

OFFICIAL
PETERS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE_____

AN ORDINANCE OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE No. 657, CHAPTER 27, OF THE TOWNSHIP CODE OF ORDINANCES SPECIFICALLY SECTION 201 “DEFINITIONS”, SECTION 303 “PERMITTED AND CONDITIONAL USES AND USES BY SPECIAL EXCEPTION BY ZONING DISTRICT TABLE 2: NON-RESIDENTIAL PERMITTED USE CHART”, AND ADDING SECTION 713 “MINERAL EXTRACTION; CONDITIONAL USES”.

WHEREAS, Peters Township has the authority to adopt zoning ordinances that promotes the public health, safety and welfare of its residents; and

WHEREAS, Peters Township believes that mineral extraction activity without proper regulation poses public health and safety hazards to the residents of the Township; and,

WHEREAS, Peters Township deems it appropriate to enact regulations regarding activities associated with mineral extraction which are not otherwise within the jurisdiction of federal and state regulations and from which the Township is not preempted; and,

WHEREAS, the proposed amendment has been reviewed by the Peters Township Planning Commission and the Washington County Planning Commission, with approval being recommended.

NOW, THEREFORE, be it ordained and enacted by the Council of Peters Township in meeting assembled, and it is hereby ordained and enacted by and with the authority of same as follows:

Section 1.

§ 201. Definitions.

be amended by adding the following:

Drilling- Means any digging or boring of a new well to explore, develop, or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluid or substance into the earth.

Drilling Equipment- Means the derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with drilling.

Oil and Gas Drill Site- The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling or operation of an oil or gas well.

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.

- All other terms will be as defined in Pennsylvania’s Oil and Gas Act (Act 223) Title 58. Oil and Gas, Chapter 11, Oil and Gas Act

Section 2.

§ 303. Permitted and Conditional Uses and Uses by Special Exception by Zoning District.

be amended by adding the following:

Table 2: Non-Residential Permitted Use Chart

- P Permitted Use
- C Conditional Use
- Use by Special
- S Exception
- A Accessory Use

	Residential						Non-residential/ Industrial						Mixed Use		
	Single-family Conventional R-1A	R-1B Single-family Woodland Protection	Single-family Cluster R-1C	Multi-family Residential R-2	Village Residential R-3	PRD Planned Residential Development	C-1 Neighborhood Commercial	General Commercial C-2	Business Commercial C-3	Transitional Commercial C-4	Light Industrial LI	Town Center TC	Venetia Neighborhood Comm. VNC	Mixed-Use Valley Brook Road Corridor MX-VB	Mixed Use West Venetia Road Corridor MX-WV
Non-residential															
51 Public, Private and Semi-Private Recreation Facilities	S	S	S	S	S	S	P	P	S	S		S	P	S	S
52 Public Works Facility	S						S	S	S	S	P	S	S	S	S
53 Research and Development											P			C	C
54 Restaurant, High Turnover w/ Drive-Thru								P							
55 Restaurant, High Turnover w/out Drive-Thru								P	P			P	P		
56 Restaurant, Medium Turnover w/out Drive-Thru							P	P	P			P	P		
57 Restaurant, Low Turnover							P	P	P	C		P	P	P	P
58 Retail Stores							P	P	P			P	P		
59 Satellite Dish/Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
60 School	S					S		P				P			P
61 Self-Storage Facility											P				
62 Sexually-Oriented Establishment								C							
63 Shed	A	A	A	A	A	A		A	A		A				
64 Single-Family Res. Recreational Facility	A	A	A	A	A	A									
65 Studios/Academies	S						P	P	P	P	P	P	P	P	P
66 Theatre/Auditorium								P				P	P		C
67 Wholesale Landscaping											P				
68 Veterinary Services							P	P		P	P	P	P	P	P
69 Warehouse											P				
70 All Other Uses											S				
71 Mineral Extraction	C														

Section 3.

§ 713. Mineral Extraction.

be amended by adding the following:

Oil and gas drilling sites shall be evaluated as a Conditional Use subject to the following express standards and criteria:

- A. A conditional use application shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface of the drill site or a court order recognizing the applicant's authority to occupy the surface for the purpose of mineral extraction.
- B. The oil and gas drill sites shall only be permitted to occur on property that is zoned R-1A and is a minimum of twenty (20) acres or larger. Multiple property owners can combine adjoining parcels to achieve the minimum twenty (20) acres required.
- C. Prior to beginning the drilling site construction, the applicant shall submit to the Township a copy of all permits (General, ESCGP-1) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the Township shall be provided copies of all plans (erosion and sedimentation control, grading, etc) required by PA DEP. All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension or revocation of zoning approval.
- D. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the Highway Occupancy Permit.
- E. The applicant must provide the Township with a plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to minimize the impact on township collector, connector and local streets within the Township. The Township reserves the right to designate reasonable required truck hauling routes consistent with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation throughout the Township.
- F. The applicant or owner of the oil or gas well shall execute an excess maintenance agreement with the Township for a Type 2 permit and post a bond at the paved highway rate in favor of the Township in a form acceptable to the Township prior to beginning any work on a drill site. The bond is to guarantee restoration of Township roads damaged as a result of hauling associated with the drilling operation.
- G. An off-street area at the entrance to the drill site for vehicles to stand while gaining access shall be provided so that normal flow of traffic on the public street is undisturbed. In accordance with Section 316, Driveways; Peters Township Zoning Ordinance-

