Local Law No _________ of the year 2013

Town of Andes - County of Delaware
A Local Law to regulate heavy industry in the Town of Andes

Be it Enacted by the Town Board of the Town of Andes, Delaware County, New York, as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose of this Local Law to promote the protection, order, conduct, safety, health, safety and well-being of the residents of Andes and the lands which lie within the Town’s borders.

It is the purpose of this Local Law is to protect and enhance the Town’s physical, residential and visual environment.

It is the purpose of this law to respond to the legitimate concerns of the citizens of the Town about the potential for heavy industrial use which is inconsistent with the rural character, topography and the water sources in the Town.

It is the purpose of this Local Law to uphold and implement the Town of Andes Comprehensive Plan. The Town Board of the Town of Andes, in adopting a comprehensive plan in September 2003, established town policy guiding future growth and development.

Further, the Town Board, in adopting its comprehensive plan specifically established the following key principles:
- Maintain the character of rural roads
- Protect aquifers from being polluted
- Protect public water supplies.
- Protect streams and streamside vegetation.
- Reduce traffic impacts.
- Assess and protect historic resources and landscapes.
- Ensure that economic development programs and new development efforts are not at cross-purposes with agriculture and farmland protection efforts, and to protect critical farming areas the Town.
- Ensure that new development is consistent in maintaining rural character.
- Ensure that the environmental resources of Andes are protected.

Further, it is the purpose of this Local Law to control those activities related heavy industry, as defined herein, which may impact wetlands, lakes, streams, groundwater resources, public drinking supplies, public roads, scenic landscapes, agriculture, small town character, and the area’s tourism and recreational-based economy. Impacts related to heavy industry that Andes seeks to avoid include, but are not limited to contaminated water supplies, air pollution, traffic congestion, deterioration of roads and bridges, noise, introduction of industrial uses into non-industrial areas, human and animal illness, and incompatible changes to the rural character of Town.

SECTION 2. AMENDMENTS

The Hamlet of Andes Zoning Law as adopted by Town of Andes in 2004 is hereby amended by the addition of the following:

Section 2.2 Specific Terms
“Agriculture” means the use of the land for the raising of crops, horticulture, gardening and the necessary accessory uses for packing, treating and storing the produce and making reasonable use of land and water for agricultural purposes and harvesting natural products.
“Aquifer” means a geologic formation, group of formations, or part of a formation capable of storing or transmitting and yielding ground water to wells or springs.

“Comprehensive Plan” means a long-range plan intended to guide the growth and development of the Town of Andes which includes inventory and analysis leading to recommendations for the Town’s land use, future economic development, agriculture, housing, recreation and open space, transportation, community facilities, and community design, all related to the Town’s goals and objectives for these elements and adopted pursuant to New York Town Law 272-a.

“Environment” means all external conditions and influences in an area including geology, water resources, air quality, plants and animals, agricultural resources, aesthetic resources, historic resources, open space resources, recreational, cultural, and municipal resources, road and transportation systems, visual character and community character.

“Natural Gas Exploration, Extraction, or Processing” means the exploration for natural gas, the extraction of natural gas from the ground regardless of the extraction method used, and/or the processing of natural gas. This definition shall specifically include, but not be limited to, the extraction method commonly known as hydraulic fracturing. This definition shall also be construed to encompass and include any activity or use of land which facilitates or supports natural gas exploration, extraction, or processing. Examples of activities or uses of land expressly intended to be included in this definition are set forth below:

- Drilling and/or installation of a new gas well, regardless of well type;
- Development of a well operations site and associated structures and infrastructure;
- Mixing, storage, treatment, and/or disposal of chemicals, wastewater, proppant or other materials used for, or in connection in any way with, the exploration for or extraction of natural gas;
- Parking, standing and/or storage of any type of vehicle, equipment, and/or materials used for, or in connection in any way with, the exploration for or extraction of natural gas;
- Installation and/or use of pipes, conduits or other material transport or gathering equipment or systems used for, or in connection in any way with, the exploration for or extraction of natural gas

It is expressly stated that the foregoing examples are not intended to be exhaustive shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

“Generic Environmental Impact Statement on the Capacities of the NYC Watershed Region” means an environmental impacts statement prepared pursuant to 6 NYCRR Part 617 of the New York State Environmental Conservation Law to examine current conditions of the New York City Watershed area and that identifies locations within the Town of Andes that have environmental sensitivities and limitations for land use and analyzes the area’s capacity for future development.

