

URBAN AGRICULTURE – The practice of raising ducks and/or chickens on a parcel that is less than 1 acre in size.

Section 19.22. URBAN AGRICULTURE

- 19.22.1 Shall be limited to five (5) chickens and/or ducks per property.
- 19.22.2 All urban agriculture activities shall be limited to the side and rear yards only and screened by a six (6) feet high privacy fence.
- 19.22.3 Parcels located on corner lots shall follow sight line restrictions for fence height and exemptions for urban agriculture shall not be granted.
- 19.22.4 Roosters shall not be permitted in urban agricultural areas.
- 19.22.5 All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- 19.22.6 All structures, fences, etc. shall obtain a building/zoning permit and shall meet all current zoning setback requirements and may not use an existing building line.
- 19.22.7 No urban agricultural activities shall be visible from any public or private roadway.
- 19.22.8 All structures shall be covered with a roof, well ventilated, dry, predator resistant and properly maintained to prevent accumulations of animal waste.
- 19.22.9 Tarpaulins or tarps shall not be used as structures, building materials, or covers for structures and pens.
- 19.22.10 No animal waste or manure shall be stored, accumulated, or spread on the property. All animal waste shall be cleaned, removed, and properly disposed of as not to create a nuisance by sight, smell, noise, or pest vector attraction.
- 19.22.11 All animals shall be contained in the enclosed fence area and shall not be permitted to roam outside of the area.
- 19.22.12 It shall be the responsibility of the property owner and/or occupant to contain the animals. The Township may require an enclosed pen area with an enclosed top if animals are capable of flying over fence.
- 19.22.13 All properties utilizing the urban agriculture provisions shall conform to all current standards and shall not be grandfather in for past violations.

4.2.43. COMMUNITY-ORIENTED GARDENS (COGS) – A lot comprised of one or more tax parcels that is used by a group of individuals in the community to grow and harvest food primarily for personal or group use or donation. Community gardening may be divided into plots for cultivation by one or more individuals and/or groups, or it may be cultivated by individuals and/or groups collectively.

Section 19.23. COMMUNITY-ORIENTED GARDENS (COGS)

- 19.23.1 COGS shall have a minimum lot size of one (1) acre when a residential use is already established on the lot and five thousand (5,000) square feet for a vacant lot.
- 19.23.2 All parking for workers, volunteers, customers, and residents shall be contained on site and shall not utilize off street parking.
- 19.23.3 Hours of operation for machinery shall not occur prior to 8am and shall discontinue prior to 8pm or sunset whichever is more restrictive on Monday through Saturday and 10am to 4pm on Sundays. Automatic functioning equipment, such as sprinklers, is not considered operation.
- 19.23.4 COGS may include a seasonal farm stand only for the sale of items grown on site; no other merchandise may be sold. Stand must be removed from the premise or stored inside when the community farm is not in operation.
- 19.23.5 The seasonal farm stand shall not operate more than one day per week in residential areas and farm stand hours shall not exceed eight (8) hours in operation.
- 19.23.6 The seasonal farm stand shall not obstruct pedestrian or vehicular pathways.
- 19.23.7 All COGS shall have suitable containers for waste and recyclables that are regularly serviced.
- 19.23.8 COGS may include any of the following features: raised and/or accessible beds, planting beds, compost bins, picnic tables, garden art, rain barrel systems or other irrigations systems, signage, storage sheds, and children's play areas.
- 19.23.9 All composting and irrigation methods shall not create a nuisance by smell, sight, noise, or pest vector attraction to the neighboring properties.
- 19.23.10 The growing and processing of illegal or restricted plants shall be not be permitted in COGS.
- 19.23.11 All crops and/or structures shall not obstruct any sightline or pathway of a public/private roadway, driveway or sidewalk.
- 19.23.12 All structures including but not limited to fences, sheds, garages, storage buildings, irrigation structures and farm stands shall obtain building/zoning permits.
- 19.23.13 All enclosed structures shall remain locked when not in use.
- 19.23.14 Owners of property resume all responsibility and liability for activities on said property and shall dictate individual rules and regulations of their COGS.
- 19.23.15 Owners of the property may or may not charge a membership fee for participation in their COGS.
- 19.23.16 All prohibited activates in West Deer Township shall also be prohibited in the COGS.

