

GRADING, EXCAVATIONS & FILLING

Chapter 84¹

GRADING, EXCAVATIONS AND FILLING

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¹ Editor's Note: Former Ch. 84, Grading, Excavations and Fill, adopted 11-8-1978 as Ord. No. 512, as amended, was repealed 9-8-1982 by Ord. No. 588.

§ 84-20. Liability.**§ 84-21. Conflict with other provisions.****§ 84-22. Environmental impact statement.**

[HISTORY: Adopted by the Board of Commissioners of the Township of North Huntingdon 12-8-1993 as Ord. No. 841. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 65.

Excavations in streets — See Ch. 76.

Streets and sidewalks — See Ch. 119.

Subdivision of land — See Ch. 122.

Zoning — See Ch. 135.

§ 84-1. Title.

This chapter shall be known and cited as the "Township of North Huntingdon Grading, Excavations and Filling Ordinance."

§ 84-2. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard persons and property; to protect and promote the public welfare by regulating the design, construction, quality of materials, use, locations and maintenance of grading, excavation, embankment and fill; and to prevent excess erosion, hazardous rock and soil slippage sediment production and other soil and water management problems. This chapter shall also regulate the surface treatment of land and the handling and transportation of certain materials over public streets and ways.

§ 84-3. Definitions and word usage.

- A. The present tense shall include the future; the masculine shall include the feminine and neuter; the singular includes the plural and the plural includes the singular; and when terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. The following terms shall have the meanings indicated when used in this chapter:

BEDROCK — Natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surficial deposits.

BUILDING PERMIT — A permit to construct or alter a structure pursuant to provisions of the Township of North Huntingdon currently in effect or as subsequently amended and as then in force.

CODE ENFORCEMENT OFFICER — That appointive employee of the municipality responsible for the enforcement of subdivision, building and related structural and land use codes in the municipality.

COMMISSIONERS — The elective legislative body of the municipality.

EMBANKMENT — A raised mass of soil, granular material, shale, rock or random material that presently exists or is proposed for construction above original ground.

ENGINEER, PROFESSIONAL — A person licensed by the Commonwealth of Pennsylvania to practice engineering and who is knowledgeable in the branch of civil engineering.

ENGINEER, TOWNSHIP — The professional engineer appointed by the Township of North Huntingdon and who will work in conjunction with the Code Enforcement Officer as required under the circumstances.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

EXCAVATING — Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, altered by blasting, uncovered, removed, displaced, relocated or bulldozed. "Excavating" shall not be interpreted to mean an act to remove subsurface minerals or other materials, which act takes place solely underground or by surface mining.

EXCAVATION — The end result of excavating.

FILL — The end result of filling.

FILLING — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location. A stockpile of material shall not constitute a "fill."

GRADE, FINISHED — The average elevation of the finished ground surface at the location of any proposed excavation, embankment or fill.

GRADE, ORIGINAL — The average elevation of the existing ground surface at the location of any proposed excavation, embankment or fill.

GRADIENT — The degree of inclination of a slope, expressed in terms of the percentage of the difference in the vertical elevation to the horizontal distance [e.g., a "gradient" of twenty-five percent (25%) means a difference in vertical elevation of twenty-five (25) feet in a horizontal distance of one hundred (100) feet].

GRADING — Excavating or filling of any combination thereof.

HAZARD — A danger or potential danger to life, limb or health or adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers, including air, noise or stream pollution.

INSPECTOR — A person employed or appointed by the Township of North Huntingdon and responsible for the inspection of land operations, grading or other operations as defined within this chapter or such person's authorized representative(s).

LAND OPERATION — An ongoing or completed operation and related activities involving or primarily connected with reshaping of land, including grading, removal of trees, vegetation or other natural ground cover; transportation of fill or other material for disposal purposes; and surfacing of land.

LAND OPERATIONS PERMIT — Any permit required under these regulations.

LAND RECLAMATION PROJECT — A land reclaiming or conservation undertaking, extending over a site of more than one (1) acre, involving a land operation (with or without an extracting industry) as a continuing activity over an extended period of time and which will leave the land suitable for reuse, either for new development or in a natural state as usable open space.

LANDSCAPE ARCHITECT — A person licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

MUNICIPALITY — The Township of North Huntingdon, its elected and appointed officials, employees or authorized agents.

PERSON — A natural person, but shall also include a partnership or corporation and its officers and their respective heirs, successors and assigns.

PLANNING COMMISSION — The appointive body of the Township of North Huntingdon who reviews and advises the Commissioners upon all matters related to planning, land use and development in the Township of North Huntingdon.

PREMISES — A tract or parcel of land with or without habitable buildings.

RETAINING WALL — A structure constructed for the purpose of supporting a cut or filled embankment which would otherwise not comply with the standards set forth in this chapter and which is more than four (4) feet in height as measured on the exposed vertical surface of the wall.

ROAD SUPERINTENDENT — The appointive employee responsible for the construction, operation and maintenance of roads and facilities owned and maintained by the municipality.

SITE — A lot, tract or parcel of land or a series of lots, tracts or parcels of land, joined together, where grading work is continuous, performed at the same time and covered by one (1) land operations permit.

SITE PLAN — A drawing or drawings which indicate details of existing and intended development of a particular site in relationship to its surroundings, including details of land use, topography, landscaping and structures.

