

TOWN OF FORESTBURGH, SULLIVAN COUNTY, NEW YORK

LOCAL LAW NO. 2 OF 2012

**A LOCAL LAW BANNING OR PREVENTING
PETROLEUM OR NATURAL GAS EXPLORATION
AND EXTRACTION WITHIN THE TOWN OF
FORESTBURGH, SULLIVAN COUNTY, NEW YORK**

CHAPTER RESOURCE MANAGEMENT

§ . Purpose.

A. This Chapter is enacted by the Town Board of the Town of Forestburgh to:

1. Protect and preserve the Town's rural and residential character.
2. Protect the quality of the Town's air, water and other natural resources.
3. Promote the health, safety, and welfare of the Town and its residents by protecting them from the nuisance and negative impacts that could result if any of the prohibited uses contained herein are permitted within the Town.
4. Protect the Town's unique character, the preservation of which is of significant value to the residents of the Town by protecting it from the impacts that could result from any of the prohibited uses contained herein.
5. Protect the Town's historic, recreational, and tourist attractions from the impacts that could result from any of the prohibited uses contained herein.

§ . Authority.

A. This Chapter is adopted pursuant to the authority granted to the Town Board under the New York State constitution, and the laws of the State of new York, including, but not limited to the following Authorities:

1. New York State Constitution Article IX, Section 2(x)(ii)(6), 10;
2. Municipal Home Law §10(1)(ii)(a);
3. Environmental Conservation Law §17-1101 and §27-0711; and
4. Public Health Law §228(2), (3).

§ . Definitions.

- A. 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.
- B. 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.

- C. 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.
- D. 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.
- E. Natural Gas and/or Petroleum Exploration and production Wastes. 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.

§ . Prohibited Uses.

- A. The following uses and activities are expressly and explicitly prohibited in any zoning district within the Town, and no building structure shall be created, altered, or erected, and no land or building thereon shall be used, for any of such uses or activities:
 - 1. Natural Gas and/or Petroleum Exploration Activities.
 - 2. Natural Gas and/or Petroleum Extraction Activities.
 - 3. Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Disposal/Storage Facility.
 - 4. Natural Gas and or Petroleum Extraction, Exploration or Production Wastes Dump.
 - 5. Natural Gas Compression Facility
 - 6. Natural Gas Processing Facility.
 - 7. Non-regulated Pipeline.
 - 8. Underground Injection.
 - 9. Underground Natural Gas Storage.
 - 10. Injection Well.
 - 11. Production, storage, injection, discharge, disposal release, or maintenance any Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes.
 - 12. The use of brine and any other byproducts of hydraulic fracturing for any purpose.
- B. Any condition caused or permitted to exist in violation of this Section is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.