

MUNICIPALITY OF MONROEVILLE
MUNICIPAL COUNCIL
ORDINANCE NO. 2437

AN ORDINANCE OF THE COUNCIL OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1443, AS AMENDED, TO INCLUDE: TABLE 201, TO ADD THE LAND USE CATEGORY OF OIL AND GAS WELLS; ARTICLE THREE GENERAL REGULATIONS, ADDING SECTION 306.7 SITE PLAN REVIEW FOR OIL AND GAS WELLS; ARTICLE FOUR CONDITIONAL USES AND PLANNED DEVELOPMENTS, ADDING SECTION 401.100 TO PROVIDE FOR OIL AND GAS WELLS AS A CONDITIONAL USE AND A CRITERIA FOR THAT LAND USE CATEGORY; AND ARTICLE SIX DEFINITIONS, ADDING DEFINITIONS FOR THE LAND USE CATEGORY OF OIL AND GAS WELLS.

WHEREAS, the Municipalities Planning Code ("MPC"), at 53 P.S. §10603(b)(1) authorizes the regulation of the use of land; and

WHEREAS, the MPC, at 53 P.S. §10603(2) states that zoning ordinances may contain provisions for conditional uses; and

WHEREAS, the MPC, at 53 P.S. §10603(3) states that zoning ordinances may contain provisions for the administration and enforcement of such ordinances;

NOW, THEREFORE, be it ordained and enacted by the Monroeville Council, and it is hereby ordained and enacted by the authority of the same:

Section 1: ARTICLE TWO, DISTRICT REGULATIONS, Table 201, Permitted Uses, Conditional Uses, Yard and Area Requirements is amended to add Oil and Gas Wells as a Conditional Use in all Zoning Districts. Amended Table 201 is attached as Addendum A.

Section 2: ARTICLE SIX, DEFINITIONS, of the Monroeville Zoning Ordinance is amended by adding those definitions generally found in the Oil and Gas Act 58 P. S. § 601.101- 601.605, as amended, and specifically the following definitions:

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 at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA, any manufactured gas, any byproduct gas or any mixture of gases.

OIL OR PETROLEUM: Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA

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. The term well does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. The term also does not include a bore hole drilled or being drilled for the purpose of or to be used for degasifying coal seams if the following conditions are satisfied:

1. The bore hole is used to vent methane to the outside atmosphere from an operating coal mine; and
2. The bore hole is regulated as part of the mining permit pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law, and the act of May 31, 1945 (P.L. 1198, No. 418), known as the Surface Mining Conservation and Reclamation Act; and
3. The bore hole is drilled by the operator of the operating coal mine for the purpose of increased safety; or
4. The bore hole is used to vent methane to the outside atmosphere pursuant to a State or Federal funded abandoned mine reclamation project.

WELL OPERATOR OR OPERATOR: The person designated as the well operator or operator on the permit application or well registration. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

Section 3: **ARTICLE THREE, GENERAL REGULATIONS,** Section 306.7 shall be added to include Site Plan Review For Oil And Gas Wells which provides a site plan review procedure and site plan requirements for oil and gas wells, and further includes:

306.7 SITE PLAN REVIEW FOR OIL AND GAS WELLS No Zoning Permit or Zoning Occupancy Permit shall be issued for an Oil and Gas Well until a Site Development Plan has been submitted, reviewed and approved by the Municipality of Monroeville in accordance with the following provisions:

a. The application for approval of a proposed Site Development Plan shall be accompanied by a fee established by resolution of Council to cover the costs of review. The Zoning Officer shall set forth a reasonable time schedule to be followed prior to the presentation of the application to the Council;

b. The application shall consist of not less than twenty (20) copies of the letter of application together with not less than twenty (20) copies of the drawings submitted as part of the Site Development Plan. The Proposed Site Development Plan, a topographic plan, prepared by a professional engineer registered in the Commonwealth of Pennsylvania, to a scale no greater than 1 inch = 200 feet, on a standard sheet size of 24"H x 36"W, to include the following:

306.7(a) Title block giving name of development, property owner, developer, north point, key location map, registration stamp, date and scale on a standard sheet size of 24"H x 36"W, with Index;

306.7(b) Property lines, total acreage of parcel proposed for development and any existing Oil and Gas Well areas adjacent to the proposed Oil and Gas Well;

306.7(c) All existing streets, right of ways, and easements related to the development;

306.7(d) Owners of adjacent properties, including the location of any existing structures and driveway locations;

306.7(e) The location of relevant natural features on site, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;

306.7(f) The location of relevant natural features abutting properties within three hundred (300 feet) including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;