- 19.23.16 Irrigation, plowing, tilling or grading shall not cause excess water run off on neighboring properties or roadways.
- 19.23.17 COGS shall have the soil tested for containments by an accredited soil lab such as Penn State Extension prior to planting.
- 19.23.18 Portable toilets may be placed on COGS greater than one (1) acre in size but must be properly screened from public or private roads and serviced regularly.
- 19.23.19 COGS shall be maintained in growing seasons as well as times not in use to a standard that does not create a public nuisance by sight, sound, smell, or pest vector attraction.

4.2.111 INFILL ZONING – A type of redevelopment, typically vacant lots, that allows the development of an existing lot to a set of existing standards or characteristics of the existing neighborhood that allows the development of the lot to be possible where typical zoning requirements would not allow development to be feasible.

Section 19.24. Infill Zoning

Requirements for Infill Zoning

- 19.24.1 Development/construction shall not change the characteristic of the neighborhood.
- 19.24.2 Required compatibility standards that shall be met.
 - A. Front yard setback shall be the average of the front yard setback of neighboring properties within two hundred (200) feet on each side of lot to be developed.
 - B. If sidewalks are present on at least one neighboring property the sidewalk shall be continued using the same width as existing sidewalk.
 - C. Building height shall be within five (5) feet of the building height of the neighboring properties. If the neighboring lots are vacant the building height shall be the average of the three (3) closest buildings.
- 19.24.3 Two (2) out of five (5) neighborhood standards shall be met.
 - A. Setbacks between buildings shall be the average of the three (3) closest buildings.
 - B. Proportions and size of exterior windows and doors shall be similar to the existing neighborhood.
 - C. Location and treatment of entryway shall be similar to the existing neighborhood.
 - D. Exterior building materials such as siding, brick, etc. shall be similar to the existing neighborhood.
 - E. Building façade shall be similar to the existing neighborhood.

Section 19.25. GENERAL HOUSING STANDARDS

- 19.25.1 All residential housing shall have a permanent foundation. Manufactured homes in mobile/manufactured home parks are exempt from this regulation.
 - 19.25.2 No accessory structure shall be placed on a vacant lot prior to a principle structure being constructed.
 - 19.25.3 All residential housing shall have at least one hundred and fifty (150) square feet for the first occupant and at least one hundred (100) additional square feet for each additional occupant.
 - 19.25.4 Ceiling height in any habitable room shall be at least seven (7) feet, except that in any habitable room with a sloping ceiling, at least half (1/2) of the floor area shall have a ceiling height of at least seven (7).
 - 19.25.5 All residential housing shall be connected to a permanent sanitary sewage system (public sewage or private septic system), permanent water supply (public water or private well), and permeant electrical service.
- 4.2.208 RESIDENTIAL HOUSING DEVELOPMENT - A group of similarly designed houses usually planned and constructed by a single developer.
- 4.2.217 SHORT TERM RENTAL (STR's) – Any residential rental unit with a lease that is shorter than thirty (30) days or per month in length.

Section 19.26. SHORT TERM RENTALS (STR's)

- 19.26.1 STR's shall provide adequate off street parking.
- 19.26.2 STR's are not permitted in residential housing developments.
- 19.26.3 STR's shall notify the Township of the establishment of the STR's and any change in tenants.
- 19.26.4 No excessive noise shall be leave the property between the hours of 9pm and 8am.

ARTICLE XX

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 20.4. CHANGES

- 20.4.1. No non-conforming building, structure or use shall be changed to another non-conforming use. Conversion of non-conforming buildings and structures into residential uses shall be permitted in residential districts as a special exception as granted by the Zoning Hearing Board under the following requirements:

- A. The minimum yard and area requirements are in accordance with the district in which said conversion is located.
- B. There shall be a maximum of four (4) living units per converted non-conforming building or structure.
- C. Each living unit contains a minimum of not less than ~~one thousand (1,000)~~ ~~six hundred and fifty (650)~~ square feet of habitable living area.
- D. Each living unit contains not less than one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
- E. Separate and private sanitary facilities, ~~separate~~ cooking and dining accommodations are provided for each living unit.
- F. Fire and safety provisions are certified to be adequate by the ~~Building Code Official. Chief of the Township Fire Department.~~
- G. A minimum of two (2) off-street parking spaces are provided for each residential unit.

