

as amended

November 12, 2002

ORDINANCE NO. 1698

AN ORDINANCE AMENDING, REPEALING, REENACTING, AND ADDING CERTAIN SECTIONS AND CHAPTERS IN TITLE 16, SUBDIVISIONS, AND TITLE 17, ZONING, OF THE BROOMFIELD MUNICIPAL CODE AND RELATING TO SUBDIVISION AND ZONING REGULATIONS FOR PLUGGED AND ABANDONED OIL AND GAS WELLS AND FORMER OIL AND GAS PRODUCTION SITES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. Section 16-16-040, Preliminary plat contents, of Chapter 16-16, Preliminary Plats, of the Broomfield Municipal Code is amended by adding a new subsection (P) to read as follows:

(P) The location of any plugged and abandoned oil and gas well and its production site or any former oil and gas production site located within the boundaries of the preliminary plat or within 200 feet of such boundaries on abutting property.

Section 2. Section 16-16-050, Preliminary plat accompanying information, of Chapter 16-16, Preliminary Plats, of the Broomfield Municipal Code is amended by adding a new subsection (G) to read as follows:

(G) For plugged and abandoned oil and gas wells or former oil and gas production sites either within the boundaries of the preliminary plat or within 200 feet of such boundaries on abutting property, the Form 6, the well abandonment report, the plugging verification reports for such wells filed with the Colorado Oil and Gas Conservation Commission, and any Colorado Oil and Gas Conservation Commission reports regarding former oil and gas production sites.

Section 3. Subsection (R) of section 16-20-030, Final plat contents, of Chapter 16-20, Final Plat, of the Broomfield Municipal Code is repealed and reenacted to read as follows:

(R) The location of any plugged and abandoned oil and gas well and its production site or any former oil and gas production site located within the boundaries of the preliminary plat or within 200 feet of such boundaries on abutting property.

Section 4. Section 16-20-040, Final plat accompanying information, of Chapter 16-20, Final Plats, of the Broomfield Municipal Code is amended by adding a new subsection (N) to read as follows:

Bold type indicates new material to be added to the Broomfield Municipal Code.

Dashes through words indicate deletions from the Broomfield Municipal Code.

(N) For plugged and abandoned oil and gas wells or former oil and gas production sites either within the boundaries of the final plat or within 200 feet of such boundaries on abutting property, the Form 6, the well abandonment report, the plugging verification reports for such wells filed with the Colorado Oil and Gas Conservation Commission, and any Colorado Oil and Gas Conservation Commission reports regarding former oil and gas production sites. Final plats shall be subject to the provisions of chapter 17-56, B.M.C.

Section 5. Subsection (Q) of section 16-22-020, Minor subdivision plat requirements, of Chapter 16-22, Minor Subdivision, of the Broomfield Municipal Code is repealed and reenacted to read as follows:

(Q) The location of any plugged and abandoned oil and gas well and its production site or any former oil and gas production site located within the boundaries of the minor subdivision plat or within 200 feet of such boundaries on abutting property. Minor subdivision plats shall be subject to the provisions of chapter 17-56, B.M.C.

Section 6. Chapter 16-22, Minor Subdivision, of Title 16, Subdivisions, of the Broomfield Municipal Code is amended by adding a new section 16-22-030, Minor subdivision plat accompanying information, to read as follows:

16-22-030 Minor subdivision plat; accompanying information.

For plugged and abandoned oil and gas wells or any former oil and gas production sites either within the boundaries of the minor subdivision plat or within 200 feet of such boundaries on abutting property, the Form 6, the well abandonment report, the plugging verification reports for such wells filed with the Colorado Oil and Gas Conservation Commission, and any Colorado Oil and Gas Conservation Commission reports regarding former oil and gas production sites.

Section 7. Section 17-38-060, PUD plan contents, Article II, PUD Plan, of Chapter 17-38, Planned Unit Development, of the Broomfield Municipal Code is amended by adding a new subsection (J) to read as follows:

(J) The location of any plugged and abandoned oil and gas well and its production site or any former oil and gas production sites located within the boundaries of the PUD plan or within 200 feet of such boundaries on abutting property.

Section 8. Section 17-38-160, Site development plan contents, Article III, Site Development Plan, of Chapter 17-38, Planned Unit Development, of the Broomfield Municipal Code is amended by adding a new subsection (F) to read as follows:

(F) The location of any plugged and abandoned oil and gas well and its production site or any former oil and gas production sites located within the boundaries of the site development plan or within 200 feet of such boundaries on abutting property. Site development plans shall be subject to the provisions of chapter 17-56, B.M.C.

Section 9. Section 17-38-170, Site development plan accompanying information, Article III, Site Development Plan, of Chapter 17-38, Planned Unit Development, of the Broomfield Municipal Code is amended by adding a new subsection (D) to read as follows:

(D) For plugged and abandoned oil and gas wells or former oil and gas production sites either within the boundaries of the site development plan or within 200 feet of such boundaries on abutting property, the Form 6, the well abandonment report, the plugging verification reports for such wells filed with the Colorado Oil and Gas Conservation Commission, and any Colorado Oil and Gas Conservation Commission reports regarding former oil and gas production sites.

Section 10. Title 17, Zoning, of the Broomfield Municipal Code is amended by adding a new Chapter 17-56, Plugged and Abandoned Oil and Gas Wells, to read as follows:

Chapter 17-56

Plugged and Abandoned Oil and Gas Wells and Former Oil and Gas Production Sites

17-56-010 Short title.