“Heavy Industry” means any use or activity which generates significant volumes of smoke, odors, noise, or other polluting wastes, which requires truck traffic of more than three semi-trailers a day on local roads and which uses natural water sources in excess of 1000 gallons per day and requires site configuration and intensive monitoring which would impact local traffic that are not compatible with other uses in the municipality. Examples of “heavy industry” which are intended to be included in this definition are:

- chemical manufacturing; exploration for natural gas;
- extraction of natural gas; natural gas processing facilities (as defined elsewhere in this law) and/or compressor stations;
- exploration for crude oil;
- extraction of crude oil;
- oil refineries;
- coal mining;
- coal processing;
- steel manufacturing.
It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Generic examples of uses not intended to be included in the definition of “heavy industry” are:

- milk processing plants;
- dairy farms;
- office and communications uses;
- garment factories;
- woodworking and cabinet shops;
- metal fabrication facilities;
- automobile repair shops;
- wineries and breweries;
- warehouses;
- equipment repair and maintenance facilities; helipads;
- parking lots and parking garages;
- light manufacturing or light industrial facilities, as defined below;
- agriculture; and surface gravel and sand mining.

It is expressly stated that the foregoing examples are not intended to be exhaustive shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

“Light Manufacturing And Light Industrial Operations” means those industrial uses whose activities do not usually constitute a fire hazard or emit smoke, glare, noise, odor or dust which in otherways constitute a nuisance and/or are not detrimental to neighboring properties. It shall mean any facility or use which does not employ more than fifty (50) people, does not produce high volumes of polluting wastes, is compatible with other uses in its surrounding area or neighborhood, does not require heavy, noisy or otherwise objectionable machinery or transporting equipment, and in addition, meets one of the following descriptions:

i. Light Manufacturing. A use involving the manufacture of a product, subject to compliance with any other applicable ordinances, laws or regulations, in one of the following categories:
   - Food and beverage production, including but not limited to such uses as a dairy processing plant, bakery, and bottling plant.
   - Apparel and other textile products.
   - Furniture and fixtures.
   - Printing and publishing.
   - Electrical and electronic machinery and equipment.
   - Metal fabrication.
   - Mail order distribution center.
   - Warehousing ancillary to the authorized use.

ii. Light Industrial. A facility which manufactures, designs, assembles, or processes a product for wholesale or retail sale

“Non-Conforming Use” means a use or activity that was lawful prior to the adoption of this Local Law but that fails by reason of such adoption to conform to the present requirements of the law.

“Pollution” means the presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to property.

“Road” means a vehicular access way either currently designated as a Town, County or State Road, or any private platted access way, built to town requirements.
“Waterbody” means any natural or artificial pond, lake, reservoir, or other area which usually or intermittently contains water and which has a discernible shoreline.

“Watercourse” means:
1. Rivers, streams, brooks and waterways which are delineated on the most recent edition of the United States Geological Survey topographic maps of the town.
2. Any other streams, brooks and waterways containing running water for a total of at least three (3) months a year.
3. Lakes, ponds, marshes, swamps, bogs, natural springs and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland, waterbody or watercourse.

6.2 Non-Conforming Buildings and Uses

J. “Heavy Industry” uses, as defined elsewhere in this law, shall be prohibited in the Town of Andes beginning on the effective date of this Local Law. The definition of “Heavy Industry” in this law (Section IV) includes the exploration for natural gas; extraction of natural gas; natural gas processing facilities; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; and coal processing. For the purposes of this provision of the law (Section VII), and solely for the ease of drafting and reading, all those uses and activities shall be referred to collectively as “gas, oil and coal extraction”.

Any leases of property for the purpose of allowing gas, oil or coal extraction, or any gas, oil or coal extraction operations which are being presently conducted on land in the Town as of the effective date of this law, shall be subject to the following:

A. Existing Industries or Leases:
1. Where a lease which allows gas, oil or coal extraction has been executed and where no substantive gas, oil or coal extraction activity has substantively commenced as of the effective date of this Local Law, then this Local Law shall apply in full effect and shall operate to prohibit all such activities. The existence of a lease under the circumstances described in this paragraph shall convey no vested right upon either party to the lease.

