number, and e-mail address of the

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individual designated by the Operator to receive notices.

(d) The aliquot legal description of the property to be used for the oil/gas operation and the assessor's parcel number for the property. Property recorded by plat shall also be identified by subdivision name and block and lot numbers.

(e) The well name.

(f) The mineral leasee's name and address.

(g) The name and address of the representative with supervisory authority over the oil/gas operation site activities and a 24-hour emergency phone number.

(h) The names(s) and address(es) of the surface owner.

- (i) The name and address of the surface owner of each parcel of property within one thousand (1,000) feet of the proposed drill site.
- (j) A site plan(s) for the well site submitted on one (1) or more plats or maps, at a scale not less than one (1) inch to fifty (50) feet, showing the following information:
  - (I) A site plan of the proposed operation showing the location of all improvements and equipment, including the location of the proposed well(s) and other facilities, including, but not limited to, pumps, motors, electrical power lines, tanks, flowlines, gathering lines, compressors, separators, and storage sheds.
  - (II) The location and description of all existing improvements and structures within one thousand feet (1,000) feet of the well.
  - (III) The location of existing utility easements and other rights-of-way of record, if any, within a radius of one thousand feet (1,000) feet of the proposed well.
  - (IV) The location of existing irrigation or drainage ditches within one thousand feet (1,000) feet of the well site or production site, if any.
  - (V) The location of existing wildlife and nature areas within one thousand (1,000) feet of the well site or production site, if any.
  - (VI) The applicant's drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.
  - (VII) The location of access roads.
  - (VIII) The location of the well site or production site in relation to existing lease boundaries.

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- (IX) A true north arrow.
- (X) The name and address of the operator, the name of the well, the aliquot description of the well's location, the footage from the exterior section lines to the wellhead/production site, and the name of the person preparing the site plan or map and the date prepared.
- (k) A vicinity map for a well site or production site shall be submitted on five (5) or more plats or maps showing the following information:
  - (I) The location of the well site or production site.
  - (II) The location of all existing waterbodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series base maps which indicate topographic detail and show all existing waterbodies and watercourses with a physically defined channel within a one thousand (1,000) foot radius of the proposed well.
  - (III) The location of existing wildlife and nature areas within a one thousand (1,000) foot radius of the well site or production site, if any.
  - (IV) The location of existing oil and gas wells as reflected in OGCC records. This information shall be submitted on a map and shall include any and all wells within a one thousand (1,000) foot radius of the proposed location for the well. Wells are to be identified by the name of the well and the API number.
  - (V) The location of existing tank batteries and transmission and gathering lines within a one thousand (1,000) foot radius of the well site.
  - (v) A map showing the proposed transportation route for E&P waste products, produced water, and produced liquid hydrocarbons from the well/production site to the preferred access to the State Highway system. The map shall show and identify all wellhead and tank battery access roads, and municipal and county streets and roadways used to access the State Highway system.

(w) A map showing the proposed transportation route for construction equipment and well drilling, completion and reworking equipment from the well/production site to the preferred access to the State Highway system. The map shall show and identify all wellhead and tank battery access roads, and municipal and county streets and roadways used to access the State Highway system.

(x) A written narrative to include the following:

(I) A title block or heading containing the operator's and surface owner's names and addresses, the well name and the aliquot legal description of the well/production site location.

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(II) Copies of the approved OGCC Forms 1A, 2 or 10, as applicable. (III)

An operating plan.

(IV) A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than OGCC.

(V) An emergency response plan that is mutually acceptable to the operator and the appropriate fire protection district that includes a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency, the location of the well, and provisions for access by emergency response entities. Prior to application to the Town, the emergency response plan shall be submitted to and reviewed by the fire protection district.

(VI) A fire protection plan that is mutually acceptable to the operator and the appropriate fire protection district that includes planned actions for possible emergency events and any other pertinent information. Prior to application to the Town, the proposed fire protection plan shall be submitted to and reviewed by the fire protection district.

(VII) A plan for weed control at the well site.

(VIII) A sanitary facilities plan which must comply with Section 602(g) of the OGCC regulations.

**16-10-105. Issuance of special use permits.** Except for special use permits issued for a pre-existing oil or gas well and/or production facility, the Board of Trustees shall approve an application for a special use permit for a well site if the application submitted by the applicant conforms to the following requirements (1) through (8):

(1) The completed application form is in compliance with the requirements of Sections 16-10-104(3)(a) through (i) of this Article X.

(2) The site plan for the well site complies with the requirements of Section 16-10-104(3)(j) of this Article X.

(3) The vicinity map for a well site complies with the requirements of Section 16-10-104(3)(k) of this Article X.

(4) The map showing the proposed transportation route for E&P waste products, produced water, and produced liquid hydrocarbons from the well/production site to the preferred access to the State Highway system complies with the requirements of Section 16-10-104(3)(l) of this Article X.

