

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(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 of.....**Beacon**.....

Town

Village

Local Law No.....08.....of the year.....2012.....

A Local Law (insert title):

**LOCAL LAW NO. 08 OF 2012
TO AMEND
CHAPTER 223 OF THE CITY CODE
OF THE CITY OF BEACON**

Section 1. Section 223-17.2, Chapter 223 of the Code of the City of Beacon is hereby amended by adding the following provisions:

§223-17.2 Natural Gas Extraction.

- A. Intent. The City Council of the City of Beacon finds, declares and determines that the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes within the City of Beacon poses a significant threat to its residents' health, safety and welfare. If natural gas exploration or extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were to occur within the City, this activity would endanger the health, safety and welfare of City residents through the deposit of toxins into the air, soil, water, environment and the bodies of residents within the City. Clean air and water are essential to most resources and activities in the Beacon area and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer treatment or disposal of natural gas exploration and production wastes and natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may presently or in the future cause irreparable harm to the City's water supply, pollution of the water, soil and air, and may cause cancer, lung disease and respiratory diseases. This ordinance is not directed at the regulatory scheme for the operation of natural gas wells under the Oil, Gas & Solution Mining Law of New York State. It only addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the City of Beacon and the enhancement of its physical environment.

- B. Definitions. For the purposes of this section, certain words and terms used herein are defined as follows:

NATURAL GAS EXPLORATION

Geologic or geophysical activities related to the search for natural gas 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 or other subsurface hydrocarbon deposits.

NATURAL GAS

Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS EXPLORATION AND PRODUCTION WASTES

Any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas.

- C. Prohibited Uses.

(1) No land in the City of Beacon shall be used for any of the following:

- (a) To conduct any Exploration for Natural Gas;
- (b) To drill any well for Natural Gas;
- (c) To transfer, store, process or treat Natural Gas Exploration and Production Wastes;
- (d) To dispose of Natural Gas Exploration and Production Wastes; or
- (e) To erect any derrick, building, or other structure or place any machinery or equipment for such purposes.

(2) No land in the City of Beacon shall be used for the storage, transfer, treatment and/or disposal of Natural Gas Exploration and Production Wastes.

- D. No Application to Customary Local Distribution Lines. The prohibitions set forth herein are not intended, and shall not be construed, to prevent or prohibit the right to use roadways in commerce or otherwise for travel, prevent or prohibit the transmission of natural gas through utility pipes, lines or similar appurtenances for the limited purpose of supplying natural gas to residents or buildings located in the City, or prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with agriculture, residential, business, commercial and other permitted uses within the City.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State.