

**TOWNSHIP OF INDEPENDENCE**

**WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 14-02**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF INDEPENDENCE, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING BY: AMENDING SECTION 410-83DD (8) TO PROVIDE FOR GREATER SECURITY MEASURES AT OIL AND GAS WELL SITES AND TO ADD A NEW SUBSECTION TO SECTION 410-130(C) TO PROVIDE FOR SUMMARY OFFENSE CONVICTIONS FOR VIOLATIONS TO SECTION 410-83DD OF THE TOWNSHIP CODE;**

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township of Independence (the “Township”) to regulate land uses in the Township; and

WHEREAS, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Board”) enacted various Ordinances regulating zoning activities in the Township, including Oil and Gas Operations; and

WHEREAS, due to the safety concerns the Board has with the dangerous equipment and materials located on well sites, the Board has decided to increase the security measures required with oil and gas operation activities; and

WHEREAS, the Board specifically wants at least one of the following security measures in place at all times to protect well sites: security personnel on the site, security personnel at the access road entrance; fencing around the entire perimeter of the well site; or locked gate(s) at all entrance points to the well site.

NOW THEREFORE, the Board hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1.** The purpose of this Ordinance is to amend the regulations of the Township Code specifically dealing with Oil and Gas Operations (§410-83DD) to provide for strict security measures around well sites to better protect the Township’s residents from trespassers that may enter onto these potentially dangerous sites and to provide penalties for violations thereof.

**SECTION 2.** Section 410-83DD (8) of the Zoning Ordinance is amended to now read as follows:

(8) Adequate security measures shall be in place at all times to protect the well sites. This shall include at least one of the following, to be determined by the Township Supervisors or their authorized representatives:

- (a) security personnel on the site; or
- (b) security personnel at the access road entrance; or
- (c) fencing around the entire perimeter of the well site; or
- (d) a locked gate(s) at all entrance points to the well site\*

\*A true and correct working copy of the key(s)/combination necessary to unlock each gate and access a well site must be provided to Township emergency personnel.

**SECTION 3.** Section 410-130 (C). ‘Enforcement Remedies’ of the Zoning Ordinance is amended to include the following subsection:

**410-83(C) (5):** In addition to the remedies provided for herein, any violations of Section 410-83DD for failing to correct after Notice is given, shall constitute a summary offense and upon conviction thereof, shall be punished by a fine not exceeding three hundred (\$300.00) dollars and/or imprisonment not exceeding ninety (90) days or by both – fine and imprisonment. Each day that a violation exists may be regarded as a separate violation.

**SECTION 4. Repealer.** Any Township Ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 5. Severability.** If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 6. Effective Date.** This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED this 15th day of October, 2014.

ATTEST:

BOARD OF SUPERVISORS  
INDEPENDENCE TOWNSHIP

*William J. Gutz*  
Secretary

(SEAL)

*[Signature]*  
Chairman, Board of Supervisors

*Laura A. Pendergast*  
Supervisor

*Jayce M. Kozel*  
Supervisor