

OFFICIAL
TOWNSHIP OF LEET
ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWNSHIP OF LEET, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA AMENDING THE LEET TOWNSHIP CODE OF ORDINANCES, CHAPTER 27, SECTION 104 TO PROVIDE FOR ADDITIONAL, RELEVANT DEFINITIONS FOR THE ZONING CODE.

WHEREAS, the Township Commissioners of the Township of Leet have heretofore enacted into law the Leet Township Code of Ordinances, Chapter 27, § 104 which provides pertinent definitions for the Township Zoning Code.

WHEREAS, it is the desire of the Commissioners of Leet Township to amend said Code so as to provide additional, relevant definitions not currently included in the Zoning Code.

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

SECTION I

That the Leet Township Code of Ordinances, Chapter 27, § 104 is hereby amended so as include the following new definitions:

ABANDONMENT The plugging of the well and the restoration of any well site as required by this chapter.

ACCESS A means of providing vehicular or pedestrian ingress and egress to and from a property.

ALLOWABLE DRILLING AREA The area within the well pad that is approved for wells to be drilled.

AMBIENT NOISE LEVEL The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

BUFFER AREA A landscaped area of a certain depth specified by this chapter which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three years of planting, meets the standard of providing a compact year-'round visual screen at least six feet (6') in height or an existing natural barrier, such as vegetation and/or topography, which duplicates the effect of the required buffer area, provided the natural barrier is maintained with vegetation or landscaping at all times.

The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the declines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

CLOSED-LOOP SYSTEM A system utilized while drilling so that various types of pits are not used and instead steel bins or closed containers are used to collect all drilling waste.

COMPLETELY ENCLOSED BUILDING A building designed and constructed so that all exterior walls shall be solid from the ground to the roofline, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

COMPLETION OF DRILLING, REDRILLING AND REWORKING
The date within 60 days of the completion of the drilling, re-drilling or re-working of the well site.

CONDITIONAL USE A use authorized by this chapter which may be granted only by the Board of Commissioners following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this chapter.

DECIBEL (dB) A unit for measuring the intensity of a sound/noise and is equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure which is 20 micropascals.

DEMOBILIZATION Those activities when the drilling has ceased and the rig equipment and related pad site equipment is being dismantled for the purpose of moving off the drill pad site.

DERRICK Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or reworking a well for the production of gas.

DIRECT VEHICULAR ACCESS A curb cut on or a private driveway leading directly to a public street right-of-way. In the case of the requirement for direct vehicular access to an arterial or collector street, the point of access shall be onto the arterial or collector street without traversing any other public street right-of-way.

DISPOSAL WELL A non-producing gas well used for the storage of liquid waste.

DISTRIBUTION/PROCESSING FACILITY

A. NATURAL GAS COMPRESSOR STATION

A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

B. 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 the 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 are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

C. GATHERING SYSTEM FACILITY

A facility associated with a gathering system or water collection line such as a drip station, vent station, pigging facility, chemical injection station, or transfer pump station.

D. PRODUCTION FACILITY A facility related to the production of gas, which utilizes motors and/or engines.

DRILLING Digging or boring a new well for the purpose of exploring for, developing or producing gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

DRILLING EQUIPMENT The derrick, together with all parts of and appurtenances to such structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

DRIVEWAY A private vehicular way providing access between a street and a parking area or garage located on a lot.

EXPLORATION Temporary geologic or geophysical activities, drilling in context with the zoning definition in this chapter, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

FACILITY The primary building(s), support structure(s) and associated appurtenances designed, constructed and maintained to operate a natural gas well pad, compressor station or processing plant.

FACILITY OPERATOR Any person or entity partnership, company, corporation and its subcontractors and agents who has a desire to install and/or operate a natural gas compressor station.

FACILITY WORK The construction of, alteration, improvement, upgrade, or expansion to a natural gas compressor station or processing plant that results in an increase of the gross floor area of the primary building and the paved area of the pad area which, in combination, totals 2,000 square feet or more. The term "facility work" shall include the initial construction of the facility, but shall not include typical maintenance to or operation of an existing facility. Any construction of, alteration, improvement, upgrade, or expansion to a facility that results in a less than s.f figure presented shall not be considered facility work.

FLOWBACK The process of flowing a completed/fractured well for the purpose of recovering water and residual sand from the gas stream prior to sending gas down a sales line.

FRACTURE or FRACTURING The process of injecting water, sand, customized fracking fluid, steam, or gas into a gas well to allow or to improve gas recovery of a rock formation.

FRESH WATER obtained from a potable water source of the commonwealth such as a hydrant, stream, lake, water well, spring or other source that has not been treated or utilized in commercial or industrial operations.

FRESHWATER FRACTURE PIT A pit used for the collection and storage of fresh water for the purpose of fracture stimulation of gas wells.

