

LOCAL LAW: Moratorium Extention Re Gas Mining

A Local Law **Imposing an additional 12 Month Moratorium on Gas Mining and Extraction Activities**

Be it enacted by the Town Board of the Town of Paris as follows:

Section 1. Title

Local Law shall be refereed to as the "Local Law Imposing a 12 Month Extension Moratorium on Gas Mining and Extraction Activities" from the initial moratorium affective on the Nov. 7 day of ~~2011~~ 2012

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Paris to regulate and control land use and to protect health, safety and welfare of its residents, the Town Board of the Town of Paris hereby declares an additional temporary 12 month moratorium on the establishment or development of any gas mining or gas extraction activities in the Town of Paris or the issuance of any approvals or building permits therefore.

The Town Board appointed a committee to review the issues relating to gas mining and gas extraction and the committee activities are ongoing.

The Town Board conducted a Public Hearing on September 18, 2012 a public information meeting for sharing and exchanging of additional information on the numerous issues that have been raised that are related to both health concerns and the affect on the comprehensive growth plan for the Town of Paris.

The issues raised in the initial Moratorium under the Purpose and Intent section do continue today and the process is ongoing with regard to the town's investigation into not only the health concerns both in the ground and airborne, and effect on farm animals and the human immune system as well as the future anticipated growth of the town and how Gas Mining and Gas Extraction can relate to a comprehensive zoning plan also being studied at this time.

The Town of Paris has determined that it needs additional time to continue it's investigation into the affect of both Gas Mining and Gas Extraction on both it's residents and it's relationship with the Town's comprehensive plan and has determined that it needs additional time to review the issues that have been raised to date as well as what has been shown to the town to be an ongoing investigation into both the science and the relationship of this activity within the Town's current zoning plan, also being amended.

In the event that there is a determination by the Courts or otherwise or a change or amendment to State regulations and or clarifications and guidelines from the State of New York that permit the Town to oversee gas mining and/or gas extraction processes then the Town of Paris would also need additional time to review study and investigate appropriate regulations that would be permissible under municipal home rule for the Town to promulgate relative to gas mining and gas extraction activities.

Section 3. Scope of Controls

A. During the effective period of the local law:

1. The Town Board of the Town of Paris shall not grant any approvals, which would have as the result the establishment, or development of any new gas extraction activities or the enlargement of any gas extraction activities within the Town of Paris.
2. The Paris Planning Board shall not approve any site plan, approve any special use permit or other permit for any use, which would have as a result the establishment or development of any new gas extraction activity or the enlargement of any existing gas mining or gas extracting activity within the Town of Paris.
3. The Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use, which would result in the establishment or development of any new gas mining extraction activity or the enlargement of any gas mining activity with the Town of Paris.
4. The Building Code Inspector of the Town of Paris shall not issue any building permit or other permit, which would result in the establishment or development of any new gas, mining or extraction activity or the enlargement of any existing gas mining activity within the Town of Paris.

B. The Town Board of the Town of Paris reserves the right to direct the Town of Paris Building and Code Inspector to revoke or rescind any building permits or certificates of occupancy issued in violation of this local law.

Section 4. No Consideration of New Applications

No applications for excavation, construction, development, establishment or enlargement of any gas mining or gas extraction activity affected by this local law or for approvals for a site plan, a subdivision, a variance, a special use permit or other permits relating to gas mining or gas extraction shall be considered by any board, officer or agency of the Town of Paris while the moratorium imposed by this local law is in effect.

Section 5. Term

The moratorium imposed by this local law shall be in effect for an additional period of 12 months from the effective date of this local law. In the event that the local law entitled, "a local law imposing a moratorium on gas mining and gas extracting activity of the Town of Paris, New York" or a similar local law relating to gas mining is adopted prior to the date that the moratorium imposed by this local law expires, then in that event the moratorium imposed by this local law shall expire immediately on the date that the Town of Paris local law relating to gas mining or gas extraction takes effect in accordance with Section 27 of the Municipal Home Rule Law.

Section 6. Penalties

Any person, firm or corporation that shall establish or develop any new gas mining or gas extraction activity or enlarge any existing gas mining or gas extraction activity in violation of the provision of this local law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town of Paris violations; and
- B. Injunctive relief in favor of the Town of Paris to cease any and all such actions which conflict with this local law and, if necessary, to restore any extraction or excavation which may have taken place in violation of this local law.

Section 7. Validity

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law, which can be given effect without such invalid provision.

Section 8. Hardship

A. Should any owner of property affected by this local law suffer an unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner of said property may apply to the Town Board of the Town of Paris in writing for a variation from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this local law unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, site plan, or other permit during the period of the moratorium imposed by this local law.

B. Procedure

Upon submission of a written application to the Town of Paris Clerk by the property owner seeking a variation of this local law, the Town Board shall within 30 days of receipt of such application schedule a public hearing on said application upon 5 days written notice in the official newspaper of the Town of Paris. At said public hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard and the Town Board shall within 15 days of the close of said public hearing render its decision either granting or denying the application for a variation from the strict requirements of this local law. If the Town Board determines that a property owner will suffer unnecessary hardship if this local law is strictly applied to a particular property, then the Town Board shall vary the application of this local law to the minimum extent necessary to provide the property owner relief from strict compliance with this local law.

Section 9. Effective Date

This local law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.