

ORDINANCE NO. 2012 - ____

AN ORDINANCE TO PROHIBIT HYDRAULIC FRACTURING AND CERTAIN OTHER MINERAL EXTRACTION METHODS WITHIN THE CITY LIMITS OF RALEIGH.

Whereas, shale gas extraction by the hydraulic fracturing process produces large quantities of wastewater which the City's waste treatment facilities are not designed to accommodate; and

Whereas, hydraulic fracturing requires both vertical and horizontal drilling both of which can create large amounts of noise, dust and other negative environmental impacts; and

Whereas, horizontal drilling to extract shale gas can impact property owners who do not wish to have that activity occurring beneath their property; and

Whereas, Senate Bill 820, ratified on June 21, 2012 may arguably preempt any City regulation of the activities dealt with therein;

NOW THEREFORE BE IT ORDAINED BY THE RALEIGH CITY COUNCIL THAT:

Section 1. The following definitions are used in this ordinance:

- a. Drilling. Drilling means the creation of a shaft or hole in the earth for the production of gas or oil.
- b. Fracking. Fracking, fracturing and hydraulic fracturing mean any method used to increase the inherent productivity of an oil or gas well by injecting, shooting or pumping water, chemicals, or any other fluid into a well.
- c. Well. Well means any shaft or hole created into the earth for the extraction or injection or placement of any oil, liquid or gas. The term does not include any such shaft or hole created for the sole purpose of testing for or pumping or extracting potable or usable water for household, domestic, industrial, agricultural or public use.

Section 2. Drilling a well for the purpose of extracting oil or gas using hydraulic fracturing methods is illegal within the city of Raleigh and a violator is subject to a fine not to exceed \$500.00 per separate day of violation. In addition, violators are subject to any other enforcement method permitted pursuant to G.S. 160A-175.

Section 3. The provisions of this ordinance are subject to preemption by state and federal law.

Section 4. This ordinance shall not be codified.

Section 5. The provisions of any city ordinance in conflict herewith are repealed to the extent of such conflict.

Section 6. The provisions of this ordinance are declared to be severable pursuant to Part 14 of the Raleigh City Code.

Section 7. This ordinance is effective upon adoption.

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City Council Bans 'Fracking' in Raleigh

News posted Jul. 03, 2012 - 5:15 pm

An ordinance that prohibits "fracking" within the city of Raleigh was unanimously approved by the City Council today. Fracking is the practice of recovering natural gas by hydraulic fracturing.

The ordinance is effective immediately and bans drilling a well "for the purpose of extracting oil or gas using hydraulic fracturing methods...." Violators are subject to a maximum fine of \$500 a day.

The provisions of the ordinance are subject to preemption by state and federal law. The North Carolina General Assembly on Monday voted to override Gov. Bev Perdue's veto of legislation that will legalize fracking in the state.

On May 14, the Raleigh City Council unanimously approved a resolution expressing its opposition to any state legislation that allows fracking until the safety of the process can be established by the appropriate state agencies.

For more information, contact

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