

**MOUNT PLEASANT TOWNSHIP**  
**ORDINANCE NO. 122**

**AN ORDINANCE OF MOUNT PLEASANT TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE MOUNT PLEASANT TOWNSHIP ZONING ORDINANCE, CHAPTER 200, OF THE TOWNSHIP CODE OF ORDINANCES INCORPORATING OIL AND GAS ACTIVITIES.**

WHEREAS, the Board of Supervisors of Mount Pleasant Township is authorized by the Municipalities Planning Code to regulate land use within the Township;

WHEREAS, the Board of Supervisors of Mount Pleasant Township as authorized by the Municipalities Planning Code may from time to time amend and/or revise its Zoning Ordinance;

WHEREAS, It is in the Township's best interest to address various zoning issues to include where activities will and will not be permitted and to have information available concerning the unique circumstances involving oil and gas exploration, development, production and processing taking place within the Township.

WHEREAS, the Board of Supervisors has properly advertised and held a public hearing on \_\_\_\_\_ on the proposed zoning amendments;

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Mount Pleasant Township and it is hereby ordained and enacted by the Authority of same as follows:

**SECTION 1: Definitions.**

CHAPTER 200, ZONING, ARTICLE II Definitions, Section 200-9, Terms Defined, is hereby amended by adding the following definitions:

Applicant – Any person, partnership, operator, company, owner, 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.

Access Road or Access Way—Any road or access way extending from a Township road, Private road or State road.

Best Management Practices—Practices that are designed to prevent or reduce impacts caused to air, water, soil, or biological resources, and to minimize the adverse impacts to public health, safety and welfare, including the environment and wildlife resources, utilizing the best available technology to the maximum extent possible.

Compressor—A device that raises the pressure of oil and natural gas and/or by products. Compressors are any devices that create a pressure differential to move or compress a liquid, vapor, or a gas. Any such device used alone or in series to adequately move a liquid, vapor or a gas is considered a compressor.

Hazardous Waste - The definition of hazardous waste contained in PA Code Title 25, Chapter 261 (A) – Identification and Listing of Hazardous Waste is hereby adopted by reference.

Industrial, Light – See Light Industrial.

Light Industrial – The processing, fabrication, treatment, or assembly of materials, raw or otherwise, or manufacturing of products that may or may not require additional processing, fabrication, treatment, or assembly, whether or not for ultimate use by the consumer.

Oil and Gas Metering Stations / Above Ground Gathering Facilities – A system used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

Oil and Gas Compressor Station—A facility or location that contains a compressor, compressors and all related components to facilitate the movement of oil and/or natural gas and/or its byproducts through a pipeline.

Oil and Gas Pipelines—All parts of those physical facilities through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

Oil and Gas Processing Facility—A facility that receives oil and/or natural gas and associated hydrocarbons from a truck, railway car, or pipeline system serving one or more wells, which processes, compresses, condenses, pressurizes, deals with Dew Point Control or gas quality related issues or otherwise treats oil and/or natural gas making it suitable for, among other things, pipeline transmission, or which removes and separates or adds other materials, products, and impurities to or from the oil or gas, and which may or may not include compressor stations, cooling facilities, storage tanks and related equipment and facilities.

Pipeline Corridor—The pathway in which the pipelines and facilities of a pipeline operator are located in the jurisdiction of Mount Pleasant Township including public rights-of-way and easements over and through public or private property.

Pollution—Man-made or man-induced contamination or other degradation of the physical, chemical, biological, or radiological integrity of air, water, soil, or biological resource.

Protected Use or Protected Structure—Any Habitable Structure, Religious Institution, Public Building, Healthcare Facility, School, Camp, or Public Park. This term shall not apply to accessory buildings, garages, hangars, or storage buildings.

Public Building—Any Building or Habitable Structure used or designed to and intended to be used for gathering purposes such as deliberation, entertainment, amusement, or health care. Public Buildings include, but shall not be limited to, theaters, assembly halls, auditoriums, mortuary chapels, dance halls, exhibition halls, office buildings, government use facilities, gymnasiums, libraries, restaurants, stores, and healthcare facilities.

