

**DRAFT MODEL ZONING ORDINANCE
AMENDMENT FOR
OIL AND GAS EXPLORATION**

**(Municipality) Ordinance No. _____
An Ordinance Amending Ordinance No. _____ of
(Municipality), known as the (Municipality) Zoning
Ordinance, providing for the regulation of Oil
and Gas Exploration.**

**(Municipality) hereby amends Ordinance No. _____ known
as the (Municipality) Zoning Ordinance, by adding the following:**

Section 1. PURPOSE:

The purpose of this ordinance is to provide, through zoning and flood plain management provisions, for the reasonable development of land for Oil and Gas drilling while providing adequate health, safety and general welfare protections of the (municipality) residents. Oil and Gas exploration, drilling and extraction operations involve activities that are economically important and will impact the (municipality). Accordingly, it is necessary and appropriate to adopt reasonable requirements for Oil and Gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the (municipality).

Local governments are preempted from regulating the same features Oil and Gas Well operations or accomplishing the same purposes regulated under the PA Oil and Gas Act. Local zoning regulates surface land use.

Section 2. DEFINITIONS:

“Applicant” -- Any person, Owner, Operator, 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.

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

“Department”-- The Department of Environmental Protection of the Commonwealth.

“Drilling Pad”-- The area of surface operations surrounding the surface location of a well or wells.

“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.

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

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

“Oil and Gas” -- Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an Oil or Gas Well.

“Oil and Gas Development or Development”-- The well site preparation, construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil or 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. The definition does not include Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions.

“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.

“Oil or Gas Well Site” -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to 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 on the permit application or well registration.

“Owner”-- A person, who owns, manages, leases, controls or possesses an Oil or Gas Well.

“Pad Drilling”—The drilling of multiple wells from a single location.

“Storage Well”-- A well 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.

“Well Pad”—The area used for development and production of Oil and Gas including buildings and structures and all activities associated with an Oil and Gas Well after drilling activities are complete.

Section 3. ZONING CLASSIFICATIONS

Subject to the provisions of this ordinance:

- A. An Oil or Gas Well Site, Natural Gas Compressor Station or a Natural Gas Processing Plant, or any similar facilities performing the equivalent functions shall be considered a principal use by right within all Zoning Districts, except Residential and Commercial Zoning Districts.

- B. An Oil or Gas Well Site may be permitted in a Residential or Commercial Zoning District as a _____ {conditional use or special exception}. *(For either a conditional use or special exception, additional standards and conditions should be added here.)*
- C. A Natural Gas Compressor Station or a Natural Gas Processing Plant or any similar facilities performing the equivalent functions may be permitted in a Residential or Commercial Zoning District as a _____ {conditional use or special exception}. *(For either a conditional use or special exception, additional standards and conditions should be added here.)*

Section 4. APPLICABILITY:

- A. This ordinance applies to all Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that will be permitted or constructed after the effective date of the ordinance.
- B. Oil and Gas Well Sites, 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; provided that any modification to an existing or permitted Oil or Gas Well Site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any expansion (capacity or footprint) to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require compliance with and a permit under this ordinance.

Section 5. PERMIT REQUIREMENT:

- A. No Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant or an addition to an existing Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant shall be constructed or located within (municipality) unless a permit under this ordinance has been issued by the (municipality) to the Owner or Operator approving the construction or preparation of the site for Oil or Gas Development or construction of Natural Gas Compressor Stations or Natural Gas Processing Plants.

- B. The permit application, or amended permit application, shall be accompanied by a fee as established in the (municipality's) schedule of fees.

- C. Any modification to an existing and permitted Oil or Gas Well Site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.

Section 6. PRE-APPLICATION CONFERENCES: (optional)

A. Purpose.

1. Before submitting an application the Applicant is strongly encouraged to meet with the (municipality) staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the Applicant to obtain necessary information and guidance from the (municipality) staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. (municipality) shall schedule a conference within thirty (30) days of receiving any such request from an Applicant.

B. Process.

1. A pre-application conference is totally 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-application 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 (municipality) to approve any application for a permit or to act within any time limit relative to the date of such conference.

Section 7. PROCEDURE

- A. Seismic Testing does not require a zoning permit.
- B. Installation of gathering and transmission pipelines does not require a zoning permit.

- C. A Zoning/Development Permit shall be obtained for each Well Pad (Consideration may be given to create a streamlined process for well pads, pipelines, and compressors, as determined reasonable by the (municipality)).

- D. When multiple wells are located on the same Well Pad, a separate permit for each well is not required. However, written notification must be provided to the Zoning Administrator at least 14 days, but no more than 90 days, prior to drilling of each well not already identified in a Zoning/Development Permit.

Section 7. PERMIT APPLICATION:

- A. The Applicant shall provide to the (municipality) at the time of permit application:
 - 1. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including DEP permit number(s) for any or all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.
 - 2. For Natural Gas Compressor Stations or Natural Gas Processing Plants, a narrative describing an overview of the project.
 - 3. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant as determined by the County 911 addressing program for information of Emergency Responders.
 - 4. The contact information of the individual or individuals responsible for the

operation and activities at the Oil or Gas Well Site shall be provided to the (municipality) and all applicable Emergency Responders as determined by the (municipality). Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Upon any change of relevant circumstances, the Applicant, as necessary in order to comply with this requirement, shall update such information and provide it to the (municipality) and all applicable Emergency Providers.

