

Hop Bottom Borough Ordinance No. 2012-03

**An Ordinance Amending Ordinance No. 1980-02 of
Hop Bottom Borough, Susquehanna County, Pennsylvania,
known as the Hop Bottom Borough Zoning Ordinance,
providing for the regulation of Oil and Gas Operations.**

**Hop Bottom Borough hereby amends Ordinance No. 1980-02 known as the
Hop Bottom Borough Zoning Ordinance, by adding the following:**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

SECTION 1. PURPOSE.

The purpose of this ordinance, amending the Zoning Ordinance of [BOROUGH], is to ensure compliance with the local ordinance uniformity standards and other requirements of the Unconventional Gas Well Impact Fee Act ("Act 13"), which amends Title 58 (the "Oil and Gas Act") of the Pennsylvania Consolidated Statutes; and to allow for the reasonable development of oil and gas resources in the Borough while properly protecting the health, safety and welfare of the residents of Hop Bottom Borough.

SECTION 2. ADOPTION OF NEW ARTICLE 7 TO ZONING ORDINANCE.

The Hop Bottom Borough Zoning Ordinance is hereby amended to add the following new ARTICLE No. 7:

ARTICLE 7

SPECIAL PROVISIONS RELATING TO OIL & GAS OPERATIONS

Section 7.1 DEFINITIONS.

The following words and phrases when used in this Chapter ## of the Zoning Ordinance shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Act 13" means Act 13 of 2012 (H.B. 1950), P.L. 87, § 1, approved Feb. 14, 2012, 58 Pa. C.S. § 2301 et seq., commonly known as the "Unconventional Gas Well Impact Fee Act," which amended Title 58 ("Oil and Gas") of the Pennsylvania Consolidated Statutes to add Chapters 23, 25, 27, 32, 33 and 35, and any subsequent amendments thereto and regulations promulgated there under.

"Agricultural Zoning District" shall have the same meaning as such term is used in Act 13. The following Borough Zoning Districts shall for the specific purposes of this Chapter ## of the Zoning Ordinance be considered "Agricultural Zoning Districts": A-1 Open Space/Agricultural District

"Environmental Acts" means, in accordance with Section Act 13 (58 Pa.C.S. § 3301), all statutes enacted by the Commonwealth relating to the protection of the environment or the protection of public health, safety and welfare, that are administered and enforced by the department or by another Commonwealth agency, including an independent agency, and all Federal statutes relating to the protection of the environment, to the extent those statutes regulate oil and gas operations.

"Impoundment Area" shall have the same meaning as such term is used in Act 13, including as used in 58 Pa. C.S. § 3304.

"Industrial Uses" shall have the same meaning in this Article 7 as the term "Industrial Uses" as used in Act 13

"Industrial Zoning District," shall have the same meaning as such term is used in Act 13. The following Borough Zoning Districts for the purposes of this Article 7 of the Zoning Ordinance shall be considered "Industrial Zoning Districts": I-1 Industrial District

"Natural Gas" shall have the same meaning as such term is defined in Act 13 (58 Pa. C.S. § 2301).

"Natural Gas Compressor Station" shall have the same meaning as such term is used in Act 13, including in 58 Pa. C.S. §§ 3301-3309.

"Natural Gas Processing Plant" shall have the same meaning as such term is used in Act 13, including in 58 Pa. C.S. §§ 3301-3309.

"Occupied Building" shall for the specific purposes of this Article 7 of the Zoning Ordinance mean, consistent with the definition of "Building" pursuant Act 13 (58 Pa. C.S. § 3203), an occupied structure with walls and roof within which persons live or customarily work.

"Oil and Gas Operations" for the specific purposes of this Article 7 of the Zoning Ordinance incorporates by reference, and has the same meaning as, the term "Oil and Gas Operations" as defined in Act 13 (58 Pa. C.S. § 3301), which provides that such term includes the following:

- (1) well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- (2) water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- (3) construction, installation, use, maintenance and repair of:
 - (i) oil and gas pipelines;
 - (ii) natural gas compressor stations; and
 - (iii) natural gas processing plants or facilities performing equivalent functions;and
- (4) construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (1), (2) and (3), to the extent that:
 - (i) the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - (ii) the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

“Oil and Gas Well” or “Well” as used in this Article 7 of the Zoning Ordinance is intended to have the same meaning as the term “Well” as defined in Section 3203 of Act 13 (58 Pa. C.S. § 3203.)

“Oil and Gas Well Site” or “Well Site” as used in this Article 7 of the Zoning Ordinance is intended to have the same meaning as the term “Well Site” as used in 58 Pa. C.S. § 3304 (b)(5.1).

“Owner of Building or Adjoining Lot” for the purposes of this Article 7 shall have the same meaning as such term as used in Act 13 (58 Pa. C.S. § 3304(b)).

“Permanent Oil and Gas Operations” as used in this Article 7 of the Zoning Ordinance is intended to have the same meaning as the term “Permanent Oil and Gas Operations” as used in 58 Pa. C.S. § 3304 (b)(3).

“Residential District” or “Residential Zoning District” shall have the same meaning as the term “Residential District” as used in Act 13. The following Borough Zoning Districts shall for the purposes of this Article 7 of the Zoning Ordinance be considered “Residential Zoning Districts”: R-1 Residential District

“Review Period For Conditional Uses” as used in this Article 7 of the Zoning Ordinance is intended to have the same meaning as such phrase is used in Act 13, including in 58 Pa. C.S. § 3304 (b)(4).

“Review Period For Permitted Uses” as used in this Article 7 of the Zoning Ordinance is intended to have the same meaning as such phrase is used in Act 13, including in 58 Pa. C.S. § 3304 (b)(4).