Residual Waste – Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining, drilling or

agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous.

Water Impoundment, Fresh - A lined depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial used to store fresh water.

Water Impoundment, Waste - A lined depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial used to store waste water including but not limited to brine, fracturing fluid or residual waste.

Zoning Certificate – A document signed by the Township Zoning Officer which is required by this chapter prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

**SECTION 2: Amendments.**

CHAPTER 200, ZONING, ARTICLE II, Definition, § 200-9, Terms Defined, is hereby amended to delete Light Manufacturing and Manufacturing, Light.

**SECTION 3: Zoning Districts.**

CHAPTER 200, ZONING, ARTICLES IV, V, VI, VII, VIII, IX, and X, Zoning Districts, is hereby amended as follows:

1. ARTICLE IV, A-1 Agricultural District, Section 200-15, Authorized Uses, is hereby amended, as reflected below:
  - a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter i, "Oil and Gas Metering Station / Gathering Facilities, subject to Section 200-103.2" is hereby added.
  - b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter j, "Oil and Gas Pipelines, subject to Section 200-103.3" is hereby added.
  - c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter e, "Oil and Gas Compressor Station, subject to Section 200-103.1" is hereby added.
  - d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter f, "Oil and Gas Processing Facility, subject to Section 200-103.4" is hereby added.
  - e. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter g, "Oil and Gas Well, subject to Section 200-103.5" is hereby added.
  
2. ARTICLE V, R-1 Rural Residential District, Section 200-22, Authorized Uses, is hereby amended, as reflected below:
  - a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter i, "Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2" is hereby added.
  - b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter j, "Oil and Gas Pipelines, subject to Section 200-103.3" is hereby added.
  - c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter b, "Oil and Gas Compressor Station, subject to Section 200-103.1" is hereby added.
  - d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, "Oil and Gas Well, subject to Section 200-103.5" is hereby added.

3. ARTICLE VI, R-2 Suburban Residential District, Section 200-29, Authorized Uses, is hereby amended as reflected below:
- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter d, "Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2" is hereby added.
  - b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter e, "Oil and Gas Pipelines, subject to Section 200-103.3" is hereby added.
  - c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter a, "Oil and Gas Compressor Station, subject to Section 200-103.1" is hereby added.
  - d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter b, "Oil and Gas Well, subject to Section 200-103.5" is hereby added.

ARTICLE VII, R-3 Neighborhood Residential District, Section 200-36, Authorized Uses, Is hereby amended as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter e, "Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2" is hereby added.
- b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter f, "Oil and Gas Pipelines, subject to Section 200-103.3" is hereby added.
- c. Subsection A, Conditional Uses, Item 1, Principal Uses, Letter g, "Oil and Gas Wells, subject to Section 200-103.5" is hereby added.

ARTICLE VIII, R-4 Neighborhood Core District, Section 200-43, Authorized Uses, Is hereby amended as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter j, "Oil and Gas Wells is hereby removed.
- b. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, "Oil and Gas Wells, subject to Section 200-103.5. is hereby added.

4. ARTICLE IX, B-1 Highway Commercial District, Section 200-51, Authorized Uses, is Hereby amended as reflected below:
- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter ff, "Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2" is hereby added.
  - b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter gg, "Oil and Gas Pipelines, subject to Section 200-103.3" is hereby added.
  - c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, "Oil and Gas Compressor Station, subject to Section 200-103.1" is hereby added.
  - d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter d, "Oil and Gas Well, subject to Section 200-103.5" is hereby added.

5. ARTICLE X, M-1 Light Industrial District, Section 200-59, Authorized Uses, is hereby amended, as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter q, "Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2" is hereby added.
- b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter r, "Oil and Gas Pipelines, subject to Section 200-103.3" is hereby added.