ARTICLE XXII

ADMINISTRATION AND ENFORCEMENT

Section 22.3. ZONING PERMIT

- 22.3.1. When Required - No building or structure shall be erected, added to, placed upon property, or structurally altered until a permit therefore has been issued by the Zoning Officer. Construction and/or alteration as authorized by an approved permit shall begin within the period of ninety (90) days of the date of issuance, otherwise, the permit is null and void. ~~Zoning permits can be extended in ninety (90) day increments by the Zoning Officer. If zoning requirements change a maximum of one (1) ninety (90) day extension may be granted.~~ All applications for zoning permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance.

Section 22.4. OCCUPANCY PERMIT

- 22.4.1. When Required - Completion of the authorized new construction, alteration, placement, remodeling, change of use of building or land under the provisions of a zoning permit shall not be occupied until an occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within 90 days of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable Ordinances. Zoning Officer refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
- 22.4.2. Occupancy permits are required for the following:

- A. Occupancy of a new building, including a mobile home.
 - B. Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
 - C. Change in the use of an existing building other than to a use of the same type.
 - D. Occupancy and use of vacant land.
 - E. Change in the use of land except to another use of the same type.
 - F. Any change in use of a non-conforming use.
 - G. A change of occupants or owners in an existing building.
- 22.4.3. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Ordinance and all other ordinances of the municipality. Occupancy permits are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use if in full conformity with the provisions of the Ordinance.
- 22.4.4. Fee - Application for an occupancy permit shall be returned when approved by the Zoning Officer together with the occupancy permit upon payment of the prescribed fee. Fees for occupancy permits shall be in accordance with the fees as predetermined from a Fee Schedule adopted by the Board of Supervisors.
- 22.4.5. Inspections
- A. All occupancy inspections consist of the following items:
 - 1. An exterior visual inspection for any code violations will be performed.
 - 2. Address identification numbers must be visible from the road.
 - 3. All properties with public sewage must contact sewage provider to obtain a dye test on the property.
 - 4. All properties with private on-lot sewage must perform a septic dye test from an approved vendor and provide results to the Township.
 - 5. Any unsafe condition identified by the Township shall be corrected.
 - B. Commercial occupancy inspections shall comprise of an interior inspection comprising of life safety and accessibility items that correspond with the appropriate use and occupancy class as designated by the International Building Code.
 - C. Apartment Building and residential rental unit's occupancy inspections when owners change shall comprise of an interior inspection comprising of life safety and health department items.

ARTICLE XXIII

CONDITIONAL USE

23.4.12. Communication Tower

- A. The applicant who proposes to construct a new communications tower shall provide the Township's Building Inspector and Code Enforcement Officer with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network. Before an applicant proposes to construct a new communications tower, the applicant shall attempt to locate the proposed antenna on an existing communications tower or other tall structure. The procedure for ruling out this collocation requirement shall be followed by all applicants proposing a new communications tower and is described below.
1. The applicant shall contact all owners of surrounding communications towers and tall structures within one (1) mile of the proposed communications tower in order to determine if the proposed antenna and related equipment can be located on an existing tall structure. As part of the application, the applicant shall demonstrate at least one (1) of the following reasons for forgoing collocation on an existing communications tower or other tall structure.
 - a) That the proposed communications antenna and related equipment would exceed the structural capacity of existing communications towers or other tall structures.
 - b) That the proposed communications antenna would cause radio frequency interference with other existing equipment on existing communications towers or other tall structures.
 - c) That the existing communications towers or other tall structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function.
 - d) That the addition of the proposed communications antenna and related equipment would result in electromagnetic radiation from such communications towers exceeding standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
 - e) That an agreement could not be reached with the owner of the communications tower or other tall structure.
- B. The applicant who can utilize any existing communications tower or other tall structure shall make every effort in good faith to utilize the existing

communications tower or other tall structure rather than construct a new tower.