STANDARDS — Those contained herein and those meanings and requirements in applicable municipal ordinances and county, state or federal law.

SURVEYOR, PROFESSIONAL — A person licensed to practice land surveying within the Commonwealth of Pennsylvania.

TOE OF SLOPE — The beginning point of any ascending slope or, in the case of excavation or fill on a slope, the lowermost point where the excavation or fill joins the exposed slope surface.

TOWNSHIP MANAGER — The individual empowered with the duties and responsibilities of administration of all municipal business and the person responsible for all monetary matters of the municipality.

TRANSPORTING OPERATION — The conveyance of materials for disposal or fill purposes from one site to another site.

§ 84-4. Permit required.

A land operations permit, which would be valid for a period of one (1) year from the date of issuance, must be obtained from the municipality for any planned land operation within the municipality where the nature, extent, volume, degree or quantity or any part of the operation exceeds the limits specified herein. One (1) permit may cover all land operations on the same site or premises if said operations would not exceed the permit time frame established at issuance. Permits for phases may be requested by the applicant for major planned developments. These developments would include but are not limited to a residential subdivision, a shopping center or an industrial park. Upon the expiration of the one-year permit above referenced, a new permit must be obtained, which said permit will start over with new quantities.

§ 84-5. Ordinary repairs and maintenance.

- A. Ordinary repairs. Ordinary repairs and maintenance may be made to land operations controlled herein without application or notice to the municipality. Ordinary repairs or maintenance shall not include the complete removal and replacement of impervious surfacing material, the moving or placement of earth, as controlled herein, or the change in type of material, size or loading on all retaining walls, cribbing, structures, fences, drainage or appurtenances.
- B. Maintenance. The owner of the property in which a land operations project has been conducted shall be responsible for maintenance in good condition and repair of all retaining walls, cribbing, drainage, structures, fences, ground cover and other protective devices as established by permit; and further, the continued use of

said area shall be contingent upon the maintenance and upkeep, satisfactory to the municipality.

§ 84-6. Existing land operations.

- A. Application. Except as provided in this subsection, persons conducting land operations at the time of enactment of this chapter shall apply for a permit if the operation is altered in scope or involves transporting material on public roads or any operation which would not be completed within six (6) months from the effective date of this chapter. All such affected operations shall apply for a permit in compliance with this chapter within two (2) months of the effective date of this chapter.
- B. Damage or alteration under twenty-five percent (25%). The requirements of this chapter shall not apply, provided that within any twelve-month period, work constituting twenty-five percent (25%) or less in quantity of a land operation is undertaken for repair of damage beyond the owner's control or alteration subsequent to completion.
- C. Previous approval. Any land operations project controlled herein previously approved by the municipality shall be completed within twelve (12) months of the effective date of this chapter or the owner or approved agent shall apply for a permit in compliance with this chapter.

§ 84-7. Enforcement.

- A. General. The Township Engineer or, in his absence, an authorized agent shall enforce all of the provisions of this chapter and shall act on any question relative to the mode or manner of construction and the materials to be used in any land operations project controlled herein.
- B. Administrative procedures. The Township Manager shall, as may be necessary in the interest of public

safety, health and general welfare, establish administrative procedures to implement the provisions of this chapter to secure the intent thereof, but such procedures shall not have the effect of waiving any provision or requirement of this chapter.

C. Entry.

- (1) General. In the discharge of their duties, any authorized representative of the municipality or the surety shall have the authority to enter at any reasonable hour any site or premises regulated by this chapter to enforce the provisions contained herein.
- (2) Jurisdictional cooperation. The assistance and cooperation of all other officials and agencies in the municipality shall be available to the Township Engineer as required in the performance of his duties.

§ 84-8. Modifications after original permit issuance.

- A. Application. The owner or representative for a land operations project shall make a detailed written application to the Township Engineer for any change or deviation from the plans, specifications or description of work after original permit issuance.
- B. Written modification. The Township Engineer on the application request shall issue a modified permit, provided that the following does not apply:
 - (1) The spirit and intent of the law is being circumvented or that the public's safety assurance is in question.
 - (2) The requested modification is a change of twenty-five percent (25%) or more in the quantities.
 - (3) The requested modification involves a change on municipality-approved commercial site plan,

subdivision or other operation or project controlled by the Zoning and Subdivision/Land Development Ordinance in which access opening, size, location and landscaping of buildings, driveways, roadways, parking facilities and major drainage facilities would be affected.

- (4) The requested modification involves waiver of any condition or requirement of this chapter or applicable law as may be in effect at that time.

§ 84-9. Inspection.

- A. Preliminary inspection. The Township Engineer shall examine or cause to be examined all sites or premises for which an application for a land operations permit has been filed prior to issuing a permit.
- B. Accredited inspection services. If after review of the application, the Township Engineer recommends on-site inspection by an independent agency or if the Commissioners require such inspection as a condition of its approval, the Township Engineer shall require inspection of this type as a permit condition. Inspection by an independent agency selected by the applicant from a municipally approved list of the same will be required. The requirement of an independent agency will be only for unusually difficult situations where the inspection is beyond the capacity of the municipality. The inspection agent shall be a registered professional engineer or shall have at least five (5) years' experience in the type of work he is to inspect and under the direct supervision of a registered professional engineer. The inspection agent shall furnish inspection of the work as directed by the municipality. The services of the inspection agent shall be solely the owner's expense. The inspection agent shall submit periodic inspection reports to the municipality as prescribed in its approval. The municipality shall issue a stop-work order in the event of a failure in submittal of a prescribed inspection report or upon a finding of the

Municipal Engineer that the work is not safe, stable, workmanlike or in accordance with the owner's land operation plan approved by the municipality. In the event that the applicant's land operation plan encompasses work for improvements which are required as a condition of subdivision and/or land development approval, then, and in such event, the arbitration provisions of the Pennsylvania Municipalities Planning Code § 510(g) (53 P.S. § 10510) (Act of 1968, as amended by Act 170 of 1988, and as may thereafter be amended from time to time) shall control the subject land operations application.

