

ORDINANCE No. 942

AN ORDINANCE OF THE TOWNSHIP OF ELIZABETH, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ZONING OF OIL AND GAS DRILLING OPERATIONS

Section 601. Purpose.

The purpose of this Part is to provide for the health, safety and welfare of the residents of the Township through the implementation of reasonable zoning provisions under the MPC and floodplain management provisions under the Floodplain Management Act and to permit the reasonable development of oil and gas resources in accordance with Act 13. Oil and gas 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 operations so that they can be conducted in a manner that is economically remunerative and beneficial to the Township, yet potential negative impact on the residents of the Township can be minimized.

Section 602. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

“Act 13” -- Act 13 of 2012 (H.B. 1950), P.L. 87, § 1, approved February 14, 2012, 58 Pa.C.S. § 2301 *et seq.*, which is also known as the Unconventional Gas Well Impact Fee Act, as well as any amendments thereto and regulations promulgated thereunder.

“Applicant” -- Any person, owner, operator, partnership, company, corporation or other entity seeking to conduct oil and gas operations within the Township.

“Building” -- An occupied structure with walls and a roof within which persons live or customarily work.

“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 of Pennsylvania.

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

“Emergency Responders” -- The police department serving the Township, the Pennsylvania State Police, all fire companies serving the Township, all EMT and ambulance companies serving the Township, and the Township and county Emergency Management offices.

“Environmental Acts” -- All statutes enacted by the Commonwealth relating to the protection of the environment or the protection of public health, safety and welfare, that are administered and enforced by the department or by another Commonwealth agency, including an independent agency, and all Federal statutes relating to the protection of the environment, to the extent those statutes regulate oil and gas operations.

“Fresh Water” -- Water obtained from a water purveyor, hydrant, municipal tap, stream, lake, water well, spring, or other source that has not been utilized in commercial or industrial operations. Fresh water does not include exploration and production fluids such as produced water, flowback fluids, re-use water, or mine influenced water.

“Freshwater Impoundment” -- a lined excavated depression, pit, tank type structure or closed loop facility situated in or upon the ground, whether natural or artificial that is used to store Fresh Water.

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

“Natural Gas” -- A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term includes coal bed methane.

“Natural Gas Compressor Station” -- A facility designed and constructed to compress natural gas that originates from a 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. The term includes one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

“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.

“Oil” -- Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA. This term is also referred to as petroleum.

“Oil and Gas Operation(s)” -- The term includes the following:

- A. Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- B. Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- C. Construction, installation, use, maintenance and repair of:
 - 1. Oil and gas pipelines, including all pipelines extending to or from an Oil or Gas Well Site, but excluding gas pipelines which are used solely to transport natural gas for residential purposes;
 - 2. Natural gas compressor stations; and
 - 3. Natural gas processing plants or facilities performing equivalent functions.
- D. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (A), (B) and (C) above, to the extent that:
 - 1. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - 2. The activities are authorized and permitted under the authority of a federal or commonwealth agency.

“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. This term shall include an “unconventional gas well.”

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

“Operator” -- The person designated as the well operator or the operator of another oil and gas operation on the permit application or well registration.

“Outdoor recreation facility” -- A public or private recreation facility, except one located on a residential lot, which shall include soccer fields, basketball courts, baseball fields, golf courses, tennis courts, playgrounds, and other similar sports facilities that are used for leisure and recreation purposes.

“Owner” -- A person or entity that owns, manages, leases, controls or possesses an oil or gas well or other oil and gas operation.

“Permitted use” -- A use which, upon submission of written notice to and receipt of a permit issued by a zoning officer or equivalent official, is authorized to be conducted without restrictions other than those set forth in Section 3304 of Act 13.

“Storage well” -- A well that is 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.

“Unconventional formation” -- A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

“Unconventional gas well” -- A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater than that of a stripper well.

“Wastewater impoundment” or “centralized impoundment” -- A lined excavated depression, pit, tank type structure or closed loop facility situated in or upon the ground, whether natural or artificial that is used to store waste water including, but not limited to, brine, fracturing fluid or residual waste, excluding any temporary tank type structure, or closed container, of less than 17,000 gallons used to hold wastewater from a single Oil and Gas Pad until it is removed from the site.

“Well pad” -- The area of surface operations immediately surrounding the surface location of a well or wells. Such area shall not include an access road to the well pad and shall not include the entirety of an oil or gas well site.