306.7(g) The location of structures on abutting property within three hundred (300) feet of common property lines;

306.7(h) The location of the oil or gas well and any associated facilities and equipment;

306.7(i) The location of existing structures and accessory uses on site;

306.7(k) The location of vehicle and equipment cleaning and tire cleaning areas. A program for removing mud and other site debris from the municipal streets;

306.7(l) The location of proposed access roads and proposed haul roads;

306.7(m) The location of storm water and sediment controls;

306.7(n) A landscaping plan shall include fence and vegetation, specifically a identifying the types of perennial coverage of coniferous trees and shrubs, and or fencing of the site after construction so as to screen the well and related equipment from adjoining properties, parks and streets, public and private;

307.7(o) A Sight Distance Evaluation Plan with the oil and gas well extraction site at the center of the plan, radiating out five hundred feet from this spot, to show the sightlines to all structures, parks and any public or private street.

306.7(p) An Environmental Impact Statement, which shall include the following:

1. A description of existing conditions in the area;
2. A land use history of the property;
3. A description of the proposed Oil and Gas Well and associated facilities;

4. An assessment of the proposed Oil and Gas Well on the natural environment, including summary descriptions, technical data, maps and diagrams, that specifically examines geology, topography, soils, slopes, hydrology, vegetation, wildlife and air quality;
5. The relationship of the proposed Oil and Gas Well to the surrounding community, including the impact on land use plans, policies and controls;
6. An inventory of private properties served by private water supplies within 3,000 feet of the permit area;
7. A historical record of previous Oil and Gas Well operations; and
8. A description of existing conditions, including if an Oil and Gas Well exists, and the construction details of that existing Oil and Gas Well.

306.7(q) Site Plan Approval shall not be official until and unless the site plan as approved by Council and including all conditions of approval by Council is filed with the Zoning Officer within ninety (90) days of action by Council.

306.7(r) Site Plan Approval is not official until required approvals are received from county, state and federal agencies. All approved plans, any amendments and/or any substantial changes must be submitted to the Municipality within ninety (90) days from receiving permits from requisite county, state and federal agencies.

306.7(s) Site Plan Approval shall be valid for a period of one year following the applicant receiving permits from requisite county, state and federal agencies. If the proposed improvements are not under construction within one year of receiving requisite county, state and federal approvals, Council approval shall be void.

306.7(t) Once a year, during the anniversary month of Site Plan Approval, the Planning Commission will review site compliance and performance. Recommendations will be forwarded to Council as to whether the Zoning Permit should be extended for another year.

Section 4: ARTICLE FOUR, CONDITIONAL USES AND PLANNED DEVELOPMENTS is amended to include Section 401.100 to add Oil and Gas Wells as a Conditional Use and criteria for that land use category.

Section 401.100 An Oil and Gas Well may be approved under the provisions of this ordinance if, and only if, it is found to meet the following criteria:

401.100(a) Both during and after construction, the disturbed area containing the gas or oil well shall be enclosed by an eight (8)-foot-high metal chain-link fence to prevent access by unauthorized persons.

401.100(b) Movement of equipment to and from the site of an Oil or Gas well shall be subject in all respects to Section 10, Vehicle Weight Limits of Ordinance 848 Regulating Traffic, Parking and the Impounding of Vehicles.

401.100(c) The minimization of the detrimental effect on the essential character of the neighborhood will be accomplished through a reduction in the hours of operation of the well drilling and site preparation and upon completion screening to reduce the visual impact to neighboring properties.

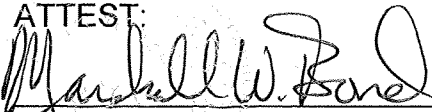
401.100(d) The granting of the right of Inspection for the Municipality of Monroeville at all phases of construction and during drilling and in the reclamation, both in relation to the enforcement of this ordinance and pursuant to the Municipality of Monroeville's enforcement rights under 58 P.S. § 601.504(b) of Pennsylvania's Oil and Gas Act.

Section 5: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinance or parts thereof are specifically repealed; and

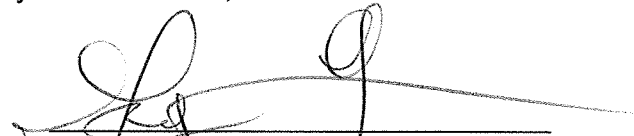
Section 6: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED and ENACTED this 9th day of December, 2008.

ATTEST:



Marshall Bond, Municipal Manager



Greg Erosenko, Mayor

ENTERED INTO LEGAL BOOK: **DECEMBER 19, 2008**