C. Municipal inspection. In those instances where the nature of the work does not require the employment of an inspection agent, inspection shall be made at frequent intervals and at the following specific stages of the work by the Township Engineer or his authorized agents. These periodic inspections shall not constitute final approval of the work.

- (1) Initial. When work on the project is about to be commenced.
- (2) Rough grading. When all rough grading has been completed.
- (3) Drainage facilities. When drainage facilities are to be installed and before such facilities are backfilled.
- (4) Special structures. When excavations are completed for retaining and crib walls and when forms and reinforcing steel are in place, but before concrete is placed.
- (5) Final inspection. When all work, including the installation of all drainage and other structures, has been completed.

D. Inspection notification and reports. The permit holder shall notify the Township Engineer or his agent at least two (2) normal business days prior to the time the inspection is to be made. The Township Engineer shall

cause to be made and maintain a record of all such inspections and of all violations of this chapter. If, after proper notification, the Township Engineer shall fail to make the inspection, the permittee may proceed to continue work without additional delay.

§ 84-10. Application for permit.

A. When permit is required. A land operations permit must be obtained from the municipality in the following instances, except when included in the operations for which a permit is not required under Subsection B below. A single permit involving a single site may include any one (1) or all of the kinds of operations to be performed in connection with that site. When more than one (1) site is involved, such as excavating at the site and filling at another, separate permits for each site shall be required. Separate permits shall also be required for any transporting operation not involving a site in the municipality where the operation would otherwise require a permit under Subsection A(1) below.

- 1) Grading involving five hundred (500) cubic yards or more.
- (2) Grading involving less than five hundred (500) cubic yards will be subject to permit requirements under the following conditions:
 - (a) An excavation or fill, for any reason whatsoever, of five (5) feet or more in vertical depth at its deepest point, as measured from the natural ground surface of any slope with a gradient of twenty percent (20%) or more or a slope ratio greater than five to one (5:1).
 - (b) Any grading involving an area of two thousand five hundred (2,500) or more square feet for areas recognized by the Soil Survey of Westmoreland County, Pennsylvania, or better source as containing landslide-prone soils.

- (c) An encroachment on or alteration of an existing drainage channel, watercourse or wetland.
 - (d) In an easement for public sewer, water main, storm drain or any public utility in excess of two hundred (200) linear feet when said is not included or part of an approved subdivision and land development plan.
 - (e) Any area that, in the opinion of the Township Engineer, is subject to surface or subsurface drainage conditions that would adversely affect the stability of slopes on the site or adjacent properties.
- (3) Removal of trees, vegetation, topsoil or other natural ground cover:
- (a) Over an area in excess of ten thousand (10,000) square feet.
 - (b) On any slope with a gradient in excess of twenty percent (20%) or a slope ratio greater than five to one (5:1) when, in the opinion of the Township Engineer, the removal of such ground cover could affect the stability of the existing slope.
 - (c) On an area defined by Subsection A(2)(a) where topsoil will not be replaced to at least the thickness removed, and also Subsection A(2)(b).
 - (d) In an area of mature tree stand where fifty percent (50%) or more of the trees have an outer caliper measurement of fifteen (15) inches.
- (4) Surfacing and paving of land other than streets, roads or ways with hard surface or compacted nonpermeable material, such as asphalt, concrete or slag, with an area in excess of four thousand (4,000) square feet.
- (5) Transportation of any material for disposal or filling purposes over public streets not under maintenance

bond in excess of five hundred (500) cubic yards for an individual site.

B. When permit is not required. A land operations permit will not be required by this chapter for any of the following conditions:

- (1) Grading or paving for street improvement when a municipal road occupancy permit is required.
- (2) An excavation or fill below finished grade for basements, footings or foundations of single-family residential structures or any aboveground structure, swimming pool or underground structure, other than as provided in Subsection A(2)(a), when the grading is authorized by a valid building permit. A grading permit will not be required for the temporary stockpiling on the same site of the material from such excavation.
- (3) The normal moving of earth required for the conduct of farming and agricultural activities or for the grading or landscaping for single-family premises not exceeding one and one-half (1½) acres.
- (4) The normal moving of the earth for the maintenance activities undertaken by the Road Department under the direction and supervision of the Road Superintendent.

C. Form of application. Written application for a permit shall be made on a form prescribed for that purpose by the municipality and shall include such plans and detailed information as may be required in accord with application specifications adopted by the municipality.

- (1) Initial submission.
 - (a) The application shall include a plot plan identifying any site involved, with official street address, property dimensions and designation of deed book volume and page. Such plan shall also show existing and proposed buildings,

(except for single-family residential subdivisions) and other structures and adjacent streets and public or private property.