Section 603. Zoning Classifications.

Subject to the provisions of this ordinance, and in order to allow for the reasonable development of oil and gas resources, the following zoning classifications shall apply:

- A. Well and pipeline assessment operations – Well and pipeline assessment operations, including seismic operations and related activities, shall be a conditional use within all zoning districts, provided that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives. This subsection shall also be added to Ordinance No. 820, as amended by Ordinance No. 874, at Article XIV, Section 1403.51.
- B. Oil or gas wells and oil or gas well sites – Oil or gas wells and oil or gas well sites shall be a conditional use within all zoning districts, provided that the well site must be placed so that the wellhead is at least 750 feet from any existing building and 1500 feet from any property line on which a school building is located. If the wellhead is located less than 750 feet from any existing building, the Township Commissioners

shall have the ability to approve the application with conditions only if each affected property owner located less than 750 feet signs a written waiver. In addition, the following restrictions shall also apply in all Residential Zoning Districts:

1. Oil or gas well sites are prohibited unless the outer edge of the well pad is at least 750 feet from an existing building and 1500 feet from any property line on which a school building is located. If the outer edge of the well pad is located less than 750 feet from any existing building, the Township Commissioners shall have the ability to approve the application with conditions only if each affected property owner located less than 750 feet signs a written waiver
2. Oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities, are prohibited from taking place within 500 feet of an existing building. The Township Commissioners shall have the ability to approve the application with conditions only if each affected property owner located less than 500 feet signs a written waiver.
- 3.

C. Oil or gas well sites are prohibited unless it is located on a minimum parcel of 10 acres.

D. Wastewater or centralized impoundment areas – Wastewater or centralized impoundment areas used for oil and gas operations shall be a conditional use only within Industrial Zoning Districts, provided that the edge of the impoundment area shall not be closer than 400 feet from an existing building. Wastewater or centralized impoundment areas shall be prohibited in all other zoning districts. This subsection shall also be added to Ordinance No. 820, as amended by Ordinance No. 874, at Article XII, Section 1201, Subsection B, item 1.

4. E. Fresh water impoundments – Freshwater impoundments shall be a conditional use within all zoning districts. The outer edge of the freshwater impoundment shall not be closer than 300 feet from an existing building. The Township Commissioners shall have the ability to approve the application with conditions only if each affected property owner located less than 300 feet signs a written waiver.

F. Fresh water intake facilities shall be a conditional use in all zoning districts. Any pump station building shall be at least 200 feet from any existing building. The Township Commissioners shall have the ability to approve the application with conditions only if each affected property owner located less than 200 feet signs a written waiver.

G. Natural gas compressor stations –

1. Conditional use – Natural gas compressor stations shall be a conditional use only within Industrial Zoning Districts, provided that the natural gas compressor stations satisfy the distance and noise restrictions set forth in Section (603)(E)(2).

2. Prohibition – Natural gas processing plants shall be prohibited in all zoning districts other than as set forth in Sections (603)(D)(1) and (603)(D)(2).
3. Distance and noise restrictions – In order to be eligible for approval as a conditional use, natural gas compressor stations must:
 - a. Be located 750 feet or more from the nearest existing building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
 - b. Operate in such a manner that the noise level generated by the natural gas compressor station does not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by federal law, whichever is less.

This subsection shall also be added to Ordinance No. 820, as amended by Ordinance No. 874, at Article XIV, Section 1403.52.

H. Natural gas processing plants -

1. Conditional use – Natural gas processing plants shall be a conditional use only within Industrial Zoning Districts, provided that the natural gas processing plants satisfy the distance and noise restrictions set forth in Section (603)(E)(3).
2. Prohibition – Natural gas processing plants shall be prohibited in all zoning districts other than as set forth in Sections (603)(E)(1) and (603)(E)(2).
3. Distance and noise restrictions – In order to be eligible for approval as a conditional use, natural gas processing plants must:
 - a. Be located 750 feet or more from the nearest existing building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
 - b. Operate in such a manner that the noise level generated by the natural gas processing plant does not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by federal law, whichever is less.

I. Oil and gas operations shall be a conditional use within all zoning districts, subject to the restrictions specifically set forth in Sections 603(B) through (E), as well as generally set forth in this ordinance.

Section 604. Applicability

1. This Part applies to all oil and gas operations, including, but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, natural gas compressor stations and natural gas processing plants that will be permitted or constructed after the effective date of this Part.

