

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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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 Stafford

Local Law No. 2 of the year 2012

A local law to Amend the Zoning Law of the Town of Stafford to Enact a Moratorium Regarding the

(Insert Title)
Exploration and Extraction of Natural Gas and All Related Activities, Including
Hydrofracking

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)
of Stafford

as follows:

SECTION I: Legislative Intent.

The purpose of this Legislation is to enact a one (1) year moratorium from the effective date of this Local Law prohibiting the exploration and extraction of natural gas and all related activities, including the process commonly referred to as hydrofracking, which is the process used to extract natural gas that has been trapped in shale formations through high pressure horizontal drilling, which infuses water, sand and chemical additives to create small fractures within the rock that will then allow for natural gas to flow. This Moratorium period will allow the Stafford Town Board an opportunity to review and investigate issues relating to the hydrofracking process.

SECTION II: Legislative Findings.

1. Natural gas exploration and extraction occurring in the Town of Stafford may pose a significant threat to the health, safety and welfare of the residents of the Town through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the Town.

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

2. Clean air, water and soil are essential to most resources and activities in the Town of Stafford, and the quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, which may have both immediate and long term adverse impacts.

3. It is in the best interest of the residents of the Town of Stafford to allow the one (1) year moratorium period to adequately research the specific impacts of natural gas exploration and extraction, with related activities. Of particular concern is the impact that the natural gas extraction method of high volume hydraulic fracturing may have on existing air, water and soil conditions within the Town.

SECTION III: Definitions.

1. "Natural Gas" shall mean 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.

2. "Natural Gas and/or Petroleum Exploration" shall mean 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.

3. "Natural Gas and/or Petroleum Exploration and Production Materials" shall mean any solid, semi-solid, liquid, semiliquid or gaseous material used in the exploration or extraction of natural gas.

4. "Natural Gas Exploration and/or Petroleum Production Wastes" shall mean 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.

5. "Natural Gas and/or Petroleum Extraction" shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

6. "Natural Gas and/or Petroleum Support Activities" shall mean 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.

SECTION IV: Enact Moratorium.

1. Chapter 182 of the Code of the Town of Stafford, entitled "Zoning Law of the Town of Stafford", is hereby amended to enact and establish a one (1) year moratorium from the

effective date of this Local Law; thereby, prohibiting the acceptance, processing and/or approval of any land uses set forth hereinafter, and no permits shall be issued by any local, state or federal agency for these following uses:

a.) 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; to transfer, store, process or treat natural gas; or to dispose of natural gas 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.) 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.) 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.) No land in the Town shall be used for natural gas and/or petroleum support activities.

e.) No permit issued by any local, state or federal agency, commission or board for a use which would violate the prohibitions of this section or of this Local Law shall be deemed valid within the Town.

2. The Town Board of the Town of Stafford reserves the right to terminate the one (1) year moratorium period or to extend said period, as needed, in the best interests of the residents of the Town of Stafford. In the event that no such action shall be taken, the moratorium shall automatically expire one (1) year from the effective date of this Local Law.

SECTION V: Effective Date.

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State as provided by Law.