- (b) Plans or statements clearly describing the nature and extent of the operations and computations of quantities of grading shall be included so that necessary fees can be determined. All plan drawings shall be to scale and on prints no larger than thirty by forty-two (30 x 42) inches in size, on original reproducible, and one (1) copy shall be submitted. Major excavations shall submit an additional four (4) copies.
-) Subsequent submission. Additional information which the municipality may determine is necessary to evaluate the proposal shall be submitted if not included in the initial submission. This information may include but shall not be limited to the following:
 - (a) General plans showing the plan of work, cross sections, present and proposed contours, a description of any coal workings (known or which, after reasonable examination, can be ascertained), the location of utilities, sewers and drains, details of surface protection, walls, cribbing and other structures on the site.
 - (b) Specifications which shall set forth details of the work, such as materials, methods, procedures, insurance and estimated dates for starting and completing the work.
 - (c) Calculations by a registered professional engineer showing the safety of any existing or proposed earth-retaining structures and the design earth pressures for these structures.
 - (d) A subsurface investigation and evaluation by a registered professional engineer qualified in

soils engineering, including test borings, test pits and on-site visual evaluation.

- (e) Where a fill is involved, the following additional information may be necessary:
 - [1] A plan showing proposed preparation of natural ground surface by benching and by removal of topsoil, vegetation and other materials.
 - [2] A description of surface and subsurface drainage control.
 - [3] Results of stability analysis.
 - [4] A description of the kind of material to be used in fill.
 - [5] A description of intended moisture density control of fill.
 - [6] A description of the method of compacting fill and thickness of layers to be used in such compacting.
 - [7] A description of control tests to be made prior to and during the process of filling and the names of persons or agencies responsible for making the tests.
 - (f) An erosion and sedimentation control plan in conformance with applicable regulations, with a letter of approval from the Westmoreland County Conservation District.
- (3) Character of required data.
- (a) Drawings. All plans, other than plot plans, calculations and grading specifications, shall be prepared to scale and in approved size by a registered professional engineer or a registered landscape architect or a registered surveyor and shall be submitted with his seal.

- (b) Soil analysis. Unless otherwise approved by the municipality, any analysis and design pertaining to soils engineering or any required soil tests shall be made under the direction of a registered professional engineer practicing in that field of expertise.
- (4) Amendments to application. Subject to the limitations of § 84-8, Modifications after original permit issuance, amendments to the plan, application or other records accompanying the same may be filed at any time before completion of the work for which a permit is sought or issued, and such amendments shall be deemed part of the original application and shall be filed therewith.
- (5) Time limitation of application. An application for a land operations permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently prosecuted or a permit shall have been issued, except that for reasonable cause, the Township Engineer may grant one (1) extension of time for an additional period not to exceed ninety (90) days.

§ 84-11. Permit action, suspension, revocation and posting.

- A. Action on application. The Township Engineer shall examine or cause to be examined all applications for land operation permits and amendments thereto within a reasonable period of time, not to exceed sixty (60) days, after filing. If he so determines that the proposed work conforms to the requirements of this chapter and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application, in writing, stating the reasons for rejection.

- B. Suspension of permit. Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing work, except that the Township Engineer may, for reasonable cause shown by the applicant, grant one (1) or more extensions of time not exceeding ninety (90) days each. The applicant must submit a detailed written reason why an extension is justified prior to the expiration of the time limits specified herein.
- C. Revocation of permit. Whenever the work for which a permit has been issued is not being performed in conformity with the plans, specifications and descriptions filed with the application or when the conditions placed on a permit or project are not being observed or in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, the Township Engineer may revoke a permit or approval issued under the provisions of this chapter.
- D. Posting of permit. A true copy of the permit issued by the Township Engineer shall be displayed and maintained in a conspicuous place at the site, plainly visible to the general public from adjacent streets, and kept there for the duration of the operation. In the case of a transporting operation where a permit is not otherwise required in connection with an on-site land operation, the true copy of the permit issued shall be kept at each origin or destination site of the operation within the municipality, and each vehicle shall carry a replica of the permit for identification.

§ 84-12. Condition for issuance of permit.

- A. Payment of fees. A permit shall not be issued until the fees prescribed in § 84-15 have been paid.

- B. Bonds and certificate of insurance. A permit shall not be issued until the bonds and certificate of insurance prescribed in § 84-16 have been provided and approved by the Township Manager and Solicitor.
- C. Compliance with permit and plans. All work shall conform to the approved application and plans for which a permit has been issued and any approved amendments thereto.
- D. Prescribed conditions. In the interest of public health, welfare and safety, additional items may be appended to, stated on and made a condition of the work permitted. These conditions may include but shall not be limited to:
 - (1) A reasonable time limit for completion of the work.
 - (2) Limitations upon the hours of the day, days of the week for performance of the work covered by the permit and/or travel on public streets.
 - (3) Construction of additional drainage facilities, berms, terracing or cribbing.
 - (4) Tests of soil or other material used or involved in the operation, the results of which shall be made available as soon as possible to the municipality.
 - (5) Restrictions upon the size, type and number of pieces of equipment to be used, including trucks on public streets or thoroughfares.
 - (6) Planting of appropriate ground cover on slopes to provide retention of soil and to control erosion.
 - (7) On-site supervision of the work by a registered professional engineer or his representative when the work involves grading of a site where the average existing ground slope exceeds twenty percent (20%) or a slope ratio greater than five to one (5:1). A written daily log of the grading activity must be maintained by the engineer and submitted to the municipality upon request.

