

ORDINANCE NO. 586

AN ORDINANCE OF THE TOWN OF MILLIKEN, COUNTY OF WELD, STATE OF COLORADO AMENDING SECTION 16-9-20 E OF THE TOWN OF MILLIKEN'S *MUNICIPAL CODE*

Section 1: Section 16-9-20 E of the Town of Milliken's *Municipal Code* is amended to read as follows:

The Board of Trustees of the Town of Milliken makes the following findings of fact:

1. Oil and/or gas well sites and their associated infrastructure create special and unique issues which the Town is required to address.
2. Where these well sites are located in populated areas they take on the character of attractive nuisances, especially as they affect children who find these structures which are typically located in the center of open space areas and near other park-related activity structures designed and installed specifically for children.
3. Where these oil and/or gas sites are located in the rural areas of the community they are typically accessed only by one road. These sites attract individuals who are wishing to have their activities somewhat shielded from view by the facilities themselves. These individuals also recognize these remote locations allow access only in one direction. Thus, the activities which they are undertaking which may range from the romantic to the drug-related, are also somewhat isolated.
4. Both the urban and rural sites have been damaged by mischievous and gang-related graffiti and attract those who wish to turn them into graffiti billboards.
5. The presence of these hydrocarbon storage facilities and high-pressure gas wells in urban areas has presented and will continue to present a hazardous condition of potentially cataclysmic proportions in this post-"9-11" era.
6. The Board of Trustees has determined that it is necessary and appropriate that the Police Department continue to make its regular security inspections of these well sites in order to preserve and ensure the health, safety and welfare interests of the residents and property owners of the Town.
7. The Board of Trustees has reviewed the documentation as to the cost of operating the Police Department and the time spent by the police officers in making these security checks of the approximately 200 well sites located within the Town.

8. The Board hereby establishes an annual inspection fee due to the Town of Milliken for all oil and/or gas well sites which are not classified as shut-in by the Colorado Oil & Gas Commission are presently or will be located within the corporate limits of the Town.
9. This annual fee shall be payable in advance on or before January 31 of 2009 and continuing on the 31st day of January each year thereafter.
10. Failure of any owner of an oil and/or gas well to make payment of this fee by January 31 of each calendar year shall subject the owner to a 15% administrative surcharge fee. Interest on the unpaid fee shall be 1% per month for each month that this fee remains unpaid. In the event litigation is deemed necessary and appropriate by the Town in order to collect this fee, the prevailing party shall be entitled to its reasonable attorneys' fees and costs

Section 2:

This ordinance was introduced at the regular meeting of the Board of Trustees of the Town of Milliken on August 13, 2008 and the second reading and public hearing were set for August 27, 2008.



ATTEST:

Sheryl Trent

 Sheryl Trent - Town Clerk

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TOWN OF MILLIKEN

L. Jane Lichtfuss

 L. Jane Lichtfuss - Mayor