- C. If an existing communications tower or other tall structure is within a one (1) mile radius of the proposed tower and the applicant does not contact owners of such tall structures or does not make a good faith effort as described above, West Deer Township may deny the request for conditional use approval based on such inaction.
- D. If the applicant succeeds in co-locating an antenna on an existing communications tower or other tall structure, the regulations applicable to communications antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets shall be adhered to.
- E. If the applicant proposing a new communication antenna is not bound by the aforementioned collocation requirements, the following design criteria shall be adhered to:
 1. The following building setbacks shall be adhered to by all communications towers:
 - a) Towers more than fifty (50) feet in height and less than two hundred-fifty (250) feet in height shall be located on the lot so that the minimum distance from the base of the tower to any adjoining property line is equal to one hundred percent (100%) of the proposed tower height. No variance shall be granted from the minimum setback requirement.
 - b) Towers fifty (50) feet or less in height shall make every effort to satisfy the minimum one hundred percent (100%) setback requirement. However, towers fifty (50) feet or less in height that cannot satisfy the minimum one-hundred percent (100%) setback requirement may be approved by West Deer Township, provided that the applicant presents a certification from an engineer that the tower will withstand winds of one hundred ~~and twenty-five (100)~~ (125) miles per hour. Towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred percent (100%) requirement shall be set back at a minimum of thirty (30) feet from any adjoining property line.
 - c) Towers shall be set back a distance equal to one hundred ten percent (110%) of their height from any existing building used for human habitation or by humans on a regular basis.
 2. Under no circumstances shall a communications tower exceed two hundred-fifty (250) feet in height.
 3. Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the communications antenna, whichever is higher. The total height shall not include required lighting rods and other safety devices as required by the Federal

Communications Commission (FCC).

- F. Lighting for communications towers shall be in accordance with the following regulations.
 - 1. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the FAA. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
 - 2. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
- G. If any new access to the lot is proposed, the following regulations shall be adhered to.
 - 1. Where the lot abuts or has access to an arterial road, access for maintenance vehicles shall be exclusively by means of the arterial roads. If possible, direct access from a local street shall be avoided.
 - 2. At least one (1) parking space shall be provided for each tower.
 - 3. The access drive to the lot shall be at least twelve (12) feet in width and improved with material acceptable to the Township's Building Inspector and Code Enforcement Officer. No access drive shall be constructed of dirt or left in an unpaved state.
- H. If deemed necessary by the Township, fencing and/or signage may be required in accordance with the following regulations.
 - 1. If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.
 - 2. If high voltage is provided at the tower, signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The signs shall say "Danger-High Voltage," and the words shall be legible from a distance of twenty (20) feet.
- I. Any abandoned or unused communications tower shall be removed by the owner within twelve (12) months of the date the antenna was abandoned or last used. If a communications tower is abandoned, the owner shall be required to immediately notify West Deer Township in writing of the abandonment.
- J. A landscape plan shall be required for all communications towers in accordance with the provisions of this Ordinance.
- K. In addition to the conditional use approval, all applicants who propose a communications tower shall submit for approval a land development plan indicating antenna location, height and design, proposed access, drainage improvements with a stormwater management plan, and a landscaping plan.

- L. The applicant proposing to construct a communications tower shall provide detailed construction drawings for review by the Township Building Inspector.
- M. The applicant proposing to construct a communications tower shall provide detailed certification from an engineer that the proposed installation will be constructed in accordance with all applicable international building code standards and will have structural capacity to serve the devices, antennas and equipment mounted thereon.
- N. The petitioner shall submit a map of West Deer Township together with all adjoining Townships indicating exact location of all other towers which they have or may have the potential to have collocation.
- O. Any noise generated from the communication tower or equipment shall not exceed sixty (60) decibels measured at the property line.
- P. Back-up generator testing shall only occur between the hours of 10am and 4pm Monday through Friday.
- Q. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

23.4.19. Gas and Oil Production

A. Classifications:

1. A Deep Well Site which would be placed more than Six Hundred and Fifty (650) feet from any preexisting building located off the property where the Deep Well Site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3 and I zoning districts provided such property upon which the Oil and Gas Well Site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.
2. A Shallow Well Site which would be placed more than One Hundred (100) feet from any preexisting building located off the property where the Shallow Well Site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3, R-4, C-2, S-U, and I zoning districts provided such property upon which the Oil and Gas Well Site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.
3. A Natural Gas Compressor Station or any similar facilities performing the equivalent functions which would be located more than One Thousand Two Hundred (1200) feet from any preexisting building located off the property where the Natural Gas Compressor Station or similar facility is located may be permitted as a conditional use in the R, R-1, S-U and I zoning districts. Otherwise, such use shall be

prohibited in the residential and commercial zone not otherwise permitted above.