- d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, "Oil and Gas Compressor Station, subject to Section 200-103.1" is hereby added.
- e. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter d, "Oil and Gas Processing Facility, subject to Section 200-103.4" is hereby added.
- f. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter e, "Oil and Gas Well, subject to Section 200-103.5" is hereby added.

**SECTION 4: CHAPTER 200, ZONING, ARTICLE XII, Express Standards and Criteria for certain Permitted, Conditional and Uses by Special Exception, § 200-103 is hereby amended to add:**

§ 200-103.1 Oil and Gas Compressor Stations; § 200-103.2 Oil and Gas Metering Stations / Gathering Facilities; § 200-103.3 Oil and Gas Pipelines; § 200-103.4 Oil and Gas Processing Facilities and § 200-103.5 Oil and Gas Wells are hereby added as follows:

**§ 200-103.1 Oil and Gas Compressor Stations.**

A company desiring to operate a Compressor Station shall obtain the permits required by this ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

1. **Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, shall be obtained from the Township Zoning Officer and applications must include:
  - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - b. Anticipated construction start and completion date;
  - c. A plot plan of the site showing; a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way;
  - d. Applicant shall apply for a Township assigned address at the time of building permit application;
  - e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
  
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
  
3. **State and Federal Compliance.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.

**4. Setbacks.** The following minimum setback distances must be adhered to:

- a. The minimum distance to any protected use shall be one thousand (1,000) feet;
- b. The minimum distance to any Public or Private School shall be two thousand five hundred (2,500) feet;
- c. A Setback Reduction Approval may be authorized by the Mount Pleasant Township Board of Supervisors as part of the Conditional Use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
- d. All above ground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of one hundred (100) feet from any adjacent property lines or rights-of-way.

**5. Screening and Landscaping:** The standards in Section 200-119 shall be determined during the Conditional Use Hearing.

**6. Fence Standards.** A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:

1. The chain link fence shall be at least eight (8) feet in height;
2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
3. The chain link shall be dark green or black steel wire;
4. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
5. Posts and rails shall be black or dark green standard socket construction or similar design;
6. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
7. All chain link fences shall be equipped with at least two (2) gates. At least one of the gates shall meet the following specifications:
  - a. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
  - b. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by township. Color of materials shall be uniform

and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.

7. **Engines.** Compressors and other power driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of any Township ordinance. All electrical installations and equipment shall conform to Township ordinances and the applicable national codes.
8. **Access Roads:** Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
  1. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
  2. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
  3. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
9. **Truck Routes:** The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record / log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
10. **Road Maintenance Agreements Required:** The applicant shall apply for a road maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.

**11. Fee Reimbursement.** For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.

**12. Signage, Site identification:** The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Unit name
3. Township assigned address
4. Emergency contact phone number

**13. Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**14. Emergency Response Plan:** Prior to development, applicant shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities.

**15. Enclosure:** Noise generating equipment, exceeding Township ordinance standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.

**16 Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.



**§ 200-103.2 Oil and Gas Metering Stations / Above Ground Gathering Facilities.**

A company desiring to operate a Metering Station / Above Ground Gathering Facility shall obtain the permits required by this ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

**1. Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, shall be obtained from the Township Zoning Officer and applications must include:

- a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
- b. Anticipated construction start and completion date;
- c. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way;
- d. Applicant shall apply for a Township assigned address at the time of building permit application;
- e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.

**2. Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.

**3. State and Federal Compliance.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.

**4. Setbacks.** The following minimum setback distances must be adhered to:

- a. The minimum distance to any protected use shall be one thousand (1,000) feet;
- b. The minimum distance to any Public or Private School shall be two thousand five hundred (2,500) feet;
- c. The above ground equipment located within the facility must be set back a minimum of one hundred (100) feet from any adjacent property lines or rights-of-way.

**5. Screening and Landscaping:** Metering Stations / Above Ground Gathering Facilities must, at a minimum, abide by the standards in Section 200-119 A (3), Buffer Area C.