B. Existing Heavy Industry or Gas, Oil and Coal Extraction Operations
1. Where a lease which allows gas, oil, or coal extraction has been executed, and where substantive gas, oil or coal mining extraction activity is occurring as of the effective date of this law, and those activities are being conducted pursuant to valid permits issued by the New York State Department of Environmental Conservation or other regulating agencies, in that case the activity shall be considered a non-conforming use and shall be allowed to continue.
2. Upon the depletion of any gas or oil well or coal mine which is allowed to remain in operation pursuant to this provision, or upon any other termination of the gas, oil or coal extraction activity for a period of more than one (1) year, the non-conforming use status of that activity shall terminate and the activity may not be renewed.
3. Further, no gas, oil or coal extraction activity allowed to remain in operation pursuant to this provision shall be permitted to expand after the effective date of this Local Law.

SECTION 3. SEVERABILITY

If any specific part or provision or standard of this Local Law, or the application thereof to any person or circumstance, be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder thereof,
SECTION 4. INTERPRETATION; CONFLICT WITH OTHER LAWS

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.
WHEREAS, the Town of Andes has received requests from its citizens concerning the need to address and possibly regulate heavy industry in the Town: and

WHEREAS, the Town Board has discussed several recommendations for proposed actions, surveys and statutory changes to accomplishment such regulation within the Town; and

WHEREAS, the Town of Andes is also considering local laws to preserve roadways in the Town, as well as other related statutes that may effect the quality of life for all Town residents, and these local laws, if implemented, would have a significant impact on the overall development and regulation of land and road use within the Town;

NOW THEREFORE, BE IT ENACTED by the Town Board of the Town of Andes as follows:

Section 1. PURPOSE

The current local laws of the Town of Andes as currently written may be inadequate to address certain uses of property within the Town. The anticipation of possible heavy industry, including but not limited to, hydrofracturing activity in the Town, as become a matter of public concern. Any decision the Town Board makes in this matter within the Town could have a dramatic and long-term impact on the public health and safety, quality of life, environment, natural resources, public infrastructure, and revenue base of the Town. In addition, heavy industrial activity within the Town may have other significant consequences including a broad effect on the economic value of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

The Town Board has been addressed by many citizens requesting that the Town Board review the Town’s land resources, current laws and existing land use regulations, and that the desires of the residents of the Town regarding the long term impact this activity be considered.

In order to provide an opportunity to continue to avail the Town of the best counsel in the performance of this task, there shall be a moratorium on any activity related to the development, implementation or commencement of site preparation for any heavy industry, or heavy industrial activity, including gas well drilling of any kind, within the Town of Andes for a period of six (6) months, from the date of the implementation of this statute.

For the purpose of this moratorium, heavy industry, or heavy industrial activity shall be defined as any use or activity which generates significant volumes of smoke, odors, noise, or other polluting wastes, which requires truck traffic of more than three semi-trailers a day on
local roads and which uses natural water sources in excess of 1000 gallons per day and requires site configuration and intensive monitoring which would impact local traffic that are not compatible with other uses in the municipality. Examples of “heavy industry” which are intended to be included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere in this law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Generic examples of uses not intended to be included in the definition of “heavy industry” are: milk processing plants; dairy farms; office and communications uses; garment factories; woodworking and cabinet shops; automobile repair shops; wineries and breweries; warehouses; equipment repair and maintenance facilities; helipads; parking lots and parking garages; light manufacturing or light industrial facilities, as defined below; agriculture; and surface gravel and sand mining. It is expressly stated that the foregoing examples are not intended to be exhaustive shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

Section 2. AUTHORITY

This moratorium is enacted by the Town Board of the Town of Andes pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 3. ENACTMENT OF TEMPORARY MORATORIUM

For a period of six (6) months following enactment of this Local Law, all heavy industrial activity, including any activity related to hydrofracturing or gas drilling within the Town is prohibited. There shall be no acceptance of any plan for, or review by the Town Board or the Planning Board related to any heavy industrial project, nor shall there be authorized the issuance of any permit, variance, or other authorization of any kind by any Board, Officer or employee of the Town of Andes for such activity.

Section 4. DEFINITION

For the purposes of this Local Law “HEAVY INDUSTRY” shall be defined as:

Any use or activity which generates significant volumes of smoke, odors, noise, or other polluting wastes and is not compatible with other uses in the Town. Examples of “heavy industry” which are included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere in this law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit
the meaning, scope or application of this definition or to limit the application of this
definition solely to the activities identified in the examples.