Driveways accessing the drill site shall be paved with an impervious material from the public street cart way fifty (50) feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation. The first fifty (50) feet from existing edge of pavement extending fifty (50) feet into the site shall consist of the following material:

- Compacted Subgrade
- PADOT Class 4 Geotextile Fabric
- 8” AASHTO #2 Crushed Aggregate Base Course
- 2” PADOT 2A Aggregate (Choke Material)
- 4” (Compacted) – Superpave 25 mm Binder Course

The remainder of the driveway to the well pad shall be constructed with the following material:

- Compacted Subgrade
- 8” AASHTO #1 Crushed Aggregate Base Course
- 2” – PADOT 2A Aggregate (Choke Material)

Proper and adequate storm water run-off controls for driveways shall be installed to prevent concentration of run-off onto adjacent properties or public streets.

- H. The applicant/owner shall provide the Peters Township Fire Department with a copy of the PA DEP approved preparedness, prevention and contingency (PPC) plan. The applicant shall prior to drilling its first gas well in the Township make available with at least thirty (30) days notice, at the applicants sole expense one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at approved drill sites.
- I. The Township shall be provided the name of the person supervising the drilling operation and a phone number where such person can be reached twenty-four (24) hours a day.
- J. The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. In lieu of a gate the operator can provide 24/7 security on sites during the drilling operation.
- K. Lighting – No drill site lighting used for or associated with the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property in the general vicinity of the drill site. Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties.
- L. Dust, vibration, odors. – All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best

accepted practices incident to drilling for oil or gas in urban/suburban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling shall be adopted as they become available if capable of reducing factors of dust vibration and odor, watering, wetting or other methods or materials must be used to control dust adjacent to residential properties.

M. Noise – All drill site operations shall comply with Section 600- I, Noise and Vibration; Performance Standards Peters Township Zoning Ordinance. The daytime or nighttime continuous or steady noise level at the boundary line of a residential property shall not be permitted to exceed ten (10) DBA above the residential background noise level. The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed drill site to adjacent residential properties. Prior to beginning the drill operation the applicant shall establish the residual or background noise level baseline, the baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The applicant, owner/operator shall be responsible for all costs associated with noise consultant/engineer.

N. All drill site pads and impoundment ponds shall be secured with a temporary fence with a secured gate as follows:

1. The fence shall be a minimum of six (6) feet in height, chain link with green fabric mesh.
2. The fencing shall be in place throughout the drill operation and until the impoundment pond is removed.
3. The chain link fence shall have a minimum thickness of eleven (11) gauges.

All material and equipment including vehicles necessary to be on-site shall be kept or stored within the fenced area in order to minimize visibility from adjacent properties.

O. At the time of Conditional Use application, a survey of the drill site with all on-site associated gas production equipment (tanks or other surface installations) with locations and distances to property lines shall be filed with the application.

P. Any on-site associated gas production equipment (well head, separator, condensate tanks, pipeline) shall be painted an earth tone color to blend in with the surrounding area. The Township may require fencing and or landscaping to buffer the facilities gas production equipment from adjacent properties. All on-site gas production equipment shall comply

with Section 304, I Dimensional Tables – Table 3 Residential District Dimensions ;Zoning Ordinance.

- Q. After the drilling operation is complete, the drill operator shall clean the site, complete all restoration activities in accordance with Section 206 of the Pennsylvania Oil and Gas Act. Any damage to public property caused by such operations must be repaired and restored within sixty (60) days of completing the drilling operation or as agreed to by Peters Township.
- R. After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the Peters Township Fire Chief and the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction occurs.
- S. The public street entrance and the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials.
- T. The facility and/ or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- U. The applicant or drill site operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossings and/or adjacent to roadways, during periods of anticipated heavy or frequent truck traffic to and from the drill site. Flagmen shall be present and used to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.
- V. All drill site construction (grading, installation of erosion & sedimentation controls, roadway construction, etc.) shall be done in accordance with Township construction hours – 7:00 am to 7:00 pm Monday through Saturday. Any burning of trees or brush shall be done in accordance with burning regulations using an air curtain.
- W. During the active operation at a drill site key Township Staff (manager, engineer, police fire chief & planning director) shall have access to the site to determine continuing compliance with the conditional use approval.
- X. Peters Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular drilling site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code (PAMPC).

