

*Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE  
ALBANY, NY 12231

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(Use this form to file a local law with the Secretary of State.)

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.

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**TOWN OF NEW PALTZ**

**LOCAL LAW NO. 3 OF 2012**

**A LOCAL LAW TO PROHIBIT THE DISPOSAL OF NATURAL GAS AND/OR OIL PRODUCTION WASTES INTO THE MUNICIPAL SEWER SYSTEM**

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

**Section 1: Legislative intent.**

This local law prohibits the disposal of natural gas and/or oil production wastes into the municipal sewer system.

**§ 2. Section 113-2 of the Town Code, definitions, is hereby amended by the addition of the following new definitions:**

**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 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.

**§ 3. Section 113-2 of the Town Code, definitions, is hereby amended by deleting the definition of Industrial Wastes and replacing it with the following definition:**

INDUSTRIAL WASTES – Any discarded matter, including any liquid, gaseous or solid substance, or combination thereof, resulting from any industrial user, excluding natural gas and oil production byproducts.

**§ 4. Section 113-3 of the Town Code, prohibited acts, is hereby amended by inserting the following new subsection:**

D. It shall be unlawful to discharge into any outlet within the district which is serviced by public sewers under the jurisdiction of the district any natural gas and oil production byproducts.

**§ 5. Section 114-24 of the Town Code, prohibited discharges, is hereby amended by inserting the following new subsection:**

N. Any natural gas and oil production byproducts.

**§ 6. 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.

**§ 7. 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.

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**TOWN OF NEW PALTZ**

**LOCAL LAW NO. 4 OF 2012**

**A LOCAL LAW TO PROHIBIT BRINE ON TOWN ROADS**

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

**Section 1: Legislative intent.**

This local law prohibits the application of oil and gas mining and drilling byproduct, including brine, on town roads and town property.

**§ 2. A new Chapter, Chapter 54, to be known as “Brine Prohibition” is added to the Code of the Town of New Paltz to read as follows.**

§ 54-1

Title. This Local Law shall be known by and may be cited as the “Brine Prohibition Act.”

§ 54-2

Definitions. As used in this Chapter, the following terms shall have the following meanings:

**APPLICATION** -- The physical act of placing natural gas and oil production byproducts on one or more Town roads or one or more pieces of Town property. Each physical act shall be deemed a separate violation. Each time a person stops the placement of natural gas and oil production byproducts for any reason, including but not limited to stopping a vehicle used in the placement or re-loading or replacing any material or equipment and then resuming placement shall be deemed a separate application.

**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 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 or hydraulic fracturing fluids.

**ROAD** – Any public road, street, or bridge owned, maintained or controlled by the Town of New Paltz.

#### §54-3

Prohibition. The application of natural gas and oil production byproducts on any Town road or property, whether as a de-icing substance or for any other purpose is prohibited

#### §54-4

Duty of Town Employees. The Town Council and Highway Superintendent are authorized to develop policies to ensure Town employees are familiar with this Chapter and take such steps as are required to ensure that materials supplied to the Town or used on Town roads or properties comply with this Law. This shall not excuse non-compliance by a contractor or vendor of the Town.

#### §55-5

Penalties for Violations. Violation of this chapter is a misdemeanor and punishable by a maximum fine of \$500 and/or imprisonment of up to 15 days for each separate offense.

### **§ 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. 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.