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**Moratorium on and Prohibition of Certain Natural Gas And/Or Petroleum Exploration,
Extraction Activities, and Transportation or Storage of Related Waste**

Be it enacted by the Board of Trustees of the Village of New Paltz, Ulster County, State of New York, as follows:

Section 1. Authority Intent and Purpose.

A. The Village Board of the Village of New Paltz hereby adopts this Local Law pursuant to the authority of the Municipal Home Rule Law.

B. The Village Board has found, determined, and made findings that the practices which are the subject of this local law have been sufficiently shown to have a potential detrimental impact on the public health safety and welfare to warrant further investigation and findings, and in the meantime to prevent the practices within the Village.

C. The Purpose of this local law is to enable the Village to stay the construction, operation, establishment, and/or operation of activities which are prohibited hereby, in order that the Village may study and make findings as to the public health safety and welfare implications of the practices herein and to consider and adopt such legislation as may be deemed necessary to protect the public health, safety and welfare of its residents.

Section 2. Definitions.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Natural Gas Processing Facility --- Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO₂ separated from natural gas streams.

Person --- Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Radioactive Material --- Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency.

Natural Gas And/Or Petroleum Exploration Activities --- Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geological seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or

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otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities --- The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction Support Activities --- Shall mean and be any one or more of the following: (a) natural gas compression Facility; (b) natural gas processing facility; (c) natural gas and/or petroleum extraction exploration or production wastes disposal/storage facility; (d) natural gas and/or petroleum extraction, exploration or production wastes dump; (e) land application facility; (f) underground injection; or (g) Underground Natural Gas Storage.

Section 3. Moratorium & Prohibition.

A. No application for any permit or approval shall be accepted, processed, issued or approved for the construction, establishment, or use or operation of any land or body of water for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction/Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

B. From and after the date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Village for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

C. The moratorium and prohibition set forth above in Sections A. and B. of this Section are not intended, and shall not be construed, to: (i) prevent or prohibit the digging or drilling of a well for the purposes of exploring for, developing, or producing potable water; (ii) prevent or prohibit the right to use roadways in commerce or otherwise for travel not in connection with the production, transportation, or removal of products, equipment, or by-products associated with any prohibited activity; (iii) prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Village; or (iv) prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Village.

D. The moratorium herein shall be effective for a period of six months from the effective date of this Local Law.

Section 4. Penalties.

Violation of this Local Law shall be punishable by a fine of \$10,000 or up to 30 days in jail, or both.

Section 5. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this

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Local Law or the application thereof to other persons or circumstances and the Village Board of the Village of New Paltz hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.