- (8) Immediate removal of debris deposited on public streets or thoroughfares or adjacent property as a result of this work.
 - (9) Compliance with applicable health and safety measures, including but not limited to adequate warning signs, traffic control, sanitary measures, environmental measures and applicable law.
- E. Additional safety precautions. If at any time the Township Engineer determines by inspection that the nature of the operation is such that further work as authorized by an existing permit is likely to endanger any property, person or public way, the Township Engineer, with the involvement of the Code Enforcement Officer as determined by the Township Engineer, may recommend and require, as a condition of allowing further work to be done, reasonable safety precautions be taken as the Township Engineer considers advisable to reduce such likelihood of danger. Such safety precautions may include but shall not be limited to specifying a flatter exposed slope or construction of additional drainage facilities, berms, terraces, compaction or cribbing. Implementation of these measures shall in no way relieve the permit holder of liability resulting from the operation.
- F. Commissioners action. A permit shall not be issued for any land operation involved in any conditional use or activity controlled by the Zoning or Subdivision/Land Development Ordinances,² as may be in force at that time, until such time as said conditional use or activity has received the requisite Commissioners approval as set forth in such ordinance. The Commissioners reserve the right to amend, modify or add to or delete the conditions or standards to be imposed at time of approval pertinent to the zoning or subdivision/land development approval,

² Editor's Note: See Chapters 135, Zoning, and 122, Subdivision of Land.

and these conditions or standards shall become part of the conditions of the permit issued under this chapter.

§ 84-13. Certificate of completion.

- A. Certification. Upon completion of the operation for which a permit has been obtained, the owner shall certify, in writing, to the municipality that the operation has been completed in compliance with the provisions of this chapter and the land operations permit issued pursuant thereto.
- B. Review. Upon receipt of notification by the owner as stated above, the Township Engineer shall forward within ten (10) days a request for comment and final review of the permit and work performed thereunder to the appropriate agencies, including but not limited to the Township Manager, Township Solicitor, Road Superintendent, the Soil Conservation District, any utility or authority affected by the operation and any party who has gone on record as an interested party affected by the operation. Said agencies/parties shall review and reply, in writing, to the Township Engineer within twenty (20) days after notice on whether or not the provisions of the permit have been complied with as it affects their jurisdiction.
- C. Issuance. If the municipality, after the above review, is satisfied that the work authorized by the permit has been satisfactorily completed in accordance with the requirements of this chapter and the permit issued hereunder, the Township Engineer shall issue a completion certificate covering such work to the applicant. A separate certificate shall be issued for each permit.
- D. Nonissuance. If the review in Subsection B yields information that the work has not been completed in compliance with the provisions of this chapter, the applicant will be denied the certificate of completion and

ordered to abate the violation by the Township Engineer in accordance with the enforcement provisions of this chapter.

§ 84-14. Special measures; compliance.

Whenever the municipality determines that any land operations existing on the effective date of this chapter or subsequent thereto (either in process or completed, and whether or not a permit is required under this chapter) has, from any cause, become a hazard to life or property or affects the safety, use or stability of a public street or way or otherwise constitutes a public nuisance, the owner of the property upon which such operation is located or other person or agent in control of said property, upon receipt of notice, in writing, from the Township Manager, shall, within thirty (30) days of the date of such notice or as directed in emergency situations, comply with such requirements of this chapter as the municipality may direct or take such other action ordered by the municipality to eliminate the hazard or nuisance or other danger to the public street or way. Where compliance with the order of the municipality may not be possible within such period and where public safety will not be adversely affected, the Township Manager may authorize the Township Engineer to grant an extension of time for a specified period for compliance.

§ 84-15. Fees.

- A. Permit. In addition to any fees payable under any ordinance, a permit fee shall be paid pursuant to this chapter based upon quantity of material handled or land area involved for each job site, even though the same material may be handled in more than one (1) type of operation. The amount of the fee shall be in accordance with the following table:

- (1) Land reclamation project: five hundred dollars (\$500.) per year or fraction thereof.

- (2) Transportation of material over municipal streets when not involving a site: one hundred dollars (\$100.) per truck per year or fraction thereof.
 - (3) Other than included in Subsection A(1) or (2) above:
 - (a) Minimum filing fee: fifty dollars (\$50.).
 - (b) Additional, based on quantity of material, totaled through each range up to that applicable:
 - [1] Five hundred one (501) to one thousand (1,000) cubic yards: twenty-five cents (\$0.25) per yard.
 - [2] One thousand one (1,001) to two thousand five hundred (2,500) cubic yards: fifteen cents (\$0.15) per yard.
 - [3] Two thousand five hundred one (2,501) to five thousand (5,000) cubic yards: ten cents (\$0.10) per yard.
 - [4] Five thousand one (5,001) to seven thousand five hundred (7,500) cubic yards: five cents (\$0.05) per yard.
 - [5] Over seven thousand five hundred one (7,501) cubic yards: one cent (\$0.01) per yard.
 - (4) Permit modified: forty dollars (\$40.).
- B. Extraordinary costs. When in the course of enforcing or complying with the provisions of this chapter any costs are incurred by the municipality for inspection or testing beyond that normally anticipated and reasonable as indicated in § 84-9C, the applicant shall be invoiced for the same and render said amount within thirty (30) days.

