

## **Town of Olive Local Law #1 of 2013**

A Local Law creating §155-45 of the Town of Olive Zoning Ordinance with regard to Exploration for and/or Extraction of Natural Gas and/or Petroleum.

### **Section 1.**

This Local Law is adopted and enacted pursuant to the authority and power granted by the Constitution and Laws of the State of New York including without limitation the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and Article 2 of the New York State Statute of Local Governments, and pursuant to the authority of Section 265 of the New York State Town Law.

### **Section 2. PURPOSE**

- 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 Olive 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. 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, air quality, public health, 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 Olive seeks to avoid include, but are not limited to contaminated water supplies, air pollution, light 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 rural character of the Town.
- E. This Local Law is intended to be of general applicability, in conjunction with Chapter 155 and is intended to regulate all uses, practices, and methodologies associated with the Exploration for or Extraction of Natural Gas and/or Petroleum Industry, except as provided herein.

### Section 3. DEFINITIONS

§155-45 of the Zoning Ordinance of the Town of Olive shall be created to include the following definitions which shall be inserted alphabetically into that section:

**“Natural Gas”** shall mean 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 vapor occurring in or derived from petroleum or other hydrocarbons.

**“Natural Gas and/or Petroleum Exploration”** shall mean 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 and Production Materials”** shall mean any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

**“Natural Gas Exploration and/or Petroleum Production Wastes”** shall mean any garbage, refuse, cuttings, leachate, 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”** shall mean 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”** shall mean a water or fluid gathering station and /or water extraction sites in all town and private waterways including but not limited to reservoirs, aquifers, rivers, creeks, ponds; a water or fluid injection station; construction, use, or maintenance of a storage or staging yard; a natural gas or petroleum storage facility and/or waste water retention “ponds;” a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

### Section 4: REGULATION

Now, therefore, Chapter §155-45 Regulation of Exploration and./or Extraction of Natural Gas and/or Petroleum of the Town of Olive Zoning Ordinance is hereby created as follows:

§155-45 EXPLORATION FOR OR EXTRACTION OF NATURAL GAS AND/OR PETROLEUM

- 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, store, 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.

**Section 5. ENFORCEMENT**

Upon authorization by the Town Board, the Town may institute an action or proceeding in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this law in addition to the penalties in §155-33.

**Section 6. SEVERABILITY**

The provisions of the local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

**Section 7. REPEALER**

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

**Section 8. EFFECTIVE DATE** This law shall become effective immediately.