4. A Natural Gas Processing Plant or any similar facilities performing the equivalent functions which would be located more than One Thousand (1000) feet from any preexisting building located off the property where the Natural Gas Processing Plant or similar facility is located may be permitted as a conditional use in the I zoning district. Otherwise, such use shall be prohibited in the residential and commercial zone not otherwise permitted above.

A. Applicability:

1. This Ordinance applies to all Oil and Gas Development, Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that will be approved or constructed after the effective date of this Ordinance.
2. Oil and Gas Development, Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that were permitted or constructed prior to the adoption of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any modification to an existing or permitted Oil and Gas Development, Oil, Gas Well Site, Natural Gas Compression Station, or Natural Gas Processing Plant that occurs after the effective date of this Ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require compliance with a Conditional Use approval under this Ordinance
3. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

C. Application Criteria:

1. No Oil and Gas Development, Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant or an addition to an existing Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant shall be constructed or located within the Township unless an application for Conditional Use has been approved by the Township approving the construction or preparation of the site for Oil or Gas Development or construction of Natural Gas Compressor Stations or Natural Gas Processing Plants.
2. The Conditional Use application, shall be accompanied by a fee as established in the Township's schedule of fees. In addition, any direct costs associated with the review of an application or related studies will be paid by the applicant. This includes any direct costs associated with hiring a third party to assist in the review of the application and

related documents. Unpaid costs will be a basis for the Township to deny future applications for that well operator.

3. Any modification to an existing and approved Oil or Gas Well Site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require a modification of the Conditional Use application required under this Ordinance. Like-kind replacements shall not require a Conditional Use approval modification.

D. Pre-Application Conferences:

1. Before submitting an application the applicant is strongly encouraged to meet with the Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.
2. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such conference.

E. Conditional Use Application:

1. The applicant shall provide to the Township at the time of submitting its Conditional Use application:
 - a. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
 - b. A narrative describing an overview of the project as it relates to Natural Gas Compressor Stations or Natural Gas Processing Plants.
 - c. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant as determined by the Township or county.
 - d. The contact information of the individual or individuals responsible for the operation and activities at the Oil or Gas Well Site shall be provided to the Township and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall

update such information and provide it to the Township and all emergency providers.

- e. A location map of the Oil or Gas Well Site showing the location of Derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets shall be undisturbed.
- f. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any equipment and structures and all permanent improvements to the site.
- g. A narrative and map describing the manner and routes for the transportation, delivery and removal of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the Oil or Gas Well Site.
- h. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the Oil or Gas Well Site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township Roadway Maintenance and Repair Agreement with the Township, in a form acceptable to the Township solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
- i. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
- j. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan (the "PPC") has been provided to the Township and all emergency responders. The PPC shall be in compliance with the Pennsylvania Department of Environmental Protection Guidelines for the Development and Implementation of Environmental Response Plans.
- k. A statement that the applicant, upon changes occurring to the operation's PPC, will provide to the Township and all emergency

responders the dated revised copy of the PPC while drilling activities are taking place at the Oil or Gas Well Site.

- l. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the PPC for all emergency responders.
 - m. A copy of the documents submitted to the DEP, or if no document has been submitted to the DEP, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
 - n. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
 - o. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
 - p. A Stormwater Management Plan for any access road constructed by the well owner/well operator providing for the regulation of surface water drainage consistent with any Township stormwater management ordinance in effect at the time such access road constructed. Such Stormwater Management Plan shall be reviewed and approved by the Township Engineer prior to the approval of any Conditional Use application for Oil Gas Development.
 - q. A copy of a water quality test on all water wells, developed springs and surface waters establishing the base chemical composition of all well and surface water supplies within One Thousand Feet (1000') of any Oil and Gas Well Site prior to construction of any Oil and Gas Development. At a minimum, such tests shall be conducted to establish the presence and levels or bacteria/coli form, salt, brine, sulfur, hydro-carbons, including halogenated hydrocarbons, heavy metals and/or other contaminants commonly associated with oil and gas drilling operations.
2. Within 15 business days after receipt of a Conditional Use application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.
 3. Within thirty (30) days following the approval of any Conditional Use application for Oil and Gas Development by the Township, as contemplated herein, the applicant shall execute the Repair Agreement described in Section F.1. hereof. Failure to execute the required Repair Agreement shall constitute a violation hereof and the respective

Conditional Use approval and shall constitute an automatic revocation of any approval hereunder.

