

NOCKAMIXON TOWNSHIP

Bucks County, Pennsylvania

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Nockamixon Township, Bucks County, Pennsylvania ("Township"), at a meeting held on Wednesday, May 20, 2009 at 8:00 p.m. at the Nockamixon Township Building located at 589 Lake Warren Road, Ferndale, Pennsylvania 18972, will hold a hearing to receive additional comment and public testimony regarding a proposed Ordinance amending Chapter 234 of the Code of Ordinances of the Township ("Code") pertaining to zoning in the Township to revise regulations relating to the use of land for direct recovery and extraction of subsurface oil and gas; to incorporate related severability clause provisions; and to provide requirements for the use in the event that section 234-23 R, subsections 1-7 are declared invalid and are not severed. The proposed Ordinance amends of Section 234-23 R, G-18 Recovery of Subsurface Gas and Oil Deposits of the Code ("Section") by adding, immediately after the current subsection 7, subsection 8., which provides for the severability of the provisions of Section 234-23 R. The proposed Ordinance amends the Section by adding, immediately after the new subsection 8 set forth above, a subsection 9. which provides that in the event a court of competent jurisdiction invalidates all of subsections 1 through 7 of the Section and/or refuses to sever any of such subsections, use G-18, as described in the Section 234-23 R shall be permitted, subject to certain requirements which, in summary, include: the purposes of the Section are to provide for the health, safety and welfare of Township residents and their property in the Township, to establish zoning permit procedures for the extraction of oil and gas deposits; to facilitate land use that protects the character of the community; to advance Township interests in land development and use, consistent with various related concerns; that use G-18 is permitted as a principal use upon conditional use approval, limited to only the I, Industrial, and Q, Quarry zoning districts, subject to the terms of subsection R; that prohibits use G-18 as a principal use on property subject to certain easements, conditions or restrictions; that only upon evidence of satisfaction of certain applicable governmental and regulatory procedures, provisions and requirements, may the use G-18 occur, be granted conditional use approval and be issued certain permits; that an applicant submits an application, site plan and necessary documents to satisfy subsection R; that all subsequent activities in connection with use G-18 after application approval shall conform with the site plan, decisions, conditions, zoning permit and standards of subsection R; that in the case that subsection R conflicts with another applicable ordinance, law, rule or regulation, the more restrictive provision applies. The proposed Ordinance states that in the event that Township Ordinance No. 126 and/or Ordinance No. 129 (together, "Prior Ordinances") are/is invalidated by a court of competent jurisdiction, and such court refuses to sever any provisions of the Prior Ordinances, Section 234-23, Industrial Use Regulation of the Code shall be amended to contain a subsection R which establishes use G-18 Recovery of Subsurface Gas and Oil Deposits, related to direct on-site drilling as such term is defined in 58 P.S. § 601.101, et. seq., and related regulations; and such amendment does not involve recovery or removal of other subsurface materials covered by use G-11 and shall be permitted, subject to certain requirements which, in summary, include: the purposes of the Section are to provide for the health, safety and welfare of Township residents and their property in the Township, to establish zoning permit procedures for the extraction of oil and gas deposits; to facilitate land use that protects the character of the community; to advance Township interests in land development and use, consistent with various related concerns; that use G-18 is permitted as a principal use upon conditional use approval, limited to only the I, Industrial and Q, Quarry zoning districts, subject to the terms of subsection R; that prohibits use

G-18 as a principal use on property subject to certain easements, conditions or restrictions; that only upon evidence of satisfaction of certain applicable governmental and regulatory procedures, provisions and requirements, may the use G-18 occur, be granted conditional use approval and be issued certain permits; that an applicant submits an application, site plan and necessary documents to satisfy subsection R; that all subsequent activities in connection with use G-18 after application approval shall conform with the site plan, decisions, conditions, zoning permit and standards of subsection R; that in the case that subsection R conflicts with another applicable ordinance, law, rule or regulation, the more restrictive provision applies. The proposed Ordinance further provides that, in the event of invalidation of the Prior Ordinances by a court of competent jurisdiction, and such court refuses to sever any provisions of the Prior Ordinances, the following, in summary, shall occur: Section 234-31.D Off-Street Parking Requirements of the Township's zoning ordinance shall be amended to include certain use and off-street parking space requirements; Sections 234-45.A(2) and 234-47.A(2) of the Township zoning ordinance shall be amended to permit use G-18, Recovery of Subsurface Oil and Gas Deposits as a principal use upon conditional use approval; and the Table of Use Regulations of the Township zoning ordinance shall be amended to include use G-18, Recovery of Subsurface Oil and Gas Deposits, designated permitted by the letter "C" in only the I, Industrial and Q, Quarry zoning districts. The proposed Ordinance states that all provisions of other ordinances or resolutions of the Township, inconsistent with the proposed Ordinance, are repealed in so far as they are inconsistent, without affecting all other provisions of the ordinances or resolutions of the Township, which shall remain in full force and effect. The proposed Ordinance contains a severability clause and states that the proposed Ordinance shall be effective five days after enactment.

At the public meeting after the hearing, the Board of Supervisors may consider enactment of the proposed Ordinance.

Copies of the proposed Ordinance are available for inspection at the Nockamixon Township Building; and have been filed with the Bucks County Law Library, Courthouse, Doylestown, Pennsylvania, and at the offices of The Intelligencer newspaper, all during normal business hours, Monday to Friday.

Jordan B. Yeager, Esquire
Solicitor to Nockamixon Township
Curtin & Heefner LLP
Heritage Gateway Center
1980 South Easton Road, Suite 220
Doylestown, PA 18901