**6. Fence Standards.** A secured entrance gate shall be required and are to be kept locked when the operator or its employees are not on the premises. Standards for the chain link fence and secured gate are as follows:

1. The chain link fence shall be at least eight (8) feet in height;
2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
3. The chain link shall be dark green or black steel wire;
4. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
5. Posts and rails shall be black or dark green standard socket construction or similar design;
6. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
7. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
  - a. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
  - b. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.

**7. Access Roads:** Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:

1. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
2. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
3. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no

circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

**8. Fee Reimbursement.** For the period during construction, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.

**9. Signage, Site identification:** The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Site name
3. Township assigned address
4. Emergency contact phone number

**10. Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**11 Emergency Response Plan:** Prior to development, applicant shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities.

**12 Engine and Motor Enclosures:** All engines and motors used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure.

**13 Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200. Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

**§ 200-103.3 Oil and Gas Pipelines.**

A company desiring to construct Oil & Gas Pipelines shall furnish to the Township copies showing evidence that it has obtained and maintains in good standing all required State and/or Federal permits, including proof of bonding to operate pipelines, when such bonding is required. Any suspension or revocation of any required State or Federal approvals or permits shall be reported to the Township immediately. Retail service lines from the main line to the residential or commercial structure are exempt from this section. The company must adhere to the following regulations:

1. **Pipeline Information:** The company shall submit to the Township, prior to construction, on a form provided by the Township, the following:
  1. The origin point and the destination of the segment of the pipeline to be constructed;
  2. A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
  3. As-built drawings of the segment of pipeline constructed;
  4. Must meet all of the Supplemental Regulations of Article XIII, Chapter 200, Zoning, where applicable;
  5. A copy of the site reclamation plans;
  6. The owner-operator must participate in PA One-Call;
  7. The company shall exert reasonable efforts to maintain setbacks as indicated in this paragraph. Setback requirements from gas pipelines for general residential, commercial, and industrial buildings shall be a minimum of fifty (50) feet. The setback distance shall be measured from the nearest edge of the pipeline corridor. Setback distances shall be a minimum of one hundred (100) feet for all principle buildings used for community recreation services, private or public education, spectator entertainment or sports, exhibition and convention facilities, major health services, religious assemblies, or facilities used for public gatherings.
  
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
  
3. **State and Federal Compliance.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
  
4. **Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200, Zoning, Article XIII, Supplemental Regulations, of the Township Code of Ordinances.

**§ 200-103.4 Oil and Gas Processing Facilities.**

A company desiring to operate an Oil and Gas Processing Facility shall obtain the permits required by this ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

1. **Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, must be obtained from the Township Zoning Officer and applications must include:
  - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - b. Anticipated construction start and completion date;
  - c. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources, rights-of-way;
  - d. Applicant shall apply for a Township assigned address at the time of building permit application;
  - e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
  
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
  
3. **State and Federal Compliance.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
  
4. **Setbacks.** The following minimum setback distances must be adhered to:
  - a. The minimum distance to any protected use shall be one thousand (1,000) feet;
  - b. The minimum distance to any Public or Private School shall be two thousand five hundred (2,500) feet;
  - c. A Setback Reduction Approval may be authorized by the Mount Pleasant Township Board of Supervisors as part of the Conditional Use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
  - d. All above ground equipment including compressor engines and any structure in which they are enclosed must be set

back a minimum of one hundred (100) feet from any adjacent property lines or rights-of-way.

5. **Screening and Landscaping:** The standards in Section 200-119 shall be determined during the Conditional Use Hearing.
6. **Fence Standards.** A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:
  1. The chain link fence shall be at least eight (8) feet in height;
  2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
  3. The chain link shall be dark green or black steel wire;
  4. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
  5. Posts and rails shall be black or dark green standard socket construction or similar design;
  6. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
  7. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
    - a. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
    - b. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.
7. **Engines.** Compressors and other power driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of any Township ordinance. All electrical installations and equipment shall conform to Township ordinances and the applicable national codes.
8. **Access Roads:** Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:
  1. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least fifty (50)

feet from any property line unless written consent is obtained from the adjoining property owner(s);

2. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
3. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

**9. Truck Routes:** The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record / log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.

