

- B. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Chippewa and declared to be a part of this ordinance.

Section 1903.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- D. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

Section 1903.03 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 1904.01 (B) for situations where FEMA notification is required.

Section 1903.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of Chippewa Manager and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 1903.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR Part 60.03.

SECTION 1904 TECHNICAL PROVISIONS

Section 1904.01 General

A. Alteration or Relocation of Watercourse:

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When a community proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
3. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

Section 1904.02 Elevation and Flood-proofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 1903.02.C of this ordinance.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely flood-proofed up to, or above, the regulatory flood elevation determined in accordance with Section 1903.02.C of this ordinance.
3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be flood-proofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or flood-proofed to remain dry, but shall comply, at a minimum, with the following requirements:

- 1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- 2. floor area shall not exceed 200 square feet. (Ord. 252, 10/21/15)
- 3. The structure will have a low damage potential.
- 4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- 5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- 6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- 7. sanitary facilities are prohibited.
- 8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional

engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 1904.03 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

1. If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1904.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood-proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

Section 1904.04 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)

- Phosphorus
 - Potassium
 - Sodium
 - Sulphur and sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 1904.04 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 1904.01, 1904.02 and 1904.03.
- C. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1904.04 (A) above, shall be built in accordance with Sections 1904.01, 1904.02 and 1904.03 including:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
 2. designed to prevent pollution from the structure or activity during the course of a base flood.
 3. any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 1904.05 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 1904.06 Special Requirements for Manufactured Homes

- A. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation;
 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;

3. and anchored to resist flotation, collapse, or lateral movement.
- B. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- C. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

Section 1904.07 Special Requirements for Recreational Vehicles

- A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
 1. be on the site for fewer than 180 consecutive days, and
 2. be fully licensed and ready for highway use,or
 3. meet the permit requirements for manufactured homes in Section 1904.06.

SECTION 1905 ACTIVITIES REQUIRING SPECIAL PERMITS

Section 1905.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Township of Chippewa:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 1. Hospitals
 2. Nursing homes
 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 1905.02 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 1. north arrow, scale and date;
 2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 7. the location of all proposed buildings, structures, utilities, and any other improvements; and
 8. any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

4. detailed information concerning any proposed flood-proofing measures;
5. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
6. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

Section 1905.03 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township of Chippewa the following procedures shall apply in addition to those of Section 1902:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of Chippewa Planning Commission and Township of Chippewa engineer for review and comment.
- B. If an application is received that is incomplete, the Township of Chippewa shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township of Chippewa decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of Chippewa approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township of Chippewa shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of Chippewa.
- F. If the Township of Chippewa does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of Chippewa and the applicant, in writing, of the reasons for the disapproval, and the Township of Chippewa shall not issue the Special Permit.

Section 1905.04 Special Technical Requirements

- A. In addition to the requirements of Section 1904 of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 1904 of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the

structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township of Chippewa and the Department of Community and Economic Development.

SECTION 1906 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 1906.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1906.02 shall apply.

Section 1906.02 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

SECTION 1907 VARIANCES

Section 1907.01 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Chippewa Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

Section 1907.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of Chippewa Zoning Hearing Board in accordance with the procedures contained in Section 1902.10 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 1905) or to Development Which May Endanger Human Life (Section 1904.04).
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township of Chippewa Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- E. Whenever a variance is granted, the Township of Chippewa Zoning Hearing Board shall notify the applicant in writing that:
 1. The granting of the variance may result in increased premium rates for flood insurance.
 2. Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township of Chippewa Zoning Hearing Board shall consider, at a minimum, the following:
 1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

- b. nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Township of Chippewa. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- H. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

SECTION 1908 DEFINITIONS

Section 1908.01 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

Section 1908.02 Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

8. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Flood - a temporary inundation of normally dry land areas.
11. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
12. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
13. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
14. Flood-proofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
16. Historic structures – any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
- 17. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 1903.01 and 1903.02 for the specifics on what areas the community has included in the Identified Floodplain Area.
- 18. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- 19. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- 20. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 21. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
- 22. New construction - structures for which the start of construction commenced on or after August 17, 2015 and includes any subsequent improvements to such structures. Any construction started after September 1, 1986 and before August 17, 2015 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

23. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
24. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
25. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated September 1, 1986, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
26. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated September 1, 1986, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
27. Recreational vehicle - a vehicle which is:
- a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light-duty truck,
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
28. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
29. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
30. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

31. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
32. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
33. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
34. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
35. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
36. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted

The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

37. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
38. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 1909 REPEAL

Section 1909.01 Repeal

Sections 1900 through 1913 of Part XIX of Chapter 27 of the Chippewa Township Code of Ordinances, being the codification of parts of Ordinance Nos. 126 and 211, are hereby repealed in their entirety.

