

ORDINANCE NO. 178

BRIGHTON TOWNSHIP, BEAVER COUNTY, PA

AN ORDINANCE AMENDING CHAPTER 195 OF THE TOWNSHIP OF BRIGHTON ZONING CODE ADDING DEFINITIONS AND REVISING PROVISIONS FOR OIL AND GAS DEVELOPMENT SITES AND MINERAL EXTRACTION

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

WHEREAS, oil and gas resources exist throughout Western Pennsylvania, including Beaver County and Brighton Township; and

WHEREAS, oil and gas exploration, drilling and extraction operations involve activities that may impact the Township, including water impoundment and housing for staff and construction workers at Oil and Gas Development Sites; and

WHEREAS, Brighton Township deems it appropriate to enact regulations regarding activities associated with Oil and Gas Development and Mineral Extraction which are not otherwise within the jurisdiction of federal and state regulations and from which the Township is not preempted.

NOW, THEREFORE, BE IT ORDAINED by the Supervisors of Brighton Township, Beaver County as follows:

Section 1.

Section 195-10. Definition of Terms is revised by deleting the current definition of Oil and Gas Development, and adding Water Impoundment as a new definition:

§ 195-10 Definitions.

OIL AND GAS DEVELOPMENT. The Well Site preparation, Well Site construction, operation, drilling, hydraulic fracturing, and/or site restoration associated with oil and gas wells of any depth; on-site water impoundment or storage; other fluid storage 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 except Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities as authorized consistent with Brighton Township Code which currently provides for these functions as a conditional use.

WATER IMPOUNDMENT. An open, earthen receptacle intended to store fresh water or waste water to supply one or more Well Site.

Section 2.

Section 195-25 is hereby revised with new Subsection O, as follows:

§ 195-25

- O. Water Impoundment off-site from a Well Site. See § 195-131R. Oil and Gas Development and Mineral Extraction.

Section 3.

Section 195-80C. Special exception is hereby deleted, and Section 195-80D. is renumbered 195-80C.

Section 4.

Section 195-131 is hereby revised deleting existing Subsection 195-131M.(1)(c), and inserting new Subsection 195-131M.(1)(c), and new Subsections 195-131R. and S. therein, as follows:

§ 195-131 Oil and Gas Development and Mineral Extraction.

M. Setback requirements for Oil and Gas Development and Mineral Extraction.

(1) Oil and Gas Development:

- (c) In all other zoning districts, no person shall locate a Well Site within 200 feet of a public road right-of-way, private street, property line or residence unless the landowner and all landowners abutting the private street or property line have signed a waiver with the Operator of the required 200 foot setback

R. Water Impoundments shall comply with the following:

- (1) The minimum site required for a Water Impoundment that is not located on the same parcel as a Well Site shall be five (5) acres.
- (2) Water impoundments, whether designed to hold fresh water or waste water, shall be fenced with a minimum four-foot fence to prohibit access by persons or animals and shall be equipped with bird netting.
- (3) All water impoundments shall be located at least five hundred (500) feet from any public street right-of-way or property line.

(4) The Operator shall obtain permission from the Township for any water lines that cross Township streets.

- S. Supervisory Personnel. Bunk housing of non-supervisory site workers is not permitted at any Well Site. The Township acknowledges that certain supervisory personnel (not exceeding six individuals at any one time) are required for reasons of safety to be present at the Well Site on a continuous basis during certain operations, and resting accommodations for such supervisory personnel are not prohibited. Prior to utilizing supervisory personnel accommodations, the Applicant or Operator shall complete a registration form provided by the Township, which shall include, but not be limited to, a list of the job titles which constitute supervisory personnel; the names and contact information of each supervisor to be on site.

Section 5. Severability:

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason thereof, held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this Ordinance.

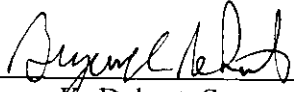
Section 6.

Enactment and Effective Date:

This Ordinance shall become effective upon adoption by the Board of Supervisors of Brighton Township.

ENACTED AND ORDAINED this 12th day of December, 2011, by the Board of Supervisors of Brighton Township.

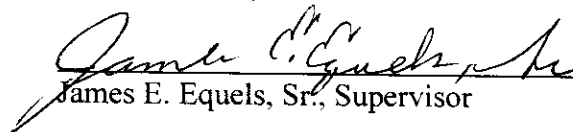
ATTEST:


Bryan A. Dehart, Secretary

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS


Dennis E. Nichols, Chairman


John Curtaccio, Vice Chairman


James E. Equels, Sr., Supervisor