

ORDINANCE NO. 2010-____

TOWNSHIP OF CRANBERRY

BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE OF CRANBERRY TOWNSHIP, A SECOND CLASS TOWNSHIP OF THE COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA FOR THE PURPOSE OF AMENDING CHAPTER 27 (“ZONING”) OF THE TOWNSHIP CODE OF ORDINANCES FOR THE PURPOSE OF REGULATING CERTAIN GAS RESOURCES DEVELOPMENT AND PROVIDING FOR SEVERABILITY AND REPEAL OF PRIOR INCONSISTENT ORDINANCES.

WHEREAS, the Township of Cranberry zoning ordinance encourages the most appropriate use of land throughout the Township and promotes the safety, health, convenience and general welfare of its residents;

WHEREAS, gas resources exist throughout Western Pennsylvania, including Butler County and the Township of Cranberry;

WHEREAS, gas exploration, drilling and extraction operations involve activities that may impact the Township’s environment, infrastructure, and related public health, safety, and welfare;

WHEREAS, the Board of Supervisors finds it necessary to adopt requirements for gas resources development so that these resources can be utilized in a manner that minimizes potential impacts;

WHEREAS, the Board of Supervisors of the Township of Cranberry held a public hearing on _____, 2010 on the proposed zoning amendment, which was properly advertized according to the Pennsylvania Municipalities Planning Code and the Pennsylvania 2nd Class Township Code; and

WHEREAS, in the judgment of the Board of Supervisors this ordinance is consistent with the overall Township Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Cranberry, Butler County, Pennsylvania that Chapter 27, Zoning, of the zoning ordinances of the Township of Cranberry is amended as follows:

SECTION 1.

Part 2, Section 27-202, Definitions, is modified by adding the following:

Gas Resources Development. The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a 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 gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of gas.

Gas. Natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth.

Gas Resources Development Site. A site that consists of the area occupied by the facilities, structures, materials, and equipment, whether temporary or permanent, necessary for or incidental to the drilling, production, or operation of a gas well.

SECTION 2.

Part 4, Section 27-402.1, Principal Uses is hereby amended by adding the following uses to the use chart:

Gas Resources Development is permitted as a conditional use within the Transitional Light Industrial (TLI), Planned Industrial/Commercial District (PIC), Light Industrial (I-L), Regional Commercial (C-3) and Special Use (SU-1) Zoning Districts.

SECTION 3.

Part 7, Section 27-705, is hereby amended by adding the following conditional use and associated requirements:

56. Gas Resources Development

1. Where gas resources development constitutes a land development pursuant to Township ordinances, all provisions of the applicable Township ordinances shall apply, except as preempted by state or federal law.
2. The applicant shall provide a description of plans for the transportation of materials and equipment to construct and maintain the gas resources development facility. Such description shall include a map showing the planned vehicular access route to the gas resources development site, indicating all state, county, and local roads and transportation infrastructure that may be used. The proposed routes must be designed to minimize the impact on streets within the Township.
3. Prior to the commencement of any activity on the development site, the applicant shall enter into an Township Roadway Maintenance and Repair agreement with the Township, in a form acceptable to the Township, regarding maintenance and repair of Township roads that are to be used by vehicles for development activities. The applicant shall conduct an inventory, analysis, and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the applicant, including photography, video and core boring as determined to be

necessary by the Township Engineer. The Township Roadway Maintenance and Repair agreement will identify the responsibilities of the applicant to prepare, maintain, and repair Township roads before, during and immediately after drilling operations associated with the gas resources development. The applicant shall take all necessary corrective action and measures as directed by the Township pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling operations associated with the gas resources development.

4. The applicant shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur. Beginning with its intersection with a public street, any access road for the development shall be paved for the first fifty feet and improved with limestone or other material for 100' in a manner that no water, sediment, or debris will be carried onto any public street.

5. An off-street area within the development site for vehicles to stand while gaining access to the gas well site shall be provided so that the normal flow of traffic on the public street is undisturbed.

6. The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development, the applicant will provide flagmen to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.

7. The applicant shall have obtained permits from the appropriate regulatory agencies or authorities issued in accordance with all applicable laws and regulations for the proposed use. The applicant shall provide the Township with copies of each such permit applications, with copies of all supporting documentation.

8. Prior to Development, the applicant shall provide to the Township a Preparedness, Prevention and Contingency ("PPC") Plan that clearly outlines and describes all emergency planning associated with the gas resources development.

9. Upon request of the Township Public Safety Director, the applicant will, prior to drilling its first gas well in the Township, make available with at least 30 days notice, at the applicant's sole cost and expense, one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at the gas development site.

10. Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls, or evergreen plant material in order to minimize visibility from any adjacent property.

11. The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.

12. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.

13. All manmade water storage features associated with the development shall be secured with a six foot high fence. During the drilling process, the gas resources development site shall be secured with temporary fence and a secured gate.

SECTION 4. Repealer. Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

SECTION 5. 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.

Ordained and enacted this _____ day of _____, 2010, by the Board of Supervisors of the Township of Cranberry.

ATTEST:

TOWNSHIP OF CRANBERRY

Jerry A. Andree
Township Manager/Secretary

John P. Skorupan, Chairman
Board of Supervisors