F. Conditions and Standards:

1. Well operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for development activities. For state and county roads located within the Township, well operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to the Township. Well operator shall provide a transportation route map which depicts the roads to be utilized in the Township. The well operator shall inventory the condition of the roads and provide video and photo documentation to the Township. The well operator shall also submit at the time of application a road restoration plan that indicates how the well operator plans to address damage to Township roads during construction and after construction is complete. Within thirty (30) days following the approval of a Conditional Use application for Oil and Gas Development by the Township, and in any event, prior to the commencement of any activity at the approved Oil and Gas Well Site, the applicant shall enter into a Township Roadway Maintenance and Repair Agreement (the "Repair Agreement") with the Township, in a form acceptable to the Township regarding maintenance, repair and bonding of Township roads that are to be used by vehicles for Oil and Gas Development activities. Without limiting the generality of the foregoing, the Repair Agreement shall address the bonding requirements to be imposed against the applicant, in the Township's sole reasonable discretion, and shall identify the responsibilities of the applicant to prepare, maintain, and repair Township roads, before, during, and immediately after drilling operations associated with Oil and Gas Development. Corrective action shall be taken by the well operator as and when directed by the Township.
2. Well operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and shall ensure such roads are promptly (within 24 hours) swept or cleaned of dirt, mud and debris. Ingress and egress points shall be located to comply with PA Code 67 Chapter 441 PaDOT Design Manual 2, and shall meet transition grades, turning radii, and accommodate traffic capacity to provide for efficient movement.
3. Well operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school

transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, well operator shall provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

4. Well operator shall not clear brush or trees by way of burning. However, well operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the well operator is engaging in development.
5. Before any Oil and Gas Development activities, the Township shall ascertain whether the Township's Police and Fire Departments have secured adequate information and training to deal with any potential dangerous conditions that may result due to development activities. Emergency responders shall, upon request from the Township and at the well operators sole cost and expense, have on-site training orientation with respect to the PPC and providing adequate awareness information prior to drilling of an Oil and Gas Well. The well operator will provide at least fifteen (15) days' notice of on-site training and orientation. Such site orientation shall also be made available immediately after any substantial modification to the development or well site, or not less than annually during the period when the well operator anticipates drilling activities in the Township.
6. Well operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
7. Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process, well operator shall consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Township Engineer will review the site plan with consideration of private property usage and future development.
1. At least ten (10) days prior to commencement of drilling, the well operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). Revocation of any federal, state, municipal, or other required approvals applicable to the use shall constitute an automatic revocation of the Conditional Use approval.

2. The well owner/well operator shall provide the Township with contact information which will allow representatives of the well to be contacted twenty-four (24) hours a day, seven (7) days a week to address emergencies, complaints, or other issues. Contact information shall also be clearly posted at the entrance to the site.
3. Hours of permitted construction of the proposed well pad or access road shall be limited to 7:00 a.m. to 6 p.m. Monday through Saturday only, excluding Holidays. However, 24-hour drilling and fracturing shall be permitted.

G. Design and Installation:

1. Access.

- a. Whenever possible, access to any Oil or Gas Well Site should be from a collector street.
- b. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
- c. Well owner or well operator must install and maintain any access road constructed to access an Oil and Gas Well Site in such a manner to ensure a "mud free" gravel paved surface for at least Two Hundred Feet (200') of its intersection with any public or private road.
- d. The well owner/well operator must construct and maintain a "tire cleaning surface" consisting of a minimum of One Hundred Feet (100') of #3 PennDot approved stone having a depth of not less than Six Inches (6") leading to all intersections with any public road or collector street during construction for drilling operations.
- e. The well owner/well operator shall establish and perform a daily routine cleaning/sweeping of the paved access road surface while the well pad is in operation. Cleaning/sweeping of access roadway and public road surfaces shall be monitored and addressed when dust, debris, or mud are present.

2. Structure Height.

- a. Permanent structures associated with an Oil and Gas Site, both principal and accessory, shall comply with the height regulations for the zoning district in which the Oil or Gas Well Site is located.

