

**BOROUGH OF CHURCHILL
ORDINANCE NO. 699**

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 304 OF THE CODE OF THE BOROUGH OF CHURCHILL ORDINANCES, ZONING, TO INSERT CERTAIN DEFINITIONS AND TO PERMIT GAS AND OIL PRODUCTION AS A CONDITIONAL USE IN THE C-1 AND C-2 COMMERCIAL DISTRICTS AND ALL PARKS LOCATED IN ALL RESIDENTIAL DISTRICTS AND ON ALL LOTS OR PARCELS IN RESIDENTIAL DISTRICTS OF 5 ACRES OR LARGER AS CONDITIONAL USES.

WHEREAS, Chapter 304 of the Code of the Borough of Churchill, Zoning ("Zoning Ordinance"), regulates zoning and land use matters within the Borough of Churchill (the "Borough"); and

WHEREAS, the Borough of Churchill ("Borough") does not currently require specific zoning for gas and oil production, and is therefore currently regulated as a use not specifically provided for under the Zoning Ordinance, which may only be approved as a special exception by the Borough of Churchill Zoning Hearing Board; and

WHEREAS, the Council of the Borough of Churchill ("Borough Council") finds that gas and oil production involves or otherwise impacts the Borough's environment, infrastructure and related public health, welfare and safety interests, including noise disturbance, road maintenance concerns related to the use of heavy equipment, site security and signage concerns, extended operating hours, venting of gas, fire suppression requirements, lighting requirements, and otherwise affects residential peace and tranquility; and

WHEREAS, the Borough Council desires to regulate gas and oil production as a conditional use, which may only be approved by the Borough Council, and

WHEREAS, the Borough Council desires to amend the Zoning Ordinance in order to permit gas and oil production in the C-1 and C-2 Commercial Districts as conditional uses and in all Parks located in R-1 Residential, R-2 Residential, R-3 Residential, R-4 Residential and R-5 Residential Districts as conditional uses and on individually owned lots or parcels in Residential Districts of 5 acres or larger as conditional uses.

NOW, THEREFORE, the Council of the Borough of Churchill hereby ordains and enacts as follows:

SECTION 1: Article II, 304-8 of Chapter 304 of the Borough of Churchill Code of Ordinances, Zoning, is amended as follows by inserting the following definitions:

DRILLING – The digging or boring of a well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons.

GAS – Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS WELL – Any well drilled, to be drilled, currently existing or used for the intended or actual production of gas.

GAS or OIL PRODUCTION – The drilling and/or extraction of gas or oil.

OIL WELL – Any well drilled, to be drilled, or used for the intended or actual production of oil.

OIL or PETROLEUM – Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA.

PARK – An area maintained in its natural state as a public property for recreation.

SECTION 2: Article II of Chapter 304 of the Code of the Borough of Churchill is amended by adding a new Section 304-37, “Gas and Oil Well Production” as follows with the existing sections to be numbered accordingly.

§304-37. Gas and Oil Well Production.

- A. Gas and Oil Well Production is permitted as a conditional use in the C-1 and C-2 Commercial Districts. Gas and Oil Well Production in the R-1, R-2, R-3, R-4 and R-5 Residential Districts shall be limited exclusively to parks and lots or parcels individually owned comprising at least five (5) acres and then only as a conditional use.
- B. Application for Gas and Oil Well Production as a conditional use shall be accompanied by a site development plan prepared by a registered professional engineer, which shall include the following minimum information:
1. A copy of the permit application submitted to the PA Department of Environmental Protection (PA DEP) shall be submitted with the application for conditional use approval;
 2. A survey by Registered Land Surveyor or Professional Engineer showing the location of structures, all public and private streets and all driveways on or within 200 feet of the proposed property;
 3. The survey to be submitted shall also demonstrate the following information:
 - a. the proposed location of the well or wells;
 - b. the proposed means of access to the well or wells;
 - c. the proposed gathering or transmission lines;
 - d. the distance from any existing structures on the subject property or the immediately adjacent properties;
 - e. location of local water supply wells or systems; and
 - f. contours, existing and proposed, drawn at two foot vertical intervals;
 4. The applicant shall provide logs or other documentation showing the estimated deepest fresh groundwater;
 5. Information shall be provided regarding the estimated depths of the proposed wells and the expected surface pressure;
 6. The applicant shall indicate whether a pre-alteration or pre-drilling survey is to be conducted;
 7. The applicant shall provide the location of all streams, wetlands and flood plains within 100 feet of the well location and other uses regulated by the “Oil and Gas Act” shall be set forth;
 8. The applicant shall locate all proposed oil and gas transmission lines;
 9. The applicant shall report all soils and slopes over 1:4 grade and landslide prone areas and other geological hazards.
 10. A site specific erosion and sedimentation control plan at a legible true scale, specific to the site shall be submitted;
 11. As part of the emergency response plan required by subparagraph (12), below, the applicant shall provide the Borough with 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, as well as dikes for spill containment of said tank during well production;
- c. methods of oil separation and removal of all solids or liquid by products, including oil, from the site during production, if applicable; and
- d. emergency contact information;

