City of Rochester
City Clerks Office
Certified Ordinance

Rochester, N.Y., ________________________________

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on June 18, 2013 and Approved by the Mayor of the City of Rochester, and was deemed duly adopted on June 19, 2013 in accordance with the applicable provisions of law.

Ordinance No. 2013-204

Extending A Moratorium On Permits, Certificates
Of Zoning Compliance And Variances For
Exploration And Extraction Of Natural Gas Within
The City

WHEREAS, the City of Rochester hereby intends to extend a moratorium on the exploration and extraction of natural gas within the City of Rochester under its zoning powers, in order to preserve and protect the public health, safety and welfare of the residents of and visitors to the City of Rochester from known and suspected dangers from natural gas exploration and extraction, while the effects of such activities in the City can be further studied; and

WHEREAS, the City Council of the City of Rochester finds that:

(1) Natural gas exploration and extraction occurring in the urban environment of the City of Rochester may pose a significant threat to the health, safety and welfare of the residents of and visitors to the City of Rochester.

(2) The potential exists for environmental and human health impacts as evidenced by reported cases of such impacts in other areas of the country where natural gas exploration and extraction has occurred.
(3) Natural gas exploration and extraction within the City of Rochester could endanger the health, safety and welfare of City residents and visitors through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the City. The City of Rochester, an urban area, with dense residential development, a built environment and the existence of many brownfield sites, may be particularly vulnerable to these impacts.

(4) Clean air, water and soil are essential to most resources and activities in the Rochester area. The quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, and this pollution may have immediate and long term adverse health impacts.

(5) There has been inadequate research into the specific impacts of natural gas exploration and extraction in urban areas, where there are dense residential development, many existing industrial sites, and a large number of brownfield sites containing identified and unidentified hazardous substances or hazardous wastes. Of particular concern is the impact that the natural gas extraction method of high-volume hydraulic fracturing may have on the existing hazardous substances or hazardous wastes found in brownfield sites, the potential for and increased danger from seismic activity in a developed urban area, and the increased danger from any spills, emissions or discharges due to proximity to dense urban populations.

(6) The City of Rochester is uniquely situated on or adjacent to several bodies of water, including Lake Ontario, the Genesee River and the Erie Canal, which are already vulnerable to pollution from groundwater runoff and other sources. In addition, the City has a large number of parks as well as public and private cemeteries. There has been inadequate study of the potential adverse impact of natural gas exploration and extraction on these critical natural resources.

(7) The protection of residents, neighborhoods and the natural environment by placing a moratorium on natural gas exploration and extraction in the City of Rochester is an appropriate use of the City's zoning powers; and

WHEREAS, the extension of the moratorium imposed on permits, certificates of zoning compliance and variances for natural gas exploration and extraction for an additional approximate one-year period shall allow for further review in order that informed decisions may be made on the effects of such activities in the City.
NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The moratorium on the acceptance of applications for, and on the approval of, permits, certificates of zoning compliance and variances for natural gas exploration and extraction in the City of Rochester adopted by Ordinance No. 2012-269 is hereby extended through June 30, 2014.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaull - 9.

Nays - None - 0.

Attest

City Clerk
May 31, 2013

TO THE COUNCIL

Ladies and Gentlemen:

Re: Extending a Moratorium on Hydrofracking

Transmitted herewith for Council approval is legislation that will extend the moratorium on the exploration and extraction of natural gas, commonly referred to as “Hydrofracking” within the City of Rochester for an additional year.

Hydrofracking is the process used to extract natural gas that has been trapped in shale formations through high pressure horizontal drilling which infuses water, sand and chemical additives to create small fractures within the rock that will then allow for natural gas to flow.

This legislation would extend the moratorium based on the fact that the State of New York has not yet acted on this subject in a statewide capacity and because the higher courts of New York State have upheld lower courts’ decision, which found that bans/moratoriums on Hydrofracking through Zoning are allowable. The higher courts’ decision to uphold the lower courts’ ruling was unanimous, and because of that permission would need to be granted by the Court of Appeals to hear this case. Based on these two points, I am respectfully requesting that my colleagues on Council extend this moratorium for one year as we await the abovementioned findings.

Respectfully submitted,

[Signature]

Loretta C. Scott
Chair, Jobs, Parks and Public Works Committee
Extending A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City

WHEREAS, the City of Rochester hereby intends to extend a moratorium on the exploration and extraction of natural gas within the City of Rochester under its zoning powers, in order to preserve and protect the public health, safety and welfare of the residents of and visitors to the City of Rochester from known and suspected dangers from natural gas exploration and extraction, while the effects of such activities in the City can be further studied; and

WHEREAS, the City Council of the City of Rochester finds that:

1. Natural gas exploration and extraction occurring in the urban environment of the City of Rochester may pose a significant threat to the health, safety and welfare of the residents of and visitors to the City of Rochester.

2. The potential exists for environmental and human health impacts as evidenced by reported cases of such impacts in other areas of the country where natural gas exploration and extraction has occurred.

3. Natural gas exploration and extraction within the City of Rochester could endanger the health, safety and welfare of City residents and visitors through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the City. The City of Rochester, an urban area, with dense residential development, a built environment and the existence of many brownfield sites, may be particularly vulnerable to these impacts.

4. Clean air, water and soil are essential to most resources and activities in the Rochester area. The quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, and this pollution may have immediate and long term adverse health impacts.