- b. Permanent structures associated with Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with the height regulations for the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
- c. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an Oil or Gas Well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an Oil or Gas Well. Provided further the time period of such drilling and exemption shall not exceed 6 months. The well operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

3. Setbacks.

- a. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- b. The drilling pad for the Oil or Gas Well Site shall comply with all setback and buffer requirements of the zoning district in which the Oil or Gas Well Site is located.
- c. Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with all setback and buffer requirements of the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
- d. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the well operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption. Exemptions to drilling rig location shall never be less than 1.1 times the their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- e. Drilling pads, Natural Gas Compressor Stations or Natural Gas Processing Plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

4. Screening and Fencing.

- a. Security fencing shall not be required at Oil or Gas Well Sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.
- b. Upon completion of drilling or redrilling security fencing consisting of a permanent chain link fence with a minimum thickness gauge of eleven (11) shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site. All fencing surrounding liquid impoundments shall meet and satisfy all OSHA requirements. Fence support posts shall be set in concrete embedded into the ground at the corners, gate posts, and spanning a distance not less than every twenty feet apart. Tension rods shall be 3/8 inch round steel bolt. Tension bars shall have a minimum thickness of 1/4 x 3/4 inch. Adjustable tightness shall have a six (6) inch minimum take-up.
- c. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide for vehicle access and three feet (3') wide for pedestrian egress. There shall be no less than two (2) gates capable of vehicle access. Every two hundred and fifty linear feet (250') of fence shall have either a vehicle access gate or a pedestrian egress gate.
- d. Emergency responders shall be given means to access Oil or Gas Well Site in case of an emergency.
- e. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency.
- f. In construction of Oil or Gas Well Sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
- g. **Pine** Evergreen trees are to be planted as screening around the exterior of the fenced well head pad area. The trees shall be of such a height when planted as to provide immediate screening. The trees shall be placed in close proximity to the fenced in well pad area while considering maintenance of the fencing and the trees.

- h. Landscaping shall be done in accordance with Article XXI, Land Development, Section 21.4, Development Standards.
- i. Landscape plans shall include a tree species, caliper size, initial planting height minimum, height at maturity, age of maturity, and spacing.
- j. A fencing detail shall be submitted to the Township for review. The detail shall include location, height, type, gate location and details, and footing details.

5. Lighting.

- a. Lighting at the Oil or Gas Well Site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the Oil or Gas Well Development.
- b. Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.
- c. A lighting plan shall be submitted to the Township for review.

6. Noise.

- a. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil or Gas Well Development.
- b. Prior to drilling of an Oil or Gas Well or the operation of a Natural Gas Compressor Station or a Natural Gas Processing Plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred (100) feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two (72) hour test the applicant may assume and use, for the purpose of compliance with this Ordinance, a default ambient noise level of ~~65~~ fifty (50) dBA. The sound level meter used in conducting

any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

- c. The applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
- d. The noise generated during the oil and gas operations or the Natural Gas Compressor Station or the Natural Gas Processing Plant shall not exceed the average ambient noise level established in subsection (2 b) by more than:
 - (1) 5 decibels during drilling activities,
 - (2) 10 decibels during hydraulic fracturing operations.
 - (3) 5 decibels for a Natural Gas Compressor Station or a Natural Gas Processing Plant.
 - (4) Allowable increase in subsection e (d) ~~shall not exceed the average ambient noise level for more than 10 minutes within any one hour period~~ shall be measured at the peak of the noise.
- e. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- f. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the Oil or Gas Well Site, or the gas compressor station, or at the Natural Gas Processing Plant for good cause shown and upon written agreement between the applicant and the Township.
- g. Complaints received by the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building or one-hundred (100) feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate. ~~If excess noise levels continue for seven (7) days after the initial complaint is filed and no corrective action is taken the well~~

owner/well operator shall cease operations until the noise level is at an allowable level.

- h. Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.
 - i. All sound studies shall take in account all activities on site for each phase of the development. Activities include but are not limited to trucking, idling trucks, onsite generators, and compressors, job trailer equipment, loading and unloading of trucks or equipment.
 - j. The sound studies shall state if the study was done for a single well head activity or multiple well heads together. The number of well heads present in the study shall dictate the amounts of well heads being used or developed at the same time.
 - k. If sound studies can not definitely show that noise levels are capable of meeting a noise level under the maximum allowable standard an engineered sound barrier or other engineered methods for sound mitigation shall be utilized to comply with the noise levels prescribed.
 - l. Sound barriers when required shall be in place prior to all activities that would exceed the acceptable levels of noise as prescribed in the sound study.
8. Prohibitions.
- a. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
 - b. Oil and gas drilling in the 100 Year Floodplain is discouraged but may be permitted by the Township in its discretion if the following provisions are met.
 - 1. If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.

