

**Office of the Town Clerk
Town of New Paltz
P.O. Box 550 / 1 Veterans Drive
New Paltz, NY 12561
(845) 255-0100 / Fax: 256-0537
clerk@townofnewpaltz.org**

November 16, 2012

State Records & Law Bureau
Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

Attn: Secretary of State

Dear Honorable Secretary of State:

I have enclosed material for the Town of New Paltz pertinent to filing year 2012 Local Law #2 to amend Chapter 140 of the Town Code to prohibit natural gas and/or exploration and extraction; Local Law #3 to prohibit the disposal of natural gas and/or oil production wastes into the municipal sewer system; and Local Law #4 to prohibit brine on Town roads.

Please feel free to contact me at the above number should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Rosanna Mazzaccari".

Rosanna Mazzaccari
Town Clerk

Enc.

**(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. 2 of 2012 of
the ~~(County)(City)(Town)(Village)~~ of New Paltz was duly passed by the
Town Board on November 15, 2012, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20____ in accordance with the applicable provisions of law.

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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
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.

* 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.

(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. 3 of 2012 of the (County)(City)(Town)(Village) of New Paltz was duly passed by the Town Board on November 15, 2012, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (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) (Name of Legislative Body) (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.

* 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.

(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. 4 of 2012 of the ~~(County)(City)(Town)(Village)~~ of New Paltz was duly passed by the Town Board on November 15, 2012, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (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) (Name of Legislative Body) (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.

* 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.)

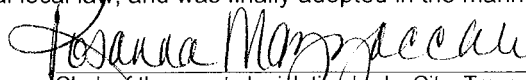
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 16, 2012

(Seal)

Local Law Filing

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

(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.

Local Law Filing

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

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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.

Local Law Filing

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162 WASHINGTON AVENUE
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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.