5. There has been inadequate research into the specific impacts of natural gas exploration and extraction in urban areas, where there are dense residential development, many existing industrial sites, and a large number of brownfield sites containing identified and unidentified hazardous substances or hazardous wastes. Of particular concern is the impact that the natural gas extraction method of high-volume hydraulic fracturing may have on the existing hazardous substances or hazardous wastes found in brownfield sites, the potential for and increased danger from seismic activity in a developed urban area, and the increased danger from any spills, emissions or discharges due to proximity to dense urban populations.
(6) The City of Rochester is uniquely situated on or adjacent to several bodies of water, including Lake Ontario, the Genesee River and the Erie Canal, which are already vulnerable to pollution from groundwater runoff and other sources. In addition, the City has a large number of parks as well as public and private cemeteries. There has been inadequate study of the potential adverse impact of natural gas exploration and extraction on these critical natural resources.

(7) The protection of residents, neighborhoods and the natural environment by placing a moratorium on natural gas exploration and extraction in the City of Rochester is an appropriate use of the City’s zoning powers; and

WHEREAS, the extension of the moratorium imposed on permits, certificates of zoning compliance and variances for natural gas exploration and extraction for an additional approximate one-year period shall allow for further review in order that informed decisions may be made on the effects of such activities in the City.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The moratorium on the acceptance of applications for, and on the approval of, permits, certificates of zoning compliance and variances for natural gas exploration and extraction in the City of Rochester adopted by Ordinance No. 2012-269 is hereby extended through June 30, 2014.

Section 2. This ordinance shall take effect immediately.
June 6, 2012

TO THE COUNCIL

Ladies and Gentlemen:

Re: Establishing a Moratorium on Hydrofracking

Transmitted herewith for Council approval is legislation that will establish a yearlong moratorium on the exploration and extraction of natural gas, commonly referred to as “Hydrofracking” within the City of Rochester. Hydrofracking is the process used to extract natural gas that has been trapped in shale formations through high pressure horizontal drilling which infuses water, sand and chemical additives to create small fractures within the rock that will then allow for natural gas to flow.

Hydrofracking is a controversial issue, one that residents have asked be banned within the City of Rochester. The moratorium will allow for the city to take 12 months to research this topic and review the information that is available on the effects of Hydrofracking. This will allow the City to make an informed decision on how to proceed upon the completion of the moratorium.

Major concerns around Hydrofracking are the negative effects that it can have on the air, soil and water quality in the immediate and surrounding areas in which it is conducted. While the full effects of Hydrofracking are yet to be known, it is important to take the necessary steps to ensure that any such work allowed within the City of Rochester is done safely and without a negative impact on the environment or on our residents.

The Planning Commission will make a recommendation to the Council on this topic at their June meeting and minutes will be provided prior to the June 19th Council Meeting.

Respectfully submitted,

[Signature]

Loretta C. Scott
Chair, Jobs, Parks and Public Works Committee
Establishing A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City

WHEREAS, the City of Rochester hereby intends to place a moratorium on the exploration and extraction of natural gas within the City of Rochester under its zoning powers, in order to preserve and protect the public health, safety and welfare of the residents of and visitors to the City of Rochester from known and suspected dangers from natural gas exploration and extraction, while the effects of such activities in the City can be further studied; and

WHEREAS, the City Council of the City of Rochester finds that:

1. Natural gas exploration and extraction occurring in the urban environment of the City of Rochester may pose a significant threat to the health, safety and welfare of the residents of and visitors to the City of Rochester.

2. The potential exists for environmental and human health impacts as evidenced by reported cases of such impacts in other areas of the country where natural gas exploration and extraction has occurred.

3. Natural gas exploration and extraction within the City of Rochester could endanger the health, safety and welfare of City residents and visitors through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the City. The City of Rochester, an urban area, with dense residential development, a built environment and the existence of many brownfield sites, may be particularly vulnerable to these impacts.

4. Clean air, water and soil are essential to most resources and activities in the Rochester area. The quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, and this pollution may have immediate and long term adverse health impacts.

5. There has been inadequate research into the specific impacts of natural gas exploration and extraction in urban areas, where there are dense residential development, many existing industrial sites, and a large number of brownfield sites containing identified and unidentified hazardous substances or hazardous wastes. Of particular concern is the impact that the natural gas extraction method of high-volume hydraulic fracturing may have on the existing hazardous substances or hazardous wastes found in brownfield sites, the potential for and increased danger from seismic activity in a developed urban area, and the increased danger from any spills, emissions or discharges due to proximity to dense urban populations.
(6) The City of Rochester is uniquely situated on or adjacent to several bodies of water, including Lake Ontario, the Genesee River and the Erie Canal, which are already vulnerable to pollution from groundwater runoff and other sources. In addition, the City has a large number of parks as well as public and private cemeteries. There has been an inadequate study of the potential adverse impact of natural gas exploration and extraction on these critical natural resources.

(7) The protection of residents, neighborhoods and the natural environment by placing a moratorium on natural gas exploration and extraction in the City of Rochester is an appropriate use of the City's zoning powers; and

WHEREAS, a moratorium imposed on permits, certificates of zoning compliance and variances for natural gas exploration and extraction for a one-year period shall allow for further review in order that informed decisions may be made on the effects of such activities in the City.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There shall be a one-year moratorium on the acceptance of applications for, and on the approval of, permits, certificates of zoning compliance and variances for natural gas exploration and extraction in the City of Rochester.

Section 2. This ordinance shall take effect immediately.