**SECOND DRAFT**

**Town of Morris Local Law No. \_\_\_\_**

**Protection of Rural Environment Local Law of the Town of Morris**

**Be it Enacted by the Town Board of Morris, Otsego County, New York, as follows:**

1. **TITLE**

This Local Law, enacted as a Stand-Alone Prohibition of Heavy Industry and Gas Drilling, shall be known as the Protection of Rural Environment Local Law of the Town of Morris adopted as Local Law No. \_\_\_\_ of 2011.

1. **ENACTMENT**

This local law is adopted and enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to Article 2 of the New York State Statute of Local Governments.

This Local Law is consistent with the stated intent of the Morris Master Plan ratified on December 8, 1987.

1. **PURPOSE**

The purposes of this Local Law which prohibits heavy industry within the Town of Morris are as follows:

It is the purpose of this Local Law to promote the protection, order, conduct, safety, health, and well-being of the residents of Morris and the lands which lie within the borders of the Town.

It is the purpose of this Local Law to protect and enhance the physical and visual environments of the Town of Morris.

It is the purpose of this Local Law to respond to the present, legitimate concerns of the citizens of the Town of Morris about the potential for a huge expansion of heavy industry and natural gas drilling in the Town, and about the potential for major portions of the Town and its citizens to be adversely impacted by heavy industry and drilling and operation of natural gas wells and by the activities associated with their operation.

It is the purpose of this Local Law to protect the citizens of the Town of Morris from potential human health hazards presented by natural gas exploration, extraction or processing as evidenced by the recent public statements issued by the medical community.

It is the purpose of this Local Law to uphold and implement the Morris Master Plan adopted December 8, 1987.

1. **MORRIS MASTER PLAN**

The Town and Village Boards of Morris, in adopting a Master Plan on December 8, 1987, under the authority of Section 272a of Article 16 of Chapter 62 of the Consolidated Laws of the State of New York, defined the essentially rural and agricultural character of the Town and Village, and established guidelines for the preservation of the natural and historic assets of the Town and Village in a manner compatible with orderly economic growth, providing a basis for a detailed Land Use Ordinance (N.B. No land use ordinances have been adopted as of this date) to guide the future development of the Town and Village. **A summary of the Morris Master Plan can be found in Appendix I.**

1. **HEAVY INDUSTRY**

It is the purpose of this Local Law to prohibit those activities related to heavy industry, which may impact wetlands, lakes, streams, groundwater resources, public drinking supplies, public roads, historic landscapes, agriculture, small town character, and the area’s tourism and recreational-based economy. Impacts related to heavy industry that the Town of Morris seeks to avoid include but are not limited to: contaminated water supplies, air 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.

Definition of Heavy Industry: Heavy Industry is defined as any use or activity which generates significant volumes of smoke, odors, noise, or other polluting wastes and is not compatible with other uses in the Town of Morris. Examples of “heavy industry” which are intended to be included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Generic examples of uses NOT intended to be included in the definition of “heavy industry” are: milk processing plants; dairy farms; office and communications uses; garment factories; woodworking and cabinet shops; automobile repair shops; wineries or breweries; warehouses; equipment repair and maintenance facilities; parking lots; light manufacturing or light industrial facilities; agriculture; and surface gravel and sand mining. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

1. **REGULATION**

Beginning on the effective date of this Local Law, it shall be unlawful for any person or corporation to conduct any new “Heavy Industry” as the term is defined in this Local Law within the Town of Morris.

1. **ENFORCEMENT**

Upon authorization by the Board, the Town of Morris may institute 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 Local Law.

1. **NON-CONFORMING USE**

Non-Conforming Use is defined as any use or activity that was lawful prior to the adoption of this Local Law but that fails by reason of such adoption to conform to the present requirements of the law. New “heavy industry” uses as defined elsewhere in this Law shall be prohibited in the Town of Morris on the effective date of this Local Law.

Existing Leases: Where a lease which allows gas, oil, or coal extraction has been executed and where no substantive gas, oil or coal extraction activity has substantively commenced as of the effective date of this Local Law, then this Local Law shall apply in full effect and shall operate to prohibit all such activities. The existence of a lease under the circumstances described in this paragraph shall convey no vested right upon either party to the lease.