§ 84-16. Bonds and insurance.

A. Performance bond. This bond is intended to ensure that the applicant carries out and finishes the indicated and approved work. Failure to finish, landscape or restore the land shall be prevented by use of this bond by the municipality to mitigate any hazard to the public's interest and safety left by the applicant. Hazards to be mitigated shall include but not to be limited to avoidance of erosion; unnatural contours, such as spoil piles, unstable cuts or embankments; and insufficient drainage measures. This bond also may be known as a "restoration bond." Except where clearly demonstrated by the applicant to the satisfaction of the Township Manager that the operation if left incomplete will not create a hazard to human life or endanger adjoining property or property at a higher or lower level or any street improvement or any other public property, the applicant shall file with the municipality prior to the issuance of the land operations permit a performance bond for the benefit of the municipality. As in the application for a land reclamation project, the Township Manager may recognize that the special nature and extent of such operation, the self-imposed protective methods and devices and the provisions of other applicable regulatory laws may warrant different considerations and may take this into account when reviewing the performance bond needs for a land reclamation project. State or federal agencies shall be exempted from the requirement of filing a bond unless the municipality finds that a bond is required for adequate protection of the public.

- (1) Execution. All bonds shall be executed by the owner of the property where the work is to be undertaken and by a corporate surety insurer authorized to do business in this Commonwealth as surety, or in lieu thereof, the bond shall be in writing, accompanied by a deposit of cash in the amount of the bond or other surety, approved and acceptable to the

Township Manager, Municipal Solicitor and Engineer.

- (2) Conditions. Every bond shall be conditioned upon compliance with all the provisions of this chapter and all other applicable laws and ordinances, compliance with the terms and conditions of the permit and completion of all work contemplated under the permit within the time limit specified in the permit. The Township Engineer may, for sufficient cause, extend the time limit specified in the permit, but no such extension shall release the surety upon the bond.
- (3) Term. The term of each bond shall begin upon the date of filing and shall remain in effect until the date of the issuance of the completion certificate by the inspector. At said time for release of bond and at issuance of the completion certificate, the permit holder and/or owner shall provide a notarized statement and/or guaranty that all vegetation, as shown on the approved plans and placed, shall be immediately replaced for a period of a one-year growing season, including one (1) winter.
- (4) Coverage for completion of work and compliance with permit. In the event of failure to complete the work or comply with all the terms and conditions of the permit, the municipality may order the work or part thereof to be completed as required by the permit. The surety executing such bond or the person giving such deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the municipality in causing any and all such required work to be done, and the surety or the depositor shall be considered to assent to any lawful extensions of time within which to construct and complete the work.

- (5) Amount. The amount of the bond shall be based in part upon the cost of handling the quantity of material and in part upon the additional amount equal to the cost of all construction work, drainage (both surface and subsurface) or other protective devices, removal or replacement of trees or other natural ground cover which may be required. The amount of the bond shall equal fifty percent (50%) of the sum of the two (2) parts, as established by the applicant via presentation of valid contracts or agreements or as established by the Township Engineer utilizing the most current standard construction cost indexes.
 - (6) Proportionate reduction as work is completed. When a substantial portion of the required work has been completed to the satisfaction of the Township Engineer, and if the completion of the remaining work is delayed due to conditions beyond the control of the owner or the contractor and no adverse affects to the public's interest or safety are shown, the Township Engineer may, at his discretion, accept the completed portion of the work and consent to an appropriate reduction of the bond to an amount estimated to be adequate by the Township Engineer and Township Manager to ensure completion of the work remaining to be performed. In no case shall the reduction be greater than an amount equal to fifty percent (50%) of the original bond. Said bond reductions will only occur on affirmative approval of the Commissioners.
- B. Insurance. The applicant shall furnish to the municipality, together with the application for a permit, a certificate showing standard form public liability insurance against claims for damages for personal injury, as well as claims for property damage, including damage to municipal streets or other public improvements, by blowing, drifting, washing, sliding, flowing subsurface water or otherwise depositing of

matter which may arise from or out of performance of the work, whether such performance is by himself, his contractor or subcontractor or any person directly or indirectly employed by him. Said insurance shall include protection against liability arising from completed operations. Said insurance shall be written by a legally chartered company and approved by the municipality and shall insure the municipality, its officers, agents and employees against any loss or liability which may arise during the performance of or which may result from any work herein required to be performed. The amounts of such insurance shall be as follows:

- (1) Public liability insurance in an amount not less than one million dollars (\$1,000,000.) for injuries, including wrongful death to any one (1) person, and subject to the same limit for each person, in an amount not less than two million dollars (\$2,000,000.) on account of one (1) accident.
- (2) Property damage insurance in an amount not less than one million dollars (\$1,000,000.) for damages on account of any one (1) accident and in an amount not less than two million dollars (\$2,000,000.) for damage on account of all accidents.
- (3) Excess insurance coverage on the above shall be required for all operations in excess of two thousand five hundred (2,500) cubic yards or more than one and five-tenths (1.5) acres involvement in an amount not less than one million dollars (\$1,000,000.).

§ 84-17. Waiver and appeal.

- A. Waiver of permit. Upon written application by the owner, the Commissioners; after review and evaluation of the information contained in the initial submission as detailed in § 84-10C(1), may waive the requirement for a land operations permit.

