

RESOLUTION 360

“A RESOLUTION BY THE COUNCIL OF THE CITY OF LEWISBURG WEST VIRGINIA FOR THE PURPOSE OF EXPRESSING CONCERN TO THE WEST VIRGINIA LEGISLATURE ABOUT HYDRAULIC FRACKING WITHIN THE MARCELLUS SHALE DEPOSITS IN WEST VIRGINIA.”

WHEREAS: state regulations governing Marcellus Shale development in West Virginia are inadequate to protect the water resources of West Virginia including the Greenbrier River watershed, the source of water for the Lewisburg water system, and its 4732 customers; and

WHEREAS: state regulations do not adequately regulate the amount of water that can be withdrawn from aquifers and public bodies of water by Marcellus Shale development companies in West Virginia; and

WHEREAS: state regulations currently do not adequately protect public water systems, including the City of Lewisburg water system, from contamination from liquid byproducts of hydraulic fracking technologies being released into public bodies of water; and

WHEREAS: there is inadequate funding provided to the West Virginia Department of Environmental Protection to employ a sufficient number of inspectors on staff to adequately monitor Marcellus Shale development while at the same time performing their other monitoring duties; and

WHEREAS: the West Virginia Legislature failed to act in its 2011 regular session to safely and effectively guide the development of Marcellus Shale in West Virginia; and

WHEREAS: by this resolution the Council of the City of Lewisburg expresses concern with the status of the State’s regulation of Marcellus Shale development and encourages the Governor to call a special session of the legislature to address this issue in a timely fashion; and

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Lewisburg, West Virginia;

That no additional permits for horizontal drilling in the Marcellus Shale be issued within the State of West Virginia until adequate regulations are promulgated that protect public water supplies from Marcellus Shale development.

That a copy of this Resolution shall be spread upon the official minutes of the City Council; and

On motion made by Council member Etten and seconded by Council Member Evans the City Council of Lewisburg, West Virginia, does hereby approve and authorize the adoption of said Resolution to become effective immediately.

Adopted this 15th day of March, 2011.

John Manchester, Mayor

STATE OF WEST VIRGINIA,
COUNTY OF GREENBRIER,
MUNICIPALITY OF LEWISBURG, To-wit:

Attest:

Shannon Ninnemann, CMC, Recorder

ORDINANCE 221

Councilperson _____, introduced the following Amended Ordinance and moved its adoption, which motion was seconded by Councilperson _____, the Amended Ordinance being in the following words:

“AN ORDINANCE TO AMEND ARTICLE V SECTION 35 OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS FOR THE CITY OF LEWISBURG, TO PROVIDE FOR THE REGULATION OF LOCATING, DRILLING, EQUIPPING, OPERATING OR PRODUCING OF ANY OIL AND GAS.”

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of the City of Lewisburg, West Virginia, that Article V (Permissible Uses And Specific Exceptions), Subsection(b), be amended and reenacted to read as follows:

Section 35: Permissible Uses and Specific Exceptions

(b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts. In addition, prohibited uses shall be defined to include activities which have a similar impact as uses prohibited by this section.

1. Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustionable, explosive or hazardous material in violation of City or State safety or fire prevention codes.
2. Stockyards, slaughterhouses and rendering plants.
3. Junk yards, automobile wrecking yards, scrap metal yards, scrap paper and rag storage yards.
4. Chemical plants, paper mills and tanneries.
5. Stone crushing, concrete mixing and asphalt plants.
6. Coal storage or distribution yards.
7. Use of a travel trailer, motor home or motor vehicle as a temporary or permanent residence.
8. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, services are performed or other business is conducted.

9. Power or electric generating plants, except when used for emergency and temporary back-up purposes.

10. Hazardous materials and toxic waste dumps.

11. Mining and quarrying.

12. Any activity that creates or produces noxious emissions of noise, polluting substances, heat, electrical disturbances, light or vibration.

13. Burial, entombment or interment of any person or animal except in an authorized cemetery, except ashes from a crematory.

14. Locating, drilling, equipping, or producing of any oil and gas.

This Ordinance shall be enforced from and after its final passage.

Date of First Reading: February 15, 2011

John Manchester
Mayor

Shannon Ninnemann, CMC
Recorder

Date of Second Reading: March 15, 2011

Passed X Failed _____ Vote _____

John Manchester
Mayor

Shannon Ninnemann, CMC
Recorder