

## **Oil & Gas Enforcement Provisions**

In addition to the remedies provided in agreements with oil and gas operators to enforce contractual terms, Broomfield has the following enforcement and penalty provisions in the Broomfield Municipal Code:

### **17-54-270 - Penalty.**

Subject to other applicable provisions of law, any person who constructs, installs, or uses, or who causes to be constructed, installed, or used, any oil, gas, or injection well, production site, or Well Site in violation of any provision of this chapter or of the conditions and requirements of the oil and gas special use permit or administrative approval by agreement, may be punished as provided in chapter 1-12, B.M.C. Each day of such unlawful operation constitutes a separate violation.

### **17-54-280 - Civil action; enforcement.**

In case of any violation of this chapter, including but not limited to (a) nonconformance with an Operator agreement or special review permit, (b) nonconformance with plans submitted and approved by the City pursuant to this chapter, or (c) a building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of any provision of this article or the conditions and requirements of the oil and gas special use permit or Operator agreement, the City attorney, in addition to the other remedies provided by law, ordinance, or resolution, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. The enforcement provisions of this chapter shall apply to all special review permits, memorandums of understandings or operator agreements, adopted pursuant to this chapter and all Operator agreements adopted on or after August 1, 2013.

Chapter 1-12 of the Broomfield Municipal Code as referenced in section 17-54-270 BMC above, reads as follows and section 1-12-020 BMC below, has been amended to increase the maximum fine from \$1,000 to \$2,650:

### **Chapter 1-12 - General Penalty**

#### **1-12-010 - Short title.**

This chapter is known and may be cited as "chapter [1-12](#), B.M.C., the Broomfield Penalty Ordinance." Reference to [chapter 1-12](#), B.M.C., the Broomfield Penalty Ordinance shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. 285 §2, 1977; Ord. 1013 §1, 1993)

#### **1-12-020 - Penalties designated.**

Whenever in any provision of the B.M.C. or in any provisions of a code adopted herein by reference, the doing of any act is required, prohibited, or declared to be unlawful, any person who is convicted of a violation of any such provision shall, for each offense, be punished by a

fine not exceeding \$1,000.00, or by imprisonment not exceeding one year, or by both such fine and imprisonment, except where a different penalty is specifically prescribed by any ordinance of the city, and provided that no person under the age of eighteen years as of the date of the violation for which he or she is convicted shall be subject to the imposition of a jail sentence, except in the case of a conviction of a traffic offense or as otherwise provided by the Colorado Children's Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by such person, and shall be punished accordingly. It is the intent of this chapter that the general penalties set forth in this section shall apply wherever no specific penalty has been otherwise provided in any ordinance of the city. The suspension or revocation of any license, certificate evidencing accord of inspection services, or other privilege conferred by the city shall not be regarded as a penalty for the purposes of this chapter. (Ord. 337 §1, 1978; Ord. 914 §1, 1991; Ord. 1013 §1, 1993; Ord. 1196 §18, 1996; Ord. 1568 §17, 2001; Ord. 1778 §5, 2004)

#### **1-12-030 - Violators designated.**

Every person who commits, attempts to commit, conspires to commit, or aids or abets a commission of any act declared to be in violation of any ordinance, resolution, rule, regulation, or law of this municipality, whether individually or in connection with one or more persons, as a principal or accomplice, is guilty of such offense and subject to penalty or penalties therefor; and every person who fraudulently or willfully induces, causes, coerces, requires, or directs another to violate any provision of any ordinance, resolution, rule, regulation, or law of this city is likewise guilty of such offense and subject to the penalties therefor. (Ord. 285 §5, 1977)

#### **1-12-040 - Liability of corporations generally; agent and high managerial agent defined.**

(A) A corporation is guilty of an offense if the conduct constituting the offense consists of an omission to discharge a specific duty or affirmative performance imposed on corporations by law; or the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his or her employment or in behalf of the corporation.

(B) As used in this section, *agent* means any director, officer, or employee of a corporation, or any other person who is authorized to act in behalf of the corporation, and *high managerial agent* means an officer of a corporation or any other agent in a position of authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees. (Ord. 285 §6, 1977)

#### **1-12-050 - Liability of individual for corporate conduct.**

A person is criminally liable for conduct constituting an offense which he or she performs or causes to occur in the name of or in behalf of a corporation, to the same extent as if such conduct were performed or caused by him or her in his or her own name and behalf. (Ord. 285 §7, 1977)