

**AN ORDINANCE OF BUFFALO TOWNSHIP,  
WASHINGTON COUNTY, PENNSYLVANIA,  
AMENDING ORDINANCE NO. 27 of 1984, AS  
AMENDED , AMENDING THE BUFFALO  
TOWNSHIP ZONING ORDINANCE,  
PROVIDING FOR THE LAND USE/ZONING OF  
OIL AND GAS DRILLING OPERATIONS AND  
MINERAL EXTRACTION, PROVIDING FOR  
CERTAIN REGULATIONS, PROVISIONS,  
DEFINITIONS AS WELL AS PERMITTED AND  
CONDITIONAL USES AND USES BY SPECIAL  
EXCEPTION BY ZONING DISTRICT,”**

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

WHEREAS, Buffalo Township believes that various activities, including mineral extraction activity without proper rules and regulation poses public health and safety hazards to the residents of the Township; and,

WHEREAS, Buffalo 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 Buffalo Township Planning Commission and the Washington County Planning Commission, with approval being recommended by the Township Planning Commission,

AND NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Buffalo Township in meeting assembled, and it is hereby ordained and enacted by and with the authority of same as follows:

**Section 1. PURPOSE:**

The purpose of this ordinance is to provide for the health, safety and welfare of the residents of Buffalo Township, through zoning and flood plain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the township.

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, as amended, is and shall hereby be amended by amending and/or adding the following:

**Section 2. DEFINITIONS:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following definitions:

"Applicant" -- Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

“Building”-- An occupied structure with walls and roof with which persons live or customarily work. The term shall not include a barn, shed or other storage building.

“Collector Street”-- A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

“Department”-- The Department of Environmental Protection of the Commonwealth.

“Derrick” -- Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

“Drilling pad”-- The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

“Extraction” -- The act or process of separating, obtaining or removing a substance, such as a mineral, including but not limited to coal, sulfur, petroleum, oil and/or gas, and including oil and gas development.

“Fracking” -- The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

“Local Street” -- A public street or road designed to provide access to abutting lots and to discourage through traffic.

“Mineral” -- Any of the various naturally occurring homogeneous substances, or synthetic substances, usually obtained from the ground, including, but not limited to coal, sulfur, petroleum, oil, and/or gas.

"Natural Gas Compressor Station" -- A facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of 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. When used in this ordinance, the term shall include any similar facilities performing the equivalent or similar functions.

"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 is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas. When used in this ordinance, the term shall include any similar facilities performing the equivalent or similar functions.

"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 an oil or gas well.

"Oil and Gas Development or Development"-- The well site preparation, construction, drilling, flaring, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or 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. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

"Oil or Gas Well"-- A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

"Oil or Gas Well Site" -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

"On Site Housing" -- Temporary housing located on the Drill Pad for the housings of drill supervisors, and drilling crew.

"Operator"-- The person designated as the well operator on the permit application or well registration.

"Owner"-- A person, corporation or other business entity who owns, manages, leases, controls or possesses an oil or gas well.

"Recycled Water Storage Facility" -- A facility consisting of an earthen impoundment or aboveground storage tank(s) designed to contain a total amount of one million gallons or more of water and to be used primarily for the storage of recycled water or recycled water mixed with fresh water for the completion, including hydraulic fracturing, of oil and/or gas wells, together with associated piping and equipment used for handling, pumping, transferring or treating such water.

"Storage well"-- A well used for, and in connection with, the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

“Water Storage Facility” -- A facility consisting of either an earthen impoundment or aboveground storage tank(s) designed to contain a total amount of one million gallons or more of water and to be used primarily for the storage of fresh water purchased or withdrawn for the hydraulic fracturing of oil and/or gas wells, together with associated piping and equipment used for handling, pumping, transferring or treating such water.

### Section 3. ZONING CLASSIFICATIONS

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following zoning classifications as they relate to any oil and/or gas activity and/or development:

Subject to the provisions of this ordinance, as amended:

- A. An oil or gas well site, a Water Storage Facility, and a Recycled Water Storage Facility or any similar facilities performing the equivalent functions shall be considered a principal use by right within Industrial, Agricultural and Open Space Zoning Districts provided that the site is located more than 500 feet from any preexisting Building.
- B. An oil or gas well site which would be placed more than 500 feet from any preexisting Building which is located off the property where the oil or gas well is sited may be permitted within the Residential or Commercial Zoning District(s) as a conditional use. Otherwise, such siting and/or use shall be prohibited in residential and commercial zones.

