

BILL NUMBER XX-10
Revised 8-2-10

DATE ADOPTED _____

ORDINANCE NO. _____

TOWNSHIP OF UPPER ST. CLAIR

AN ORDINANCE OF THE TOWNSHIP OF UPPER ST. CLAIR, A HOME RULE MUNICIPALITY OF THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 130 OF THE TOWNSHIP CODE ENTITLED "ZONING," TO PROVIDE FOR OIL AND GAS DRILLING OPERATIONS AS A CONDITIONAL USE IN ALL ZONING DISTRICTS IN THE TOWNSHIP EXCEPT FOR THE "R-LI" LOW INTENSITY RESIDENTIAL DISTRICT

WHEREAS, the Township of Upper St. Clair ("Township") has the power to protect the health, safety, and welfare of people and property in the Township; and

WHEREAS, the Township believes that it is in the best interest of its residents and citizens that the Township be provided certain information prior to commencement of Oil and Gas drilling, production and operations and further, that the Township regulate Oil and Gas Development as permitted by the Pennsylvania Municipalities Planning Code and the Pennsylvania Oil and Gas Act, 58 P.S. §§601.101 et seq.; and

WHEREAS, the Township recognizes that the regulation of Oil and Gas Development is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its zoning powers as set forth in the Pennsylvania Municipalities Planning Code ("MPC") and through the Township of Upper St. Clair Zoning Ordinance. It is in the Township's best interest to have information concerning oil and gas exploration, development, and production taking place within the Township and to ensure certain security and safety measures related to oil and gas well drilling are in place; and

WHEREAS, the Township of Upper St. Clair seeks to amend its Zoning Ordinance to permit Oil and Gas Development as a Conditional Use in all Zoning Districts except for the "R-LI" Low Intensity Residential District as set forth herein; and

WHEREAS, the Amendment was reviewed by the Planning Commission at a public meeting held on **DATE**, after which the Planning Commission submitted a recommendation to the Board of Commissioners dated **DATE**; and

WHEREAS, the Amendment was sent to the County of Allegheny Economic Development Department on **DATE**; and

WHEREAS, the Board of Commissioners has given careful consideration to all public comments and has determined that adoption of the Amendment is beneficial to the health and welfare of the vast majority of the citizens of the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER ST. CLAIR, and it is hereby ordained and enacted by the authority of the same that:

SECTION 1. Article II, DEFINITIONS, Section 130.3. Terms Defined, is hereby amended by adding the following definitions in alphabetical order.

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or collection of such wells operating as a midstream facility for delivery of Oil and Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

OIL AND GAS - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth.

OIL AND GAS DEVELOPMENT - The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the

exploration for, production and transportation of Oil and Gas other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities.

OPERATOR - Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

PROTECTED STRUCTURE - Any residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a Well Site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Operator from implementation of the measures established in subsection 130.8.3.2.4.15. of this Ordinance for the owners' or occupants' benefit.

WELL SITE - A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

SECTION 2. Section 130.8., R1 Single Family Residential District, Subsection 130.8.2.2. **CONDITIONAL USES**, is hereby amended by inserting the following new subsection under **PRINCIPAL USES**:

130.8.2.2.1.7. **OIL AND GAS DRILLING OPERATIONS**

SECTION 3. Section 130.8.3.2. Express standards and criteria for granting **CONDITIONAL USES**, is hereby amended by inserting the following new subsections:

130.8.3.2.4. **OIL AND GAS DRILLING OPERATIONS**

130.8.3.2.4.1. Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Oil and Gas Development activities. For state roads located within the Township, Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to Township.

130.8.3.2.4.2. Operator shall ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Oil and Gas Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.

130.8.3.2.4.3. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Oil and Gas Development, Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

130.8.3.2.4.4. Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Oil and Gas Development purposes. However, Operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Operator is engaging in Oil and Gas Development.

130.8.3.2.4.5. Prior to Oil and Gas Development, Operator shall provide to the Township's Police Department and Fire Department ("First Responders") and to the Township Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan that is satisfactory to the Township.