2. Oil and gas operations, including, but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, 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. However, any owner and/or operator seeking to make a modification to existing oil and gas operations after the effective date of this ordinance that alters the size, type, location, number of wells or physical modifications to existing structures or the situs of oil and gas operations shall comply with the terms of this ordinance.

3. The Township acknowledges that it is preempted from enacting or enforcing ordinances that impose conditions, requirements or limitations on the same features of oil and gas operations regulated in Chapter 32 of Act 13 or that accomplish the same purposes set forth in Chapter 32 of Act 13. In addition, the Township acknowledges that environmental acts are of statewide concern and that it is preempted from regulating oil and gas operations to the extent that such operations are regulated by the environmental acts. This ordinance is intended to comply with such preemptive restrictions.

Section 605. Permit Required.

1. No oil and gas operations shall be performed, constructed or located within the Township until the owner and/or operator of the oil and gas operations has submitted an application for a zoning certificate and a zoning certificate has been issued by the Township's zoning officer or other equivalent official approving the performance, construction or location of the oil and gas operations.

2. The written notice of request for a permit, or amended application, if necessary, shall be accompanied by payment of an application fee in the amount of \$10,000. The application fee is for purposes of payment for expenses incurred or to be incurred by the Township for the administration of the application. Fees may be adjusted by the Township Board of Supervisors from time to time by Resolution. To the extent that the same is not otherwise included or provided, copies of applications for permits from the Commonwealth of Pennsylvania or other Government Agency shall be submitted to the Township at the time the Application for Conditional Use is submitted to the Township.

3. Prior to making any modification to an existing and certified oil or gas well site that alters the size, location, accessory equipment or structures, the owner and/or operator shall make a written application for and obtain a modified zoning certificate from the Township pursuant to this ordinance. Like-kind modifications and replacements shall be exempt from this requirement.

4. Prior to making any modification to any other existing and certified oil and gas operation, including, but not limited to, a natural gas compressor station, natural gas processing plant or impoundment area, other than like-kind modifications and replacements, the owner and/or operator shall make a written application for and obtain a modified zoning certificate from the Township pursuant to this ordinance.

5. The owner or operator of a proposed oil and gas operation shall obtain a grading permit, if applicable, pursuant to the Township's Subdivision and Land Development Ordinance prior to conducting any grading or earth moving.

6. The owner or operator of a proposed oil and gas operation shall obtain a building permit and occupancy permit, as appropriate for the use.

7. The owner or operator shall be responsible to pay the Township's reasonable attorney fees and engineering fees and expert costs borne in connection with the conditional use application and hearing process.

Section 606. Pre-Permit Conferences.

1. Purpose – Before seeking a permit to construct or conduct oil and gas operations, the applicant is strongly encouraged to meet with the Township's staff to determine the requirements of and the procedural steps and timing relating to the written notice of request. The intent of this process is for the applicant to obtain necessary information and guidance from the Township's staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

2. Process - A pre-permit 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-permit 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 written request for a permit or to act within any time limit relative to the date of such conference.

3. First Responders – Before seeking a permit, the Township and the Applicant shall ascertain whether the Township's First Responders have secured adequate information to deal with any potential dangerous conditions that may result due to development activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, Owner/Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during a period when the Owner/Operator anticipates drilling activities in the Township. In addition, at Owner/Operator's expense, Owner/Operator shall facilitate training of the Township's First Responders by a company that solely performs said functions on a daily basis, during its course and scope of business.

Section 607. Written Notice of Request for Permit.

1. The applicant's written notice of request for a permit to conduct oil and gas operations shall include the following:

- A. A brief narrative of the project, the address where the oil and gas operations will take place and the contact information for the individual(s) responsible for the oil and gas operations, including a phone number where such individual(s) can be contacted twenty-four hours a day, three-hundred sixty-five days a year.

- B. Verification that the applicant has:

1. Received all permits or other written approvals required by the Department or other state and/or federal regulatory agencies before constructing or conducting oil and gas operations; and

2. Accepted and complied with any and all applicable bonding, fee, and permitting requirements including, but not limited to, those imposed by Act 13.

3. A Certificate of Liability Insurance naming the Township as an additional insured. With respect to operations conducted within the Township and showing liability insurance coverage covering commercial, personal injury, and general liability in the amounts not less than ten million dollars (\$10,000,000.00) per occurrence, fifty million (\$50,000,000.00) per aggregate and ten million (\$10,000,000.00) property damage.