- C. A natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions may be permitted in Buffalo Township as a conditional use. Otherwise, such siting and/or use shall be prohibited in residential, commercial and agricultural zones.

#### **Section 4. APPLICABILITY:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following, as they relate to any oil and/or gas activity and/or development:

- A. This ordinance applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of the ordinance.
- B. Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this ordinance.
- C. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

#### **Section 5. PERMIT REQUIREMENT:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following permit requirements as they relate to any oil and/or gas activity and/or development:

- A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant or any similar facilities performing the equivalent or similar functions shall be constructed or located within Buffalo township unless a permit has been issued by the township to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established in the township's schedule of fees.
- C. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant or any similar facilities performing the equivalent or similar functions shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.

#### **Section 6. PRE-APPLICATION CONFERENCES:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following section regarding pre-application



conferences, as they relate to any oil and/or gas activity and/or development:

1. Purpose.

1. Before submitting an application the applicant is strongly encouraged to meet with the township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

2. Process.

1. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the township to approve any application for a permit or to act within any time limit relative to the date of such conference.

## **Section 7. PERMIT APPLICATION:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following section regarding permit applications, as they relate to any oil and/or gas activity and/or development, on site housing as well as the subject matter of this ordinance amendment:

- A. The applicant for an oil or gas well site, natural gas compressor station or natural gas processing plant or any similar facilities performing the

equivalent or similar functions shall provide to the township at the time of permit application:

1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment.
2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the township or county for information of Emergency Responders.
4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well 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 per 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 all Emergency Providers.
5. A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets.

6. A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
8. A certification or evidence, satisfactory to the township, that prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a township roadway maintenance and repair agreement with the township, in a form acceptable to the township solicitor, regarding the maintenance and repair of the township streets that are to be used by vehicles for site construction, drilling activities and site operations.
9. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept, cleaned, or watered as appropriate if dirt, dust, mud and debris occur as a result of applicant's usage.
10. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders.
11. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated

revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.

12. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
13. A copy of the documents submitted to the department, or if no document has been submitted to the department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
14. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
15. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
16. Any other documentation or information reasonably requested by the Township or their authorized representative.
17. The applicant shall submit to the Township a performance bond, during all periods of operations or activities as set forth in this ordinance, in the amount of \$1,000,000 from a surety authorized to do business in the Commonwealth of Pennsylvania. The performance bond shall be valid for a period of 2 years from the date that the permit is issued and shall be

renewed during all periods of such operations or activities. The bond shall provide, but not be limited to, the following conditions:

- a. There shall be recoverable by the Township, jointly and/or severally from the principal and surety, any and all damages, loss or cost suffered by the Township in connection with the applicant's operations within the Township. The bond shall contain the following endorsement:
  - i. "It is hereby understood and agreed that this bond may not be cancelled by the surety company until at least 60 days after receipt by the Township, by registered mail or written notice, of such intent to cancel or not to renew. The rights reserved to the Township with respect to the bond are in addition to all other rights of the Township and no action, proceeding, or exercise of a right with respect to such bond shall affect any other rights of the Township."
  - ii. Prior to conducting any activities or operations hereunder, the applicant and/or its contractor shall furnish a certificate of insurance to the Township showing the Township as an "additional insured" with respect to operations conducted within the Township and showing liability coverage covering commercial, personal injury and general liability in amounts not less than \$1 million per person, \$3 million per occurrence and \$1 million property damage.
  - iii. The applicant shall protect, indemnify, defend and hold the Township, its officers, employees, agents and representatives harmless from and against all claims,

demands and causes of action of every kind and character for injury to, or death of, any person or persons, damages, liabilities, losses, and/or expenses, occurring or in any way incident to, arising out of, or in connection with its or its contractors', agents' or a representatives' operations under this permit, including attorney's fees and any other costs and expenses incurred by the Township in defending against any such claims, demands, and causes of action. Within 30 days of receipt of same, the applicant shall notify the Township, in writing, of each claim for injuries to, or death of, persons or damages or losses to property occurring or in any way incident to, arising out of, or in connection with its or its contractors', agents' or representatives' operations conducted under this permit. At the Township's discretion, the Township may conduct an independent investigation, monitor and review the processing of any such claim to ensure that such a claim is handled as required herein and as provided by law.