Section 5. EARLY TERMINATION OR EXTENSION OF THIS LOCAL LAW

In the event that any new Local Law which addresses the substantive issues set forth herein,
should be enacted and adopted by the Town Board prior to the date that the moratorium
imposed by this Local Law expires, then in that event, the moratorium imposed by this
Local Law shall expire on the date such new Local Law takes effect in accordance with §27
of the Municipal Home Rule Law.

Section 6. CONFLICTS WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

To the extent any provisions of this Local Law are in conflict with or are construed as
inconsistent with the provisions of New York State Law, this Local Law shall control.

Section 7. SEVERABILITY

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid,
such decision shall not affect the validity of the remainder of this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.
LOCAL LAW #3, 2011

A LOCAL LAW
IMPOSING A MORATORIUM
ON HEAVY INDUSTRY WITHIN
THE TOWN OF ANDES
COUNTY OF DELAWARE

WHEREAS, the Town of Andes has received requests from its citizens concerning the need to address and possibly regulate heavy industry in the Town; and

WHEREAS, the Town Board has discussed several recommendations for proposed actions, surveys and statutory changes to accomplishment such regulation within the Town; and

WHEREAS, the Town of Andes is also considering local laws to preserve roadways in the Town, as well as other related statutes that may effect the quality of life for all Town residents, and these local laws, if implemented, would have a significant impact on the overall development and regulation of land and road use within the Town;

NOW THEREFORE, BE IT ENACTED by the Town Board of the Town of Andes as follows:

Section 1. PURPOSE

The current local laws of the Town of Andes as currently written may be inadequate to address certain uses of property within the Town. The anticipation of possible heavy industry, including but not limited to, hydrofracturing activity in the Town, as become a matter of public concern. Any decision the Town Board makes in this matter within the Town could have a dramatic and long-term impact on the public health and safety, quality of life, environment, natural resources, public infrastructure, and revenue base of the Town. In addition, heavy industrial activity within the Town may have other significant consequences including a broad effect on the economic value of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

The Town Board has been addressed by many citizens requesting that the Town Board review the Town's land resources, current laws and existing land use regulations, and that the desires of the residents of the Town regarding the long term impact this activity be considered.

In order to provide an opportunity to perform this task, there shall be a moratorium on any activity related to the development, implementation or commencement of site preparation for any heavy industry, or heavy industrial activity, including gas well drilling of any kind, within the Town of Andes for a period of six (6) months, (or extension thereof), from the date of the implementation of this statute.

For the purpose of this moratorium, heavy industry, or heavy industrial activity shall be defined as any use or activity which generates significant volumes of smoke, odors, noise, or other polluting wastes, which requires truck traffic of more than three semi-trailers a day on
local roads and which uses natural water sources in excess of 1000 gallons per day and
requires site configuration and intensive monitoring which would impact local traffic that
are not compatible with other uses in the municipality. Examples of “heavy industry” which
are intended to be included in this definition are: chemical manufacturing; exploration for
natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere
in this law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil
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the meaning, scope or application of this definition or to limit the application of this
definition solely to the activities identified in the examples.

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are: milk processing plants; dairy farms; office and communications uses; garment factories;
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warehouses; equipment repair and maintenance facilities; helipads; parking lots and parking
garages; light manufacturing or light industrial facilities, as defined below; agriculture; and
surface gravel and sand mining. It is expressly stated that the foregoing examples are not
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this definition or to limit the application of this definition solely to those activities identified
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Section 2. AUTHORITY

This moratorium is enacted by the Town Board of the Town of Andes pursuant to its
authority to adopt local laws under the New York State Constitution Article IX and
Municipal Home Rule Law §10.

Section 3. ENACTMENT OF TEMPORARY MORATORIUM

For a period of six (6) months following enactment of this Local Law, all heavy industrial
activity, including any activity related to hydrofracturing or gas drilling within the Town is
prohibited. There shall be no acceptance of any plan for, or review by the Town Board or the
Planning Board related to any heavy industrial project, nor shall there be authorized the
issuance of any permit, variance, or other authorization of any kind by any Board, Officer or
employee of the Town of Andes for such activity.

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For the purposes of this Local Law “HEAVY INDUSTRY” shall be defined as:

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the foregoing examples are not intended to be exhaustive and shall not be construed to limit
the meaning, scope or application of this definition or to limit the application of this
definition solely to the activities identified in the examples.