SECTION 1910 ENACTMENT

Section 1910.01 Adoption

This Ordinance shall be effective on August 17, 2015 and shall remain in force until modified, amended or rescinded by Township of Chippewa, Beaver County, Pennsylvania.

SECTION 1914 OIL AND GAS OPERATIONS (Ord. 244, 8/8/2012)

I DEFINITIONS

The following words and phrases when used in this Chapter and Part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

ACT 13 – Act 13 of 2012 (H.B. 1950), P.L. 87 §1, approved February 14, 2012, 58 Pa.C.S. §2301, et seq., which is also known as the Unconventional Gas Well Impact Fee Act, as well as any amendments thereto and regulations promulgated thereunder.

APPLICANT – Any person, owner, operator, partnership, company, corporation or other entity seeking to conduct oil and gas operations within the Township.

BUILDING – An occupied structure with walls and a roof within, which persons live or customarily work.

COLLECTOR STREET – A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. See also Section 300.

DEPARTMENT – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

DERRICK – Any portable framework, tower mast and/or structure which is required or used in connection with drilling, or re-drilling a well for the production of oil or natural gas.

EMERGENCY RESPONDERS – The Police Department of Chippewa Township, the Pennsylvania State Police, the Chippewa Township Volunteer Fire Department, all EMT and ambulance companies serving the Township, and the Township and Beaver County Emergency Management offices.

ENVIRONMENTAL ACTS – 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.

LOCAL STREET – A public street or road designed to provide access to abutting lots and to discourage through traffic. See also Section 300.

NATURAL GAS – A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

NATURAL GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field. The term includes one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT – A facility designed and constructed to remove materials such as ethane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial

markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

OIL – Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA. This term is also referred to as petroleum.

OIL AND GAS OPERATION(S) – The 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:
 - a) Oil and gas pipelines;
 - b) Natural gas compressor stations; and
 - c) Natural gas processing plants or facilities performing equivalent functions.
- 4) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs 1), 2) and 3) above, to the extent that:
 - a) 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
 - b) The activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

OIL OR GAS WELL – A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal. This term shall include an "unconventional gas well".

OIL OR GAS WELL SITE – The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

OPERATOR – The person designated as the well operator or the operator of another oil and gas operation on the permit application or well registration.

OUTDOOR RECREATION FACILITY – A public or private recreation facility, except one located on a residential lot, which shall include soccer fields, basketball courts, baseball fields, golf courses, tennis courts, playgrounds and other similar sports facilities that are used for leisure and recreation purposes.

OWNER – A person or entity that owns, manages, leases, controls or possesses an oil or gas well or other oil and gas operation.

PERMITTED USE – A use which, upon submission of written notice to and receipt of a permit issued by a zoning officer or equivalent official, is authorized to be conducted without restrictions other than those set forth in Section 3304 of Act 13 of 2012.

STORAGE WELL – A well that is used for, and in connection with, the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

UNCONVENTIONAL FORMATION – A geological shale formation existing below the base of the Elk Sandstone, or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates, or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments, or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

UNCONVENTIONAL GAS WELL – A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater than that of a stripper well.

WELL PAD – The area of surface operations immediately surrounding the surface location of a well or wells. Such area shall not include an access road to the well pad and shall not include the entirety of an oil or gas well site.

II ZONING CLASSIFICATIONS

Subject to the provisions of this Ordinance, and in order to allow for the reasonable development of oil and gas resources, the following zoning classifications shall apply:

A. **WELL AND PIPELINE ASSESSMENT OPERATIONS** – Well and pipeline assessment operations, including seismic operations and related activities, shall be a permitted use within all zoning districts (See Section 400), provided that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.

