

FRANKLIN TOWNSHIP ORDINANCE

AN ORDINANCE REGULATING THE CONSTRUCTION OF ACCESS ROADS TO OIL AND GAS WELL DRILLING SITES WITHIN FRANKLIN TOWNSHIP, PROVIDING PERMITS THEREFORE, PROVIDING BONDING REQUIREMENTS FOR THE USE OF TOWNSHIP ROADS BY OIL AND GAS WELL OPERATORS, AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, for the maintenance and protection of roads within Franklin Township, it is necessary that certain precautions be taken and specifications fulfilled in installing access roads to oil and gas well drilling sites.

WHEREAS, it is the intention and desire of the Franklin Township Supervisors to take such action as will reduce or eliminate the damage to all roads in Franklin Township caused by mud and debris being carried onto said roads by individuals, partnerships, corporations, associations, institutions, cooperative enterprises or other legal entities including, but not limited to, oil and gas operators in drilling or servicing oil and gas wells within or adjacent to Franklin Township.

WHEREAS, the use of heavy drilling and servicing equipment on all roads in Franklin Township and the carrying of mud and debris from well or construction sites onto all roads in Franklin Township, if not properly regulated, creates a safety hazard for vehicular traffic on all roads in Franklin Township and imposes a financial burden upon the Franklin Township taxpayers.

WHEREAS, after careful study and consideration, it is the intent of the Franklin Township Supervisors to enact an Ordinance that will regulate the use of the Township roads by heavy trucks and equipment used for the drilling and servicing of oil and gas wells and which will require any individual or entity intent upon drilling or servicing oil and gas wells in Franklin Township to

construct an access road that will reduce or eliminate the amount of mud and debris carried onto any road from the various well sites.

AND NOW THEREFORE BE IT ORDAINED as follows:

A. It shall be unlawful for any individual, partnership, corporation, association, institution, cooperative enterprise or legal entity including, but not limited to, oil and gas operators, to make an access road cut into any road within the Township, without first complying with and securing a permit as provided for hereunder.

B. It shall be unlawful for any individual, partnership, corporation, association, institution, cooperative enterprise or legal entity including, but not limited to, oil and gas operators, 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 drilling or servicing any oil or gas well without first having constructed an access road in compliance with the specifications provided for herein.

C. Any applicant for an access road permit must state in the permit application that the desired use is an access road to an oil or gas well drilling site and must attach a map to its application showing the exact location of the proposed access road.

D. Any applicant must state in its permit application the exact Township road or roads that it intends to travel upon in going to or from any oil or gas well drilling site and shall further determine the total miles of Township roads to be traversed in one direction in servicing each oil or gas well drilling site for which an access road permit is sought.

E. The cost of the permit shall be in accordance with a fee schedule established by the Franklin Township Supervisors.

F. All access roads to oil and gas well drilling sites shall be constructed by using not less than a twenty (20) foot wide Dupont Typar fabric cloth or an equivalent fabric as approved by Franklin Township Superintendent which cloth shall be covered by a minimum of sixteen (16) inches of ballast or crushed stone. All such access roads shall be constructed from the roadway to the well site, in accordance with the landowner and producers agreement.

G. The Supervisors of Franklin Township shall at their discretion, where it is necessary for the protection of Township roads, require that a cash bond be posted by the oil and gas operator in the sum of Three Thousand Dollars (\$3,000.00) per mile, or part of a mile, of Township road to be traveled upon, all or part of which shall be forfeited to Franklin Township in an amount necessary to repair any Township road or property which is damaged as a result of the moving of trucks and heavy equipment across said Township roads.

1) Franklin Township shall notify the oil and gas operator of the forfeiture, the amount of the forfeiture, and the reason of the forfeiture, as well as any other information that the Township Supervisors would feel to be relevant. Said notice shall be mailed by registered mail to the oil and gas operator's principal place of business or any office from which said oil and gas operator conducts business in the State of Pennsylvania. Said operator thereafter shall have ten (10) days in which to appeal the action of the Township Supervisors. Upon receipt of any such appeal, the Township Supervisors shall conduct a hearing at which time the Township will present evidence documenting the fact that the Township roads or property have been damaged as a result of the operator's trucks and heavy equipment moving across said Township roads and the

cost incurred by the Township in restoring the roads or property to its condition prior to said damage. The operator will then have the opportunity to show cause if any there may be as to why the forfeiture should not be set aside in full or part.

H. Upon written notification from the applicant to the Township Supervisors that they have completed a particular phase of development, construction or drilling, and that vehicles or equipment in excess of a five (5) ton gross vehicle weight will not be used further in the construction, development, or servicing at the well site, then the Township Supervisors shall cause an inspection of the well site and access road to be made and if after reasonable investigation, within a period not in excess of ten (10) days from the written request, it appears that no damage has been sustained to the Township road, right-of-way, or other property, then the Township Supervisors shall cause the cash bond to be returned to the applicant. Nothing referred to herein shall in any way prohibit the applicant from reapplying for an additional permit for the same well or wells or the imposition of a new cash bond in the event that it becomes necessary or desirable for the applicant to perform additional construction, development or servicing of said well or wells.

I. Nothing contained herein shall be deemed to prevent the Township from commencing any action at law or equity against any individual or entity in order to recover the full amount of any loss that it may suffer or to seek any other remedy.

J. The Supervisors of Franklin 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 right-of-way during the period of spring thaw. (approximately from March 15th to May 15th).

K. Any person violating this Ordinance of the rules, regulations, or standards hereunder shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than three hundred dollars (\$300) 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 under Section K of this Ordinance.

ORDAINED AND EXACTED into law by the Board of Supervisors of Franklin Township, this 13 day of June, 1984.

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS

BY: John Sacha

BY: _____

BY: Herbert H. Ryth

ATTEST:

Doranne R. Horn.