This chapter is known and may be cited as the “Broomfield Regulations for Plugged and Abandoned Oil and Gas Wells and Former Oil and Gas Production Sites.”

17-56-020 Purpose.

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17-56-030 Definitions.

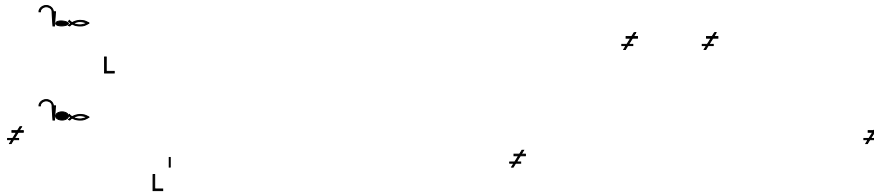
When not clearly otherwise indicated by the context, the following words and phrases used in this chapter have the following meanings:

(A) **Blowdown pits** are used to collect material resulting from, including but not limited to, the emptying or depressurizing of wells, vessels, or gas gathering systems.

(B) **Burn pits** are used for flaring gas from well.

(C) **Drip pits** are used to collect liquids from production vessels.

(D) **Flowlines** mean those segments of pipe from the wellhead downstream through the production facilities ending at, in the case of gas lines, the gas metering equipment; or, in the case of oil lines, the oil loading point; or in the case of water lines, the water loading point, the point of discharge to a pit, or the injection wellhead.



(G) **Production site** means the area surrounding or encompassing production facilities, including but not limited to production units, tanks and tank batteries, other production related vessels, accessory equipment, pits, reserve pits, flowlines, sales lines, rights-of-way and easements associated with previous or current oil and gas operations, and tank batteries.

(H) **Production unit** means a vessel for separating well stream fluids, possibly with heat, and putting fluids into merchantable condition.

(I) **Pit** means any natural or man-made depression in the ground used for oil or gas exploration or production purposes. Reserve pit does not include steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils.

(J) **Reserve pit** means a pit used to store drilling fluids for use in drilling operations or to contain exploration and production waste generated during drilling operations and completion or re-completion procedures.

(K) **Sales lines** are flowline sections connecting to sales meters.

(L) **Well** means an oil and gas well or an injection well.

(M) *Wellhead* means the equipment attaching the surface equipment to well bore equipment at the well.

(N) *Well site* means that area surrounding a well or wells and accessory structures and equipment necessary for drilling, completion, recompletion, workover, development, and production activities.

17-56-040 Plugged and abandoned well and former oil and gas production site regulations.

(A) Prior to submittal of a final plat, minor subdivision plat, or site development plan, shall be located, excavated (if it was cut off and buried), and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall contain any information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the city.

(B) As a condition of review of any final plat, minor subdivision plat, or site development plan within the boundaries, or within 200 feet of a such boundaries, of which is located a plugged and abandoned well or former oil and gas production site, the owner shall submit a location diagram of the location of the wellhead, the production site, and the well site.

(C) On every final plat and on every minor subdivision plat within the boundaries on which is located a plugged and abandoned well, or for property within 100 feet of a plugged or abandoned well, there shall be dedicated to the city a well maintenance and workover easement, the dimensions of which shall be not less than fifty feet in width and one hundred feet in length. No structures shall be located within this easement. The plugged and abandoned well shall be located in the center of the easement. There shall be public access for ingress and egress to the easement of a width of not less than twenty feet. Such public access shall be dedicated or granted to the city.

(D) The well maintenance and workover easement shall be depicted on site development plans.

(E) Every final plat, minor subdivision plat, and site development plan within the boundaries of which is located a plugged and abandoned well, or for property within 200 feet of a plugged or abandoned well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and

workover easement, and (3) the purpose for the well maintenance and workover easement.

(F) As a condition of approval of a final plat, minor subdivision plat, or site development plan, and prior to issuance of a grading, building, or public-private improvement permit for property on which there is a plugged and abandoned well or former oil and gas production site, the applicant shall submit to the city an acceptable verification that the well or former production site has been remediated of hydrocarbon contamination to background levels. In the alternative, the applicant shall submit to the city a certification by the city department of health and human services that there has been remediation of hydrocarbons at the well site to a level satisfactory to the city department of health and human services. For property where there is an abandoned well or former production site within 200 feet of the boundary of the property, the applicant shall submit to the city an acceptable verification that the well or former production site and a minimum of 200 feet from the well or former production site has been remediated of hydrocarbon contamination to background levels. In the alternative, the applicant shall submit to the city a certification by the city department of health and human services that there is no contamination on the subject property, or that there has been remediation of hydrocarbons on the subject property to a level satisfactory to the city department of health and human services.

(G) Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the Uniform Building Code regulating expansive soils and the standards and specifications as adopted in chapter 14-04, B.M.C.

(H) No utility lines shall be installed within ten feet of any plugged and abandoned well.

(I) Prior to issuance of a grading permit within a development containing abandoned flowlines, the fluids within the abandoned flowlines shall be recovered and the flowlines removed. Any fluid loss as a result of removing the flowlines shall be reported to the city public health department. Any such fluid loss shall be remediated to the satisfaction of the city public health department.

Section 11. This ordinance shall become effective seven days after public notice following final passage.

INTRODUCED AND APPROVED after first reading on October 8, 2002, and ordered published in full.

INTRODUCED A SECOND TIME and approved on November 12, 2002, and further ordered published.

THE CITY AND COUNTY OF BROOMFIELD,
COLORADO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City & County Attorney

First Publication:

Second Publication: