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Local Law Filing

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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.

TOWN OF NEW PALTZ

LOCAL LAW NO. 2 OF 2012

A LOCAL LAW AMENDING CHAPTER 140 OF THE TOWN CODE TO PROHIBIT NATURAL GAS AND/OR OIL EXPLORATION AND EXTRACTION

BE IT ENACTED by the Town Council of the Town of New Paltz as follows:

Section 1: Legislative intent.

This local law amends Chapter 140 of the Town Code to prohibit natural gas and/or oil exploration and extraction and related activities within the Town. This Local Law is adopted pursuant to Article 16 of the Town Law of the State of New York and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety and general welfare.

§ 2. Legislative findings.

The Town finds that natural gas and petroleum exploration and extraction and related activities have the potential to increase traffic, noise and odors within the Town, contaminate water and air, and negatively impact the town's open space and aesthetic resources. The prohibition is consistent with the Town of New Paltz Comprehensive Plan which identifies preservation of rural landscapes, maintaining connectivity between habitat areas that support a diversity of plant and animal species, and maintaining open space as objectives of the Town.

§ 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 4. Section 140-4(C) of the Code is hereby amended by the addition of the following new definitions:

SOIL MINING – The use of land for the purpose of extracting and selling stone, sand, gravel or other minerals, and not including natural gas or oil exploration and extraction.

NATURAL GAS AND OIL EXPLORATION – The use of land for geological or geophysical activities related to the search for natural gas, oil 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, oil or other subsurface hydrocarbon deposits.

NATURAL GAS AND OIL EXTRACTION – The use of land for the purpose of extracting, developing and producing natural gas, oil or other subsurface hydrocarbons from subsurface deposits. Natural gas and oil extraction includes storage or construction staging yards associated with an oil or gas extraction operation, and gas pipelines, water lines and other gathering systems and components including but not limited to drip stations, vent stations, injection stations and valve boxes associated with an a natural gas or oil extraction operation.

NATURAL GAS AND OIL 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 oil storage facility, or a natural gas or oil gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or oil.

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS – Any refuse, sludge or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results from, is associated with or produced as a byproduct of natural gas and oil exploration or extraction, including, without limitation, production brine, produced waters, flowback, flowback fluids and hydraulic fracturing fluids.

§ 5. Section 140-9 of the Code is hereby amended by the addition of the following uses to the list of prohibited Industrial Uses:

- Natural gas and oil exploration
- Natural gas and oil extraction
- Natural gas and oil support activities
- Storage or disposal of natural gas and oil production byproducts

§ 6. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.