

# Mayor and Town Council Town of Friendsville

P.O. Box 9  
Friendsville, Maryland 21531  
Founded 1765

## Ordinance 2016-2

### Hydraulic Fracturing Ban Ordinance

**WHEREAS**, the Mayor and Town Council of Friendsville is authorized by the Maryland Code and by the Friendsville Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to the Town of Friendsville; and

**WHEREAS**, the Town Council shall have the power to pass all ordinances not contrary to the Constitution or the Laws of the State of Maryland or this Charter, as it may deem necessary for the good government of the Town; for the protection and preservation of peace and good order; for securing persons and properties from violence, danger or destruction; and for the protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents and employees of the Town, and visitors thereto, and sojourners therein, Charter of the Town of Friendsville Section 2-107;

**WHEREAS**, 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;

**WHEREAS**, the Town Council and the people of Friendsville 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; and

**WHEREAS**, the Town Council and people of Friendsville have determined that the best way to safeguard our rights provided under the Charter of the Town of Friendsville, and to ensure the “protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents and employees of the Town,” is to prohibit hydraulic fracturing and the storage and disposal of its waste products within the Town of Friendsville.

**PROVISIONS SEVERABLE.**

That it is hereby declared to be the intention of the Town Council and people of Friendsville, that paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the Town Council and people of Friendsville, without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**PROHIBITED ACTIVITIES.**

The following activities are hereby prohibited:

- a. The use of hydraulic fracturing to extract surface or subsurface oil, gas, or other hydrocarbons located within the Town of Friendsville.
- b. The storage or disposal of solid or liquid wastes created in connection with the hydraulic fracturing process, including but not limited to flowback or produced wastewater and brine within the Town of Friendsville.
- c. The withdrawal of surface, ground or municipal water for use in the hydraulic fracturing process from any source within the Town of Friendsville.

**NOW THEREFORE, IT IS HEREBY ORDAINED AND RESOLVED**, this ordinance shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Friendsville. A public hearing on this Hydraulic Fracturing Ban Ordinance shall be held on July 5, 2016 at the Town Hall, located at 313 Chestnut Street, Friendsville, Maryland 21531.

**INTRODUCED THIS 13<sup>TH</sup> DAY OF June 2016.**

**SECOND READING AND ADOPTION THIS 5<sup>TH</sup> DAY OF July 2016.**

**AND BE IT FURTHER RESOLVED**, this ordinance shall be effective as of the 5<sup>th</sup> day of July 2016.

**WITNESSED:**

**APPROVED:**

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Karen S. Benedict, Clerk/Treasurer

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Spencer R. Schlosnagle, Mayor