

**South Fayette Township
Resolution No. 19**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH FAYETTE TOWNSHIP STATING
OPPOSITION TO PENNSYLVANIA PROPOSED HOUSE BILL NO. 1950.**

WHEREAS, the Pennsylvania Oil and Gas Act regulates the development of oil and gas in the state of Pennsylvania;

WHEREAS, Pennsylvania's Municipalities Planning Code ("MPC") allows municipalities to enact, amend, and repeal zoning ordinances to provide for the orderly development of the economic needs of the municipality and to protect the health, safety, and welfare of its residents;

WHEREAS, the current Pennsylvania Oil and Gas act does not preempt a municipality's rights to provide for the zoning of oil and gas activities;

WHEREAS, South Fayette Township has had in place an Oil and Gas Ordinance that serves to stride a balance between the health, safety and welfare of our Township residents with the ability to undertake gas operations within our Township borders;

WHEREAS, various drilling companies have complied with this Ordinance and procedure and drilling and related oil and gas activities have and continue to take place in the Township;

WHEREAS, proposed Pennsylvania House Bill No. 1950 is an attempt by the Pennsylvania State Legislature to expressly supersede and preempt all local rules, regulations, codes, agreements, resolutions, ordinances and other local enactments that regulate oil and gas operations;

WHEREAS, proposed Pennsylvania House Bill No. 1950, which passed the Finance House Committee on Wednesday, November 2, 2011, serves to deprive municipalities of longstanding zoning powers in favor of statewide control of the location of oil and gas related activities in the Township;

WHEREAS, the Pennsylvania Supreme Court, in recognition of the fact that local municipal officials are in the best position to determine "where" drilling activities should occur in the Township held, "While effective oil and gas regulation in service of the (Oil and Gas) Act's goals may require the knowledge and expertise of the appropriate state agency, the MPC's

authorization of local zoning laws is provided in recognition of the unique expertise of the municipal governing bodies to designate where different uses should be permitted in a manner that accounts for the community's development objectives, its character, and the 'suitabilities and special nature of particular parts of the community'";

WHEREAS, the Commonwealth of Pennsylvania has not performed any studies about the potential chronic and long-term health effects associated with living near drilling sites, frac ponds, compressor stations or processing plants;

WHEREAS, the Commonwealth of Pennsylvania has not performed any studies about the potential for industry activity to impact the value of homes, issues with securing mortgages, or potential future development of the Township, all of which may affect the health, safety and welfare of the public including the Township's growth and tax base;

WHEREAS, the Pennsylvania State Legislature stated its intended purpose is to create uniformity for the drill industry;

WHEREAS, the Pennsylvania State Legislature fails to account for differences in each municipality including topography, population, and reliance on well water as a primary water source;

WHEREAS, the Pennsylvania State Legislature fails to take into consideration that "uniformity of rules" is not the equivalent of "Uniformity of location," "where" drilling activities take, as each municipality has different industrial, commercial, and residential population centers, development and comprehensive plans that can and will be thwarted by the state denying municipalities long-standing zoning powers that allows the Township to foster the Community's development objectives.

WHEREAS, the Pennsylvania State Legislature failed to look to the municipalities where drilling is occurring for input and has ignored the lessons learned from other states with prior shale drilling activities, such as Texas which allows for and has certain local municipal oversight of oil and gas drilling activities in their communities that have not been detrimental to the oil and gas industry's ongoing operations.

NOW THEREFORE, BE IT RESOLVED, that South Fayette Township Board of Commissioners does hereby officially express its complete and unfettered opposition to Pennsylvania H.B. 1950 that serves to circumvent current Pennsylvania law and long-standing zoning powers set forth by the Pennsylvania Municipalities Planning Code.


IT IS FURTHER RESOLVED, that South Fayette Township joins in a letter of opposition to Pennsylvania House Bill 1950 as part of the Marcellus Municipal Cooperative made up of eighteen (18) local municipalities.

SECTION 1. Effective Date. This policy shall become effective immediately.

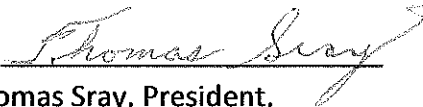
DULY RESOLVED THIS 19th DAY OF December, 2011, by the Board of Commissioners of South Fayette Township, Allegheny County, Pennsylvania in lawful session duly assembled.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE



Marshall W. Bond, Interim Township
Manager

By, 

Thomas Sray, President,
Board of Commissioners