

Town of
Paris

Laws

PROPOSED LOCAL LAW: Moratorium Re Gas Mining

Overview:

A Local Law **Imposing a 12 Month Moratorium on Gas Mining and Extraction Activities**

Body:

LOCAL LAW: Moratorium Re Gas Mining

A Local Law **Imposing a 12 Month Moratorium on Gas Mining and Extraction Activities**

Be it enacted by the Town Board of the Town of Paris as follows:

Section 1. Title

Local Law shall be referred to as the "Local Law Imposing a 12 Month Moratorium on Gas Mining and Extraction Activities".

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Paris to regulate and control land use and to protect health, safety and welfare of its residents, the Town Board of the Town of Paris hereby declares a temporary 12 month moratorium on the establishment or development of any gas mining or gas extraction activities in the Town of Paris or the issuance of any approvals or building permits therefore.

The Town Board conducted a Public Hearing to hear public comments regarding Gas Mining and the public raised numerous issues and health concerns both in the ground and airborne, and affect on farm animals and affect on the human immune systems, among other things that may be affected by the various methods for gas mining and extraction and all other issues that were raised during the public hearing held on September 20, 2011.

The Town Board anticipates that there may be an increase in the demand for mineral resources now located in the Town of Paris and that it may receive a number of new applications for, and inquiries about, the establishment or enlargements of gas mining extraction activities within the Town of Paris.

The question of integrating gas mining and/or gas extraction activities within the Town of Paris with the existing pattern of predominately residential and agricultural land use emphasizes the need for suitable siting, land use and zoning standards with reference to gas mining and or gas extraction activities, and/or a Ban, consistent with applicable provisions of law.

The Town Board of the Town of Paris desires to address in a careful manner, this integration question on a comprehensive Town of Paris wide basis rather than on an ad hoc basis and to adopt Land Use Local Law provisions with regard to gas mining or extraction.

The Town of Paris is now in the process of considering banning gas drilling or gas extraction. The Town Board of the Town of Paris finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the prohibition and the integration issue, draft proposed land use local laws, make appropriate changes to the draft of the proposed local law, schedule and hold the required public hearing on the local law, perform an appropriate environmental review of the local law, comply with applicable provisions of law, adopt the local law and file a copy of the local law with the Secretary of State of New York.

In the event that there is a determination by the Courts or otherwise or a change or amendment to State regulations and or clarifications and guidelines from the State of New York that permit the Town to oversee gas mining and/or gas extraction processes then the Town of Paris would also need additional time to review study and investigate appropriate regulations that would be permissible under municipal home rule for the Town to promulgate relative to gas mining and gas extraction activities.

Section 3. Scope of Controls

A. During the effective period of the local law:

- 1. The Town Board of the Town of Paris shall not grant any approvals, which would have as the result the establishment, or development of any new gas extraction activities or the enlargement of any gas extraction activities within the Town of Paris.
- 2. The Paris Planning Board shall not approve any site plan, approve any special use permit or other permit for any use, which would have as a result the establishment or development of any new gas extraction activity or the enlargement of any existing gas mining or gas extracting activity within the Town of Paris.
- 3. The Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use, which would result in the establishment or development of any new gas mining extraction activity or the enlargement of any gas mining activity with the Town of Paris.
- 4. The Building Code Inspector of the Town of Paris shall not issue any building permit or other permit, which would result in the establishment or development of any new gas, mining or extraction activity or the enlargement of any existing gas mining activity within the Town of Paris.

B. The Town Board of the Town of Paris reserves the right to direct the Town of Paris Building and Code Inspector to revoke or rescind any building permits or certificates of occupancy issued in violation of this local law.

Section 4. No Consideration of New Applications

No applications for excavation, construction, development, establishment or enlargement of any gas mining or gas extraction activity affected by this local law or for approvals for a site plan, a subdivision, a variance, a special use permit or other permits relating to gas mining or gas extraction shall be considered by any board, officer or agency of the Town of Paris while the moratorium imposed by this local law is in effect.

Section 5. Term

The moratorium imposed by this local law shall be in effect for a period of 12 months from the effective date of this local law. In the event that the local law entitled, "a local law imposing a moratorium on gas mining and gas extracting activity of the Town of Paris, New York" or a similar local law relating to gas mining is adopted 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 immediately on the date that the Town of Paris local law relating to gas mining or gas extraction takes effect in accordance with Section 27 of the Municipal Home Rule Law.

Section 6. Penalties

Any person, firm or corporation that shall establish or develop any new gas mining or gas extraction activity or enlarge any existing gas mining or gas extraction activity in violation of the provision of this local law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town of Paris violations; and
- B. Injunctive relief in favor of the Town of Paris to cease any and all such actions which conflict with this local law and, if necessary, to restore any extraction or excavation which may have taken place in violation of this local law.

Section 7. Validity

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law, which can be given effect without such invalid provision.

Section 8. Hardship

A. Should any owner of property affected by this local law suffer an unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner of said property may apply to the Town Board of the Town of Paris in writing for a variation from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this local law unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, site plan, or other permit during the period of the moratorium imposed by this local law.

B. Procedure

Upon submission of a written application to the Town of Paris Clerk by the property owner seeking a variation of this local law, the Town Board shall within 30 days of receipt of such application schedule a public hearing on said application upon 5 days written notice in the official newspaper of the Town of Paris. At said public hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard and the Town Board shall within 15 days of the close of said public hearing render its decision either granting or denying the application for a variation from the strict requirements of this local law. If the Town Board determines that a property owner will suffer unnecessary hardship if this local law is strictly applied to a particular property, then the Town Board shall vary the application of this local law to the minimum extent necessary to provide the property owner relief from strict compliance with this local law.

Section 9. Effective Date

This local law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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