(5) The map showing the proposed transportation route for construction equipment and well drilling, completion and reworking equipment from the well/production site to the preferred access to the State Highway system complies with the requirements of Section 16-10-104(3)(m)

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of this Article X.

(6) The written narrative complies with the requirements of Section 16-10-104(3)(n) of

this Article X.

(7) When applicable, the application complies with the provisions for geologic hazards, floodplains or floodway provided in Section 16-10-116 of this Article X.

(8) When applicable, the application complies with the provisions for wildlife mitigation procedures provided in Section 16-10-117 of this Article X.

(9) A public hearing on the requested special use permit shall be held by the Board of Trustees at a regular or special meeting of the Board. Notice of the public hearing shall be published by posting and by publication one (1) time in a newspaper of general circulation in the Town, not less than fifteen (15) days before the date of the hearing. Notice shall be given to the property owners abutting the property or within 300 feet of the property, and to the Town's service providers, the county, special districts and referral agencies as deemed appropriate by the Town. Said notice shall be given by certified mail, not less than fifteen (15) days before the date of the hearing.

(10) The decision of the Board of Trustees shall be based upon evidence presented in the application and at the public hearing showing compliance with subsections (a) through (h) of this Section 16-10-105. Following the conclusion of the public hearing, the Board of Trustees may by

written resolution render its decision on the application, or it may take the matter under advisement until an announced date certain, not to exceed fourteen (14) days from the date of the hearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the Town Attorney and shall set forth the findings of the Board of Trustees.

(11) In the event that an application is granted with conditions, the applicant may, within fourteen (14) days of the Board's decision, request a rehearing by petitioning for the same to the Town Clerk. The purpose of the rehearing is to afford the applicant the opportunity to demonstrate that removal or modification of one (1) or more of the conditions is necessary to prevent waste, or protect owners of correlative rights in a common source to a fair share of production profits, or that the decision is otherwise inconsistent with state laws and regulations. Following the conclusion of the rehearing, the Board of Trustees may by written resolution render its decision on the application, or it may take the matter under advisement until an announced date certain, not to exceed fourteen (14) days from the date of the rehearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the Town Attorney, shall set forth the findings of the Board of Trustees, and shall confirm, modify, or repeal the conditions contested by the applicant.

(12) For the purposes of judicial review, the Board of Trustees' final action or decision on an application shall be deemed to have been made as of the date upon which the Board of Trustees executes the written resolution, which shall constitute the final decision of the Board of Trustees.

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#### **16-10-106. Issuance of special use permits for pre-existing wells.**

(1) Application for pre-existing wells; grace period. An Operator shall have a grace period of forty-five (45) days after the annexation of land containing an oil or gas well and/or production facility into the Town, or after notification of surface development as provided by C.R.S. § 24-65.5-101, *et seq.*, whichever occurs later, to designate such oil or gas well and/or a production facility as pre-existing, by filing with the Town an application for a special use permit

as provided in Section 16-10-104(3). Special use permits for pre-existing oil and gas wells and/or

production facilities shall be issued administratively by the Town within twenty-one (21) days following the receipt of the required application material which conforms the requirements of

Section 16-10-104(3). There shall be no fee for applications filed during the grace period.

(2) Expiration of grace period. Failure to submit an application for a special use permit for a pre-existing oil or gas well and/or production facility within the required time will result in forfeiture of the opportunity and require the operator to apply for a special use permit as provided by Section 16-10-104 and the payment of the required fee.

**16-10-107. Notice to proceed.** Prior to commencement of operations for which a special use permit has been approved, a —Notice to Proceed‖ shall be obtained from the Town. The Town shall issue the —Notice to Proceed‖ within a reasonable time upon receipt of the following:

(1) A copy of the resolution of the Board of Trustees approving a special use permit.

(2) A copy of the approved site plan.

(3) A copy of an approved oversize or overweight vehicle or load permit issued by the Town, if applicable.

(4) Copies of any necessary state or federal permits issued for the operation, if not previously submitted.

**16-10-108. Inspections.** In recognition of the potential impacts associated with oil and gas drilling and well operation in an urban setting, it is the intent of the Town to continue the inspection of all wells and production facilities on a regular basis. All wells and accessory equipment and structures may be inspected by the inspectors of the Town at reasonable times to determine compliance with applicable provisions of this Article, the Mead Fire Code, the Mead Building Code and all other applicable Town health or safety standards. For the purpose of implementing and enforcing the provisions of this Article, Town personnel or agents of the Town have the right to enter upon private property after reasonable notification to the owner of the property and to the operator. Reports of the inspections shall be provided to the Commission. Inspection reports will also be provided to the operator upon the payment of an inspection fee as provided in Sec. 16-10-109.

**16-10-109. Reserved.**

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**16-10-110. Building permits.** Building permits must be obtained for all aboveground structures to which the International Building Code applies. All structures subject to a building permit shall be charged the appropriate local use tax as provided by law.