“Well and Pipeline Location Assessment Operations” shall have the same meaning as such term is used in Act 13, including in 58 Pa. C.S. § 3304.

Section 7.2 CONTINUATION OF PERMISSIBLE EXISTING SETBACK PROVISIONS.

The following provisions of the [BOROUGH] Zoning Ordinance regulating for all types of Industrial Uses setback distances other than those regulated by or set forth in Chapter 32 (58 Pa. C.S. §§ 3301-3274) of Act 13 shall continue to apply in full force and effect, to the extent permitted by and consistent with Act 13, to all such Industrial Uses:

- a.) Section 5.3 Accessory Structures and Uses

Section 7.3 PERMITTED OIL AND GAS USES IN ALL ZONING DISTRICTS.

The following uses shall, to the extent required by Act 13, including as set forth in 58 Pa. C.S. §3304 (b)(1) thereof, shall be permitted uses in all Zoning Districts of the Borough:

- a.) Well and Pipeline Location Assessment Operations.
- b.) Oil and Gas Operations, other than (i) activities at Natural Gas Impoundment Areas, Natural Gas Compressor Stations and Natural Gas Processing Plants or (ii) Wells or Well Sites.

Without narrowing the forgoing, the following specific Schedule II section of the Zoning Ordinance are amended to add to the list of permitted uses as of right for the Residential District, Light Commercial District, Mobile Home District, General Industrial District, Public/Quasi-Public District, Open Space-Agricultural District, Forest District

- (a) “Well and Pipeline Location Assessment Operations,” and (b) Oil and Gas Operations, other than

- (i) activities at Natural Gas Impoundment Areas, Natural Gas Compressor Stations and Natural Gas Processing Plants or (ii) Wells or Well Sites.

Section 7.4 CERTAIN PROHIBITED OIL AND GAS WELL USES IN RESIDENTIAL DISTRICTS.

Oil and Gas Wells and Well Sites are, to the extent consistent with Act 13, including 58 Pa. C.S.

§ 3304(b)(5.1), Prohibited Uses in the Residential District, Light Commercial District, Mobile Home District, General Industrial District, Public/Quasi-Public District, Open Space-Agricultural District, Forest District if the Well Site cannot be placed so that the wellhead is at least 500 feet from any existing Occupied Building. Such uses, if otherwise permitted, shall be considered Permitted Uses in such Residential Zoning Districts if the Well Site can be placed so that the wellhead is at least 500 feet from any existing Occupied Building

Section 7.5 CERTAIN OIL AND GAS OPERATIONS IMPOUNDMENT AREAS PERMITTED IN ALL ZONING DISTRICTS.

Impoundment Areas used for Oil and Gas Operations shall be a Permitted Use in all zoning districts in the Borough provided that the edge of any Impoundment Area shall not be located closer than 300 feet from any existing Occupied Building.

Section 7.6 NATURAL GAS COMPRESSOR STATION USES.

Natural Gas Compressor Stations shall be a Permitted Use in an Agricultural Zoning District, namely Open Space-Agricultural District and as a Conditional Use in all other Zoning Districts if the natural gas compressor building meets the following standards:

- (i) is located 750 feet or more from the nearest existing Occupied Building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the Occupied Building or adjoining lot; and
- (ii) the noise level does not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

Section 7.7 NATURAL GAS PROCESSING PLANT USES.

A Natural Gas Processing Plant shall be a Permitted Use in any Industrial Zoning District, namely the General Industrial District and Light Industrial District and as a Conditional Use in any Agricultural Zoning District, namely the Open Space-Agricultural District if all the following conditions are met:

- (i) The natural gas processing plant building is located at the greater of at least 750 feet from the nearest existing Occupied Building or at least 200 feet from the nearest lot line unless waived by the owner of the Occupied Building or adjoining lot.
- (ii) The noise level of the natural gas processing plant building does not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

Section 7.8 EXPEDITED REVIEW OF ZONING PERMIT REVIEWS FOR OIL AND GAS OPERATIONS

The Borough's Review Period For Permitted Uses shall not exceed 30 days for complete submissions, and the Review Period For Conditional Uses shall not exceed 120 days for complete submissions.

Section 7.9 SEVERABILITY.

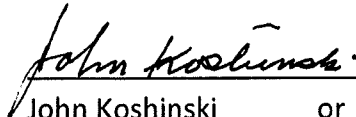
If any section, subsection, sentence, clause or phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 8.0 ADDITIONAL REPEALER.

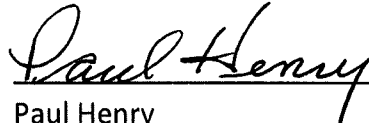
Any ordinance, chapter, section, paragraph or sentence in any ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent of such conflict.

WHEREAS, the Borough Council of the Hop Bottom Borough, Susquehanna County, Pennsylvania enacts this amendment to the above listed Ordinance, this amendment will take effect immediately; all other content in the listed Ordinances will remain effect.

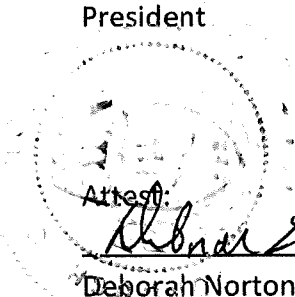
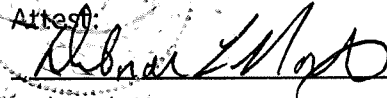
ENACTED AND ORDAINED this 4th day of December 2012



John Koshinski or Bill Black
President Vice President



Paul Henry
Mayor


Attest:


Deborah Norton
Secretary