**10. Road Maintenance Agreements Required:** The applicant shall apply for a road maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.

**11. Fee Reimbursement.** For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.

**12. Signage, Site identification:** The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Unit name
3. Township assigned address
4. Emergency contact phone number

**13. Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and

taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**14 Emergency Response Plan:** Prior to development, applicant shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities.

**15. Enclosure:** Noise generating equipment, exceeding Township ordinance standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.

**16. Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200, Zoning, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

#### **§ 200-103.5 Oil and Gas Wells.**

A company desiring to engage in any oil and/or natural gas well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; water impoundment and other fluid storage, and transportation used for such activities shall obtain a Zoning Certificate from the Township. The company must adhere to the following regulations:

1. **Zoning Certificate:** Zoning Certificates must be obtained from the Township Zoning Officer prior to commencement of drilling and applications must include:
  - a. The name and address of the mineral and royalty owner(s), a copy of the oil and gas lease and any drilling permits issued by the Commonwealth of Pennsylvania, or the application, if a state permit has not yet been issued, shall be attached;
  - b. The name and address of the applicant, including the name and telephone number of a local representative;
  - c. The exact description of the location of the proposed well and verification that the site is not located in a wetland or floodplain;
  - d. The name and address of each property owner of all property within one thousand feet (1000) of the proposed well, and verification that all above referenced property owners have been notified in writing of the drilling activity;
  - e. Anticipated construction start and completion date;



- f. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way.
- 2. Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
- 3. State and Federal Compliance.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
- 4. Setbacks.** The following setbacks are to be addressed during the Conditional Use hearing process and shall include but not be limited to:
- a. The distance to any protected use;
  - b. The distance to any Public or Private School;
  - c. The distance to any adjacent property lines or rights-of-way.
- 5. Screening:** Temporary screening panels, of a style and material used for noise abatement, shall be erected around the entire drilling site before commencement of the active drilling phase and shall remain in effect until the well is drilled and production has commenced. A waiver of the screening panels can be requested as part of the Conditional Use approval process provided that the applicant can submit compelling evidence that such a waiver is absolutely necessary and will not be detrimental to the purposes of this ordinance.
- 6. Access Roads:** Access to any well site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following shall apply:
1. Any newly established private easements/roadways constructed on the parcel containing the well site shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
  2. The access road to the well site, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of drilling operations;
  3. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of

dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

7. **Truck Routes:** The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record / log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
8. **Road Maintenance Agreements Required:** The applicant shall apply for a road maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
9. **Fee Reimbursement.** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.

**10. Signage, Site identification:** The well site signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance to each well site. In the event there are multiple well sites accessible from a single entrance point, this information must be clearly posted and visible as to abate possible confusion. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Unit name
3. Township assigned address
4. Emergency contact phone number

**11. Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**12. Operating Times:** All site preparation and pre-production activities on the site, as well as access road maintenance, site reclamation activity and other on-going ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7 AM and 7 PM, or as otherwise authorized by the Board of Supervisors. The active drilling phase is exempt from this paragraph.

**13. Water Impoundments, Fresh / Waste:** Applicant shall register any fresh water or waste water impoundment with the Township prior to the construction. Applicant shall adhere to the following:

1. Impoundment must be five hundred (500) feet from property lines;
2. A copy of the PA DEP impoundment permit, if applicable, must be provided at the time of application or when available;
3. Chain link fencing must be installed around any impoundment and shall be at least eight (8) feet in height;
4. Thirty (30) day advance written notice must be provided when transitioning from a fresh water to a waste water impoundment and applicant must:
  - a. Provide a copy of the revised PA DEP permit when available;
  - b. Adhere to Chapter 200, Zoning, Article XIII, Supplemental Regulations, Section 200-118, Performance Standards;
5. Bird Netting shall be utilized;
6. Applicant shall provide a copy of the final closure certificate;
7. Install Hazardous Waste warning signs around waste water impoundments;
8. Any PA DEP reportable spills, leaks, malfunctions or similar incidents must be reported immediately to the Township.