B. Waiver of submission materials. The Commissioners may waive the submission of any drawings, calculations or specifications required by this chapter if the work can be sufficiently described in the application. The Commissioners may also waive the requirements for preparation of drawings, calculations and specifications by a registered professional engineer where the nature of the operation does not require such submission.

C. Appeal.

(1) Application for appeal.

(a) The owner of any premises, applicant or any permit holder may appeal a decision of the Township Engineer in suspending or revoking a permit on the basis of the following:

[1] Alleged incorrect interpretation of the provisions of this chapter.

[2] The provisions of this chapter do not fully apply.

[3] That an equally or better form of construction can be used.

(b) Said application for appeal shall be in writing to the Commissioners within thirty (30) days of the Township Engineer's date of decision.

(2) Review. The Commissioners shall undertake a review of the appeal within thirty (30) days after receipt of notice of the appeal. The Commissioners may request information from the appropriate agencies, the applicant and the public if it so deems it necessary.

(3) Hearing and decision. After affording the applicant or his representative the opportunity to present any or all material relating to the work, the Commissioners shall, at their next regularly scheduled meeting or at a duly advertised special meeting within fifteen (15) days after the thirty-day

review period, affirm, modify or reverse the decision of the Township Engineer. The Commissioners' decision shall stipulate the reasons and any conditions it deems necessary and be mailed to the applicant within ten (10) days after the date of the decision.

- (4) Court review. An applicant or permit holder shall have the right to appeal to any court of competent jurisdiction from any decision of the Board of Commissioners of the Township of North Huntingdon.

§ 84-18. Enforcement; violations and penalties.

- A. Notice of violation. The Township Engineer shall serve a notice of violation order by hand delivery or certified mail on the person responsible for any land operation in violation of the provisions of this chapter or in violation of a permit or certificate issued under the provisions of this chapter, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- B. Prosecution of the violation. If the notice of violation is not complied with within a period of thirty (30) days, the Township Engineer shall notify the Township Manager, who shall request the legal counsel of the municipality to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful action in violation of the provisions of this chapter or of the order or direction made pursuant hereto.
- C. Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction in a summary proceeding thereof before any District Justice of the municipality, be subject to a fine of not less than one hundred dollars (\$100.) and not exceeding six hundred dollars (\$600.) and costs for any one (1) offense

and, in default of payment of said fine and costs, shall be subject to imprisonment in the county jail or workhouse for a period not exceeding ninety (90) days, or both. Each day's violation shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed on the partners or members thereof, and in the case of a corporation, upon the officers thereof.

D. Abatement of the violation. The imposition of penalties herein prescribed shall not preclude the Township Manager from instituting appropriate action to prevent unlawful land operations or to restrain, correct or abate a violation or to stop an illegal act or conduct of business or use in or about any premises.

E. Stop-work order.

- (1) Notice. Upon notice from the Township Engineer that work on any land operations permit is being prosecuted contrary to the provisions of this chapter or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner, the permit holder, the owner's agent or the person doing the work and shall state the conditions under which work may be resumed. The site or premises shall also be posted with a stop-work order.
- (2) Unlawful continuance. Any person who shall remove the posted stop-work order or who shall continue any work on or about the site or premises after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be considered in violation of the provisions of this chapter and proceeded against accordingly.

§ 84-19. Specific standards; transportation of materials; land reclamation.

A. Scope. The following standards shall apply for land operations and activities as set forth in this chapter, whether a permit is required or not required. Additionally, those standards or requirements established in the Zoning, Subdivision/Land Development and Construction Standards Ordinances,³ as may be in effect at that time, shall apply to any work performed pursuant to a permit as required herein.

B. Grading standards.

(1) Clearing and grubbing.

a) Description. This work shall consist of the removal of all objectionable material, rubbish, junk, trees, stumps, brush, major root systems, downed timber, rotten wood and any vegetation within the grading limits. The work shall also include the disposal of the spoils in a satisfactory manner.

(b) Construction requirements. Grading operations shall not be started in any area until the clearing and grubbing operations have been completed, except that stumps may be removed in excavation areas during the grading operations.

[1] Within areas where excavation is to be made, the area shall be cleared and grubbed. All stumps and major root mats shall be removed to a depth of not less than two (2) feet below the finished grade or the subgrade of any area to be paved.

[2] Within areas where an embankment five (5) feet or more in depth is to be made, the

³ Editor's Note: See Chapters 135, Zoning, 122, Subdivision of Land, and 65, Building Construction.

area shall be cleared and grubbed and stumps cut off as close to the ground as is practical, but not to exceed six (6) inches above the ground surface. Stumps shall not extend above the ground surface near the toe of the embankment.

- [3] Where the embankment is less than five (5) feet in depth, the area shall be cleared and grubbed to a depth of eight (8) inches below the existing ground surface for all areas beneath the embankment or any stumps within twenty (20) feet of the edge of any proposed pavements. Beyond twenty (20) feet, no stumps shall extend above the existing ground surface.

(2) Excavation requirements.