Any information that is not available at the time of application shall be submitted as an addendum to the emergency response plan.

- 12. The applicant shall submit an emergency response plan to the Borough and the local fire companies, providing, at a minimum, the recommended first response by fire companies to address the following:
 - a. well leakage;
 - b. spill containment;
 - c. vandalism creating unknown conditions;
 - d. defective casing or cementing;
 - e. potential communication between the well and the public water supply; and
 - f. control and disposal plan required by Subparagraph (11), above;
 - 13. The applicant shall provide certification that a bond is held by PA DEP to ensure proper plugging when the well is classified an inactive by PA DEP;
 - 14. The applicant shall provide a schedule indicating the following dates:
 - a. site preparation begins and ends;
 - b. anticipated drilling activity begins and ends;
 - c. anticipated completion (perforating) work to begin and end;
 - d. anticipated stimulation (fracturing) work to begin and end;
 - e. anticipated production work to begin and end; and
 - f. anticipated plugging date.
- C. Standards and Bonding Requirements, to include:
- 1. Adequate security measures shall be set forth, if warranted by the character of the surrounding development;
 - 2. The access road to the well site shall be secured by a locked gate and means of access shall be provided to Borough Police and Fire Departments for emergency response;
 - 3. The access road to the well 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 street and the grade shall not exceed ten (10) percent grade;
 - 4. An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street;
 - 5. All piping for transportation from the well to the transmission lines shall be placed underground to a minimum depth of three (3) feet, except for fixtures and appurtenances;
 - 6. Borough Council shall require a performance bond in the amount of \$5,000 to guarantee installation of the access road, fencing, gate and any other features not otherwise bonded by the PA Department of Environmental Protection (DEP) required by the Borough Zoning Ordinance or as a condition of conditional use approval; and
 - 7. Proposed method of screening of the proposed well which shall comply with current section numbered § 304-31.D.
- D. Gas and Oil Well Production shall not be located within 200 feet of any dwelling or other inhabited structure.
- E. Gas and Oil Well Production access roads shall be designed to the minimum standards for residential driveways as specified in Borough Ordinances, or as otherwise permitted by the Borough Engineer.

F. Hours of Drilling shall not exceed normal construction times.

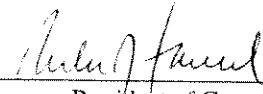
SECTION 3: Table 201 of Chapter 304 of the Code of the Borough of Churchill is amended to permit "Gas and Oil Well Production" as a conditional use in the C-1 and C-2 Commercial Districts as well as in the Parks of all (R-1, R-2, R-3, R-4 and R-5) Residential Districts as a conditional use and all lots or parcels in Residential Districts of five (5) acres or larger as a conditional use.

SECTION 4: Repealer. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

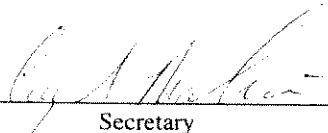
SECTION 5: Effective Date. This Ordinance shall take effect in accordance with applicable law.

ORDAINED AND ENACTED this 13th day of March, 2007 by the Council of the Borough of Churchill, lawful session duly assembled.

THE BOROUGH OF CHURCHILL

By 
President of Council

ATTEST:


Secretary

EXAMINED AND APPROVED this 13th day of March, 2007.


Mayor