

TOWN OF ULYSSES, NEW YORK
LOCAL LAW NO. 2 OF THE YEAR 2011

A Local Law to Amend the Zoning Law of the Town of Ulysses

Be it enacted by the Town of Ulysses as follows:

SECTION 1.

The definition of "Extractive industry" in Article IV of the Zoning Law, Section 4.2 ("Definitions") shall be amended by the addition of the italicized words:

"The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes used for the extraction or removal of minerals from their original location and the preparation such as washing, cleaning, crushing, stockpiling or other process at the mine location that makes a mineral suitable for commercial, industrial or construction use, *but does not include operations extracting natural gas and / or petroleum.* For the purpose of this Zoning Law, borrow pits (excavations for removing material for filling operations) which exceed 2,000 tons in a one (1)-year period are considered extractive industry."

SECTION 2.

The following definitions shall be added to Article IV of the Zoning Law, Section 4.2, "Definitions":

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 Extraction: The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other hydrocarbons.

Natural Gas and / or Petroleum 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.

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

Natural Gas and/or Petroleum Exploration and Production Wastes shall mean any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters, 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 and/or petroleum.

SECTION 3.

The following provisions shall be added to “Article XXI - General Provisions” of the Zoning Law:

21.15. Natural Gas and/or Petroleum Exploration, Natural Gas and/or Petroleum Extraction, Natural Gas and/or Petroleum Support Activities, Natural Gas and/or Petroleum Exploration and Production Wastes

21.15.1 The provisions of this section are in further clarification of section 2.1, of this Zoning Law, which provides in part: “Any use not specifically set forth as a permitted use in any zoning district shall be expressly prohibited in that zone. A use specifically set forth as a permitted use in one zoning district shall not be permitted in another zoning district unless it is specifically set forth as a permitted use in such district.”

21.15.2 The following uses are not permitted in any zoning district:

21.15.2.1 Natural Gas and / or Petroleum Exploration

21.15.2.2 Natural Gas and / or Petroleum Extraction

21.15.2.3 Natural Gas and / or Petroleum Support Activities

21.15.2.4 the transfer, storage, treatment, or disposal of natural gas and/or petroleum exploration or production wastes, or the application of such wastes to land or roadways;

21.15.2.5 erection of any derrick, building or other structure or placement of any machinery or equipment for the purposes outlined in paragraphs 21.15.2.1, 21.15.2.2, 21.15.2.3, or 21.15.2.4 above;

21.15.3 No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this section shall be deemed valid within the Town of Ulysses.

SECTION 4.

This local law shall take effect upon filing with the Secretary of State, at which point this local law shall apply to any and all prohibited activities in the Town of Ulysses regardless of the date of any applicable New York State Department of Environmental Conservation permits.

SECTION 5.

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

SECTION 6.

This local law shall supersede or repeal any prior inconsistent Local Law or local law in the Town of Ulysses purporting to allow natural gas exploration, natural gas extraction or the transport, storage, treatment or disposal of natural gas exploration or extraction waste.

I hereby certify that the foregoing resolution was adopted by the Town Board of the Town of Ulysses at their Regular Town Board meeting held August 10, 2011.

Witness my hand and seal of said Town this Eleven day of August 2011.

Marsha L. Georgia
Ulysses Town Clerk