**16-10-111. Access roads.** All private roads used to provide access to the tank batteries or the well site shall be improved and maintained according to the following standards:

(1) Tank battery access roads. Access roads to tank batteries shall be subject to review by the Town Engineer and Town Inspector and shall conform to the following minimum standards:

(a) A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick, compacted to a minimum density of ninetyfive percent (95%) of the maximum density as determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course as specified for aggregate base course materials in the Colorado Department of Transportation’s —Standard Specifications for Road and Bridge Construction,‖ latest edition.

(b) The access roadway shall be graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Town Engineer.

(c) The access roadway shall be maintained so as to provide a passable roadway free of ruts and dust free at all times.

(d) The access roadway intersecting a municipal street or roadway shall be hard surfaced



at least from the municipal street to the right-of-way line. Vehicles using the access roadway shall not track mud or other debris onto municipal streets from the access road.

(2) Wellhead access roads. Access roads to wellheads shall be subject to review by the Town Engineer and Town Inspector in accordance with the following minimum standards:

(a) A graded, dirt roadway, compacted to a minimum density of ninety-five percent (95%) of the maximum density as determined in accordance with generally accepted engineering sampling and testing procedures and approved by the Town Engineer.

(b) The access roadway shall be graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the Town Engineer.

(c) The access roadway shall be maintained so as to provide a passable roadway free of ruts and dust free at all times.

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(d) An access roadway intersecting a municipal street or roadway shall be hard surfaced at least from the municipal street to the right-of-way line. Vehicles using the access roadway shall not track mud or other debris onto municipal streets from the access road.

(3) Tracking mud or debris onto municipal streets. The Operator shall take any and all steps necessary to prevent the transfer of mud or debris from the tank battery and well site roads onto a municipal street or roadway and to immediately remove such mud and debris from the public rights-of-way. If Operator does not remove such mud or debris, or if an emergency exists, to be determined by the Town in its sole discretion, the Town may abate the same at the Operator's expense and bill the Operator for the cost of abatement, including reasonable administrative costs. Charges for abatement unpaid after 30 days of billing shall be considered delinquent and may be collected in the manner provide by C.R.S. § 31-20-105.

**16-10-112. Oversize or overweight vehicle or load permit.** An oversize or overweight vehicle or load permit shall be required for all oversize or overweight vehicles or loads as defined in Sections 42-4-501 through 42-4-511, C.R.S., which use Town streets. Said permit, if required, shall be obtained from the Town prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize oversize or overweight vehicle traffic on streets within the Town.

**16-10-113. Fencing requirements.** At the time of initial installation, all pumps, pits, wellheads, and production facilities shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all such facilities and equipment used in the operation of a completed well shall be surrounded by a fence six (6) feet in height, constructed in conformance with local written standards so long as the material is non-combustible and allows for adequate ventilation, and the gates shall be locked. The following local standards shall apply to all oil and gas wells and production facilities. Fence enclosures shall be constructed of one of the following materials:

(1) A solid masonry wall;

(2) A chain link fabric with three and one-half (3 ½) inch mesh;

(3) Any other material, compatible with surrounding uses, which effectively secures the oil operation site, approved by the Town;

(4) All fencing or masonry walls shall be of a solid neutral color, compatible with surrounding uses, and maintained in a neat, orderly, and secure condition. Neutral colors shall include sand, grey, and unobtrusive shades of green, blue and brown, or other colors approved by the Town.

(5) All chain link fences and masonry walls shall be equipped with at least one (1) gate.

The gate shall meet the following specifications:

(a) The gates shall be of chain link construction that meets the applicable specifications,

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or of other approved material that, for safety reasons, shall be at least as secure as a chain link fence;

(b) The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and

(c) The operator must provide the Chief of the appropriate fire protection district with a —Knox Padlock or —Knox Box with a key to access the well site to be used only in case of an emergency.

**16-10-114. Emergency response costs.** The operator shall reimburse the Town or the fire protection district for any emergency response costs incurred by the Town or the fire district in connection with activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the Town.

**16-10-115. Compliance with state environmental requirements.** The approval of an oil and gas special use permit shall not relieve the operators from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal.

**16-10-116. Geologic hazard, floodplain, floodway location restrictions.** All equipment at well sites and production sites in geological hazard and floodplain areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act.

**16-10-117. Wildlife impact mitigation.**

(1) Wildlife. When a well site or production site is located within or adjacent to a wildlife or natural area, the applicant shall consult with the State Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by State Division of Wildlife after consultation with the Town. The operator shall file a mitigation plan with the Town.

(2) Endangered species. The applicant shall not engage in activities which, in the opinion of the State Division of Wildlife, threaten endangered species.

**16-10-118. Violation and enforcement.**

(1) Unlawful to construct or install unapproved oil and gas facilities. Except as otherwise provided in this Article X, it is unlawful to construct, install or cause to be constructed or installed any oil and gas well or production facility within the Town unless approval of a special use permit has been granted by the Board of Trustees. The unlawful drilling or re-drilling of any well or the production there from is a violation of this Article X.

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