

# Article XVI. Longmont Public Health, Safety, and Wellness Act.

*Full text of the adopted amendment:*

## **16.1. – Purpose.**

To protect property, property values, public health, safety and welfare, and the environment by prohibiting the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Longmont.

## **16.2. – Findings.**

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

- The Colorado Constitution confers on all individuals in the state, including the citizens of Longmont, 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 of 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 Longmont 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;
- The people of Longmont 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 prohibit hydraulic fracturing and the storage and disposal of its waste products within the City of Longmont.

## **16.3. – Policy.**

It shall hereby be the policy of the City of Longmont that it is prohibited to use hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Longmont. In addition, within the City of Longmont, it is prohibited to store in open pits or dispose of solid or liquid wastes created in connection with the hydraulic fracturing process, including but not limited to flowback or produced wastewater and brine.

## **16.4. – 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.