LOCAL LAW # 10 OF THE YEAR 2012

A Local Law amending Chapter 112 of the Code of Wawarsing regarding the exploration, and extraction of natural gas and petroleum products.

§ 1. This law is adopted and enacted pursuant to the authority granted to the Town Board under the New York State Constitution and the Laws of New York State including, but not limited to New York State Municipal Home Rule Law Section 10 and New York State Town Law.

§ 2. PURPOSE It is the purpose of this local law to promote those purposes outlined in §112-2 of The Code of the Town of Wawarsing, the Town's Comprehensive Plan, and more specifically:

A. It is the purpose of this Local Law to promote the protection, order, conduct, safety, health, and well-being of the residents of the Town of Wawarsing and the lands that lie within the Town's borders.

B. It is the purpose of this Local Law to protect and enhance the Town's physical and visual environment.

C. It is the purpose of this law to respond to the legitimate concerns of the citizens of the Town about the potential for expansion of the Exploration for or Extraction of Natural Gas and/or Petroleum Industry in the Town and about the potential for major portions of the Town and its citizens to be adversely impacted by such Industry.

D. It is the purpose of this Local Law to uphold and implement the Town of Wawarsing Comprehensive Plan, as currently adopted.

E. Further, it is the purpose of this Local Law to control those activities related to the Exploration for or Extraction of Natural Gas and/or Petroleum Industry, which may impact wetlands, lakes, streams, groundwater resources, drinking supplies, public roads, historic landscapes, Agriculture, small town character, and the town's tourism and recreational- based economy. Impacts related to the Exploration for or Extraction of Natural Gas and/or Petroleum Industry that the Town Of Wawarsing seeks to avoid include, but are not limited to contaminated water supplies, air pollution, traffic congestion, deterioration of roads and bridges, noise, introduction of industrial uses into non-industrial areas, human and animal illness, and incompatible changes to the character of the Town.

§ 3. Section 112-14 of the Code of the Town of Wawarsing is amended as follows;

The following definitions shall be added to §112-14:

NATURAL GAS – any gaseous substance, either combustible or non-combustible, 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.

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.

NATURAL GAS AND/OR PETROLEUM EXPLORATION PRODUCTION MATERIALS - any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

"NATURAL GAS EXPLORATION AND/ PETROLEUM PRODUCTION WASTES - any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

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 subsurface hydrocarbons.

NATURAL GAS AND/OR PETROLEUM EXTRACTION 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.

PETROLEUM – An Oily flammable liquid obtained from the ground which can be refined into gasoline, fuel oils and other products.

§4 – A new §112-14 shall be added to the Code of the Town of Wawarsing to read as follows:

§ 112-14 - **Prohibited Uses**

A. Prohibition against the Exploration for or Extraction of Natural Gas and/or Petroleum. No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum; to drill any well for natural gas and/or petroleum; to transfer, process or treat natural gas and/or petroleum; or to dispose of natural gas and/or petroleum exploration or production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

B. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

C. Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

D. Prohibition against Natural Gas and/or Petroleum Extraction Support Activities.

No land in the Town shall be used for natural gas and/or petroleum extraction support activities.

§5 Effective Date. This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.