B. **OIL OR GAS WELLS and OIL OR GAS WELL SITES** – Oil or gas wells and oil or gas well sites shall be a permitted use within all zoning districts, provided that the well site must be placed so that the wellhead is at least 500 feet from any existing building. In addition, the following restrictions shall also apply in the AR-1, ART, R-2, R-3, C-1, SG, PRD, AO and RCO districts (See Section 400):

- 1) Oil or gas well sites are prohibited unless the outer edge of the well pad is at least 300 feet from an existing building.
- 2) Oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities, are prohibited from taking place within 300 feet of an existing building.

C. **IMPOUNDMENT AREAS** – Impoundment areas used for oil and gas operations shall be a permitted use within all zoning districts, provided that the edge of the impoundment area shall not be closer than 300 feet from an existing building.

D. **NATURAL GAS COMPRESSOR STATIONS** –

- 1) **Permitted Use** – Natural gas compressor stations shall be a permitted use only within the AR-1, ART and IC districts (See Section 400), provided that the natural gas compressor stations satisfy the distance and noise restrictions set forth in Section II(D)(3).
- 2) **Conditional Use** – Natural gas compressor stations shall be a conditional use within all zoning districts, other than the AR-1, ART and IC zoning districts (See Section 400), provided that the natural gas compressor stations satisfy the distance and noise restrictions set forth in Section II (D)(3).

- 3) Distance and noise restrictions – In order to be eligible for approval as a permitted use or conditional use, natural gas compressor stations must:
 - a) be located 750 feet or more from the nearest existing building, or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
 - b) operate in such a manner that the noise level generated by the natural gas compressor station does not exceed a noise standard of 60dbA at the nearest property line, or the applicable standard imposed by federal law, whichever is less.

E. NATURAL GAS PROCESSING PLANTS –

- 1) Permitted Use – Natural gas processing plants shall be a permitted use only within the IC district (See Section 400), provided that the natural gas processing plants satisfy the distance and noise restrictions set forth in Section II(E)(4).
- 2) Conditional Use – Natural gas processing plants shall be a conditional use only within AR-1 and ART districts, provided that the natural gas processing plants satisfy the distance and noise restrictions set forth in Section II(E)(4).
- 3) Prohibition – Natural gas processing plants shall be prohibited in all zoning districts other than set forth in Sections II(E)(1) and II(E)(2).
- 4) Distance and noise restrictions – In order to be eligible for approval as a permitted use or conditional use, natural gas processing plants must:
 - a) be located 750 feet or more from the nearest existing building, or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
 - b) operate in such a manner that the noise level generated by the natural gas processing plant does not exceed a noise standard of 60dbA at the nearest property line, or the applicable standard imposed by federal law, whichever is less.

F. OIL AND GAS OPERATIONS – Oil and gas operations shall be a permitted use within all zoning districts, subject to the restrictions specifically set forth in Sections II(B) through (E), as well as generally set forth in this Ordinance and Section 1914.

G. When a conditional use is designated as set forth above, the provisions of Chapter 27, Part XXI, Sections 2100 and 2101 shall also be applicable.

III APPLICABILITY

A. This Ordinance applies to all oil and gas operations, including but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, natural gas compressor stations and natural gas processing plants that will be permitted or constructed after the effective date of the Ordinance.

B. Oil and gas operations, including but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, natural as

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. However, any owner and/or operator seeking to make a modification to existing oil and gas operations after the effective date of this Ordinance that alters the size, type, location, number of wells or physical modifications to existing structures or the situs of oil and gas operations shall comply with the terms of this Ordinance.

C. The Township acknowledges that it is pre-empted from enacting or enforcing ordinances that impose conditions, requirements or limitations on the same features of oil and gas operations regulated in Chapter 32 of Act 13 of 2012, or that accomplish the same purposes set forth in Chapter 32 of Act 13 of 2012. In addition, the Township acknowledges that environmental acts are of statewide concern, and that it is pre-empted from regulating oil and gas operations to the extent that such operations are regulated by the environmental acts. This Ordinance is intended to comply with such pre-emptive restrictions.

IV PERMIT REQUIREMENT

A. No oil and gas operations shall be performed, constructed or located within the Township until the owner and/or operator of the oil and gas operations has made a written request for a permit, and a permit has been issued by the Township's Zoning Officer, or Assistant Zoning Officer, approving the performance, construction or location of the oil and gas operations.

B. The written notice of request for a permit, or amended written notice if necessary, shall be accompanied by payment of a fee payable to the Township, as established and set forth by resolution in the Township's schedule of fees.

