

**ORDINANCE NO. 1 OF 2009
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1 OF 1992 TO AMEND THE DEFINITION OF "EXTRACTIVE OPERATIONS" IN ORDER TO CLARIFY THE INCLUSION OF OIL AND GAS DRILLING ACTIVITY AND TO AMEND THE REQUIREMENT OF AN OPERATOR TO PROVIDE FOR EXCESS MAINTENANCE FOR DAMAGE TO TOWNSHIP ROADS BY OVERWEIGHT VEHICLES.

WHEREAS, the Board of Supervisors of Morris Township has reviewed the Township Zoning Ordinance, as most recently amended by Ordinance No. 1 of 1992, and has concluded that it is necessary to clarify the definition of the term "extractive operations" to include oil and gas drilling activity and to provide for an Excess Maintenance Agreement for Township Roads to be entered into by owners or operators conducting operations pursuant to Ordinance No. 1 of 1992; and

WHEREAS, the Board of Supervisors of Morris Township has conducted a public hearing on the within proposed amendment to Ordinance No. 1 of 1992.

NOW, THEREFORE, be it ordained and enacted, and is hereby ordained and enacted by the Board of Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. The definition of "extractive operations" contained in Section 1 of Ordinance No. 1 of 1992 is hereby deleted in its entirety and the following substituted therefor:

EXTRACTIVE OPERATIONS: Surface mining of coal, earth removal, stone removal or quarrying, oil and gas drilling (including but not limited to conventional, Marcellus Shale and coalbed methane gas drilling), and such other operations and/or procedures that are normally conducted for profit wherein soil and/or its contents or minerals are removed as a business activity.

SECTION 2. Section 3.e.(6) of Ordinance No. 1 of 1992 is hereby deleted in its entirety and the following substituted therefor:

Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by the Township Supervisors for each and every mile of Township road or portion thereof proposed to be traversed for removing material from the site, or conducting any operations at the site, including development operations. The period designated for the bond shall start with the issuance date of the permit. Said bond shall

be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Township roads which have been damaged shall be as determined by the Township Engineer, and be reconstructed to Township specifications. In addition to the foregoing, the operator shall be required to enter into an Excess Maintenance Agreement in a form to be approved by the Township providing for the maintenance or restoration of Township roads damaged by the operator's use of the roads by overweight vehicles. Any conflict between the terms and provisions of the Excess Maintenance Agreement and this Section shall be resolved in favor of the terms and conditions set forth in the Excess Maintenance Agreement.

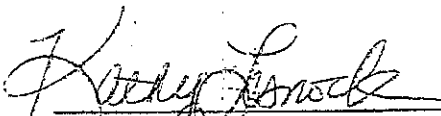
SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 4. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

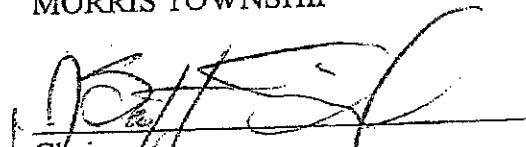
ENACTED AND ORDAINED this 21 day of April, 2009.

ATTEST:




 Kathy Lesnock, Secretary

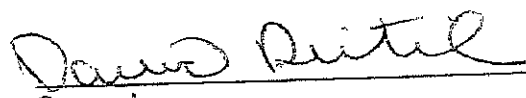
MORRIS TOWNSHIP



 Chairman



 Supervisor



 Supervisor