

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
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.

County

City

of CHAMPION

Town

Village

FILED  
STATE RECORDS

MAY 15 2012

DEPARTMENT OF STATE

Local Law No. 5 of the year 2012

A local law A Local Law creating a 180 day Moratorium on Natural Gas and/or Petroleum Extraction Activities

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

County

City

of Town of Champion as follows:

Town

Village

Section 1. Title. This Local Law shall be referred to as the "Temporary 180 Day Moratorium on Natural Gas and/or Petroleum Extraction Activities."

## Section 2. Definitions.

A. Natural Gas and/or Petroleum Extraction Activities as used in this Law 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 including, without limitation any and all forms of shale fracturing.the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other subsurface hydrocarbons, including, without limitation, any and all forms of shale fracturing.

Section 3. Purpose and Intent. Pursuant to the statutory powers vested in the Town of Champion to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary 180 day moratorium on Natural Gas and/or Petroleum Extraction Activities.

The Town of Champion has inadequate zoning regulations governing Natural Gas and/or Petroleum Extraction Activities within the Town. It is clear that application for this activity will be multiplying in the near future due to the increase in energy needs in the United States. The location of the Town of Champion along the Black River with its scenic and water resources obliges the Town to place in effect the best possible regulations to govern the location and placement of Natural Gas and/or Petroleum Extraction Activities. These regulations will encourage and foster the development of alternative energy within the Town, State and Nation while protecting the natural and scenic resources of the area through proper regulation of land use in the placement of the Natural Gas and/or Petroleum Extraction Activities.

The Town of Champion's present failure to adequately regulate Natural Gas and/or Petroleum Extraction Activities in the face of past and anticipated applications, represents a clear and obvious deficiency in the Town of Champion's system of land use regulation.

The Town Board desires to address the Natural Gas and/or Petroleum Extraction Activities on a comprehensive Town-wide basis, and to adopt a zoning ordinance to regulate same.

Section - Scope of Controls

A. During the effective period of this Local Law.

- 1) The Town Board shall not grant any approvals which would have as the result Natural Gas and/or Petroleum Extraction Activities being carried out or engaged in within the Town of Champion.
- 2) The Town of Champion Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or wetlands permit which would have as a result Natural Gas and/or Petroleum Extraction Activities being carried on or engaged in, within the Town of Champion.
- 3) The Zoning Board of Appeals shall not grant any variance for any use which would result in Natural Gas and/or Petroleum Extraction Activities being carried on or engaged in, within the Town of Champion.
- 4) The Zoning Enforcement Officer shall not issue any permit which would result in Natural Gas and/or Petroleum Extraction Activities being carried on or engaged in, within the Town of Champion.

B. The Town Board reserves the right to direct the Zoning Enforcement Officer or Building Code Inspector to revoke or rescind any Zoning Permits, Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 5. No Consideration of New Applications. No applications for Natural Gas and/or Petroleum Extraction Activities or for approvals for site plan, special use permit, subdivision, variance or wetlands permit which would result in Natural Gas and/or Petroleum Extraction Activities shall be considered by any board or agency of the Town of Champion while this Local Law is in effect

Section 6. Term. This Local Law shall be in effect for a period of 180 days from its effective date.

Section 7. Penalties. Any person, firm, or corporation that shall establish, engage in Natural Gas and/or Petroleum Extraction Activities in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by laws, rules and regulations of the Town of Champion for violations; and
- B. Injunctive relief in favor of the Town of Champion to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

Section 8. Validity. The invalidity of any provision of this Local Law shall not effect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 9. Effective Date.

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.

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

**(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. 5 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town Board on 5/7/12 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 2012 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2012 , and was (approved)( not approved) \_\_\_\_\_ (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted \_\_\_\_\_ (Elective Chief Executive Officer) on \_\_\_\_\_ 2012 , 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 2012 of the (County)(City)(Town)(Village) of \_\_\_\_\_ Champion \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ and was (approved)~~(not approved)~~ \_\_\_\_\_ (Name of Legislative Body) approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ (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 November 2, 2012 , 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 2012 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2012, and was (approved)( not approved) (repassed after disapproval) \_\_\_\_\_ (Name of Legislative Body) by the \_\_\_\_\_ on \_\_\_\_\_ 2012 . \_\_\_\_\_ (Elective Chief Executive Officer\*)<sup>1</sup>

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2012 , in accordance with the applicable provisions of law.

**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 2012 of the Town 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 \_\_\_\_\_

<sup>1</sup> \* 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.

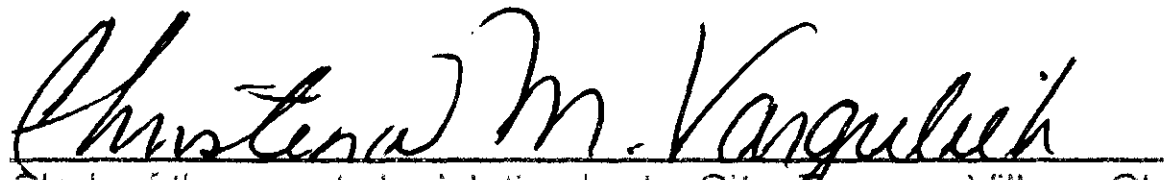
such town voting thereon at the (special)(general) election held on \_\_\_\_\_  
\_\_\_\_\_2012 , became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_  
\_\_\_\_\_of 2012 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.



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

Christina M. Vargulick

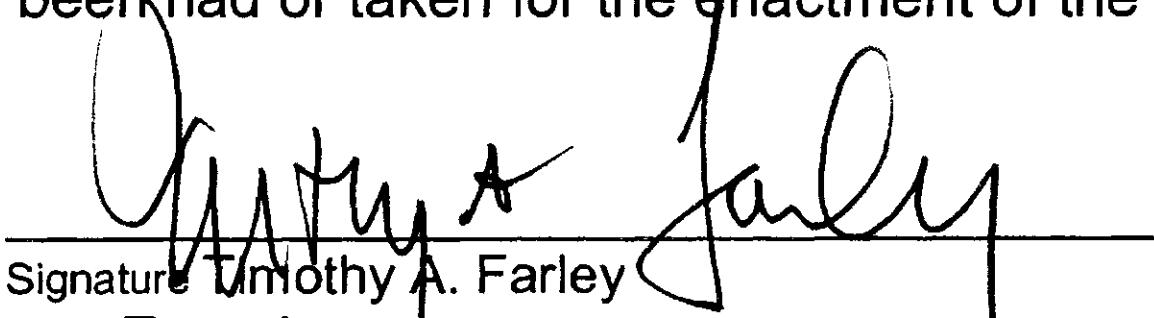
(Seal)

Date: May 8, 2012

**(Certification to be executed by County Attorney, Corporation Counsel, Town  
Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF JEFFERSON

I, the undersigned, hereby certify that the foregoing local law contains the correct text  
and that all proper proceedings have been had or taken for the enactment of the local  
law annexed hereto.

  
Signature: Timothy A. Farley  
Title: Town Attorney  
Town of Champion  
Date: 5/16/2012