C. Prior to making any modification to an existing and permitted oil or gas well site that alters the size, location, number of wells or accessory equipment or structures, the owner and/or operator shall make a written notice of request for and obtain a modified permit from the Township, pursuant to this Ordinance. Like-kind modifications and replacements shall be exempt from this requirement.

D. Prior to making any modification to any other existing oil and gas operation, including but not limited to, a natural gas compressor station, natural gas processing plant or impoundment area, other than like-kind modifications and replacements, the owner and/or operator shall make a written notice of request for and obtain a modified permit from the Township pursuant to this Ordinance.

E. The owner or operator of a proposed oil and gas operation shall obtain a building permit and certificate of occupancy as appropriate for the use.

V PRE-PERMIT CONFERENCES

A. PURPOSE – Before seeking a permit to construct or conduct oil and gas operations, the applicant is strongly encouraged to meet with the Township's staff to determine the requirements of, and the procedural steps and time relating to the written notice of request. The intent of this process is for the applicant to obtain necessary information and guidance from the Township's staff before entering into any commitments, or incurring substantial expenses with regard to the site and plan preparation.

B. PROCESS – A pre-permit 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-permit 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 written request for a permit, or to act within any time limit relative to the date of such conference.

VI WRITTEN NOTICE OF REQUEST FOR PERMIT

A. The applicant's written notice of request for a permit to conduct oil and gas operations shall include the following:

- 1) A brief narrative of the project, the address and County Tax Parcel Number where the oil and gas operations will take place, and the contact information for the individual(s) responsible for the oil and gas operations, including a phone number where such individual(s) can be contacted twenty-four (24) hours a day, three hundred sixty-five (365) days a year.
- 2) Verification that the applicant has (1) received all permits or other written approvals required by the Department or other state and/or federal regulatory agencies before constructing or conducting oil and gas operations; and (2) accepted and complied with any and all applicable bonding, fee and permitting requirements including but not limited to, those imposed by Act 13 of 2012.
- 3) A location map of the oil or gas well site, impoundment area, natural gas compressor station, natural gas processing plant, or other oil and gas operations showing, as appropriate, the approximate location of derricks, drilling rigs, wells, 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 for the normal flow of traffic on public streets, which shall be undisturbed. Parking spaces shall be provided for the total number of persons employed at the site during the highest shift plus three additional parking spaces. Separate parking spaces shall be provided for each tractor trailer or container vehicle on the site on a daily basis, plus two additional parking spaces for such vehicles.
- 4) A map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site, impoundment area, natural gas compressor station, natural gas processing plant, or other oil and gas operations.
- 5) Verification that, prior to the commencement of any activity relating to oil and gas operations, the applicant shall have entered into an appropriate township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township's solicitor, regarding the maintenance and repair of the Township's streets that are to be used by vehicles for site construction, drilling activities and other site operations.
- 6) Verification that a copy of the applicant's emergency management plan has been made available to the Department, the Township, the Chippewa Township Police Department, the Chippewa Township Volunteer Fire Department, and all other

applicable Emergency Responders, and that the applicant, upon changes occurring to the emergency management plan, will immediately make available a revised copy to the Department, the Township, the Chippewa Township Police Department, the Chippewa Township Volunteer Fire Department, and all other applicable Emergency Responders.

B. If the written notice of request for a permit is complete and fulfills the requirements of this Ordinance, the Township shall issue, or deny, a permit within thirty (30) days (for permitted uses), or within one hundred twenty (120) days (for conditional uses), following the date of submission to the Township.

C. If the written notice of request for a permit is incomplete and/or inadequate, the Township shall notify the applicant within fifteen (15) day of its receipt. The applicant shall be permitted to submit a revised written notice.

