

CITY OF ST. MARYS
Elk County, Pennsylvania

ORDINANCE NO. _____

AMENDING CHAPTER 27 OF THE ST. MARYS CITY CODE, THE CITY OF
ST. MARYS ZONING ORDINANCE, REGARDING THE REGULATION OF
OIL AND GAS PRODUCTION ACTIVITIES.

ST. MARYS CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. REPEALER.

The following Sections of Chapter 27 of the St. Marys City Code, relating to oil and gas operations, are hereby repealed:

- A. The definitions “qualified” and “oil or gas operations” contained in Section 112;
- B. Sections 200 (2)(Q), 201 (2)(I), 202 (2)(J), 203 (2)(K), 210 (2)(S), 211 (2)(U), 212 (2)(P), and 220 (2)(X), all relating to the permitted use of qualified oil and gas operations.
- C. Sections 200 (4)(H), 210 (15), 211 (4)(D), 212 (17)(A), 220 (4)(C), and 221 (4)(L), all relating to the conditional use of oil and gas operations.
- D. Section 459 in its entirety.

SECTION 2. DEFINITIONS.

Section 112 of Chapter 27 of the St. Marys City Code is amended by adding the following definitions:

- A. **CONVENTIONAL WELL** – a bore hole to be drilled for the purpose of or to be used for the production of oil or natural gas, using only a vertical well bore.
- B. **DISPOSAL WELL** – a bore hole to be drilled, or an existing well to be used, for the purpose of the injection of any liquid related to oil or gas production or storage, including the disposal of hydraulic fracturing chemicals or brine, but excluding the injection of gas or petroleum for storage purposes.
- C. **OCCUPIED STRUCTURE** – any permanent building actually used for occupancy by humans or farm animals (cows, horses, pigs, sheep, goats and similar hooved animals and poultry).

- D. UNCONVENTIONAL WELL – an oil or gas well to be drilled for the purpose of or to be used for the production of oil or natural gas employing any method of extraction other than a vertical well..
- E. WELL PAD – the site where drilling activities for a conventional or unconventional well take place, excluding access roads or pipeline rights-of-way serving the site, as delineated in the applicant’s erosion and sedimentation control general permit for earth disturbances issued by the Pennsylvania Department of Environmental Protection, or such larger area as is actually used for drilling activities.

SECTION 3. RURAL-CONSERVATION (R-C) DISTRICT.

Chapter 27, Part 2, Section 200, is amended by adding the following:

A. Section 200 (2), permitted uses:

Q. Conventional Wells, meeting all of the requirements of the Pennsylvania Oil and Gas Act, as from time to time amended.

B. Section 200 (3), special exception uses:

I.. Unconventional Wells, meeting all of the requirements of Section 459.1.

J. Natural gas compression stations, meeting all of the requirements of Section 459.1.

SECTION 4. INDUSTRIAL DISTRICT.

Chapter 27, Part 2, Section 221 (2), relating to permitted uses, is amended by adding the following:

B. Natural gas processing plants.

SECTION 5. REGULATIONS RELATING TO UNCONVENTIONAL WELLS, DISPOSAL WELLS AND COMPRESSION STATIONS

Chapter 27, Part 4 of the City Code is amended by adding Section 459.1 to read as follows:

Section 459.1 Unconventional Wells, Disposal Wells and Compression Stations

Where unconventional wells, disposal wells or natural gas compression stations are authorized under this Chapter as a special exception use, the proposed use must meet all of the applicable requirements set forth in this Section:

1. Location and site requirements:

A. The well pad shall not be located within any area having a population density at the time of application in excess of 1,086.07 persons per square mile as delineated on the population density map for the City of St. Marys issued by the United States Census Bureau, as from time to time amended;

B.

B. No unconventional well bore shall be located closer than 1250 feet to any occupied structure;

C. No compressor or generator used in the drilling or hydraulic fracturing operations of an unconventional well shall be located closer than 1,000 feet to any occupied structure;

D. The outer perimeter of the well pad or natural gas compressor station site shall not be closer than 1,000 feet to any occupied structure;

E. The outer edge of any impoundment area shall not be located closer than 1,000 feet to any existing source of potable water serving an occupied structure;

F. The foregoing setback requirements may be reduced if the applicant can demonstrate that the topography surrounding the well pad is such that it provides a natural barrier to noise, dust and other adverse impacts to neighboring property;

G. The noise level at the property boundary on which the well site is located shall not exceed an average sound level of 65 dbA, or the applicable standard imposed by federal law, whichever is less, measured at the boundary of neighboring properties over the relevant time period established under OSHA regulations for industrial activities in effect at the date application.

