

Local Law Filing

(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.

County City Town Village
(Select one.)

of SOUTHEAST

Local Law No. 6 (amended) of the year 2013

A local law establishing a new chapter relating to and prohibiting the use of hydraulic fracturing waste
(Insert Title)
on Town Highways

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of SOUTHEAST

as follows:

Chapter _____ Hydraulic Fracturing

- § ____ .01. Definitions.
- § ____ .02. Prohibitions.
- § ____ .03. Provision to be included in Bids and Contracts related to the Construction or Maintenance of Town Roads.
- § ____ .04. Duty of Employees to be Familiar with this Chapter.
- § ____ .05. Penalties.
- § ____ .06. Severability.

Section .01. Definitions.

1. As used in this Chapter the term "hydraulic fracturing" shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

2. As used in this Chapter the term “natural gas extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
3. As used in this Chapter the term “natural gas waste” shall mean any waste which is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
4. As used in this Chapter the term “application” shall mean the physical act of placing or spreading natural gas waste.

Section .02. Prohibitions.

1. The introduction of natural gas waste into any wastewater treatment facility within the Town of Southeast which is either privately operated or operated by the Town of Southeast or an special benefit district thereof is prohibited.
2.
 - (a) The sale of natural gas waste within the Town of Southeast is prohibited.
 - (b) The application of natural gas waste on any Town road or privately owned real property located within the Town of Southeast is prohibited.

Section .03. Provision to be Included in Bids and Contracts related to the Construction or Maintenance of County Roads.

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a Town road shall include a provision stating that no materials containing natural gas waste shall be provided to the Town.
2. All bids and contracts related to the retention of services to construct or maintain a Town road shall include a provision stating than no materials containing natural gas waste shall be utilized in providing such a service.

Section .04. Duty of Employees to be Familiar with this Chapter.

The Supervisor or, at the Supervisor’s option, any Department Head or Superintendent of Highways is authorized to develop policies to ensure Town employees are familiar with the provisions of this Chapter and take such steps as are directed by the Supervisor or Superintendent of Highways to ensure a diligent effort by the Town that materials supplied to the Town or used on Town roads or property comply with this law. This Section shall not excuse non-compliance by a Contractor or Vendor of the Town.

Section .05. Penalties.

Any violation of Section of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days’ imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

Section .07. Severability.

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions, of this chapter are hereby declared to be severable.

Section 2.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2013 of the (County)(City)(Town)(Village) of SOUTHEAST was duly passed by the TOWN BOARD on APRIL 18, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

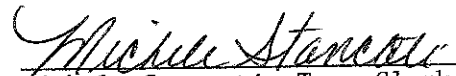
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

(Seal)

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Michele Stancati, Town Clerk
Date: April 18, 2013

This Amended Filing Form is Submitted because the original form inadvertently omitted a paragraph (Section 1, Paragraph 2) which has been included herein.


Michele Stancati, Town Clerk
Date: June 10, 2013