Section 5. EARLY TERMINATION OR EXTENSION OF THIS LOCAL LAW

In the event that any new Local Law which addresses the substantive issues set forth herein,
should be enacted and adopted by the Town Board prior to the date that the moratorium
imposed by this Local Law expires, then in that event, the moratorium imposed by this
Local Law shall expire on the date such new Local Law takes effect in accordance with §27
of the Municipal Home Rule Law.

In like manner, if more than four (4) months have passed since the implementation of this
Local Law, and it shall be determined by a finding of the Town Board that an extension of
this moratorium is required, then the Board, by Resolution, may extend this moratorium for
such a period of time as it deems necessary in order to fulfill the findings heretofore made
by the Common Council, up to and including six (6) additional months from the date of the
original intended expiration of this Local Law.

Section 6. CONFLICTS WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

To the extent any provisions of this Local Law are in conflict with or are construed as
inconsistent with the provisions of New York State Law, this Local Law shall control.

Section 7. SEVERABILITY

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid,
such decision shall not affect the validity of the remainder of this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.
LOCAL LAW NO.______ 2014

A LOCAL LAW GOVERNING THE SALE, APPLICATION, AND DISPOSAL OF WASTE ASSOCIATED WITH OIL AND NATURAL GAS EXPLORATION, EXTRACTION AND STORAGE ACTIVITIES.

BE IT ENACTED BY THE TOWN OF ANDES TOWN BOARD AS FOLLOWS:

Section 1: Legislative Intent.

The toxins and radioactive materials found in hydraulic fracturing (hereinafter referred to as “hydrofracking”) waste are detrimental to the public health and therefore should be kept off all roadways and Real Property in the Town of Andes and kept out of our drinking water. As a result of the significant public health risks associated with hydrofracking wastes, the Town of Andes Town Board finds it necessary to prohibit the introduction of such waste into treatment facilities and roadways located within the Town of Andes.

Section 2: Definitions.

As used within this Local Law, the terms listed below shall have the following meaning:

1. “Hydraulic fracturing” shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
2. “natural gas extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
3. “oil extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
4. “natural gas waste” shall mean:
   a. any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
   b. leachate from solid wastes associated with natural gas extraction activities;
   c. any waste that is generated as a result of or in association with the underground storage of natural gas:
   d. any waste that is generated as a result of or in association with Liquefied petroleum gas well operations; and
e. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

5. “oil waste” shall mean:
   a. any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
   b. leachate from solid waste associated with oil extraction activities; and
   c. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

6. “application” shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Andes.


Section 3. Prohibitions.

1. The application of natural gas waste or oil waste, whether or not such waste has received a Beneficial Use Determination pursuant to 6 NYCRR Part 360, on any road or real property located within the Town of Andes for any purpose is prohibited.

2. The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town of Andes is prohibited.

3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town of Andes is prohibited.

4. The sale, acquisition, storage, handling, treatment and/or processing of natural gas waste or oil waste within the Town of Andes is prohibited.

Section 4. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town Of Andes.

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town of Andes shall include a provision stating that no materials containing natural gas waste or oil waste shall be provided to the Town Of Andes.

2. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town of Andes shall include a provision stating that no materials containing natural gas waste or oil waste shall be utilized in providing such a service.
3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town of Andes and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town of Andes: “We, _____________ hereby submit a bid for materials, equipment and/or labor for the Town of Andes of _____________. The bid is for bid documents titled ________________________. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor agent in connection with the bid; nor will the undersigned bidder or any subcontractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Andes of _____________ as a result of the submittal of this bid if selected.”

Section 5. Education of Town Employees.

The Andes Town Board, or any Committee appointed by the Town Board, is hereby authorized to develop policies, educational materials, and/or training courses for department heads and employees to ensure that all town employees are familiar with the provisions of this Local Law. A contractor or vendor shall construe nothing in this Section to excuse non-compliance.

Section 6. Penalties.

This law shall apply to any and all actions occurring on or after the effective date of this law. Any violation of Section 3 of this Local Law shall be an unclassified misdemeanor punishable by a fine not to exceed $25,000.00 per violation and/or up to thirty days’ imprisonment. Each sale, application, and/or acceptance of natural gas waste or oil waste shall constitute a separate and distinct violation.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this Chapter are hereby declared to be severable.

Section 8. Effective date.

This local law shall take effect immediately upon the filing with the New York State Department of State.