



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Text File

Introduced: 4/3/2012

Bill No: 2012-0273, **Version:** 1

Committee: City Council

Status: Adopted

Whereas, on February 14, 2012, the State Legislature enacted Act 13, legislation that is to the detriment of local government and to those who reside in Pennsylvania's 2,661 municipalities; and,

Whereas, Act 13 allows for oil and gas development activities as a permitted use in every zoning district; it infringes upon the rights of affected local governments throughout the Commonwealth to protect the health, safety, and welfare of its citizens, as the City of Pittsburgh did by enacting a ban on drilling; and,

Whereas, any local ordinance that *may* impact the Oil & Gas industry must receive approval from the Pennsylvania Public Utility Commission, a non-elected body, and the Commission has the authority to, among other things, bring lawsuits against local governments on behalf of private parties, and in doing so renders moot the ability of affected local governments throughout the Commonwealth to implement and effectuate local community-wide comprehensive planning and zoning codes; and,

Whereas, this legislation strips away *all local zoning and planning authority* from affected local governments, as it would apply *only* to the *Oil & Gas* industry. All others, be they corporate, institutional or governmental must still abide by local zoning and planning ordinances; and,

Whereas, despite the profound changes in the character of Pennsylvania's municipal landscape, economy and its government is experiencing, little was done to address these changes in Act 13. There were no meaningful transparent discussions between state and local government; and,

Whereas, the Oil & Gas industry is engaged in a drilling campaign in Pennsylvania and has unduly influenced state elected officials enabling them to provide and legislate for the path of least resistance to the riches that lie beneath the Commonwealth; and,

Now, Therefore Be It Resolved That The Council Of The City Of Pittsburgh Does Hereby Convey This Will of Council To The State Assembly & Governor Of Pennsylvania:

The Council of the City of Pittsburgh stands in opposition to Act 13. It removes the ability of affected local governments to legislate, as the City of Pittsburgh has, in a manner that protects the health, safety, and welfare of its citizens. We oppose the conveyance of special rights to one entity, to the detriment of the rights and privileges of *all* others.

Act 13 violates both the Pennsylvania and U.S. Constitutions, creating a zoning scheme in affected municipalities that supersedes the protections local officials are sworn to uphold; the health, safety and welfare of its residents. Act 13 strips away *all local zoning and planning authority* from affected local governments, as it would apply *only* to the *Oil & Gas* industry, thereby forcing the abdication of the affected local government's

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moral and legal obligation to protect the health, safety, and welfare of the people of the Commonwealth.

Be It Further Resolved that the Council of the City of Pittsburgh joins with many other municipalities and local elected officials in their opposition to the passage of Act 13 and conveys to the State Assembly opposition to the stripping of local zoning and planning authority from affected local governments. The City of Pittsburgh took action to regulate the Oil & Gas industry through the enactment of enforceable legislation banning drilling, and Act 13 would strip affected local governments of the ability to similarly protect their citizens through appropriate, necessary and legal legislation. We therefore endorse the efforts of the municipalities challenging the validity of Act 13, Cecil Township, Mount Pleasant Township, Nockamixon Township, Peters Township, Robinson Township, South Fayette Township and Yardley Borough.