

**FILING LOCAL LAW**

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

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**(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 of Geneva**  
Village

Local Law No. **2** of the year **2011**

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva"**  
(Insert Title)

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

County  
City  
**Town of Geneva**  
Village

as follows:

**Section 1. STATEMENT OF LEGISLATIVE INTENT:**

It is the purpose of this local law to prevent serious detrimental health and environmental effects posed by the practices of horizontal or directional gas drilling and hydraulic fracturing, also known as hydro-fracking, which could threaten the Town of Geneva through potential contamination of aquifers and fresh water supply, the use of massive quantities of water, the storage, processing, handling and disposal of the fracking fluids and other by-products or waste, the release of chemicals used in the processes and the impact upon local landscapes which could result in the degradation of the Town of Geneva's significant environmental, natural, aesthetic and agricultural resources as well as to the Town of Geneva's infrastructure.

**Section 2.** Section 165-3 of Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended with the insertion of new definitions for "Horizontal or Directional Drilling" and "Hydraulic Fracturing or Hydro-fracking" to read as follows:

**HORIZONTAL OR DIRECTIONAL DRILLING** – The practice of digging a well, first, down vertically to a depth above the target gas-bearing rock formation, then, on a curve so that the hole is drilled horizontally or at an angle within the gas-bearing rock.

**HYDRAULIC FRACTURING OR HYDRO-FRACKING** – The practice of pumping a fluid and a propping material, typically composed of sand or other chemicals, down a well under high pressure to create fractures in gas-bearing rock.

Section 3. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by changing the Type of Use of “Extractive operations and soil mining in compliance with § 165-25” under the “Business Uses” heading to read “Extractive operations and soil mining in compliance with § 165-25, except for horizontal or directional drilling operations, hydraulic fracturing or hydro-fracking operations and the storage, processing, handling and disposal of the fracking fluids and other by-products or waste generated from horizontal or directional drilling operations and hydraulic fracturing or hydro-fracking operations, which are all prohibited in all zoning districts within the Town of Geneva”.

Section 4. Schedule II – Prohibited Industrial Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs 49 and 50 to read as follows:

49. Horizontal or directional drilling operations.
50. Hydraulic fracturing or hydro-fracking operations.
51. Storage, processing, handling and disposal of the fracking fluids and other by-products or waste generated from horizontal or directional drilling operations and hydraulic fracturing or hydro-fracking operations.

Section 5. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6. This local law shall take effect immediately upon filing with the Secretary of State.