130.8.3.2.4.6. Before drilling, the Township shall ascertain whether the Township's Police and Fire Departments have secured adequate information to deal with any potential dangerous conditions that may result due to Oil and Gas Development activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available immediately after any substantial modification to the Oil and Gas Development or Well Site, or not less than annually during the period when the Operator anticipates drilling activities in the Township.

130.8.3.2.4.7. Operator shall implement appropriate dust control measures.

130.8.3.2.4.8. Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities.

130.8.3.2.4.9. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drillsite, wellhead, or other area being developed.

130.8.3.2.4.10. At least two (2) weeks prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):

130.8.3.2.4.10.1. A copy of the well survey plat showing the location(s) of the planned well(s);

130.8.3.2.4.10.2. A general description of the planned operations at the planned well(s) and associated equipment to be used in the Oil and Gas Development of the well(s);

130.8.3.2.4.10.3. The contact information for the Operator; and

130.8.3.2.4.10.4. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to Well Site construction.

130.8.3.2.4.11. Upon the filing of an Application for Conditional Use under this Section, the Operator shall provide:

130.8.3.2.4.11.1. A map showing the planned access route to the Well Sites on public roads,

130.8.3.2.4.11.2. Information on the status of road bonding,

130.8.3.2.4.11.3. The Operator's Erosion & Sedimentation Plan,

130.8.3.2.4.11.4. The well survey plat showing the planned surface location(s) of the well(s), and

130.8.3.2.4.11.5. The contact information for the Operator.

130.8.3.2.4.12. At least ten (10) days prior to commencement of drilling the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). The Operator shall also provide a copy of the plat indicating the size of the proposed drilling area.

130.8.3.2.4.13. In addition to the requirements in subsections 130.8.3.2.4.1. through 130.8.3.2.4.12. above, for any Oil and Gas well where the planned surface location of the well will be within one thousand (1,000) feet of a Protected Structure, the Operator shall:

130.8.3.2.4.13.1. Install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.

130.8.3.2.4.13.2. Install an adequate number of warning signs providing notice of the potential dangers at the perimeter of the Well Site.

130.8.3.2.4.13.3. Provide at least one security guard 24/7 at all times when a drilling rig or hydraulic fracturing equipment is on the Well Site.

130.8.3.2.4.14. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 7:00 p.m. to 7:00 a.m.

130.8.3.2.4.15. Operator shall take all reasonable measures to prevent the emission of offensive odors from the Oil and Gas Development.

SECTION 4. Section 130.9., R2 Suburban Residential District, Subsection 130.9.2.2. **CONDITIONAL USES**, is hereby amended by inserting the following new subsection under **PRINCIPAL USES**:

130.9.2.2.1.5. **OIL AND GAS DRILLING OPERATIONS**

SECTION 5. Section 130.9.3.2. Express standards and criteria for granting **CONDITIONAL USES**, is hereby amended by inserting the following new subsection

130.9.3.2.3. **OIL AND GAS DRILLING OPERATIONS:**
same as R1, 130.8.3.2.4.

SECTION 6. Section 130.10., R3 Medium Density Residential District, Subsection 130.10.2.2. CONDITIONAL USES, is hereby amended by inserting the following new subsection under PRINCIPAL USES:

130.10.2.2.1.6. OIL AND GAS DRILLING OPERATIONS

SECTION 7. Section 130.10.3.2. Express standards and criteria for granting CONDITIONAL USES, is hereby amended by inserting the following new subsection

130.10.3.2.5. OIL AND GAS DRILLING OPERATIONS:
same as R1, 130.8.3.2.4.

SECTION 8. Section 130.11, R4 Low Rise Multifamily Residential District, Subsection 130.11.2.2. CONDITIONAL USES, is hereby amended by inserting the following new subsection under PRINCIPAL USES:

130.11.2.2.1.4. OIL AND GAS DRILLING OPERATIONS

SECTION 9. Section 130.12, R5 Multifamily Residential District, Subsection 130.12.2.2. CONDITIONAL USES, is hereby amended by inserting the following new subsection under PRINCIPAL USES:

130.12.2.2.1.4. OIL AND GAS DRILLING OPERATIONS

SECTION 10. Section 130.13, SB Special Business District, Subsection 130.13.2.2. CONDITIONAL USES, is hereby amended by inserting the following new subsection under PRINCIPAL USES:

