

Local Law Filing

(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 Village
(Select one.)

of VERONA, ONEIDA COUNTY, NEW YORK

Local Law No. 1 of the year 2012

A local law imposing moratorium on the activity known as hydraulic fracturing, hydrofracking,
(Insert Title)
or any other similar intensive industrial use, in the Town of Verona 2012.

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

County City Town Village
(Select one.)

of VERONA as follows:

See Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City 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.

Patricia E. Neude
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/5/2012

(Seal)

(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 ONEIDA

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.

[Signature]
Signature
Town Attorney
Title

~~County~~
~~City~~ of VERONA
Town
~~Village~~

Date: March 7th, 2012

(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. 1 of 2012 of the ~~(County)(City)~~(Town)(Village) of VERONA was duly passed by the Town Board on March 5 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) 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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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) (Name of Legislative Body) (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.

* 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.

TOWN OF VERONA
LOCAL LAW NO. 1 FOR 2012

Section 1. Title

This Local Law shall be referred to as the “Local Law imposing moratorium on the activity known as hydraulic fracturing, hydrofracking, or any other similar intensive industrial use, in the Town of Verona 2012”.

Section 2. Purpose and Intent

The Town of Verona has legitimate goals and aims to protect the community as well as the Town’s cultural, historical, recreational, and environmental resources. Therefore, the Town Board believes that an extended period study of hydraulic fracturing to mine hydrocarbons is necessary. The period of study will allow the Town Board to consider regulations meant to protect the environment as well as the Town’s residential and agricultural land uses.

Pursuant to the statutory powers vested in the Town of Verona to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board declares a 12 month moratorium on the process known as hydraulic fracturing, as well as a moratorium on an activity associated therewith or intending to support such process including the establishment, implementation, placement, or construction of such process or activity in the Town of Verona.

Section 3. Legislative Findings

A. It is not clear what safeguards are anticipated to be put in place by the NYDEC and/or NY Legislature to protect New York waters, air, soil, flora, fauna, properties and people, nor exactly how long such regulations may take to enact. Accordingly, it is difficult for the Town to determine the type of Town laws that would be necessary to protect the Town.

B. This Board will use the moratorium period to continue to monitor and review state legislation, legislations of other towns and municipalities relating to this subject and gather information; including possible legislative language for the Town to consider.

C. At this point it is important to note that there are no applications pending in the Town to conduct hydraulic fracturing or similar uses. Therefore, there does not appear to be any person or party substantially prejudiced by this moratorium. Nonetheless, the Town Board determines that while the review and monitoring of and in consideration of the significant environmental issues surrounding the process and its potential consequences, a moratorium is appropriate and necessary in order to preserve the status quo until new regulations can be adopted.

Section 4. Definitions

A. The term hydraulic fracturing shall mean the process of recovering and/or developing natural gas trapped in shale or rock and which generally is accomplished by a well drilled vertically into the ground and then horizontally from the well head, after which water, sand and/or chemicals are injected into the well to fracture shale and/or natural structures under the ground to release natural gas from the ground.

B. The term "Person" when used in this Local Law shall include an individual, society, club, firm, partnership, joint venture, corporation, or association of persons, and the singular shall include the plural number.

Section 5. Scope of Controls

A. During the effective period of this Local Law:

1. The Town shall not grant any permit or any approvals for hydraulic fracturing, including any activity associated therewith or intending to support such process.
2. Hydraulic Fracturing and related processes are hereby prohibited.

Section 6. Term

This moratorium shall be in effect for a period of 12 months from the date of this Local Law.

Section 7. Violations

Any person violating any of the provisions of this Local Law shall be guilty of an offense and upon a conviction thereof, be subject to a civil penalty of no less than \$500.00 and no more than \$1000.00 per day for this violation. Each day's violation shall constitute a separate and additional violation. An action may be commenced in a court of competent jurisdiction to recover such penalty. In addition thereto, violations of this Local law shall be subject to restraint by injunction.