

TOWN OF COLDEN
LOCAL LAW INTRO NO. 1-2012

LOCAL LAW ____-2012

A LOCAL LAW TO AMEND LOCAL LAW 1-1984 KNOWN AS "ADOPTION OF CODE", ADOPTED BY THE TOWN OF COLDEN ON DECEMBER 29, 1984, TO ESTABLISH A MORATORIUM ON THE USE OF LAND FOR HORIZONTAL DRILLING AND HYDRAULIC FRACKING IN THE TOWN OF COLDEN.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COLDEN AS FOLLOW:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as "Adoption of Code" adopted by the Town of Colden on December 29, 1984, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Colden as therein set forth.

SECTION 2. PURPOSE

The Town of Board of the Town of Colden has under review a Local Law governing the use of horizontal drilling and hydraulic fracturing. At the present time, there are no Town restrictions or regulations in regard to use of land within the Town for horizontal drilling and hydraulic fracturing. The Town Board finds that the commercial extraction of natural gas and oil by hydraulic fracturing or horizontal gas well drilling in the rural environment of the Town of Colden violates the rights of residents and imposes a significant threat to their health, safety and welfare. Moreover, widespread environmental and human health impacts have resulted from commercial gas and oil extractions utilized either hydraulic fracturing or horizontal gas or oil well drilling in other area. Permitting the activity of commercial gas or oil extraction utilizing hydraulic fracturing and/or horizontal gas well drilling violates the rights of residents and endangers their health, safety and welfare by allowing the intentional deposit of toxins into the air,

soil, water, environment, and the bodies of residents within the Town. The activity poses a threat to some, if not all, of the natural water supply upon which the Town of Colden relies as its sole source of water. The Board finds that it is in the best interest of the Town for a moratorium on the use of horizontal drilling and hydraulic fracturing within the Town.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Town of Colden hereby declares a six (6) month moratorium on the use of horizontal drilling and hydraulic fracturing within the Town.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall become effective immediately upon the adoption by the Town of Colden Town Board and filing with the New York Secretary of State.