2. An adequate Emergency Evacuation Plan shall have been produced by the applicant and filed with the Township.
3. No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a 100-year flood; and further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.
4. Only necessary and needed structures will be permitted within the floodplain.
5. All structures within the flood zone shall be designed to withstand a 100-year storm event.
6. An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.

A. Truck Traffic:

1. The well owner/well operator shall contact the local school districts and establish school bus curfews where no truck traffic will occur during the travel times of school buses. This will also include 2 hour delays and early dismissals or school functions such as Homecoming and Prom depending on location of the well pad. It will be the obligation of the well owner/well operator to establish a system to comply with this requirement.
2. The well owner/well operator shall contact the Township and local Police Department to ensure all Township functions such as parades, community days or other community functions are also protected from truck traffic during those time frames.
3. Staging of trucks, truck escorts, or other approved methods shall be used to prevent excess concentrated truck traffic.
4. Compression releasing engine braking or Jake Brakes shall be prohibited. An exemption can be obtained in cases of steep slopes that pose safety concerns when appropriate documentation is provided to the Township.

5. The well owner/well operator shall provide traffic control, including flag men, traffic control devices and escorts during heavy periods of truck traffic or upon Township request, when reasonable, in order to maintain the safe flow of traffic along truck routes.

B. Surface and Ground Water:

1. If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the well owner/well operator shall submit to the Township, prior to the approval of any Conditional Use application, a deed of easement, release and right of entry agreement or similar document or agreement, signed by the adjoining property owner(s) and well owner/well operator, in a recordable form, evidencing such property owner's permission to discharge surface water onto their property. Such surface drainage shall be consistent with rule and regulations adopted and/or enforced by the DEP.
2. Upon receipt of a written complaint from any property owner that the quantity of the water supply for the property has been affected by the drilling operations thereupon, the Township shall report the same to the well owner and/or well operator. Within ten (10) days of receipt of such written notice, the well owner and/or well operator shall perform a well recovery rate (flow) test for affected water wells or developed springs on the property and shall submit the results of same to the Township and property owner. The Township shall immediately forward a copy of the original flow test results submitted as part of the Conditional Use application, together with the post-complaint flow test results to the DEP for disposition pursuant to the Oil and Gas Act (58 P.S. §601.208), or its successor section, and any regulations associated with same.
3. In the event the DEP takes, or requires the well owner or well operator to take, remedial action to correct deficiencies in the water quality or quantity on the property, or if private remedial measures to correct deficiencies in the water quality or quantity on the property have occurred, the Township may declare the drilling operations on the property to be a "public nuisance" pursuant to the Oil and Gas Act (58 P.S. §601.502), or any successor section, and thereafter revoke or suspend any Conditional Use approval hereunder and pursue its right under law to restrain such conditions pursuant to the Oil and Gas Act (58 P.S. §601.504), or any successor section.
4. Nothing in this section shall be deemed or construed to limit the ability or any affected property owner from making a complaint directly to the DEP or pursuing any other private action or claims, at law or in

equity, in any court of competent jurisdiction regarding any water supply deficiencies caused, or alleged to be caused, by any well owner or well operator.

5. Well operator, at well operator's sole cost and expense, shall test the effluent of all water wells and water sources used by any residence or business within one thousand (1,000) feet of any Oil and Gas Well Site. The water test shall, at a minimum, establish the base chemical composition of such well and surface water supplies prior to the commencement of any Oil and Gas Development. All test results shall be provided, by certified mail, to the Township and to each owner of the surface rights to the real property upon which such water well or water source is located.

I. Enforcement and Violations: Any well owner, well operator, or other person who violates or permits a violation of this chapter upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than \$5,000.00 per incident per day, plus all court costs, including, but not limited to, reasonable attorney's fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

23.4.22. Kennel, Animal

B. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Ordinance.

B. The minimum lot area shall be two (2) acres.

C. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from an existing residential lot or a public right of way.

D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.