GAS Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state.

GAS WELL Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

GROUNDWATER Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial and other beneficial uses.

HAZARDOUS MATERIALS Any material designated as a hazardous material under the terms and provisions of the Pennsylvania Solid Waste Management Act of 1980 and/or any regulations promulgated thereunder by the Pennsylvania Department of Environmental Protection and designated as "hazardous materials."

LAND USE CATEGORY A category of land use, including residential, commercial, industrial and public and private education, which is shown on a subdivision plat for properties within an approved illustrative site plan which indicates the intended use and establishes the applicable zoning regulations for development of a lot or tract within an approved illustrative site plan.

LANDFILL Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by federal statute.

LANDOWNER The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPING PLAN A plan prepared by a registered architect or a registered landscape architect, identifying each tree and shrub by size, type and scientific name, indicating balled and burlapped or bare root, and location. The plan shall include a planting diagram and such other diagrams or reports necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees over 10 inches in diameter at breast height.

LANDSLIDE SUSCEPTIBILITY

Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.

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LIFT COMPRESSOR A device that raises the pressure of a compressible fluid (gas) in order to lift gas from the well.

LIGHT MANUFACTURING The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LINE COMPRESSOR A device that raises the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.

LIGHT MANUFACTURING The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

MANUFACTURING The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

MINERAL REMOVAL Any extraction of any mineral for sale or other commercial purpose, other than incidental mineral removal, as defined herein, which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources, excluding mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings. **This definition specifically excludes oil and gas development.**

NATURAL GAS COMPRESSOR STATION A facility designed and constructed to compress natural gas that originates from an oil and gas well or a collection of such wells operating as a midstream facility for continued delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

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 are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

OIL AND GAS DEVELOPMENT The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an oil and gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas, but excluding any structure, facility or use constituting a natural gas compressor station or a natural gas processing plant.

OPERATOR or WELL OPERATOR Any person or entity, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas. It is also the person or entity designated as the operator on the applicable permit application or well/facility registration.

PERIMETER SETBACK The distance specified by this chapter from the entire boundary of a site proposed for a planned residential development, planned commercial development, planned educational campus, planned industrial park or planned economic development in which no principal or accessory structures are permitted.

PIPELINE All parts of those physical facilities through which gas, hazardous liquids, fresh water, salt water, or chemicals move in transportation, including but limited to pipe, valves and other appurtenances attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the Township, including but not limited to gathering lines, production

lines and transmission lines. This definition does not include pipelines associated with franchise utilities.

PIPELINE CONSTRUCTION The initiation of any excavation or other disturbance of property for the purpose of installation, construction, maintenance, repair, replacement, modification or removal of a pipeline.

PIPELINE OPERATOR Any person owning, operating or responsible for operating a pipeline.

PIPELINE PERMIT A permit for the movement of gas, oil, water or other products through pipelines issued by the federal government, state, local or other applicable authority.

PROTECTED STRUCTURE Any full-time occupied residence, commercial business, school, religious institution or other public building that may be impacted by noise generated from activity associated with oil and gas well development and/or natural gas compressor station or processing plant. This term shall not include any structure:

- A. Owned by a grantor or lessor who has signed an agreement granting surface rights to drill a well and/or erect and maintain a natural gas compressor station or processing plant; or
- B. Whose owner (or occupants) has (have) signed a waiver relieving the operator(s) from implementation of the measures established in this chapter for the owner's (occupants') benefit.

PUBLIC NOTICE published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

REDRILL Deepening or sidetrack/horizontal drilling of the existing well bore extending more than 150 feet from said well bore.

REWORK Reentry of existing well within the existing bore hole or by deepening or sidetrack/horizontal operations (which do not extend more than

One Hundred Fifty feet (150') horizontally from the existing well bore) or replacement of well liners or casings.

SITE AREA The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLOPE The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

TRAFFIC IMPACT STUDY An analysis prepared by a qualified traffic engineer analyzing the expected trip generation from a proposed development using the Institute of Transportation Engineers (ITE) current standards and the impact of the traffic generated by the proposed development on the capacities and levels of service of all streets and intersections in the vicinity of the site.

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 fluid, including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water, or any other fluid that does not satisfy the definition of "fresh water."

WELL A bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

WELL SITE A graded pad designed and constructed for the drilling of one or more oil and gas wells.

SECTION II

That the within Ordinance Amendment shall take full force upon passage and approval of same.

ORDAINED and ENACTED this 11th day of March, 2019, by the
Leet Township Board of Commissioners.

ATTEST:

LEET TOWNSHIP

/S/BETSY RENGERS
BETSY RENGERS, MANAGER

/S/GARY L. BRADEL
GARY L. BRADEL, CHAIRMAN