**14 Emergency Response Plan:** Prior to development, applicant shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities and shall be made available at least annually during the period when the applicant / operator anticipates drilling activity within the Township.

**15 Engine and Motor Enclosures:** All engines and motors not involved in the active drilling / fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure.

**16. Supervisory Personnel:** Bunk housing of site workers is not permitted at any well location or anywhere within the Township. In addition, bunk housing of site workers is not permitted by the Mount Pleasant Township Zoning Ordinance. The Township acknowledges that certain supervisory personnel (generally not to exceed six (6) individuals at any one time) are required for reasons of safety to be present at the multi-well drilling pad on a continuous basis during certain operations, and resting accommodations for such supervisory personnel are not affected by the foregoing condition. Prior to utilizing any such accommodations the applicant / driller shall complete a registration form provided by the Township, which shall include, but not be limited to, a list of the job titles which constitute supervisory personnel; the names and contact information of each supervisor to be on site and, pay a "temporary user fee", an amount as set from time to time by Resolution, upon initial set up and each time the

trailer is moved onto or off a site. Applicant / driller shall notify the Township not less than five (5) business days prior to moving the supervisory trailers.

**17. Supplemental Regulations:** Well sites must meet all of the Supplemental Regulations of Chapter 200, Zoning, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

**SECTION 5: CHAPTER 200, ZONING, ARTICLE XIII, Supplemental Regulations, § 200-118, Performance Standards, Subsection A, Environmental Performance Standards, is hereby amended to add paragraphs:**

(4) Debris, which shall read:

**Paragraph (4): Debris:**

All operations shall be conducted in such a manner to minimize the accumulation of debris, pools of water or other liquids, contaminated soil, weeds, brush or other waste materials and shall be in accordance with the best management practices incident to the operations in urban/suburban/rural areas. All equipment used shall be constructed and operated so that dirt, dust, debris or other harmful or annoying effects are minimized by the operations carried on at these facilities to avoid injury to or annoyance to persons living in the vicinity. All applicants shall regularly monitor the site and adjacent properties for cleanliness and will remove debris and trash generated at the facility.

When and if any construction activity or operation becomes inactive or abandoned for more than one (1) month, the owner and/or operator shall immediately clean the site of all accumulated debris and trash, and complete the restoration of the site.

**SECTION 6: CHAPTER 200, ZONING, ARTICLE XVIII Administration and Enforcement, § 200-164 Enforcement, is hereby amended to add:**

**Subsection E, Penalties, which shall read:**

Any applicant performing work at their direction who violates or permits a violation of this chapter 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 five hundred (500) dollars, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If 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 offense. Further, the

appropriate officials 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. Any entity who is found by a court of competent jurisdiction to have violated this Ordinance shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and court costs associated with enforcement.

**SECTION 7: CHAPTER 200, ZONING, ARTICLE XVIII Administration and Enforcement, § 200-164 Enforcement, is hereby amended to add:**

**Subsection F, Savings Clause, which shall read:**

All Ordinances or parts of Ordinances not inconsistent with the provisions of this Ordinance shall be and remain in full force and effect, but any Ordinance inconsistent with the provisions of this Ordinance is hereby amended or repealed to the extent inconsistent with the provisions of this Ordinance.

If any section, clause, phrase or provision of this Ordinance or the application thereof to any person, firm or corporation shall to any extent be held by court of competent jurisdiction to be invalid, the remaining sections and provisions of the ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 8: Effective Date.**

This ordinance shall take effect five (5) days after passage.

ORDAINED AND ENACTED by the Supervisors of Mount Pleasant Township, Washington County, Pennsylvania this 22 day of June, 2011.

ATTEST

MOUNT PLEASANT TOWNSHIP

\_\_\_\_\_  
Township Secretary

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William L. Dinsmore, Chairman

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Larry H. Grimm, Vice-Chairman

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Arden B. McCartney, Supervisor