4. A location map of the oil or gas well site, impoundment area, natural gas compressor station, natural gas processing plant or other oil and gas operations showing, as appropriate, the approximate location of derricks, drilling rigs, wells, 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 for the normal flow of traffic on public streets, which shall be undisturbed. Parking spaces shall be provided for the total number of persons employed at the site during the highest shift plus three additional parking spaces. Separate parking spaces shall be provided for each tractor trailer or container vehicle on the site on a daily basis plus two additional parking spaces for such vehicles.

5. A 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, impoundment area, natural gas compressor station, natural gas processing plant, or other oil and gas operations.

6. Verification that, prior to the commencement of any activity relating to oil and gas operations, the applicant shall have entered into an appropriate township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township's solicitor, regarding the maintenance and repair of the Township's streets that are to be used by vehicles for site construction, drilling activities and other site operations.
7. Verification that a copy of the applicant's emergency management plan has been made available to the Department, the Township and all Emergency Responders and that the applicant, upon changes occurring to the emergency management plan, will immediately make available a revised copy to the Department, the Township and all Emergency Responders.
2. If the written notice of request for a permit is complete and fulfills the requirements of this ordinance, the Township shall issue or deny a permit within 30 days (for permitted uses) or within 120 days (for conditional uses) following the date of submission to the Township.
3. If the written notice of request for a permit is incomplete and/or inadequate, the Township shall notify the applicant within 15 days of its receipt. The applicant shall be permitted to submit a revised written notice.

Section 608. Design and Installation.

1. Streets and Access Roads.
 - A. Access to oil and gas operations shall be arranged in a manner that minimizes the danger to traffic, nuisance to surrounding properties and maintains the integrity of the Township's roads.
 - B. No oil and gas operations shall be accessed solely through a local street. Whenever possible, access to oil and gas operations should be from a collector street. The Township shall approve access through a local street if no other access route is feasible.
 - C. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to by the owner and operator of the oil and gas operations.
 - D. All owners and/or operators that conduct oil and gas operations shall comply with any generally applicable bonding, excess maintenance agreements and permitting requirements for roads in the Township that are to be used by overweight vehicles and equipment for purposes of development. The Township agrees to comply with Title 75 and the MPC in connection with its regulation of vehicular access routes for overweight vehicles.

E. All owners and/or operators that conduct oil and gas operations must ensure that Township streets utilized by them, as well as their agents and contractors, shall remain free of dirt, mud and debris resulting from oil and gas operations. Such streets must be promptly swept or cleaned if dirt, mud and debris occur as a result of usage by the owner and/or operator or their agents and contractors.

F. Access road setbacks:

1. Any newly established private easements/roadways constructed on the parcel containing an oil and gas operation shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s).
2. The access road shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that reasonably minimizes water, sediment or debris carried onto any public road and prevents dust and mud. This work shall be completed prior to the commencement of oil and gas operations.

2. Construction.

- A. The duration of construction activities of oil and gas operations shall not exceed the actual time period reasonably necessary to conduct the construction activities at issue. In no event shall the aforementioned time provided exceed 12 months unless authorized by the Township.
- B. Construction of oil and gas operations shall comply with the Pennsylvania Uniform Construction Code, 35 P.S. §§ 7210.101 to 7210.1103, as amended.
- C. No on-site burial of pond liners, drilling residuals, or hydraulic fracturing residuals is permitted. The operator must remove all rubbish, construction materials, and all debris in a prompt manner in the interest of public safety.

3. Structure Height.

- A. No permanent structure shall be erected to a height in excess of 50 feet.
- B. Heights of structures during construction phase - Restrictions on structure heights during the construction of oil and gas operations shall be no more stringent than those imposed on other industrial uses within the Township.

4. Screening and Fencing.

- A. During the construction of oil and gas operations, there must be temporary security fencing of at least 6 feet in height around the perimeter of the site, unless adequate levels of manned 24-hour on-site supervision and security are provided.

B. Upon completion of construction of oil and gas operations, security fencing consisting of a permanent chain link fence shall be promptly installed to secure, among other things, well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and other structures on the site of the oil and gas operations.

C. Permanent security fencing shall be at least 6 feet in height equipped with lockable gates at every access point.

D. Emergency Responders shall be given means of access to the site of oil and gas operations in case of an emergency.

E. Warning signs shall be placed as appropriate on the fencing surrounding the site of oil and gas operations providing notice of the potential dangers and the contact information in case of an emergency.

