

EATON TOWNSHIP AND MONROE TOWNSHIP

WYOMING COUNTY, PENNSYLVANIA

EATON TOWNSHIP ORDINANCE NO. 2014-3 MONROE TOWNSHIP ORDINANCE NO. 2014-2

AN ORDINANCE AMENDING THE EATON-MONROE ZONING ORDINANCE OF MARCH 5, 2013 TO:

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Eaton Township and the Board of Supervisors of Monroe Township, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Eaton-Monroe Zoning Ordinance of March 5, 2013 is hereby amended as follows:

☛ **ITEM 1 - Add the following to §303:**

Mineral Depot: Any site, facility or operation with the primary use being the transfer of minerals from a railroad car or vehicle to another railroad car or vehicle for distribution, and/or the primary use being storage of minerals for distribution. This shall not include a *bulk fuel storage facility* or the storage or transfer of minerals incidental to another approved use.

☛ **ITEM 2 - Make the following changes to the Schedule of Uses established by §404.1:**

- A. R-E Residential District Eaton - Reclassify *oil and gas wells on a minimum of five (5) acres* from a Principal Permitted Use to a Conditional Use.
- B. R-M Residential District Monroe - Reclassify *oil and gas wells on a minimum of five (5) acres* from a Principal Permitted Use to a Conditional Use.
- C. RA-E Rural Agricultural District Eaton - Reclassify *oil and gas wells* from a Principal Permitted Use to a Conditional Use.
- D. RA-M Rural Agricultural District Monroe - Reclassify *oil and gas wells* from a Principal Permitted Use to a Conditional Use.
- E. VC-E Village Commercial District Eaton - Reclassify *oil and gas wells on a minimum of five (5) acres* from a Principal Permitted Use to a Conditional Use.

- F. VC-M Village Commercial District Monroe - Reclassify *oil and gas wells on a minimum of five (5) acres* from a Principal Permitted Use to a Conditional Use.
- G. CI-E Commercial-Industrial District Eaton - Reclassify *oil and gas wells on a minimum of five (5) acres* from a Principal Permitted Use to a Conditional Use, and add *mineral depot* as a Conditional Use.

ITEM 3 - Amend §503.10C (pertaining to outdoor furnaces) to read as follows:

- C. The only fuels allowed shall be those listed fuels recommended by the manufacturer.

ITEM 4 - Add the following Subsections G, H, I and J to §825.4 (pertaining to mineral extraction standards), and amend and move the current Subsection H (Conditions of Approval) to Subsection K:

G. Access Road

1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten (10) percent.
2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least two hundred (200) feet from a point on the access road to its intersection with all public and private roads.

- H. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of one hundred (100) feet of Number 3 Penn Dot approved stone having a depth of not less than six (6) inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.

- I. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.

- J. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.

- K. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

ITEM 5 - Add the following §825.9 (pertaining to mineral extraction):

825.9 Additional Requirements for Oil and Gas Wells

- A. Plot Plan - In addition to the information required by §1202.3, the plot plan shall show:

1. The proposed location of the well or wells.

2. The proposed means of access to the well or wells.
3. The proposed gathering or transmission lines.
4. The distance from any existing structures on the subject property or the immediately adjacent properties.
5. The location of local water supply wells or systems within two-thousand five hundred (2,500) feet of the well pad.
6. Contours, existing and proposed, drawn at two-foot vertical intervals.
7. The location of site, streams, wetlands, and flood plains within five hundred (500) feet of the well location and other uses regulated by the PA Oil and Gas Act.

B. Information - The applicant shall provide:

1. Logs or other documentation showing the estimated deepest fresh groundwater.
2. The estimated depths of the proposed wells and the expected surface pressure.
3. A statement whether a pre-alteration or pre-drilling survey is to be conducted.
4. A proposed schedule indicating the following anticipated dates:
 - a. Beginning and end of:
 - 1) site preparation.
 - 2) drilling activity.
 - 3) completion (perforating) work.
 - 4) stimulation (fracturing) work.
 - 5) production work.
 - b. Plugging date.

C. Emergency Response Plan - The applicant shall submit an emergency response plan to the Township, the local fire companies and the Wyoming County Emergency Management Agency, providing, at a minimum:

1. The recommended first response by fire companies and other first responders to address:
 - a. Well leakage.
 - b. Spill containment.
 - c. Vandalism creating unknown conditions.
 - d. Defective casing or cementing.
 - f. Potential communication between the well and the groundwater supply.
2. A copy of the control and disposal plan for any expected fluids or solids encountered during the drilling and production stages indicating the following:
 - a. The size and location of a storage pit for any material emanating from the well during drilling and site restoration;

- b. The size and location of any tankage designed for the site and dikes for spill containment of said tank during well production.
- c. Methods of oil separation and removal of all solids or liquid byproducts, including oil, from the site during production, if applicable
- 3. Emergency contact information.
- 4. A proposed response plan containing a National Incident Management System (NIMS) compliant emergency management protocol.
- 5. An emergency traffic control plan.
- D. Setback - Any disturbed area associated with an oil or gas well shall be located at least three hundred (300) feet from any dwelling or other inhabited structure.
- E. Site Maintenance and Fencing - The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of fifteen (15) feet in all directions and shall be enclosed by a chain link fence not less than six (6) feet in height topped with a double outward strand of barbed wire.
- F. Transmission Lines - The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission line within one thousand (1,000) feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.