Y. Indemnification and Express Negligence Provisions –

The operator shall fully defend, protect, indemnify, and hold harmless Peters Township, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of Peters Township including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.

Section 4

That if any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect validity of the remaining portions thereof.

Section 5

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6

That this ordinance shall be in full force and effect from and after its passage and approval.

BE IT ORDAINED AND ENACTED BY the Township of Peters, Washington County,
Pennsylvania this _____ day of _____ 2010.

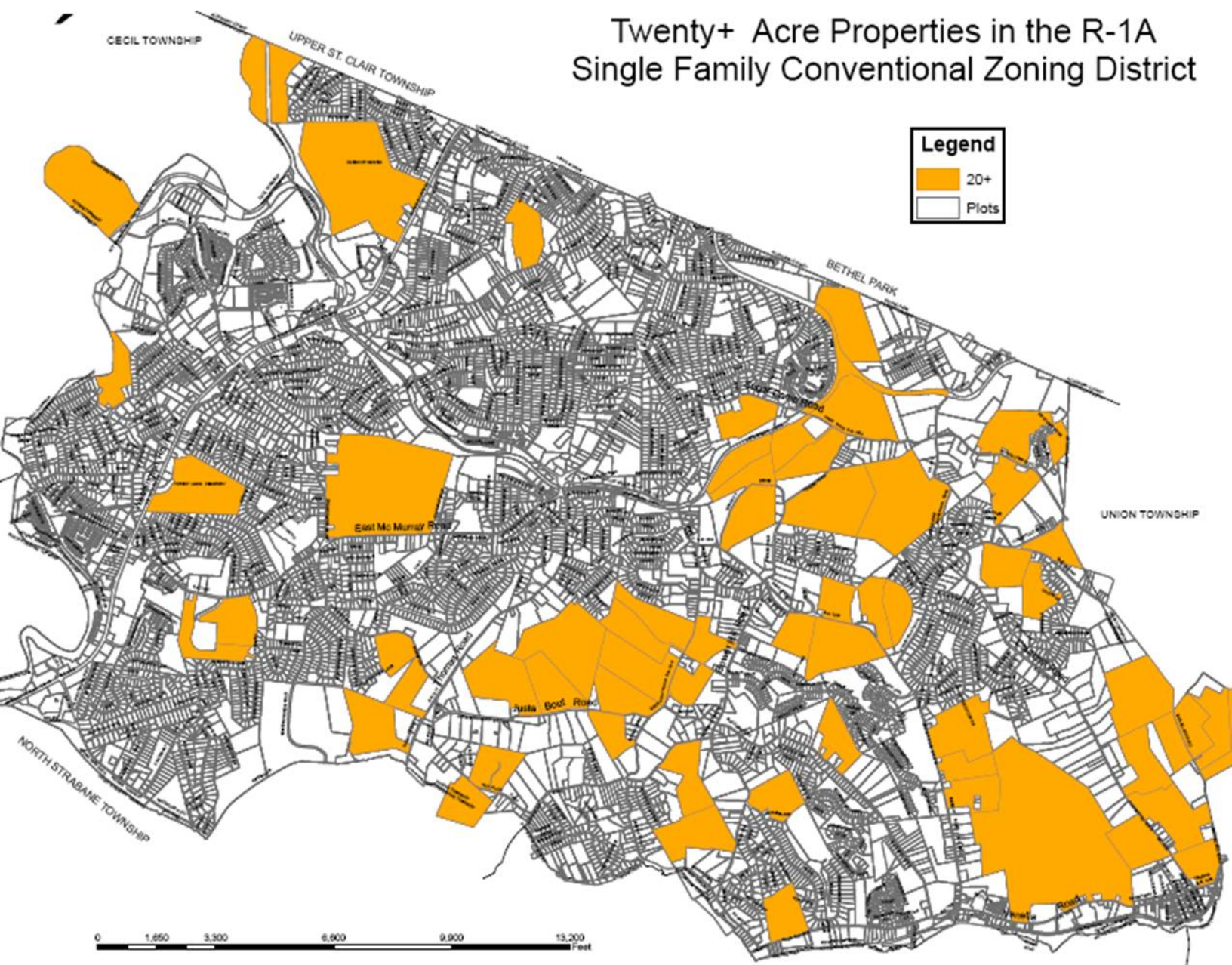
ATTEST:

TOWNSHIP OF PETERS

Michael A. Silvestri
Township Manager

By: _____
David M. Ball
Chairman of Council

Twenty+ Acre Properties in the R-1A Single Family Conventional Zoning District



Legend

- 20+
- Plots

0 1,650 3,300 6,600 9,900 13,200 Feet

NOTTINGHAM TOWNSHIP

Source: Peters Twp. GIS
7/30/10