

# 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 Wawarsing

Local Law No. 10 of the year 2012

A local law amending Chapter 112 of the Code of Wawarsing regarding the exploration and  
(Insert Title)  
extraction of natural gas and petroleum products.

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

County  City  Town  Village  
(Select one.)

of Wawarsing as follows:

See annexed

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

## LOCAL LAW # 10 OF THE YEAR 2012

A Local Law amending Chapter 112 of the Code of Wawarsing regarding the exploration, and extraction of natural gas and petroleum products.

§ 1. This law is adopted and enacted pursuant to the authority granted to the Town Board under the New York State Constitution and the Laws of New York State including, but not limited to New York State Municipal Home Rule Law Section 10 and New York State Town Law.

§ 2. **PURPOSE** It is the purpose of this local law to promote those purposes outlined in §112-2 of The Code of the Town of Wawarsing, the Town's Comprehensive Plan, and more specifically:

- A. It is the purpose of this Local Law to promote the protection, order, conduct, safety, health, and well-being of the residents of the Town of Wawarsing and the lands that lie within the Town's borders.
- B. It is the purpose of this Local Law to protect and enhance the Town's physical and visual environment.
- C. It is the purpose of this law to respond to the legitimate concerns of the citizens of the Town about the potential for expansion of the Exploration for or Extraction of Natural Gas and/or Petroleum Industry in the Town and about the potential for major portions of the Town and its citizens to be adversely impacted by such Industry.
- D. It is the purpose of this Local Law to uphold and implement the Town of Wawarsing Comprehensive Plan, as currently adopted.
- E. Further, it is the purpose of this Local Law to control those activities related to the Exploration for or Extraction of Natural Gas and/or Petroleum Industry, which may impact wetlands, lakes, streams, groundwater resources, drinking supplies, public roads, historic landscapes, Agriculture, small town character, and the town's tourism and recreational- based economy. Impacts related to the Exploration for or Extraction of Natural Gas and/or Petroleum Industry that the Town Of Wawarsing seeks to avoid include, but are not limited to contaminated water supplies, air pollution, traffic congestion, deterioration of roads and bridges, noise, introduction of industrial uses into non-industrial areas, human and animal illness, and incompatible changes to the character of the Town.

§ 3. Section 112-14 of the Code of the Town of Wawarsing is amended as follows;

The following definitions shall be added to §112-14:

**NATURAL GAS** – any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state

at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

**NATURAL GAS AND/OR PETROLEUM EXPLORATION** - geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

**NATURAL GAS AND/OR PETROLEUM EXPLORATION PRODUCTION MATERIALS** - any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

**"NATURAL GAS EXPLORATION AND/ PETROLEUM PRODUCTION WASTES** - any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

**NATURAL GAS AND/OR PETROLEUM EXTRACTION** - the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

**NATURAL GAS AND/OR PETROLEUM EXTRACTION SUPPORT ACTIVITIES** - the construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

**PETROLEUM** - An Oily flammable liquid obtained from the ground which can be refined into gasoline, fuel oils and other products.

§4 - A new §112-14 shall be added to the Code of the Town of Wawarsing to read as follows:

**§ 112-14 - Prohibited Uses**

**A. Prohibition against the Exploration for or Extraction of Natural Gas and/or Petroleum.** No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum; to drill any well for natural gas and/or petroleum; to transfer, process or treat natural gas and/or petroleum; or to dispose of natural gas and/or petroleum exploration or production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

**B. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials.**

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

**C. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes.**

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

**D. Prohibition against Natural Gas and/or Petroleum Extraction Support Activities.**

No land in the Town shall be used for natural gas and/or petroleum extraction support activities.

**§5 Effective Date.** This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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. 10 of 2012 of the (County)(City)(Town)(Village) of Wawarsing was duly passed by the Town Board of the townj of Wawarsing on December 20 2012, in accordance with the applicable (Name of Legislative Body) provisions of law.

~~**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.

~~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.

*Rodanne Shamro, Town Clerk*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *December 27, 2012*

(Seal)