- iv. Any permit granted hereunder may be revoked upon breach of any term or condition contained herein.
- v. Notwithstanding anything contained herein to the contrary, any permit granted hereunder shall not be effective unless and until a copy of the permit, signed by an authorized officer of the applicant, the performance bond, and the certificates of insurance have been filed with the Township secretary.

B. Within 15 business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.

- C. If the application is complete and fulfills the requirements of this ordinance, the Township shall issue or deny a permit within 30 days following the date the complete application was submitted.
- D. If the application is incomplete and/or inadequate the municipality will notify the applicant of the missing or inadequate material and, upon receiving said material, issue or deny the permit within 30 days following receipt.

### **Section 8. DESIGN AND INSTALLATION:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following section regarding design and installation as well as on site housing, as they relate to any oil and/or gas activity and/or development:

#### **A. Access.**

1. No oil or gas well site, natural gas compressor station or natural gas processing plant shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.
2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
3. The access road to the facility shall be improved using an all weather surface that reduces dust and prevents excessive water and/or debris from being carried onto any public roadway.

#### **B. Structure Height.**

1. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located including height restrictions mandated by the airport zoning ordinance.
2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located including height restrictions mandated by the airport zoning ordinance.
3. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well. Provided that the temporary exemption does not conflict with height requirements mandated by the airport zoning ordinance.
  - a. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well.
  - b. Provided further the time period of such drilling and exemption shall not exceed 6 months per well.
  - c. The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

C. Setbacks.

1. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.



2. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.
3. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located, and shall also be subject to any setbacks or buffers established in the conditional use process.
4. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.
5. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
6. "On site housing" shall comply with the terms set forth in this Ordinance as well as all setback and buffer requirements of the zoning district in which the on site housing site is located.
7. On site housing shall not be converted to a permanent, full-time dwelling unit.
8. No recreational vehicles, including but not limited to motorized trail or dirt bikes, ATVs or similar vehicles may be used or maintained on said properties

D. Screening and Fencing.

1. During drilling and hydraulic fracturing operations, security fencing shall be installed around the perimeter of the well site, except that no such fencing shall be required as long as 24-hour on-site supervision or security are provided at the entrance, or along the access road, to the Well Site during all times when drilling or hydraulic fracturing is being performed.
2. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
3. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.
4. Emergency Responders shall be given means to access oil or gas well site in case of an emergency.
5. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.
6. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
7. If a flare is to be installed at either a natural gas compressor station or natural gas processing plant, said flare shall be shielded from view from any preexisting occupied dwelling.

8. All Water Storage Facilities and Recycled Water Storage Facilities shall be enclosed in a chain link fence at least six (6) feet in height.
9. All Recycled Water Storage Facilities shall be constructed in such a way that birds are prevented from landing in the facility.
10. All Compressor stations and gas processing facilities including sediment control ponds shall be enclosed by a chain link fence.

E. Lighting.

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.
2. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting. If practicable lighting shall be turned off at night.
3. Light generated by well flaring activities shall be restricted by the use of flareless techniques, flare tanks or other technologies that will limit the visibility of the flare from Buildings so as not to interfere with the normal activities of the township residents.

F. Noise.

Buffalo Township recognizes and acknowledges that Oil and Gas Development, gas compressor stations, and gas processing plants are accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development.

1. Prior to drilling an Oil and Gas well, constructing or operating a gas compressor station, or gas processing plant, the Operator shall establish a continuous seventy-two (72) hour ambient noise level at the nearest Building property line or one hundred (100) feet from the nearest Building (as measured to the closest exterior point of the Building), whichever is closer to the Building or, alternatively, and in lieu of establishing the above 72 hour ambient noise level, the operator may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and associated recording and analyzing equipment which will provide equivalent data.

2. The operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA to the Township Zoning Officer within three days of such a request from the Zoning Officer.

