

VOTE NO
ON THE HOME RULE CHARTER AMENDMENT
THE TOWNSHIP CANNOT LEGALLY PROHIBIT ALL DRILLING

A proposed amendment to the Peters Township Home Rule Charter will appear on the November 8 ballot. This proposed change would, among other things:

- Prohibit gas drilling in Peters Township
- Prohibit the transportation of gas drilling materials through the township
- Prohibit fossil fuel infrastructure such as gas pipelines
- Exclude gas extraction companies from the protection of State Law and the US Constitution

While it is appealing to think that we can totally prohibit drilling, we cannot. **The provisions of this proposed amendment are illegal and unenforceable.** Worse, if implemented, the provisions will, without doubt, be challenged in court **subjecting the taxpayers of the township to potentially huge financial liability and leaving the township without the protections of its current mineral extraction ordinance.**

The proposed Home Rule Charter Amendment **violates:**

- **The Pennsylvania Oil and Gas Act**
This is a preemptive law that specifically **supersedes any and all local ordinances.** This law says that gas drilling is a permitted activity and specifically assigns responsibility for environmental protection to the PA Department of Environmental Resources
- **US Constitution 5th and 14th Amendments**
These amendments **prohibit the taking of private property** (the value of gas and lease rights, for example) without due process of law and prohibit the taking of private property without just compensation.
- **Pennsylvania Constitution**
Prohibits the illegal taking of private property
- **Numerous PA Supreme Court rulings**
Numerous rulings have **upheld the PA Oil and Gas Act** and have defined what municipalities may and may not regulate with regard to gas drilling
- **PA Municipalities Planning Code**
This State statute **requires** the reasonable development of oil and gas and requires that any zoning regulation (which is what regulation of gas drilling is) be enacted by the governing body of a township (Township Council)
- **Home Rule Charter**
Specifically states that the Township **may not** regulate things broadly regulated for the state (such as gas drilling)

Peters Township Council in August enacted a very stringent Mineral Extraction Ordinance that regulates 30 specific aspects of gas drilling. **These regulations cover everything the township can legally regulate.** This is all the Township can legally do.

Vote NO to the proposed amendment. It is absolutely **illegal** and **unenforceable.** It will vacate the existing protection that the township now has and will potentially subject the township to huge legal expense and possible huge financial liability for illegal taking. **This can run into many millions of dollars.**