

**EAST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 05 of 2015

AN ORDINANCE PURSUANT TO ARTICLE V, SECTION 505 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING THE CODE OF ORDINANCES OF EAST BRADFORD TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE PROVIDING FOR PLAN SUBMISSION, BUFFER, SETBACK, SIGNAGE AND LANDSCAPING PROVISIONS FOR NEW DEVELOPMENT ADJACENT TO TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.

Section 1. The Code of the Township of East Bradford, Chapter 95 thereof, being the East Bradford Township Subdivision and Land Development Ordinance, Article II, Definitions, §95-4, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

PIPELINE – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

TRANSMISSION PIPELINES – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

Section 2. The Code of the Township of East Bradford, Chapter 95 thereof, being the East Bradford Township Subdivision and Land Development Ordinance, Article IV, Plan Requirements, §95-13.C., Preliminary Plan, is amended as follows:

C.(2)(d) The locations, center line rights-of-way, limits of easements and dimensions of all existing streets, roads, railroads, sewers and sewage systems, drain fields, aqueducts, water mains and feeder lines, fire hydrants, all transmission pipelines (gas, oil or other), electric transmission lines, watercourses, buildings, sources of water supply and other significant man-made features within the property or within 400 feet of any part of the property proposed to be developed or subdivided.

Section 3. The Code of the Township of East Bradford, Chapter 95 thereof, being the East Bradford Township Subdivision and Land Development Ordinance, Article V, Development Design Standards, is amended by adding a new section, §95-35.1, to read as follows:

§95-35.1 Buffer Standards and Setbacks from Transmission Pipelines

A. Purpose

The purpose of this section is to prevent and minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines and ensure consistency with the intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.
- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, among them Federal Energy Regulatory Commission (FERC) standards, the Pennsylvania Oil and Gas Act (as amended), and Pennsylvania case law.

B. Applicability

- (1) Setbacks. New residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; such uses shall be set back from natural gas compressor stations or other surface land uses affiliated with transmission pipelines a minimum of seven hundred and fifty (750) feet or five hundred (500) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines, whichever is greater. Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within two hundred (200) feet of any pipeline right-of-way. While these setbacks originated in amendments to the PA Oil and Gas Act (Act 13 of 2012), the Township intends to monitor emerging science on setback safety and revise these standards periodically. Where yard area or other setbacks of the underlying zoning district contradict these standards, the larger of the setbacks shall apply.

Setbacks may be modified by the Township pursuant to the type of material being transported in the pipeline, the type of use being proposed for the site, and the current status of science regarding safety protocols in proximity to pipelines or surface land uses affiliated with transmission pipelines. The Township shall, on a case-by-case basis

determine whether increased setbacks are warranted consistent with the "Potential Impact Radius" (PIR), defined by the relationship between the diameter of the adjacent pipeline and its maximum operating pressure (see 115 Attachment 1), whether high on-site populations are proposed (often referred to as High Consequence Areas), and whether more than one transmission pipeline (such as coupled lines) exist (or are proposed). The PIR approach is applicable only to "gas" or "petroleum gas" transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2 shall adhere to the setback standards contained in this subsection.

No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

- (2) Consultation zone. Any application, other than those surface uses affiliated with transmission pipelines, for new residential structures and all commercial, industrial and institutional uses (whether Class 1, 2, 3 or 4 locations pursuant to Exhibit 1), proposed within six hundred sixty (660) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that:
- (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
 - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
 - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within six hundred sixty (660) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the local Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshall may also require submission of plans for review and approval where deemed appropriate.

- C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-or-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance and Chapter 115.

- D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.


Section 4. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and ORDAINED this 10th day of MARCH, 2015

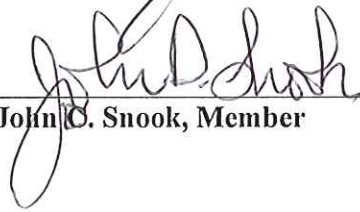
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