

**ORDINANCE NO. 1-06**

**AN ORDINANCE REGULATING LOGGING OPERATIONS, THE CONSTRUCTION OF ACCESS ROADS AND LANDING PADS AT LOGGING SITES AND REGULATING THE CONSTRUCTION OF ACCESS ROADS TO OIL AND GAS WELL DRILLING SITES WITHIN McKEAN TOWNSHIP PROVIDING CERTIFICATION REQUIREMENTS FOR THOSE ENGAGED IN LOGGING OPERATIONS AND OIL AND GAS WELL DRILLING SITES; AND PROVIDING PENALTIES FOR VIOLATIONS**

**WHEREAS**, for the maintenance and protection of all roads and road rights-of-way within McKean Township, it is necessary that certain precautions be taken by loggers and log hauling trucks and oil and gas well drillers and drilling rigs, and that certain specifications be fulfilled in installing access roads to logging sites and oil and gas well drilling sites;

**WHEREAS**, it is the intention and desire of the McKean Township Supervisors to take such action as will reduce or eliminate the damage to all roads and rights-of-way in McKean Township caused by mud, debris, and surface or pavement damage to said roads and rights-of-way by individuals, partnerships, corporations, associations, institutions, cooperative enterprises or other legal entities including, but not limited to, those engaged in logging operations and oil and gas well drilling operations within or adjacent to roads and rights-of-way of McKean Township;

**WHEREAS**, the use of heavy trucks and equipment on all roads in McKean Township; the carrying of mud, logs and debris from logging sites onto all roads; and leaving of mud, debris, logs, sticks and stones in the rights-of-way and ditches in McKean Township, if not properly regulated, creates a safety hazard for vehicular traffic on all roads in McKean Township and imposes a financial burden upon the McKean Township taxpayers;

**WHEREAS**, after careful study and consideration, it is the intent of the McKean Township Supervisors to enact an ordinance that will regulate heavy trucks and equipment used in logging operations and oil and gas well drilling operations on all roads and rights-of-way within McKean Township and which will require any individual or entity intent upon engaging in a logging or oil and gas well drilling operation in McKean Township to construct an access road and landing area that will reduce or eliminate the amount of mud and debris carried onto any road from a logging or oil and gas well drilling site and eliminate damage caused by logging and oil and gas well drilling operations on rights-of-way within or adjacent to all roads of McKean Township.

**BE IT ENACTED AND ORDAINED** by the Supervisors of McKean Township, Erie County, as follows:

## **Section 1. Definitions**

Access Road. A new or improved driveway access and roadway onto a Township right-of-way installed for the purpose of providing ingress and egress from a logging or oil and gas well drilling site; or, an existing driveway access and roadway that has been inspected by the Township's Roadmaster or the permit officer of the Department of Transportation and found to be usable for logging truck or heavy truck use.

Landing Pad. A 20' x 60' pad constructed of stone or similar material as specified herein that begins no closer to the centerline of the road than the township right-of-way and on which the logger will conduct all loading operations so that no loading of logs will be done within the township right-of-way and so that no damage will occur nor any debris remain in the township right-of-way.

## **Section 2. Regulations**

A. It shall be unlawful for any individual, partnership, corporation, association, institution, cooperative enterprise or legal entity to conduct logging or oil and gas operations on any road or road right-of-way within or adjacent to the township without first complying with all the provisions of this ordinance and without securing a certificate as provided hereunder.

B. It shall be unlawful for any individual partnership, corporation, association, institution, cooperative enterprise or legal entity including, but not limited to, those engaged in logging or oil and gas well operations to move any trucks, vehicles or heavy equipment onto or off of any road or right-of-way within the township for the purpose of logging or oil and gas well drilling within the township or where logging or oil and gas well drilling operations would have to use roads or road rights-of-way on boundary line roads without first having constructed an access road and/or landing area in compliance with the specifications provided for herein; or, without having received permission to use an existing permitted driveway access and roadway from either the McKean Township Roadmaster or the permit officer of the Pennsylvania Department of Transportation.

C. Any applicant for a Logging or Oil and Gas Well Drilling Certificate must state in the certificate application that an access road and/or landing area for a logging or oil and gas well drilling site is needed for a logging or oil and gas well drilling operation and must attach a map to its application showing the exact location of the proposed access road on the property owners plot. The applicant logger or oil and gas well driller applicant must complete the driveway permit application form and pay the separate standard driveway permit fee as established from time to time by the Board of Supervisors. This fee is due and payable prior to the installation of the driveway and must be paid even if the driveway will be subsequently removed when the logging or oil and gas well drilling operation is complete.

D. Any applicant must state in its certificate application the exact road or roads it intends to travel upon in going to or from any logging or oil and gas well drilling site and shall further determine the total miles of township maintained roads to be traversed in one direction for each logging or oil and gas well drilling site for which a Logging or Oil and Gas Well Drilling Permit is sought.

E. The cost of the Logging or Oil and Gas Well Drilling Certificate shall be in accordance with a fee schedule established by the McKean Township Supervisors.

F. Access roads and landing pads for a logging or oil and gas well drilling site shall be constructed by using not less than a twenty (20) foot wide PennDOT approved Type 4 separation fabric or an equivalent fabric as approved by the McKean Township Roadmaster, which shall be covered by a minimum of twelve (12) inches of very coarse ballast or crushed stone which will provide a foundation for the heavy weight of logging trucks or other vehicles and/or machinery and that will help remove mud and debris from truck tires before trucks enter upon the roadway. At the logger or oil and gas well driller's option and with the permission of the McKean Township Roadmaster, the logger or driller may substitute slab wood for the separation fabric. If slab wood is substituted, it must be installed with no space between the slabs and be continuous from the road ditch through the landing pad. Slabs must be of sufficient thickness to support the heavy vehicle weights and must not be shaky or punky. Should the landing pad be not immediately adjacent to the right-of-way, then the access road shall be constructed as herein described from the road ditch to the landing pad unless the landing pad is more than 150 feet from the right-of-way. There shall be no construction requirements for landing pads located 150 feet or more from the township right-of-way except that coarse ballast or crushed stone must be used as necessary near the driveway access to the road in order to help remove mud and debris from the truck tires prior to entry upon the roadway.

G. Loggers, logging truck drivers, heavy equipment, and heavy equipment drivers shall take all necessary precautions to remove mud and other debris from truck tires prior to entry upon roadways. Should mud or other debris be deposited upon any roadway within the township as a result of the logging or oil and gas well drilling operation, the logger or driller must take immediate action to remove such mud from the roads. Failure to immediately remove mud and debris from the roadways within the township, shall be considered a violation of this ordinance and shall be subject to the penalties provided for herein.

H. The Supervisors of McKean Township may in their discretion, when it is necessary for the protection of the township roads, prohibit the construction of access roads within the township roads and rights-of-way, prohibit the construction of access roads within the township or prohibit the use of heavy hauling equipment on township roads and rights-of-way during the period each year from February 15<sup>th</sup> through May 15<sup>th</sup>.

**Section 3. Penalties**

I. Any person violating this Ordinance or the rules, regulations or standards hereunder shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of Three Hundred Dollars (\$300.00) and costs, and, in default of the payment of such fine and costs, shall undergo imprisonment for not more than thirty (30) days. Violations on separate days shall be considered separate and distinct offenses.

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2006 by a majority vote of the Supervisors of McKean Township, Erie County, Pennsylvania.

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James Guckes, Chairman

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Edward L. Hess

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John L. Dombrowski

ATTEST:

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Janice T. Dennis, Secretary