5. A location map of the Oil or Gas Well Site showing the Drilling Pad, planned access roads, the location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the Oil or Gas Well Site configured such that the normal flow of traffic on public streets shall be undisturbed.
6. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any major equipment and structures and all permanent improvements to the site.
7. A description of the transportation of materials and equipment to construct and maintain the Oil or Gas Well Site during construction, drilling and operation.
8. A statement or evidence that, prior to the commencement of any activity at the Oil or Gas Well Site, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements and shall have entered into a (municipality) roadway maintenance and repair agreement with the (municipality), in a form acceptable to the (municipality) regarding the maintenance and repair of the (municipality) streets that are to be used by vehicles for site construction and drilling activities.

Include a description of how damage to public roads adjacent to the tract will be addressed.

9. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that the (municipality) streets utilized by the Applicant shall remain substantially free of dirt, mud and debris resulting from site development activities; and the Applicant's assurance that such streets will be promptly swept or cleaned if significant dirt, mud and debris occur as a result of Applicant's usage.
 10. A statement that the Applicant will make the operation's Preparedness, Prevention and Contingency Plan available to the (municipality) and all Emergency Responders at least 30 days prior to drilling of an Oil or Gas Well and at least annually thereafter while drilling activities are taking place at the Oil or Gas Well Site.
 11. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the Applicant. If multiple wells/Well Pads are in the same area (covered by the same emergency response agencies), evidence of a training course issued to the appropriate emergency responders in the last 12 months shall be accepted. Site orientation for each well/Well Pad shall still be required for the appropriate Emergency Responders, as determined by the (municipality).
- B. Within 14 days after receipt of a permit application, the (municipality) will determine whether the application is complete and adequate and advise the Applicant accordingly.

- C. If the application is complete and adequate, the Applicant shall receive its permit within 30 days following the date the application was first submitted.
- D. If the application is incomplete and/or inadequate the (municipality) will notify the Applicant of the missing or inadequate material and, upon receiving said material, issue the permit within 30 days following receipt.
- E. As a condition of permit approval, Applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and all other appropriate regulatory agencies within 30 days of receipt of such permits and plans.
- F. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit Approval. Prior to initiating any work at a drill site, the (municipality) shall be provided a copy of the Highway Occupancy Permit.
- G. Access directly to (municipal) roads shall require a (municipal) Driveway Permit prior to initiating any work at a Well Site.
- H. If temporary housing for Well Site workers is proposed on the well site, a plan showing the number and location of the units shall be provided to the (municipality). Temporary housing plans shall be in compliance with all applicable (municipal) regulations.

Section 8. SITE DESIGN AND INSTALLATION:

A. Access.

Vehicular access to any Natural Gas Well, Oil Well or Well Pad shall minimize danger to traffic and nuisance to surrounding properties.

1. Vehicular access to a Natural Gas Well, Oil Well or Well Pad solely via a residential street is discouraged.
2. Vehicular access to a Natural Gas Well, Oil Well or Well Pad via a Collector Street is encouraged.
3. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

B. Height.

1. Permanent structures associated with an Oil and Gas Well Site, both principal and accessory, shall comply with the height regulations for the zoning district in which the Oil or Gas Well Site is located.
2. Permanent structures associated with Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with the height regulations for the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
3. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, Pad Drilling and other accessory uses necessary for the actual drilling or re-drilling of an Oil or Gas Well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an Oil or Gas Well or Pad Drilling.

C. Setbacks/Location.

1. Setback distances shall follow requirements listed in the Pennsylvania Oil and Gas Act (PA Act 223), 25 Pa. Code Sec. 78.1 et seq., 25 Pa. Code Sec. 79.1 et seq., and general setback requirements of the zoning district in which the Oil or Gas Development is located.
2. Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with all general setback and buffer requirements of the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
3. Recognizing that the specific location of equipment and facilities is an important and integral part of the Oil and Gas Development, and as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with (municipality) residents' enjoyment of their property and future (municipality) development activities as authorized by the (municipality) applicable ordinances.

D. Screening and Fencing.

1. Security fencing shall not be required at Oil or Gas Well Sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.
2. Upon completion of drilling or redrilling in Residential or Commercial Zones, security fencing consisting of a permanent chain link fence shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site. The (municipality) may use its discretion

to determine whether fencing requirements shall be enforced in other zones.

3. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access Oil and Gas Well Sites by foot may be allowed, as necessary.
4. The (municipality) First Responders shall be given means to access Oil or Gas Well Sites in case of an emergency. Applicant must provide County 911 Communications Center necessary information to access the Well Pad in case of an emergency.
5. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
6. In construction of Oil or Gas Well Sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.

E. Lighting.

1. Lighting at the Oil or Gas Well Site, or other facilities associated with Oil and Gas Drilling Development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent

properties.

2. Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.

F. Noise.

1. The Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil or Gas Well Development.
2. Operators shall make reasonable efforts to address any noise complaints received by the (municipality) within 24 hours following receipt of notification.
3. Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.

G. Prohibitions.

1. No drilling shall be allowed in the floodway designated as such on the FEMA maps.
2. Oil and Gas drilling in the 100 year Floodplain is discouraged but may be permitted if the following provisions are met.
 - a. 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

documentation that no other location provides access to the Oil or Gas deposit other than that within the floodplain.

- b. No storage of chemicals shall be permitted within the floodplain.
- c. Only necessary and needed structures will be permitted within the floodplain.

Section 9. SEVERABILITY:

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 10. PENALTIES:

Any Owner, Operator, or other person who violates or permits a violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, pay to the (municipality) a fine of not more than \$600, plus all court costs, including but not limited to reasonable attorney's fees incurred by the (municipality) on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the (municipality) may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected by the (municipality) without further judicial proceedings. Further, the appropriate officers or agents of the (municipality) 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 (municipality). A person who violates this Ordinance shall also be responsible

for the (municipality's) attorney's fees, engineering fees, expert fees and court costs reasonably incurred by the (municipality) on account of such violation.

Section 11. EFFECTIVE DATE:

This ordinance shall take effect _____.

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