ITEM 6 - Amend §826 to read as follows:

826 Mineral Processing and Mineral Depots

In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §826 shall apply to mineral processing and mineral depots.

826.1 Standards

- A. Setbacks - The following setbacks shall be maintained for any building, processing operation, unloading/loading area, or processing equipment or mineral storage area:
 - 1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 - 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 - 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- B. Buffer
 - 1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer

required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Wyoming County Subdivision and Land Development Ordinance.
4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

D. Access Road

1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten (10) percent.
2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least two hundred (200) feet from a point on the access road to its intersection with all public and private roads.

E. Tire Cleaning Surface - A tire cleaning surface consisting of a minimum of one hundred (100) feet of Number 3 Penn Dot approved stone having a depth of not less than six (6) inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.

F. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.

G. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.

H. Conditions of Approval - If the Township determines that the standards in §701 are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

826.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

826.3 Informational Requirements

The applicant shall provide the information required by this §826.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §826, §1202.3,C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

826.4 Reporting Requirements

For any operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

ITEM 7 - Add the following definitions and illustration to §1102 - Definitions and Interpretation:

A-Frame or Sandwich Board Sign - A temporary sign consisting of two (2) faces, connected and/or hinged at the top.

Snipe Sign - A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects, the advertising matter appearing on which is not applicable to the present use of the premises upon which such sign is located.



A-Frame / Sandwich Board

ITEM 8 - Amend §1104.1B (pertaining to prohibited signs) to read as follows:

- B. Snipe Signs - Snipe signs.

ITEM 9 - Add §1104.2U (pertaining to exempt signs) to read as follows:

- U. Awning, Canopy, and Marquee Signs - Signs, not exceeding an aggregate gross surface area of four (4) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.

ITEM 10 - Replace §1105.2 (pertaining to temporary signs) with the following:

1105.2 Temporary Business Signs

Temporary business signs accessory to an approved use and identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - Not more than ten (10) temporary business signs shall be erected during any permit period.
- B. Area - Temporary business signs shall not exceed thirty-two (32) square feet in gross surface area for each

exposed face nor exceed an aggregate gross surface area of sixty-four (64) square feet.

- C. Timing - Each permitted temporary business sign may be erected and maintained for a period not to exceed seven (7) days.
- D. Limit on Number of Permits - No more than two (2) permits for temporary business signs shall be issued for the same premises within one (1) calendar year.
- E. Location - Temporary business signs shall be located only upon the lot upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.

☛ ITEM 11 - Replace §1105.8 (pertaining to temporary signs) with the following:

1105.8 A-Frame or Sandwich Board Signs

A-frame or sandwich board signs shall be permitted for retail/service/wholesale commercial establishments subject to the following:

- A. Number - Each business establishment shall be limited to one (1) A-frame or sandwich board sign.
- B. Construction - The sign shall be comprised of two (2) boards of durable material with no attachments.
- C. Area and height - The sign shall not exceed eight (8) square feet for each exposed face and shall not exceed thirty (30) inches in width.
- D. Display
 - 1. The sign shall be displayed within ten (10) feet of the main entrance of the business and only during the hours when the establishment is open for business.
 - 2. The sign shall include advertising pertaining only to the establishment where the sign is permitted.
 - 3. The sign shall not be displayed at any time when snow has accumulated on or has not been completely removed from the sidewalk in front of the premises where the sign is permitted.
- E. Placement
 - 1. The sign shall not be placed in such manner as to impede pedestrian or vehicle traffic or the opening of vehicle doors.
 - 2. The placement of the sign shall comply with PennDOT and Americans with Disabilities Act requirements.
 - 3. The sign shall be sufficiently secured or weighted to resist overturning.

☛ ITEM 12 - Amend §1110.2 to read as follows:

1110.2 Maintenance and Repair of Legal Nonconforming Signs

Normal maintenance of legal nonconforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted. However, no alteration, structural repair, replacement or other change which results in the enlargement, extension or other

increased nonconformity shall be permitted. If a legal nonconforming sign is damaged or destroyed by any means, the sign may be rebuilt to its original condition and may continue to be displayed. Any nonconforming sign which is intentionally removed shall only be replaced in conformity with this Ordinance.

REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

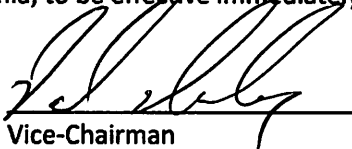
SEVERABILITY

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 Boards of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

EATON TOWNSHIP ADOPTION

This Ordinance ordained and enacted this 12 Day of November, 2014, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.


Chairman


Vice-Chairman


Supervisor

ATTEST:  Township Secretary

MONROE TOWNSHIP ADOPTION

This Ordinance ordained and enacted this 12 Day of NOVEMBER, 2014, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.


Chairman


Vice-Chairman

Supervisor

ATTEST:  Township Secretary