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**(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  
**Town of Geneva**  
Village

Local Law No. **2** of the year **2011**

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva"**  
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County  
City  
**Town of Geneva** as follows:  
Village

**Section 1. STATEMENT OF LEGISLATIVE INTENT:**

It is the purpose of this local law to prevent serious detrimental health and environmental effects posed by the practices of horizontal or directional gas drilling and hydraulic fracturing, also known as hydro-fracking, which could threaten the Town of Geneva through potential contamination of aquifers and fresh water supply, the use of massive quantities of water, the storage, processing, handling and disposal of the fracking fluids and other by-products or waste, the release of chemicals used in the processes and the impact upon local landscapes which could result in the degradation of the Town of Geneva’s significant environmental, natural, aesthetic and agricultural resources as well as to the Town of Geneva’s infrastructure.

**Section 2.** Section 165-3 of Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended with the insertion of new definitions for “Horizontal or Directional Drilling” and “Hydraulic Fracturing or Hydro-fracking” to read as follows:

**HORIZONTAL OR DIRECTIONAL DRILLING** – The practice of digging a well, first, down vertically to a depth above the target gas-bearing rock formation, then, on a curve so that the hole is drilled horizontally or at an angle within the gas-bearing rock.

**HYDRAULIC FRACTURING OR HYDRO-FRACKING** – The practice of pumping a fluid and a propping material, typically composed of sand or other chemicals, down a well under high pressure to create fractures in gas-bearing rock.

Section 3. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by changing the Type of Use of “Extractive operations and soil mining in compliance with § 165-25” under the “Business Uses” heading to read “Extractive operations and soil mining in compliance with § 165-25, except for horizontal or directional drilling operations, hydraulic fracturing or hydro-fracking operations and the storage, processing, handling and disposal of the fracking fluids and other by-products or waste generated from horizontal or directional drilling operations and hydraulic fracturing or hydro-fracking operations, which are all prohibited in all zoning districts within the Town of Geneva”.

Section 4. Schedule II – Prohibited Industrial Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs 49 and 50 to read as follows:

49. Horizontal or directional drilling operations.
50. Hydraulic fracturing or hydro-fracking operations.
51. Storage, processing, handling and disposal of the fracking fluids and other by-products or waste generated from horizontal or directional drilling operations and hydraulic fracturing or hydro-fracking operations.

Section 5. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State.

**(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. 2 of 2011 of the **Town of Geneva** was duly passed by the Geneva Town Board on \_\_\_\_\_, 2011, 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<sup>1</sup>.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ 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.

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

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<sup>1</sup> 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 chairperson 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.

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2005 of the City of \_\_\_\_\_ 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 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.

**(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.

(Seal)

\_\_\_\_\_  
Clerk of the Town

Date: \_\_\_\_\_

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

STATE OF NEW YORK  
COUNTY OF ONTARIO

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.

\_\_\_\_\_  
Attorney to the Town  
Town of Geneva

Date: \_\_\_\_\_