

MORGAN TOWNSHIP
Greene County, Pennsylvania

**AMENDMENT TO JEFFERSON MORGAN MULTI-MUNICIPAL ZONING
ORDINANCE**

Ordinance No. 04 of 2010

**AN ORDINANCE REVOKING ALL PROVISIONS OF ORDINANCE 4 OF 2009 AND
DEFINING THE REQUIREMENTS FOR CERTAIN EXTRACTIVE INDUSTRY
CONSTRUCTION**

WHEREAS, Morgan Township belongs to the Jefferson Morgan Regional Council of Governments; (hereinafter JMRCOG)

WHEREAS, the JMRCOG has passed a Multi-Municipal Zoning Ordinance;

WHEREAS, it has become necessary to balance the maintenance and protection of the areas within the JMRCOG's jurisdiction, to include Morgan Township, with the increased demand for extractive industry permits in such areas; and,

WHEREAS, it is further the intention and desire of the Morgan Township Board of Supervisors, in conjunction with JMRCOG to take such action that will permit the construction of certain structures and improvements related to oil and gas extractions and excavations subject to certain following conditions; and,

WHEREAS, the board recognizes certain risks and threats posed by extractive industry construction; and,

WHEREAS, it is further the intention and desire of the Morgan Township Board of Supervisors, in conjunction with JMRCOG to revoke a prior zoning ordinance, identified as Ordinance No. 4 of 2009, and require the Zoning Board to approve any extractive industry construction through Special Exceptions Hearings; and,

WHEREAS, the Township, in order to properly entertain such requests at Special Exceptions Hearings, requires the proper resources to do so; and,

WHEREAS, the Township, who requires certain financial resources for each Special Exception Hearing, intends to adopt a new Fee Schedule for Zoning Hearing requests; and,

WHEREAS, the Township desires to join in the amendment of the foregoing concerns, it is hereby enacted as follows:

NOW, THEREFORE, In consideration of the foregoing concerns, it is hereby enacted and ordained as follows:

SECTION 5.16 EXTRACTIVE INDUSTRY (OIL AND GAS WELLS, AND ALL RELATED CONSTRUCTION)

A. Mineral, Gas and Oil Excavation/Extraction, Treatment and Compression shall not be permitted in any areas within the jurisdiction of the Township without approval by the Zoning Hearing Board at a Zoning Hearing.

B. Prior to any such Zoning Hearing, the Zoning Hearing Board shall be provided with all of the following, which shall be provided by the Applicant at the Applicant's expense:

- (1) A plan for access to the site, including copies of any road bonds or submission of application of any road bonds;
- (2) The location and size of the proposed construction and any associated structures;
- (3) The location of adjacent properties, structures and roads;
- (4) Any required federal or state permits, or proof of the submission of an application therefor;
- (5) Other required local permits or proof of the submission of an application therefor;
- (6) Copies of Erosion and Sedimentation Control Plans;
- (7) Copies of any real estate documents, deeds, memorandums lease agreements, which evidence the Applicant's right to occupy and construct;
- (8) An Emergency Services Response Plan to be provided to local fire companies (such a plan can include a meeting with emergency response providers to outline emergency response procedures);
- (9) An Emergency Contact List for daylight hours and hours after the main office would be close, such a list shall provide for a contact at any point of the day or night;
- (10) Proof of notification of all surrounding property owners.

C. The operations shall comply with the provisions of the Pennsylvania Oil & Gas Act. Compliance shall be demonstrated by submission of a permit obtained pursuant to the provisions of the Pennsylvania Oil & Gas Act. No placement of any well site, station, building or pipeline shall deviate by thirty feet or more.

D. Roads: The Zoning Hearing Board may designate certain conditions that may pertain to roads as follows:

(1) The operator shall provide to the Zoning Hearing Board information as to how they shall clear mud and debris from roads;

(2) The operator shall clear mud and debris from roads as soon as the operator notices mud and debris on the road or as soon as the operator is notified of a problem with mud and debris on the road.

(3) Failure to preserve road conditions can result in a revocation of zoning permits and variances.

E. Vegetative Buffers and Fencing: All oil wells near or within residential areas or when livestock would have access to the wellhead shall be subject to the following fencing requirements:

(1) An oil or gas well shall provide fencing around perimeter of the well and disturbed area that will prevent access to the area by unauthorized persons.

(a) The fencing shall be at least six (6) feet in height and have screening mechanisms and, which shall meet all standard safety requirements.

F. Price Estimates: All Hearing Requests shall be submitted with estimates, in writing, for the total cost of the project. Each estimate shall have:

(1) An itemized breakdown of the estimated cost of construction.

(2) A verification by a certified engineer of the project.

(3) Upon completion of the project, a final price itemization must be submitted to the Zoning Hearing Board, in the event the final cost of construction exceeds the estimated amount, the remainder of this fee shall be paid within Thirty (30) days of completion. Failure to do so will result in fines and/or permit revocation.

G. Upon receipt of the price estimates set forth in Section 5.16 (F), the Municipalities shall pass by Resolution a fee schedule that is reasonably related to the costs incurred by the Municipalities for over-site regulation of the oil and gas extraction industry and the construction of the structures and improvements.

ORDAINED and ENACTED into Law by the Board of Supervisors of Morgan Township, Greene County, Pennsylvania, this 7th day of December, 2010.

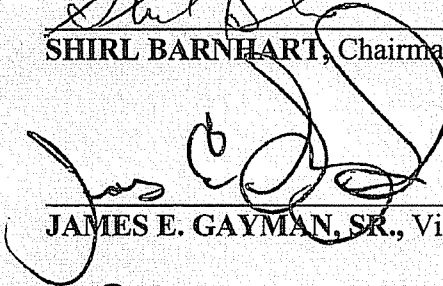
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APPROVAL PAGE
MORGAN TOWNSHIP ORDINANCE NO. 04 OF 2010

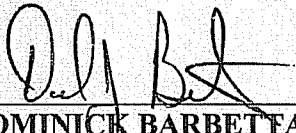
MORGAN TOWNSHIP
BOARD OF SUPERVISORS



SHIRL BARNHART, Chairman



JAMES E. GAYMAN, SR., Vice Chairman



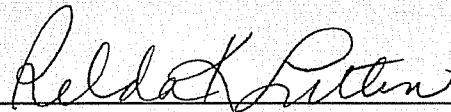
DOMINICK BARBETTA, Supervisor

ATTEST:



RELDA K. LITTEN,
Secretary/Treasurer

I hereby certify that the foregoing Ordinance was advertised in the Observer-Reporter on November 11, 2010 and November 18, 2010, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Morgan Township Board of Supervisors held on the 7th day of December, 2010.



RELDA K. LITTEN,
Secretary/Treasurer