3. The noise generated from drilling, flaring, and hydraulic fracturing activities, gas compressor stations, or gas processing plants when measured at the nearest Building property line or one hundred (100) feet from the nearest Building (as measured to the closest exterior point of the Building), whichever is closer to the Building, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default value, whichever is higher:

- a. During drilling activities by more than seven (7) decibels during the hours of 7:00 a.m. to 7:00 p.m.
- b. During drilling activities by more than five (5) decibels during the hours of 7:00 p.m. to 7:00 a.m.
- c. By more than ten (10) decibels during hydraulic fracturing operations.

The Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

- 4. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

Permitted Increase dBA	Duration of Increase (minutes)*
5.....	15
10.....	5
15.....	1
20.....	1

\*Cumulative minutes during any one hour

- 5. Should a resident notify the applicant of excessive noise the applicant shall respond and correct the problem within two hours. Either a resident or the applicant may request a noise level reading conducted by the Township. Should an exceedance of either noise standard occur, the township shall notify the applicant of the exceedance and they shall correct the problem within two hours. The Township reserves the right to require an additional sound barrier and/or muffling systems if applicant is not in compliance with the foregoing requirements.
- 6. Effective sound mitigation devices shall be installed to all facilities to address sound levels that would otherwise exceed the noise level standards.
- 7. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

G. Prohibitions.

1. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
2. Oil and gas drilling in the 100 year Floodplain is discouraged but may be permitted by the Township in its discretion if the following provisions are met.
  - a. If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.
  - b. An adequate Emergency Evacuation Plan shall have been produced by the applicant and filed with the township.
  - c. No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a 100-year flood; and further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.
  - d. Only necessary and needed structures will be permitted within the floodplain.
  - e. All structures within the flood zone shall be designed to withstand a 100-year storm event.
  - f. An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause

additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.

## II. Vegetation.

1. Applicant shall preserve and maintain the maximum amount of existing vegetation and trees between the construction pad and the property boundaries. Should additional visual buffer be required, Buffalo Township reserves the right to require such additional vegetation and trees as it shall reasonably deem necessary.
2. The applicant shall submit a vegetation plan for approval by the Township for all permanent facilities. The plan shall be designed to significantly block view of the compressor station, or other permanent structure, from any existing residence upon installation. The vegetation selected shall be capable of providing as near total visual barrier as may be reasonably practical when fully grown. The vegetation selected shall provide, as much as is reasonably practical, a year round visual barrier and shall be selected for rapid growth potential and longevity. This vegetation shall be maintained and replaced as necessary throughout the life of the facility.

## I. Hours of construction.

1. For natural gas compressor stations or natural gas processing plants the hours of construction, including site grading, the transporting of equipment, materials and supplies shall be limited to 7:00 AM to 7:00 PM, except in exigent circumstances. In the event of an exigent circumstance, the applicant shall contact the Township supervisor designated by a majority vote of the board of supervisors, for approval. No construction shall take place on Sundays or state recognized holidays.

2. For oil and gas development sites the hours of construction, including site grading, the transporting of equipment, materials and supplies shall be limited to 7:00 AM to 7:00 PM. except in exigent circumstances. In the event of an exigent circumstance, the applicant shall contact the Township supervisor designated by a majority vote of the Board of Supervisors, for approval. Drilling and fracking operations, once commenced, may proceed on a 24 hour basis until completed.

J. Safety:

Applicant shall take all necessary precautions to ensure the safety of persons utilizing Township and State roadways including, but not limited to road crossings and utilization of areas, adjacent to roadways (i.e. school bus stops). Applicant shall ensure that there is no truck traffic scheduled (pickup trucks excluded) during periods when school busses are typically scheduled to be using the road. During periods of heavy or frequent truck and/or equipment traffic associated with construction or subsequent use, Applicant will provide flagmen to ensure the safety of persons utilizing said roadways including adequate signage and/or other warning measures for truck, equipment and vehicular traffic.

K. On Site Housing:

On site housing is permitted for supervisors at all drill sites, upon submitting a completed application and obtaining a permit and certificate of occupancy from the Township and upon payment of a fee of \$1000.00 per month per trailer.

1. On site housing for crew is permitted in agricultural, industrial, and open space zoning districts upon submitting a completed application and obtaining a permit and certificate of occupancy from the Township and upon payment of a fee of \$1000.00 per trailer per month.