1. **EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**APPENDIX I**

**Morris Master Plan: Summary\***

1. *Assets*: The Town and Village of Morris has as assets its natural beauty, rural setting and historical character. This beauty, setting and character make the Town and Village of Morris an attractive place to live.
2. *Pressures on the Town and Village*: The natural and historic assets of the Town and Village of Morris are fragile resources and the influx of new residents threatens the very qualities that make them special places. Without effective regulation of land use through local control, and taking into account their special qualities, growth is likely to occur in an indiscriminate, haphazard manner, marring natural beauty, diminishing historical character, straining local resources, and polluting the environment. As growth occurs, measures must be taken to maintain air, water, and soil quality, to ensure proper waste disposal, to minimize traffic hazards and congestion, and to protect historic and aesthetic values.
3. *Property Values:* Indiscriminate development and poor planning damages the environment and lowers the quality of life and, thus, is a direct threat to property value. New residential and commercial projects can increase congestion, crowd the schools, stress the environment, raise taxes, and make the area less, rather than more attractive. An aim of an effective Land Use Ordinance—one that balances personal freedom with community responsibility—is to protect property values, while maintaining reasonable tax rates.
4. *Pressures from the Village*: A variety of businesses in the Town, outside the Village, depend on the tourist trade. Since there is limited potential for expansion within the Village of Morris, increasing pressures for development in the Town of Morris, for both commercial and residential purposes, seem to be inevitable. Locations especially sensitive to such pressures include the areas along Route 23, East and West of the Village, and Route 51, North and South of the Village. The patterns of development in these areas require special attention in order to minimize pollution of ground and surface water, traffic congestion and visual blight.
5. *Land Use*: Wherever possible, existing patterns of land use in hamlets and rural areas should be respected, to preserve the integrity of the Town and Village of Morris. For example, land removed from use as farmland or woodland cannot easily be returned to such use. Uses consistent with existing patterns should be encouraged when compatible with the characteristics of the land, in terms of factors such as drainage, erosion control, water supply, sewage, waste disposal and accessibility.
6. *Special Regulations*: As the Town and Village prepare for the next influx, land use regulations should protect the historical and natural character of the Town and Village…through recognition of historical districts, buildings, and uses, protection of scenic vistas, screening around unsightly commercial and industrial lots, etc. These aims can be achieved by admitting commercial, institutional and multi-residential uses through a Planned Development Unit (PDU) process under strict local control, designed to protect the essential character of the area in which any such use is proposed.
7. *Public Spaces*: There exists at present publicly-owned recreational land in the form of a village park, county forest, and state land in the Town of Morris. The present status of this land should be maintained.
8. *Congestion:* Numerous Town and Village roads, especially those which traverse steep terrain, are not suitable for handling the traffic flow associated with intensive development. Low population densities should be maintained in areas served by such roads, to minimize traffic congestion and hazardous driving conditions.
9. *Environment and Public Health*: A major objective of the Town and Village of Morris should be to maintain the natural environment so that it may be used and enjoyed by all the citizens of the Town and Village. Residents and visitors have the right to a clean and safe environment. The cost of cleaning contaminated water, air, or soil is many times greater than the cost of keeping the environment clean from the start. Some contaminants cannot be removed from the water or soil at all. The cost of preventing pollution should be borne by the businesses, institutions or individuals who generated it. Restoring a resource to a usable condition should not become the burden of the taxpayers.
10. *Erosion*: Erosion and siltation damage farmland and destroy habitats for fish and game. A Land Use Ordinance should stipulate practices designed to minimize runoff and erosion. Building on steep slopes or clearing woodlands should be discouraged.
11. *Wetlands*: Groundwater, streams, ponds, bogs, marshes, swamps and other wetlands should be protected.
12. *Discharges*: State and Federal laws prohibiting many kinds of discharges into surface and groundwater or into the air are often inadequate for local conditions. Local ordinances should prohibit pollution of water, air, or soil by toxic and noxious materials or conditions. Enforcement and penalties should be local as well as State and Federal responsibilities.
13. *Natural Features*: Valuable natural features, including scenic vistas, should be protected wherever possible.
14. *Environmental Review*: All applications to the Town and Village for approval of actions which have the potential for significant threats to the environment should be subject to thorough environmental review in accordance with the procedures prescribed in the New York State Environmental Quality Review Act (SEQR).

* **Morris Master Plan, Adopted by the Town and Village of Morris December 8, 1987**