

CITY OF BEACON



Iola C. Taylor
City Clerk
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I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 08 of 2012 entitled:

LOCAL LAW NO. 08 OF 2012
TO AMEND
CHAPTER 223 OF THE CITY CODE
OF THE CITY OF BEACON

adopted by the Beacon City Council at a regular meeting held on May 7, 2012. Council Member Spiak-Pisanellii made the motion that the proposed local law be adopted. The motion was seconded by Council Member Pasti. On roll call Council Members Spiak-Pisanellii, Kelly, Mansfield, Riccobono, Compagnone, Pasti and Mayor Casale voted in favor (7). Motion carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 8th day of May, 2012.

Signed _____
Iola C. Taylor, City Clerk

SEAL

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 08 of 2012 of the City of Beacon was duly passed by the City Council on May 7, 2012, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of Beacon was duly passed by the City Council on _____ 20__, and was (approved)(not approved) (repassed after disapproval) by the * _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of Beacon was duly passed by the City Council on _____ 20__, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the _____ was duly passed by _____ on _____ 20__, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county considered as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~4. If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: May 8, 2012

(Certification to execute by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

City Attorney

Title

City of Beacon

Date: May 8, 2012

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of.....**Beacon**.....
Town
Village

Local Law No....08.....of the year.....2012.....

A Local Law (insert title):

**LOCAL LAW NO. 08 OF 2012
TO AMEND
CHAPTER 223 OF THE CITY CODE
OF THE CITY OF BEACON**

Section 1. Section 223-17.2, Chapter 223 of the Code of the City of Beacon is hereby amended by adding the following provisions:

§223-17.2 Natural Gas Extraction.

A. Intent. The City Council of the City of Beacon finds, declares and determines that the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes within the City of Beacon poses a significant threat to its residents' health, safety and welfare. If natural gas exploration or extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were to occur within the City, this activity would endanger the health, safety and welfare of City residents through the deposit of toxins into the air, soil, water, environment and the bodies of residents within the City. Clean air and water are essential to most resources and activities in the Beacon area and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer treatment or disposal of natural gas exploration and production wastes and natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may presently or in the future cause irreparable harm to the City's water supply, pollution of the water, soil and air, and may cause cancer, lung disease and respiratory diseases. This ordinance is not directed at the regulatory scheme for the operation of natural gas wells under the Oil, Gas & Solution Mining Law of New York State. It only addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the City of Beacon and the enhancement of its physical environment.

- B. Definitions. For the purposes of this section, certain words and terms used herein are defined as follows:

NATURAL GAS EXPLORATION

Geologic or geophysical activities related to the search for natural gas or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas or other subsurface hydrocarbon deposits.

NATURAL GAS

Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS EXPLORATION AND PRODUCTION WASTES

Any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas.

- C. Prohibited Uses.

(1) No land in the City of Beacon shall be used for any of the following:

- (a) To conduct any Exploration for Natural Gas;
- (b) To drill any well for Natural Gas;
- (c) To transfer, store, process or treat Natural Gas Exploration and Production Wastes;
- (d) To dispose of Natural Gas Exploration and Production Wastes; or
- (e) To erect any derrick, building, or other structure or place any machinery or equipment for such purposes.

(2) No land in the City of Beacon shall be used for the storage, transfer, treatment and/or disposal of Natural Gas Exploration and Production Wastes.

- D. No Application to Customary Local Distribution Lines. The prohibitions set forth herein are not intended, and shall not be construed, to prevent or prohibit the right to use roadways in commerce or otherwise for travel, prevent or prohibit the transmission of natural gas through utility pipes, lines or similar appurtenances for the limited purpose of supplying natural gas to residents or buildings located in the City, or prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with agriculture, residential, business, commercial and other permitted uses within the City.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State.