130.13.2.2.1.3. OIL AND GAS DRILLING OPERATIONS

SECTION 11. Section 130.13.3.2. Express standards and criteria for granting CONDITIONAL USES, is hereby amended by inserting the following new subsection

130.13.3.2.8. OIL AND GAS DRILLING OPERATIONS: same
as R1, 130.8.3.2.4.

SECTION 12. Section 130.14, C1 Neighborhood Commercial District, Subsection 130.14.2.2. CONDITIONAL USES, is hereby amended by inserting the following new subsection under PRINCIPAL USES:

130.14.2.2.1.7. OIL AND GAS DRILLING OPERATIONS

SECTION 13. Section 130.14.3.2. Express standards and criteria for granting CONDITIONAL USES, is hereby amended by inserting the following new subsection

130.14.3.2.7. OIL AND GAS DRILLING OPERATIONS: same as R1, 130.8.3.2.4.

SECTION 14. Section 130.15, C2 Highway Commercial District, Subsection 130.15.2.2. **CONDITIONAL USES**, is hereby amended by inserting the following new subsection under **PRINCIPAL USES**:

130.15.2.2.1.10. OIL AND GAS DRILLING OPERATIONS

SECTION 15. Section 130.15.3.2. Express standards and criteria for granting **CONDITIONAL USES**, is hereby amended by inserting the following new subsection

130.15.3.2.15. OIL AND GAS DRILLING OPERATIONS: same as R1, 130.8.3.2.4.

SECTION 16. Section 130.16, C3 Regional Shopping Center District, Subsection 130.16.2.2. **CONDITIONAL USES**, is hereby amended by inserting the following new subsection under **PRINCIPAL USES**:

130.16.2.2.1.3. OIL AND GAS DRILLING OPERATIONS

SECTION 17. Section 130.16.3.2. Express standards and criteria for granting **CONDITIONAL USES**, is hereby amended by inserting the following new subsection

130.16.3.2.10. OIL AND GAS DRILLING OPERATIONS: same as R1, 130.8.3.2.4.

SECTION 18. Section 130.17, RM Restricted Light Industrial District, Subsection 130.17.2.2. **CONDITIONAL USES**, is hereby amended by inserting the following new subsection under **PRINCIPAL USES**:

130.17.2.2.1.25. OIL AND GAS DRILLING OPERATIONS

SECTION 19. Section 130.17.3.2. Express standards and criteria for granting **CONDITIONAL USES**, is hereby amended by inserting the following new subsection

130.17.3.2.17. OIL AND GAS DRILLING OPERATIONS: same as R1, 130.8.3.2.4.

SECTION 20. Section 130.18, RM-P Planned Restricted Light Industrial District, Subsection 130.18.2.2. **CONDITIONAL USES**, is hereby amended by inserting the following new subsection under **PRINCIPAL USES**:

130.18.2.2.1.17. OIL AND GAS DRILLING OPERATIONS

SECTION 21. Section 130.18.3.2. Express standards and criteria for granting CONDITIONAL USES, is hereby amended by inserting the following new subsection

130.18.3.2.9. OIL AND GAS DRILLING OPERATIONS: same as R1, 130.8.3.2.4.

SECTION 22. Section 130.20, PRT Public Rapid Transit District, Subsection 130.20.2.2. CONDITIONAL USES, is hereby amended by inserting the following new subsection under PRINCIPAL USES:

130.20.2.2.1.5. OIL AND GAS DRILLING OPERATIONS

SECTION 23. Section 130.20.3.2. Express standards and criteria for granting CONDITIONAL USES, is hereby amended by inserting the following new subsection

130.20.3.2.5. OIL AND GAS DRILLING OPERATIONS: same as R1, 130.8.3.2.4.

SECTION 24. This Ordinance shall become effective immediately.

SECTION 25. ALL ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS ____ DAY OF _____ 20 __

TOWNSHIP OF UPPER ST. CLAIR

ATTEST:

By: _____
President, Board of Commissioners

Township Manager/Secretary