

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP
CODE TO ADD A NEW CHAPTER _____ TITLED "PIPELINE
SATURATION ORDINANCE".**

WHEREAS, Article 1, Section 1 of the Pennsylvania Constitution reads as follows:

1. Inherent rights of mankind.

All men are born equally free and independent, and **have certain inherent and infeasible rights, among which are those of** enjoying and defending life and liberty, of acquiring, **possessing and protecting property** and reputation, and of pursuing their own happiness (emphasis added).

WHEREAS, Article 1, Section 2 of the Pennsylvania Constitution reads as follows:

2. Political powers.

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and infeasible right to alter, reform or abolish their government in such manner as they may think proper (emphasis added).

WHEREAS, Article 1, Section 25 of the Pennsylvania Constitution reads as follows:

25. Reservation of powers in people.

To guard against transgressions of the high powers which we have delegated, **we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate** (emphasis added).

WHEREAS, Article 1, Section 26 of the Pennsylvania Constitution reads as follows:

26. No discrimination by Commonwealth and its political subdivisions.

Neither the Commonwealth nor any political subdivision thereof **shall deny to any person the enjoyment of any civil right**, nor discriminate against any person in the exercise of any civil right (emphasis added).

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution reads as follows:

27. Natural resources and the public estate.

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 trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people (emphasis added).

WHEREAS, the Second Class Township Code, 53 P.S. §65101 et seq., (the "Code") was reenacted and amended on November 9, 1995.

WHEREAS, Section 607 (1) of the Code which sets forth the duties of Supervisors reads as follows:

Section 607. Duties of Supervisors.--The board of supervisors shall:

(1) Be charged with the general governance of the township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and **to secure the health, safety and welfare of the citizens of the township** (emphasis added).

WHEREAS, the Board of Supervisors of East Goshen Township ("the Board") finds that with the completion of the Sunoco Mariner East Project, East Goshen Township ("the Township") will be traversed by eleven natural gas and/or hazardous liquid pipelines (the "Pipelines").

WHEREAS, the location for most of the Pipelines was determined decades ago, when the Township was a rural township with much less density and a population of less than 1,000 residents.

WHEREAS, the Township is almost fully developed with over 18,000 residents.

WHEREAS, properties through which these Pipelines traverse that were once farms are now developed with single family homes, apartments, condominiums, life care facilities, businesses and commercial establishments.

WHEREAS, these Pipelines are in close proximity to these single-family homes, apartments, condominiums, life care facilities, businesses, commercial establishments, recreational facilities, churches and schools.

WHEREAS, the construction of a new pipeline necessarily involves sustained disruption to the residents of the Township.

WHEREAS, the Board finds that the installation of any new pipelines in the Township would infringe on Township resident's rights under Article 1, Sections 1, 2, 25, 26 and 27 of the Pennsylvania Constitution.

WHEREAS, each of the Board members took an oath of office to “**support, obey and defend** the Constitution of the United States and the **Constitution of this Commonwealth**” (emphasis added).

NOW THEREFORE, pursuant to the Board’s power to adopt ordinances necessary **to secure the health, safety and welfare of the citizens of the Township** pursuant to Section 1506 of the Second Class Township Code, 53 P.S. §66506, and pursuant to the aforementioned Sections 1, 2, 25, 26, and 27 of Article 1 of the Pennsylvania Constitution, the Board enacts and ordains as follows:

SECTION 1. A new Chapter ____ titled “Pipeline Saturation Ordinance” shall be adopted and codified in the East Goshen Township Code as follows:

“CHAPTER ____ PIPELINE SATURATION ORDINANCE.

§ ____ .1. Definitions.

The following words and terms shall, for the purposes of this chapter, have the meanings shown herein:

Existing Natural Gas Pipeline- a Natural Gas Pipeline that is existing or in the process of being constructed in the Township as of the Effective Date of this Ordinance.

Existing Hazardous Liquid Pipeline - a Hazardous Liquid Pipeline that is existing or in the process of being constructed in the Township as of the Effective Date of this Ordinance.

Hazardous Liquid Pipeline - any pipeline regulated by CFR Title 49, subtitle B, Chapter 1, subchapter D, Part 192

Natural Gas Pipeline – any pipeline regulated by CFR Title 49, subtitle B, Chapter 1, subchapter D, Part 195

Person – a human being, partnership, company, firm, corporation.

Repair - to fix, restore or mend an Existing Natural Gas Pipeline or Hazardous Liquid Pipeline.

Replace - to install a new Natural Gas Pipeline or Hazardous Liquid Pipeline in the same place of an Existing Natural Gas Pipeline or Hazardous Liquid Pipeline.

§ ____ .2. General Provisions.

After the Effective Date of this Ordinance, no Person shall construct a new Natural Gas Pipeline or Hazardous Liquid Pipeline within the boundaries of East Goshen Township.

§ __.3. Replacement of an Existing Natural Gas and Existing Hazardous Liquid Pipeline.

An Existing Natural Gas Pipeline and Existing Hazardous Liquid Pipeline within the Township may be replaced provided that the location of the replaced pipeline is confined to the same property or easement.

§ __.4. Repairs of an Existing Natural Gas and Existing Hazardous Liquid Pipeline

An Existing Natural Gas Pipeline and Existing Hazardous Liquid Pipeline may be repaired without any limitation.

§ __.5. Enforcement

- A. Any Person who violates or permits the violation of any provision of this ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this ordinance violated shall constitute a separate offense and each day or portion thereof in which a violation of this ordinance is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this ordinance shall be paid to the Township Treasurer.
- B. If any Person constructs or installs a Natural Gas Pipeline or Hazardous Liquid Pipeline in violation of this ordinance, the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such installation or construction.

SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such

unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective five days following enactment.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

David Shuey, Vice-Chairman

Michael P. Lynch, Member

Michele Truitt, Member

John Hertzog, Member