

**PERRY TOWNSHIP, LAWRENCE COUNTY
COMMONWEALTH OF PENNSYLVANIA
PERRY TOWNSHIP ORDINANCE REGULATING GAS AND OIL
DEVELOPMENT IN PERRY TOWNSHIP
ORDINANCE NUMBER: 10-13-11**

WHEREAS, the Perry Township Board of Supervisors encourages the most appropriate use of land throughout the Township and promotes the safety, health and welfare of its residents; and

WHEREAS, gas and oil resources exist throughout Western Pennsylvania, including Perry Township, Lawrence County; and

WHEREAS, gas and oil exploration, drilling and extraction operations involve activities that may impact the Township's environment, infrastructure, and related public health safety and welfare; and

WHEREAS, the Perry Township Board of Supervisors finds it necessary to adopt requirements for gas and oil resources development so that these resources can be utilized in a manner that minimizes potential impacts.

THEREFORE, BE IT ORDAINED AND ENACTED, that the Perry Township Board of Supervisors adopt this ordinance for regulation of gas and oil exploration, drilling and extraction and production.

SECTION 1: DEFINITIONS

1. Gas and 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.

2. Gas and Oil Resources Development: The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas and oil 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 gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of gas and oil.

3. Gas and Oil Resources Development Site: A site that consists of the area occupied by the facilities, structures, materials, and equipment, whether temporary or permanent, necessary for or incidental to the drilling, production, or operation of a gas and oil well.

SECTION 2: GAS AND OIL RESOURCES DEVELOPMENT

1. The applicant shall provide a description of plans for the transportation of materials and equipment to construct, maintain and operate the gas and oil resources development facility. Such description shall include a map showing the planned vehicular access route to and from the gas and oil resources development site, indicating all state, county, and local roads and transportation infrastructure that may be used. The proposal routes must be designed to minimize the impact on streets within Perry Township.

2. Prior to the commencement of any activity on the development site, the applicant shall enter into agreement with Perry Township by submitting a "Perry Township Excessive Road Use Maintenance Agreement for Oil and Gas Wells" which will be provided by Perry Township, regarding the maintenance and repair of Perry Township roads that are to be used by vehicles for development activities. The applicant shall conduct an inventory, analysis, and evaluation of the existing road conditions on Perry Township roads along the proposed transportation route

identified by the applicant. The Agreement shall identify the responsibilities of the applicant to prepare, maintain, and repair Township roads before, during and immediately after the drilling operation and development. The applicant shall take all necessary corrective action and measures as directed by Perry Township pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling operations associated with the gas and oil resources development.

3. The applicant shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur. Beginning with its intersection with a public street, any access road for the development site, shall be improved with limestone or other material acceptable to the Township, for 100' in a manner that no water, sediment, or debris will be carried onto any public road.

4. An off-road area within the development site for vehicles to be stationed while gaining access to the gas and oil well site shall be provided so that the normal flow of traffic on the public street is undisturbed.

5. The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development site, the applicant will provide adequate signs and/or other warning devices for the truck and vehicular traffic to ensure the safety of motorists and pedestrians.

6. The applicant shall have obtained permits from the appropriate regulatory agencies or authorities issued in accordance with all applicable laws and regulations for the proposed use. The permits shall not be limited to the requirement of the gas and oil law, but shall include DEP permits and regulations for compliance with sewage disposal. The applicant shall provide the Township with copies of each approved permit.

7. Prior to the Development of the site, the applicant shall provide the Township a Preparedness, Prevention and Contingency Plan that clearly outlines and describes all emergency planning associated with the gas and oil resources development.

8. The applicant will, a minimum of 30 days notice prior to drilling its first gas or oil well in the Township, make available at the applicant's sole cost and expense, one appropriate group training program for the Township Emergency Responders which shall include the Mutual Aid Responders for the Township. Such training shall be made available annually during any year that drilling activities take place at the gas development site.

9. The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.

10. The Operator shall take the necessary safeguards to ensure appropriate due control measures are in place.

11. All manmade water storage units shall be secured with a six-foot high fence. During the drilling process, the gas and oil resources development site shall be secured with a temporary fence and secured gate.

12. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, and building not related to the drilling operations on either the same lot or an adjacent lot. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the Applicant that it is not feasible to meet the setback requirements and that adequate safeguards have or will be provided to justify the exemption.

13. 24 hour on site supervision and security shall be provided by the Applicant at the cost of the Applicant, during the initial drilling, or re-drilling operations.

14. Contact information of the individual or individuals responsible for the operation and activities at the Gas and Oil Development site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours a day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and Emergency Responders.

SECTION 3: PENALTIES

The Applicant or any person performing work at his direction who violates or permits a violation of this ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600.00 per violation, plus all court costs, including reasonable attorney's fees, engineering fees, expert fees and court costs incurred by the Township in the enforcement of this ordinance. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. Of the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offence. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by the Township.

SECTION 4: REPEALER

Any ordinance, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

SECTION 5: SEVERABILITY

If any section, subsection, sentence or portion of this ordinance is for any reason held invalid or unconstitutional it shall be deemed a separate and independent provision and such shall not affect the validity of the remaining portion thereof.

This Ordinance is ordained and enacted and hereby effective the 13th day of October , 2011 .

John Zias
Supervisor

Timothy Boots
Supervisor

Supervisor

SEAL

Janice Marshall
Attest: Secretary