TOWN OF HOLLAND
LOCAL LAW INTRO. NO. 3-2012
LOCAL LAW 1-2012

A LOCAL LAW TO AMEND LOCAL LAW 2-1988 "ADOPTION OF CODE", ADOPTED JULY 13, 1988 BY THE TOWN BOARD OF THE TOWN OF HOLLAND, AS AMENDED, TO PROVIDE FOR THE CONSTRUCTION OF OIL AND GAS WELLS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Local Law 2-1988, known as "Adoption of Code", adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of codes within the Town of Holland as herein set forth.

SECTION 2. SECTION 120-22, RURAL RESIDENTIAL AGRICULTURAL DISTRICT

Section 120-22, Rural Residential Agricultural District is amended by adding the following:

Section 120-22(C)(19), Oil and Natural Gas Wells
SECTION 3. ARTICLE VI, SPECIAL PERMIT USES

Article VI, Special Permit Uses, is amended by adding the following:

Section 120-50, Oil and Natural Gas Wells

1. The granting of a special use permit for the construction and use of any oil and natural gas wells shall require the applicant to identify the owner(s) of all properties located within 1,500 feet of the site of the proposed vertical well and any horizontal well. Identification of such wells shall be included in the application for the special use permit.

2. The applicant shall seek the consent of each owner and upon approval, shall determine the quality and quantity of all water wells located within 1,500 feet of both vertical and/or horizontal gas/oil wells. The applicant shall submit to the Town the procedure to be utilized in the testing of the water wells, which procedure shall be subject to approval by the Town. Wells shall be tested in accordance with Paragraph 5 of the New York State Department of Health Drinking Water Regulations or equivalent. The results of such tests shall establish a baseline for such properties.

3. In the event there are subsequent adverse changes in the baseline attributable to the location, construction and use of the gas or oil wells, the applicant shall be responsible for all damages, both actual and punitive, for the difference between
the baseline and subsequent testing of such water wells in regard to quantity and quality. The duration and frequency of subsequent sampling will be determined on a case-by-case basis depending upon the location of the oil and natural gas well in relation to surrounding water wells.

4. In the event the proposed drilling for oil and gas wells is within the “zone of contribution” to the Holland Aquifer, the applicant shall provide full documentation insuring no negative impact to the aquifer and its contributing zones.

5. Prior to the drilling and construction of oil and gas wells, the applicant shall submit to the Town a list of all equipment to be used including their gross weight. In the event the Town determines that such gross weight may have an adverse impact on the Town highways to be utilized in the drilling and construction, the Town may require a bond, in the opinion of the Town, to mitigate any damage to Town roads attributable to the use of such equipment.

6. Prior to the drilling and construction, the applicant shall submit a decommissioning plan for all oil and gas wells in the event that the wells become unusable or abandoned. The decommissioning plan shall include a New York State approved technique for oil and gas well decommissioning and shall set forth in detail the party or entity which will be obligated to pay for the cost of
decommissioning.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.
TOWN OF HOLLAND
LOCAL LAW INTRO. NO. _1_–2012
LOCAL LAW _2_–2012


BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS FOLLOWS:

SECTION 1. **LEGISLATIVE INTENT**

This Local Law amends Local Law 2-1988, known as “Adoption of Code”, adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of codes within the Town of Holland as herein set forth.

SECTION 2. **SECTION 120-22, R-A RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT**

Section 120-22, R-A Rural Residential and Agricultural District, is amended by the adding the following new section:

§120-22. **Garage and yard sales.**

A. Garage and yard sale is defined as the sale or offering for sale of
new, used or secondhand items of personal property at any one residential premises at any one time. It includes all sales in residential areas entitled "garage sale", "yard sale", "tag sale", "porch sale", "lawn sale", "attic sale", "basement sale", "rummage sale", "flea market sale" or any similar casual sale of tangible personal property.

B. It includes all residential dwellings located within any type of Zoning District.

C. It shall be unlawful for any person to conduct or participate in more than three (3) garage sales in any one (1) calendar year with a minimum of thirty (30) days between any such sales. Such sales shall be limited in time to no more than daylight hours of two (2) consecutive days.

D. Any person, firm or corporation who or which shall violate any part of this section shall, upon conviction therefore, be subject to a fine not to exceed $250.00 or imprisonment not to exceed fifteen (15) days. Every day that a violation of this section continues shall constitute a separate offense.

SECTION 3. EFFECTIVE DATE

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