VII DESIGN AND INSTALLATION

A. STREETS AND ACCESS ROADS.

- 1) Access to oil and gas operations shall be arranged in a manner that minimizes the danger to traffic, nuisance to surrounding properties and maintains the integrity of the Township's road.
- 2) No oil and gas operations shall be accessed solely through a local street. Whenever possible, access to oil and gas operations should be from a collector street. The Township shall approve access through a local street if no other access route is feasible.
- 3) Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to by the owner and operator of the oil and gas operations.
- 4) All owners and/or operators that conduct oil and gas operations shall comply with any generally applicable bonding, excess maintenance agreements and permitting requirements for roads in the Township that are to be used by overweight vehicles and equipment for purposes of development. The Township agrees to comply with Title 75 and the MPC in connection with its regulation of vehicular access routes for overweight vehicles.
- 5) All owners and/or operators that conduct oil and gas operations must ensure that Township streets utilized by them, as well as their agents and contractors, shall remain free of dirt, mud and debris resulting from oil and gas operations. Such streets must be promptly swept or cleaned if dirt, mud and debris occur as a result of usage by the owner and/or operator, or their agents and contractors.
- 6) Access road setbacks:
 - a) Any newly established private easements/roadways constructed on the parcel containing an oil and gas operation shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s).

- b) The access road shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that reasonably minimizes water, sediment or debris, carried onto any public road and prevents dust and mud. This work shall be completed prior to the commencement of oil and gas operations.

B. CONSTRUCTION.

- 1) The duration of construction activities of oil and gas operations shall not exceed the actual time period reasonably necessary to conduct the construction activities at issue. In no event shall the aforementioned time provided exceed twelve (12) months, unless authorized by the Township.
- 2) Construction of oil and gas operations shall comply with the Pennsylvania Uniform Construction Code, 35 P.S. §7210.101 to 7210.1103, as amended.

C. STRUCTURE HEIGHT.

- 1) No permanent structure shall be erected to a height in excess of two hundred (200) feet; provided however, that this height may be decreased when the structure interferes with, or exceeds the height provisions set forth in the Airport Surface overlay district, Chapter 27, Part XIII of the Code of Ordinances.
- 2) Heights of structures during the construction phase, shall be the same as the permanent structure requirements set forth above.

D. SETBACKS.

- 1) Oil and gas operations shall comply with all other setback front, side and rear setbacks as set forth in the zoning district in which the oil and gas operation is located, in addition to the requirements set forth in §1914II above. When applicable, the more stringent requirement shall control.
- 2) Exemption from the standards established in this subsection may be granted by the Township upon a showing by the owner and/or operator that it is not feasible to meet the setback requirements and that adequate safeguards have, or will, be provided to justify the exemption.

E. SCREENING AND FENCING.

- 1) During the construction of oil and gas operations, there must be temporary security fencing of at least eight (8) feet in height around the perimeter of the site, unless adequate levels of manned 24-hour on-site supervision and security are provided.
- 2) Upon completion of construction of oil and gas operations, security fencing consisting of a permanent chain link fence shall be promptly installed to secure, among other things, well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and other structures on the site of the oil and gas operations.
- 3) Permanent security fencing shall be at least eight (8) feet in height equipped with lockable gates at every access point, and having openings no less than twelve (12) feet wide.

- 4) Emergency Responders shall be given means of access to the site of oil and gas operations in case of an emergency.
- 5) Warning signs shall be placed as appropriate on the fencing surrounding the site of oil and gas operations, providing notice of the potential dangers and the contact information in case of an emergency.
- 6) When constructing oil and gas operations, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Brush and trees shall not be cleared by way of burning, except in a manner that complies with Chapter 7, Part I, of the Township Code of Ordinances pertaining to open burning.

F. LIGHTING.

- 1) Lighting used in connection with oil and gas operations shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on the sky, public roads and nearby buildings within thirty (30) feet of the oil or gas well development.
- 2) No lights located on the site of any oil and gas operations shall be directed in such a manner so that they shine directly on the sky, public roads, protected uses, adjacent properties, and/or property in the general vicinity of the site of oil and gas operations.

G. NOISE.

- 1) Prior to the construction and operation of an oil and gas operations, including but not limited to, the drilling of an oil or gas well, or the operation of a natural gas compressor station, or natural gas processing plant, the operator 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 operator may assume and use, for the purpose of compliance with this Ordinance, a default ambient noise level of 55 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.
- 2) The operator shall provide the Township documentation of the established ambient noise level prior to constructing or conducting oil and gas operations.
- 3) The noise generated during oil and gas operations shall not exceed the average ambient noise level established in subsection 1) by more than ten (10) decibels during drilling activities or hydraulic fracturing operations during the hours of 7:00 a.m. to 7:00 p.m.; and five (5) decibels during the hours of 7:00 p.m. to 7:00 a.m.
- 4) A natural gas compressor station or a natural gas processing plant shall not exceed fifty-five (55) dBA.