H. Setbacks may be reduced by the Zoning Hearing Board upon written consent of all neighboring properties directly impacted by the setback reduction. The Zoning Hearing Board may require the installation of man-made sound barriers in such cases.

I. Permanent structures on the well pad shall comply with any height restrictions in the Pennsylvania Oil and Gas Act, as from time to time amended, and shall not violate the Airport Safety Zone regulations listed in Section 231 of this Part, unless written approval is received from the City of St. Marys Airport Authority and the Federal Aviation Administration.

2. As part of each application, the applicant shall submit those materials required by the Pennsylvania Oil and Gas Act (Act No. 1984-223), as reenacted and amended, which

shall include, at a minimum, an accurately-surveyed site plan on a scale no less than 1:2400 (1 inch equals 200 feet), showing the location of the subject property or properties to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor, , and shall include the following:

- A. An overall site plan of the project.
 - B. A detailed site plan of the project showing well pad location, access roads, property lines, setback lines, names and deed references of adjoining surface land owners.
 - C. A description of accessory facilities serving the project.
 - D. Gantt charts for proposed development schedules and site decommissioning projections.
 - E. The site address of the development as determined by the Elk County 911 Emergency Communications System.
 - F. The name, address and telephone number of the applicant's site manager (which information shall be regularly updated by the applicant).
 - G. The well permit and well pad identification numbers.
3. For unconventional well pads and disposal well sites, the applicant shall submit a traffic plan, which shall include:
- A. All anticipated routes within the City for access to and from the pad or site;
 - B. Proposed schedule of traffic activity serving the pad or site, including the estimated level and duration of trucking activities;
 - C. Where identified by the City, a plan for construction of turning lanes or other traffic control devices to alleviate traffic congestion issues on City or state highways;
 - D. A plan for dust control on public highways or nonpublic access roads serving the pad or site; and,
 - E. Installation of signs to discourage or control the use of jake brakes.
4. If employees are to be housed on site, the application shall include evidence of permit approval in compliance with Act 537, the Pennsylvania Sewage Facilities Act.
5. Applications for natural gas compression stations shall include:

- A. A plan showing the location of the station site with approximate GPS coordinates;
 - B. A plan for noise abatement; and,
 - C. A proposed schedule for installation and removal of the station.
6. Development of the well site shall apply the following best practices, unless the applicant can demonstrate that an unnecessary hardship is created:
- A. Facilities shall be centralized on single sites to minimize disturbances to the natural landscape;
 - B. Where new roads are needed, applicants will design alignments that can serve as new trails or public accesses after the development ceases;
 - C. Applicants shall use existing infrastructure alignments (streets, rights of way, power and communication corridors, sewer and water easements and railways) when selecting locations for temporary or permanent horizontal infrastructure;
 - D. The well sites shall utilize downward facing lighting infrastructure (except in the case of obstruction lighting), to preserve the dark sky nature of the rural landscape; and,
 - E. In restoring development sites after decommissioning, the utilization of native species is required and a random planting scheme is encouraged.
 - F. The transportation of water to and from the site shall be by pipeline where feasible.
 - G. The posting of a site identification sign at the intersection of the access road for an unconventional well pad with each public highway.
7. Operational requirements:
- A. The access road to each unconventional well pad shall be paved for a distance of 100 feet from the intersection with each public highway.
 - B. The staging of trucks and equipment shall not be done within 500 feet of any occupied structure;
 - C. The applicant shall maintain continuous dust control on all access roads to prevent a dust nuisance on neighboring properties.

8. The procedure for considering a special exception application is set forth in Part 6 of this Chapter.

ADOPTED this ___ day of _____, 2015.

CITY OF ST. MARYS

By: _____
Mayor

ATTEST:

Secretary