

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 803**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING SECTION 16-10-110, OF THE *MEAD MUNICIPAL CODE* WITH REGARD TO PRIVATE ACCESS ROADS TO TANK BATTERIES AND WELL SITES, AND THE REPAIR OF PUBLIC ROADS IMPACTED BY OIL AND GAS ACTIVITY.

WHEREAS, it has been determined by the Board of Trustees that certain public roadways within the Town of Mead are impacted by oil and gas drilling and production activities; and

WHEREAS, the Town and representatives of the oil and gas community have conferred with regard to the ability of the Town to recover the cost of maintenance for the public roads within the Town of Mead impacted by oil and gas drilling and production activities (“Oil and Gas Operations”) conducted within the Town, and outside the Town when utilizing Town roads; and

WHEREAS, it has been determined by the Board of Trustees that the owner/operator of oil and gas wells within the Town of Mead shall be responsible for the cost of repairs to public roads to the extent the repairs are necessitated by oil and gas drilling and production activities;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Sec. 16-10-110, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 16-10-110. Private Access Roads and Public Road Repairs.

- (1) All private roads used to provide access to the tank batteries or the well site shall be improved and maintained by the owner/operator according to the following standards:
 - (a) Tank battery access roads. Access roadways to tank batteries shall be subject to review by the Town Engineer and Town Inspector and shall conform to the following minimum standards:
 1. 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 ninety-five 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.

2. 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.
 3. The access roadway shall be maintained so as to provide a passable roadway free of ruts and dust free at all times.
 4. 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.
- (b) Wellhead access roads. Access roadways to wellheads shall be subject to review by the Town Engineer and Town Inspector in accordance with the following minimum standards:
1. 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.
 2. 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.
 3. The access roadway shall be maintained so as to provide a passable roadway free of ruts and dust free at all times.
 4. 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.
- (c) Tracking mud or debris onto municipal streets. The owner/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 the owner/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 owner/operator's expense and bill the owner/operator for the reasonable cost of abatement, including reasonable administrative costs. Charges for abatement, unpaid after thirty (30) days of billing, shall be considered delinquent and may be collected in the manner provide by Section 31-20-105, C.R.S.

(2) Public Road Repairs.

- (a) The owner/operator will arrange for a qualified outside consultant to perform a road impact study for all Town of Mead public roads that are used to access the Oil and Gas Operations whether such operations are in the Town or in the County. The consultant will conduct the first part of the study (“Initial Road Impact Assessment”) prior to mobilizing on to the site and commencing operations. The results of the study will be verified by the Town Engineer. The second part of the study (“Final Road Impact Assessment”) will be conducted after the well completions stage, and/or reclamation of the area and the results will again be verified by the Town Engineer. It shall be at the discretion of the owner/operator to conduct an additional study any time between the Initial Road Impact Assessment and the Final Road Impact Assessment, and/or between the drilling and well completions, as applicable. The owner/operator and the Town will use these assessments to determine the extent of any damage accruing to the road between the time of the Initial Road Impact Assessment and the Final Road Impact Assessment (the “Study Period”). If the Final Road Impact Assessment determines damage to the road caused by the operations, the owner/operator will either promptly pay the Town to repair such damage or arrange for and pay the cost of such repairs itself, whichever the Town prefers. If the owner/operator repairs the damage, the repairs shall be warranted for two years from the date of acceptance by the Town Engineer, but in no case will the operator be liable for activities or accidents on the roads.
- (b) After the Initial Road Impact Assessment is completed, the owner/operator shall maintain financial assurance to secure its road repair obligations. The amount of such financial assurance shall be determined by the Town Engineer and in the form of a letter of credit. The letter of credit shall be deposited with the Town until the owner/operator fulfills its obligation to repair road damage pursuant to paragraph (a), above.
- (c) The Parties recognize there may be reasons why the Final Impact Assessment may be delayed, including if the well completions stage is

delayed. If there appears to be evidence, as determined by the Town Engineer, that the structural integrity of a road is especially compromised by vehicles operated for benefit of the owner/operator, during the time between the Initial Road Impact Assessment and the Final Road Impact Assessment, the owner/operator will make necessary interim repairs to assure the road may remain in the condition for which it was designed until such time as the Final Road Impact Assessment is completed, and any final repairs may occur. If the Town prefers, the owner/operator will promptly pay the Town to repair such damage. If the owner/operator repairs the damage, the repairs shall be warranted for two years from the date of acceptance by the Town Engineer, but in no case will the operator be liable for activities or accidents on the roads.

Section 2. Cooperation. The Town and Owner/Operator agree to work in good faith to reach agreements or variations from this ordinance and the anticipated process in the event circumstances arise that require such deviation.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

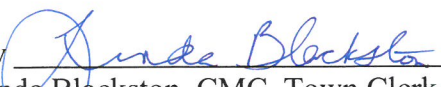
Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

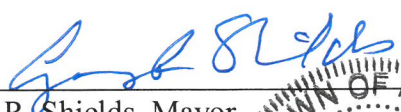
Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 31ST DAY OF MAY, 2016.

ATTEST:

TOWN OF MEAD

By 
Linda Blackston, CMC, Town Clerk

By 
Gary R. Shields, Mayor