F. When constructing oil and gas operations, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Brush and trees shall not be cleared by way of burning, except in a manner that complies with the Township's burn ban ordinance.

5. Lighting.

A. Lighting used in connection with oil and gas operations 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 300 feet of the oil or gas well development.

B. No lights located on the site of any oil and gas operations shall be directed in such a manner so that they shine directly on public roads, protected uses, adjacent properties and property in the general vicinity of the site of oil and gas operations.

6. Noise.

A. Prior to the construction and operation of an oil and gas operation, including, but not limited to, the drilling of an oil or gas well or the operation of a natural gas compressor station or natural gas processing plant, the operator shall establish, by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test 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 the associated recording and analyzing equipment, which will provide equivalent data.

B. The operator shall provide the Township documentation of the established ambient noise level prior to constructing or conducting oil and gas operations.

C. The noise generated during oil and gas operations shall not exceed the average ambient noise level established in subsection (1) by more than:

1. 10 decibels during drilling activities or hydraulic fracturing operations during the hours of 7:00 AM to 7:00 PM; and 5 decibels during the hours of 7:00 PM to 7:00 AM.

2. 5 decibels for a natural gas compressor station or a natural gas processing plant.

3. Allowable increase in subsections (a), (b), and (c) shall not exceed the average ambient noise level for more than 5, 5, and 10 minutes, respectively, within any one-hour period.

D. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

E. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, natural gas compressor station, natural gas processing plant or other oil and gas operation for good cause shown and upon written agreement between the applicant and the Township.

F. Complaints received by the Township shall be addressed by the operator within twenty-four hours following receipt of notification. Upon request of the Township, the operator shall provide monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The operator shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

G. Natural gas compressor stations and natural gas processing plants 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.

H. The operator shall install sound mitigation walls or other sound mitigation devices as approved by the Township Commissioners on all sides of the outer edge of the well pad which are within 750 feet of any existing building.

7. Hours of Operation.

- A. No construction activities performed in connection with oil and gas operations, except for the assembly and disassembly of drilling rigs, shall be performed except between the hours of 7 AM and 7 PM, or as otherwise authorized by the Township. There shall be no restriction on the hours of operation during the assembly and disassembly of drilling rigs.
- B. No oil and gas operations, except for subterranean operations and the drilling of wells and the operation of natural gas compressor stations and natural gas processing plants, shall take place except between the hours of 7 AM and 7 PM. There shall be no restriction on the hours of operation for the drilling of wells and the operation of natural gas compressor stations and natural gas processing plants.
- C. The restrictions on hours of operations set forth in (A) and (B) above shall apply to all truck traffic accessing the oil and gas operations site.

8. Prohibitions.

A. 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.

B. 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:

1. 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.

2. An adequate Emergency Evacuation Plan shall have been produced by the applicant and filed with the Township.

3. 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.

4. Only necessary and needed structures will be permitted within the floodplain.

5. All structures within the flood zone shall be designed to withstand a 100-year storm event.

6. 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.

9. Right of Entry

The authorized Township Official may enter the premises, or structure during normal business hours to verify or enforce provisions of this ordinance. If premises or structure is unmanned, access shall be granted within twenty-four hours of notification to the owner / operator, or if there is reasonable cause to believe a condition exists on the premises which violates the ordinance, constituting an unsafe condition.

10. On-Site Workers

Bunk housing of site workers is not permitted at any well location or anywhere within the Township. The Township acknowledges that certain supervisory personnel (not to exceed 6 individuals) are required for reasons of safety to be present at the multi-well drilling pad to which this conditional use approval relates 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, Owner/Operator shall provide to the Township a list of the job titles which constitute supervisory personnel.

Section 609. Penalties.

Any owner, operator, or other person who violates or permits a violation of this chapter shall be subject to the enforcement procedures as set forth by Ordinance No. 820, as amended by Ordinance No. 874, Chapter 20, Section 2001; except that the fine for violation of this Chapter shall be not more than \$1,000.00 per day.

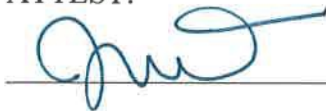
Section 610. Effective Date.

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

ADOPTED and ENACTED by Council this 4th day of March, 2019.

TOWNSHIP OF ELIZABETH

ATTEST:



BY: 
Board President