

**CLIFFORD TOWNSHIP  
SUSQUEHANNA COUNTY, PENNSYLVANIA  
GAS AND OIL DRILLING ORDINANCE**

An Ordinance of Clifford Township seeking to provide for the communities development objectives while maintaining the character and suitability and special nature of certain portions of the community without regulating oil and gas exploration, drilling and development, and those related activities and facilities, in a manner consistent with Act 223 of 1984 known as "The Oil and Gas Act".

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Clifford, County of Susquehanna and of the Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

WHEREAS, in recent years, various oil and gas exploration companies have negotiated leases with various landowners for the ultimate and stated purposes of exploring, generating and developing oil and gas wells with related by-products and with related facilities, etc.; and

WHEREAS, Clifford Township has a planning commission and a comprehensive plan for land development use but has not recognized a need for the formulation of a Zoning Plan. Moreover, the Comprehensive Plan does not contemplate or regulate oil and gas exploration and the challenges that it presents to land development and use in relation to the conservation of the land and resources of the Township and the health, safety, and well being of its residents; and

WHEREAS, Act 223 of 1984, entitled the "Oil and Gas Act" provides a regulatory scheme for oil and gas drilling activities and related activities and uses and, specifically, in Section 602 (58 P.S. 601.602) that Act 223 supersedes all local ordinances and the like, purporting to regulate oil and gas well operations except with respect to ordinances adopted pursuant to the Municipalities Planning Code; and

WHEREAS, the Clifford Township Comprehensive Plan for Land Development is a statement of policies developed according to the Pennsylvania Municipalities Planning Code; which seeks to maximize the community's development objectives while maintaining the character and suitability and special nature of certain portions of the community, and

WHEREAS, the Township of Clifford wishes to provide for the community's development objectives while maintaining the character and suitability and special nature of certain portions

of the community without regulating oil and gas exploration, drilling and development and those related activities and facilities in a manner consistent with Act 223 of 1984. Therefore in accordance with the Municipalities Planning Code and in conjunction with and within the scope authorized by Act 223 of 1984, entitled the "Oil and Gas Act", the Township enacts the following ordinance:

## **OIL AND GAS LAND DEVELOPMENT ORDINANCE**

### **Section I. GENERAL PROVISIONS:**

1. The operations shall comply with the provisions of the Pennsylvania Oil and Gas Act. Compliance shall be demonstrated by the submission of a permit obtained pursuant to the provisions of the Oil and Gas Act. A Copy of the Permit shall be provided to the Township Secretary before the commencement of any activities covered under the permit.
2. Internal access roads shall comply with the provisions of the Township Subdivision and Land Development Ordinance.

### **Section II. SETBACK REQUIREMENTS:**

1. Wells and brine storage areas shall be setback 200 feet from all existing building and water wells.
2. Wells and brine storage areas shall be setback 100 feet from all streams, springs, wetlands of greater than one acre in size.
3. Wells and brine storage areas shall be setback 100 feet from all property lines and from public streets and rights of way.
4. Other structures accessory to the oil and gas operations shall meet the setback requirements specified in the Clifford Township Subdivision and Land Development Ordinance. If no such setback is required then the setback requirement shall meet any applicable requirement for such structure as set forth in the Susquehanna County Subdivision and Land Development Ordinance for "all other uses". Those provisions are expressly adopted for use herein.
5. A six-foot high chain link fence shall enclose all oil and gas operations and individual drilling sites.

### **Section III. FRAC WATER CONTAMINATION AND DISPOSAL:**

1. The permittee shall provide evidence that he has the ability to remove all brine, drilling mud, sludge, and all other deleterious materials from the site and the Township, and shall demonstrate to the satisfaction of the Township that all wastes and other deleterious materials are to be removed from the

Township. The applicant shall demonstrate the availability of solid or hazardous waste facilities willing to accept such wastes.

2. Should there be any leak, spill, or malfunction, the permittee shall remove or cause to be removed all of the waste materials from any public or private property affected by such spill, leak or malfunction. The permittee shall also pay for any and all damage to Township utility services and any extraordinary expense incurred by the Township relating to the use of safety forces at an emergency caused by drilling or production operations.

3. Any and all drilling mud, sludge, brine, or any chemical, or water used in the process of drilling, fracing, exploring, or producing gas or oil shall not be disposed of through the release into any waterway, creek, stream, wetland, river, pond lake, or any other body of water within the Township but must be removed from the Township and disposed of according to state, local and federal regulations.

4. It is the responsibility of the permittee to notify the Township of any spills, leaks, explosions, fires, or potential hazards immediately through the County Emergency (911) Dispatcher. Failure to notify the Township shall be a violation of this Section. A written report of each incident shall be filed with the Township within 30 days, describing the problem, the reason for same, actions taken to correct or mitigate the problem and stating whether there are any long term effects anticipated.

#### **Section IV. PENALTY**

1. PENALTY. For a First Time violation the fine shall be \$300 dollars per offense. For a second or subsequent violation the fine shall be \$1,000.00. If the violation continues into the following day, the fines and penalties shall accrue at a rate of \$1,000.00 per day.

2. The Clifford Township Police Department, Sewer Enforcement Officer, and Code Inspection Officer are all given concurrent jurisdiction to enforce this section of the Ordinance.

**Section V. SEVERABILITY AND EFFECTIVENESS:**

1. Should any part of this Ordinance be rendered or declared invalid, preempted by other legislation, or unconstitutional, by a court of competent jurisdiction of the Commonwealth of Pennsylvania, such invalidation of such part or portion of this Ordinance should not invalidate the remaining portions thereof, and they shall remain in full force and effect.

2. Any ordinances or part of ordinances inconsistent herewith be, and the same are hereby appealed.


3. The provisions of this ordinance shall become effective on the fifth day following enactment.

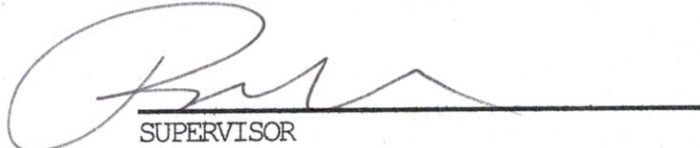
DULY ENACTED AND ORDAINED this 18<sup>th</sup> day of October, 2010

by the Board of Supervisors in lawful session duly assembled.

TOWNSHIP OF CLIFFORD

By:

  
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CHAIRMAN

  
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SUPERVISOR

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SUPERVISOR

