



Allegheny County Council

County of Allegheny
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Legislation Text

File #: 8659-14, **Version:** 1

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, supplementing the Administrative Code of Allegheny County, Part 7, "Properties" and creating a new Article 707, entitled "County Parks", to enact a hold on drilling and exploration for natural gas on Allegheny County park land, with the exception of Deer Lakes Park.

WHEREAS, it is stated in the Pennsylvania Constitution, Article I, Section 27, that the "people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As Trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people"; and

WHEREAS, park land is held in public trust and is a place for citizens to experience the natural environment and restore their spirits; and

WHEREAS, the Allegheny County Council under the Home Rule Charter, Article IV, Section 2 (k), is charged with land use decisions involving County-owned property; and

WHEREAS, in line with the Pennsylvania Constitution and the Charter, we view our role as stewards of Allegheny County for today's citizens as well as future generations; and

WHEREAS, in August 2013 the Environmental Quality Board recommended new regulations for approval by the Pennsylvania Department of Environmental Protection in accordance with the 2012 Oil and Gas Act, but because final approval has not yet been granted, the parameters of the proposed regulations are not yet known; and

WHEREAS, it is the judgment of Council that a hold on natural gas exploration and drilling on County Park land with the exception of Deer Lakes Park should be enforced for a period of time during which a thorough examination of the risks and liabilities shall be performed.

The Council of the County of Allegheny hereby enacts as follows:

Section 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

Section 2. Creation of Article 707.

Part 7 “Properties” of the Administrative Code of Allegheny County is hereby amended through the creation of a new Article 707 as follows:

ARTICLE 707
Natural Resources

§5-707.01. County Parks

The County of Allegheny hereby imposes and shall remain in compliance at all times delineated herein with a hold on drilling, exploration, leasing or other contract authorization, negotiation or execution, or surface or subsurface development relation to natural gas extraction on or under or relating to any County-owned property located within the boundary of or contiguous to any County Park. Such hold shall become effective upon the date of final approval of this ordinance, and shall remain in force until all of the following conditions are met:

A. No less than two calendar years elapse from the first day of the first month in which the County receives a royalty payment pursuant to the terms of the lease of County owned gas rights under Deer Lakes Park authorized by Council on May 6, 2014 via enactment of Bill No. 8182-14 Ordinance, Enactment No. 05-14-OR; and

B. The County conducts and makes available to the public an analysis of the economic costs and benefits of drilling operations in and around Deer Lakes Park, with such analysis to include the cost of all maintenance and repairs to County-owned infrastructure and other property within the boundaries of Deer Lakes Park or within 5 miles of any boundary of Deer Lakes Park, together with the costs of any environmental remediation conducted within 5 miles of any boundary of Deer Lakes Park; and

C. The County creates and makes available to the public a comprehensive record of the results of all air and water monitoring activities undertaken within Deer Lakes Park and/or within 5 miles of any boundary of Deer Lakes Park in relation to drilling operations, to be updated no less than once every 90 days; and

D. County Council receives and acknowledges possession of the materials described and makes available to the public in Subsections B and C above at a regular meeting of Council.

Under no circumstance shall the Chief Executive permit or initiate the issuance of any request for proposals, bids, or other solicitations, nor shall the Chief Executive undertake any negotiations or execute any lease, contract, memorandum of understanding, or any other contractual instrument, written or verbal, regarding the leasing of County owned natural gas rights, except from Deer Lakes Park, nor shall County Council authorize the pursuit of any such lease, contract, memorandum of understanding or other contractual instrument, prior to the satisfaction of all conditions described in Subsections A through D.

Section 3. This Ordinance shall become effective immediately upon approval.

Section 4. *Severability.* *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

Section 5. *Repealer.* *Any Resolution or Ordinance or part thereof conflicting with the provisions*

of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: CITIZENS OF ALLEGHENY