ORDINANCE NO. 1-11.16 precluding the use of hydraulic fracturing for oil and/or gas drilling on any land, tenement, or real property owned, controlled, managed, and/or leased by the Village of Hartville, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO:

Section 1. Findings and Determinations.

(a) The Village is a duly organized municipal corporation, existing under the law of the State of Ohio, located in Stark County;

(b) Recently, interest has developed in natural gas and/or oil exploration in the area as it relates to the Marcellus and Utica Shale regions of Ohio;

(c) Various oil and gas companies, including companies based in Ohio, as well as outside of Ohio, have approached landowners, including the Village, as to acquiring mineral rights for oil and/or gas exploration utilizing a process known in the industry as hydraulic fracturing;

(d) Hydraulic fracturing, commonly referred to as fracking or fracturing (“Fracking”), is the non-natural fracturing of the shale, through the use of a mixture of water, sand and chemical additives injected at a very high pressure to the injection site, which is then kept open by use of a proppant, such as sand, to allow for the extraction of natural gas.

(e) The Village Council (“Council”), after consideration of the information provided at open public meetings, as well the review of literature and other information contained in the public domain, recognizes that Fracking is currently a controversial method of oil and gas exploration, which continues to present concerns as to the undue risk of explosion, harm to the water table, and other environmental concerns;

(f) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2. No Fracking on Public Lands in the Village. The Council, in accordance with its responsibilities to manage, control, and protect the property of the Village, hereby adopt this Ordinance to specifically preclude the entering into any agreement, contract, and/or lease which allows a party to conduct oil and/or gas exploration, drilling, and/or pumping by means of Fracking on land, tenements, and/or real property owned, controlled, managed, and/or leased by the Village of Hartville.

Section 3. No Transfer of Mineral Rights of Village Owned Property. The Council further directs and ordains that no mineral rights of the Village shall be transferred, sold, or otherwise encumbered to any party for the purposes of allowing such party to explore, drill, and/or pump said property for oil and/or natural gas by means of Fracking.

Section 4: Statement of Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village.
Section 5. Effective Date. Provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law.

DATED: May 17, 2011

[Signature]
Ed Tucker, Mayor

ATTEST:

[Signature]
Scott Varney, Village Fiscal Officer