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COUNTY OF ERIE

LOCAL LAW INTRO. NO. 8 -2011

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A Local Law entitled "PROHIBITING THE USE OF HYDRAULIC FRACTURING AS A METHOD FOR EXTRACTION OF NATURAL GAS OR OIL IN ERIE COUNTY" in relation to preventing the use of Hydraulic Fracturing (commonly known as Hydro-Fracking) within Erie County.

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT.

It is the intent of the Legislature to prevent the use of Hydraulic Fracturing to extract natural gas or oil from any and all shale formations, specifically the Marcellus Shale formation, on any properties contained within the County of Erie, New York. It is the further intent of this legislation to address the issue of horizontally drilled wells that are used to extract oil and gas and to not impact any vertical wells used for storage purposes only and containing natural gas or oil in Erie County.

SECTION 2. FRACTURING AND HORIZONTAL DRILLING PROHIBITED.

Fracturing of any type, including hydraulic fracturing or explosive fracturing, for the extraction of natural gas or oil shall be prohibited on and/or under all real property contained within the County of Erie, New York.

SECTION 3. DEFINITION OF HYDRAULIC FRACTURING.

For purposes of this section "hydraulic fracturing" shall mean fracturing of rock by man-made fluid driven fracturing techniques for the purpose of stimulating natural gas or oil well production.

SECTION 4. PENALTIES FOR VIOLATION.

There shall be penalties assessed to any company or individual that violates this prohibition in the amount of $100,000 for the first offense, $500,000 for each offense thereafter.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect on January 1, 2012.

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY:

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