2. Onsite housing for crew is prohibited in Residential and Commercial zoning districts.
3. All on site housing shall be manufactured and maintained in accordance with all applicable Local, State and Federal standards.
4. All on site housing shall obtain a sewage permit in accordance with regulations developed by the Department. Proof of such permit shall be provided to Buffalo Township.
5. The following Code of Conduct shall be required for all employees or contractors using the temporary trailers.
  - a. Each employee or contractor shall conduct himself or herself in a manner that will promote the safe and orderly operation of the site and which shall minimize the impact of the site on the surrounding properties and the community in general.

- b. All firearms and other deadly weapons are prohibited from being brought to or kept at the site.
- c. No hunting or trapping shall be permitted on the parcel on which the drill site is located.
- d. No alcohol or illegal drugs are permitted at any time at the site.
- e. All employees or contractors must sign in and out before entering or leaving the site. Written logs shall be maintained and provided to the Township, upon request.
- f. Trailers are to be kept in a neat and sanitary condition and each employee or contractor shall comply with all safety, health and hygiene requirements applicable to use of the trailers.
- g. Trips to and from the site by employees or contractors using the temporary trailers while off work during the hours of 9:00 p.m. to 7:00 a.m. are to be kept to minimum to minimize any disturbance to nearby residents.
- h. There shall be no loud music or other disturbance created during any of such hours that could adversely affect or be of nuisance to any of the neighboring properties.
- i. At no time shall any employee or contractor walk or drive onto any neighboring properties or otherwise commit any trespass on private property rights. Each employee or contractor shall limit his or her travel or presence on the parcel on which the site is located to the immediate area of the drilling or completion activities at the site and the access road to and from the site and shall at all times be respectful of the privacy and security of the neighboring residents.

- j. The Township reserves the right to revoke any such permits and prohibit the use of any such trailer in the event of a violation of the terms set forth herein.

**L. Odor Control:**

1. Prior to storage, Recycled Water shall be pretreated for the removal of sediment and volatile organic compounds.
2. Water in a Recycled Storage Facility shall be prevented from generating odor. Methods for odor prevention may include, but are not limited to, aeration and chlorination.
3. Failure to maintain a Recycled Water Storage Facility odor free shall result in a fine of \$1000.00 per day as determined by the Township Code Enforcement Officer.

**M. Waste Disposal:**

1. No waste shall be disposed on site with the exception of drill cuttings from the vertical portion of the well bore. All other materials shall be removed from the site and disposed in compliance with State and Federal regulations.
2. Arrangements for the storage, collection, disposal and removal of solid waste shall be made and executed by the operator, in order to ensure the prompt removal of solid waste in a safe and sanitary manner.

**Section 9. Public Notice:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by

amending and/or adding the following section regarding public notice, as it relates to any oil and/or gas activity and/or development:

Prior to drilling an Oil and Gas well, multiple Oil and Gas wells, or building a gas compressor station at a location, but no later than two (2) weeks before hand, the Operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s) or station:

1. A copy of the survey plat showing the location(s) of the planned well(s) or compressor station,
2. A general description of the planned operations at the site and associated equipment used in the development of the well(s) or compressor station.
3. The contact information of the Operator, and
4. The availability of the Operator to hold a meeting with such residents to present the Operator's plans for the site and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of construction.

#### **Section 10. SEVERABILITY:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following section entitled "severability":

If any section, subsection, sentence, clause or phrase or portion of this document 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 the validity of the remaining portion thereof.

### **Section 11. PENALTIES:**

The ordinances of Buffalo Township, and in particular the Zoning Ordinance at Ordinance No. 27 of 1984, is and shall hereby be amended by amending and/or adding the following section regarding penalties, as it relates to any oil and/or gas activity and/or development, to include the following:

1. Any owner, operator, or other person who violates or permits a violation of this ordinance, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the township a fine of not more than \$1,000, plus all court costs, including, but not limited to, reasonable attorney's fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. 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 or revocation of any permit issued by the Township. No Bond shall be required of the Township if the Township seeks injunctive relief. In addition to any other penalties set forth herein, any person who knowingly violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall

be fined in amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

**Section 12. EFFECTIVE DATE:**

This ordinance shall take effect immediately upon passage and advertising, as required by law.