- (a) Finished slope. The finished slope, or cut face, shall be rounded at the top and shall not be steeper than two (2) horizontal to one (1) vertical in soil and one and one-half ($1\frac{1}{2}$) to one (1) in shale or rock, except under one (1) or more of the following conditions:

- [1] The excavation is located so that a line having a slope of two (2) horizontal to one (1) vertical and passing through any portion of the cut face will be entirely inside the property lines of the property on which the excavation is made.
- [2] A written statement is provided bearing the signature and seal of a registered professional engineer experienced in soils engineering, certifying that he has inspected the site and that the material in which the excavation is made is sufficiently stable to sustain a slope steeper than the requirements above. The statement must further certify that said steeper slope will

not endanger any property or result in property damage. The statement must be submitted with the application.

- [3] A retaining wall or other approved support designed by a registered professional engineer is provided to support the face of the excavation. The Township Engineer may, upon recommendation of the Township Engineer, require an excavation to be made with a cut face flatter in slope than two (2) horizontal to one (1) vertical if the soil analysis has indicated unstable soils or if field conditions indicate the material in which the excavation is to be made is unusually subject to erosion or if other conditions exist, under applicable engineering practice, to make such flatter cut slope necessary for stability and safety. Additionally, in residential areas, it is to be encouraged that flatter slopes than provided herein be constructed.
- (b) Trench excavation. Where trench excavation is required for the installation of underground facilities, the steepness of the cut face of the excavation shall conform with good engineering practice. The work shall include such trench bracing, sheathing or shoring necessary to perform and protect the excavation as required for safety and conformance to governing laws.
- (c) Excavation adjacent to footings, foundations or structures. Excavations adjacent to any footing, foundation or structure shall not extend below the angle of repose or natural slope of the soil under the nearest point of the same unless such footing, foundation or structure is first properly underpinned or protected against settlement.

(c) Embankment requirements.

- (a) **Materials.** Materials for embankment construction may consist of soil, granular material, shale, rock or random material, such as old concrete and brick. Soil and granular materials shall be readily placed and compacted in loose, eight-inch layers; other permitted materials shall be readily placed and compacted in lifts or material size not exceeding twenty-four (24) inches. The material shall be reasonably free of organic material, topsoil, coal or coal blossom and any other material considered unsuitable by the Township Engineer. The material shall not be placed when frozen and shall have a moisture content which shall ensure satisfactory compaction.
- (b) **Preparation of foundation area.**
 - [1] The embankment foundation area shall be cleared and grubbed in accordance with § 84-19B of this chapter. The topsoil shall be removed and disposed of or stockpiled for later use. Areas containing material that is excessively wet or compressible shall be undercut.
 - [2] Foundation areas that have an existing ground slope steeper than five (5) horizontal to one (1) vertical shall be benched and, if necessary, subsurface drainage provided in a manner designed by a registered professional engineer and approved by the Township Engineer.
- (c) **Placement and compaction.** The embankment shall be constructed in a manner that complies with the requirements of the Commonwealth of Pennsylvania Department of Transportation as described in Publication No. 408 or as amended or supplemented from time to time or as approved by the Township Engineer.

(4) Drainage.

- (a) Accommodation of surface and subsurface water. Sufficient drainage shall be provided to accommodate surface and subsurface water during any grading operation and after its completion in order to prevent additional water from flowing onto adjacent property or from unduly increasing the load on sewage or drainage facilities. Facilities in the form of pipe, pervious granular layers, buried granular trenches, etc., shall be provided to control subsurface drainage, groundwater flow or pore water pressures as needed to assure stability.
- (b) Preservation of natural drainways. Any operation that will change the course, width or elevation of any natural or other drainageway channel in such a manner as to obstruct, interfere with or change the drainage of such land shall be compensated for by an alternate capable of carrying runoff or seeping water to a satisfactory disposal.
- (c) Protection of slope faces. Adequate provision shall be made to prevent any storm- or surface water from damaging the cut face of any excavation or the sloping face of any fill. When necessary for protection of critical areas during construction, diversion ditches or terraces shall be provided.
- (d) Design of drainage facilities. Drainage facilities shall be of such design as to carry storm- and surface waters to the nearest practical street storm drain or natural watercourse approved by the inspector as a safe place to deposit and receive such waters.
- (e) Protection during construction. Suitable areas shall be utilized for spreading and desilting stormwater. Protective vegetation shall be

maintained on drainageways serving as temporary outlets for stormwater during construction and until storm sewers have been completed. Whenever necessary, sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained during construction.

- (f) Subdrainage facilities. Adequate subdrainage shall be provided in connection with any fill to avoid the development of hydrostatic pressures.
- (5) Protection of adjacent property and utilities.
 - (a) Prevention of slides and washes. Materials shall not be permitted to roll, slide, flow or wash onto adjacent private or public property and, where necessary, walls or benching shall be utilized to comply with this requirement.
 - (b) Horizontal distance of excavation or fill slope from property or easement line. The horizontal distance from either the toe or top of the excavation or fill slope line shall be five (5) feet or one-half ($\frac{1}{2}$) of the vertical height of the fill or excavation from any adjoining property or easement line, whichever is greater, but such distance need not exceed ten (10) feet. The Township Engineer shall have the authority to modify this requirement in instances where it is demonstrated that such modification is needed to secure desirable interrelationships between properties and will not result in a condition detrimental to the adjacent property.
 - (c) Support and protection of public utilities and public streets. Adequate methods shall be employed to provide proper protection from damage resulting from the operation for all public and private utilities, whether on the surface, beneath the ground surface or overhead and, when necessary, for the repair,

replacement or relocation of such utilities. The surface and other facilities of public streets shall be fully restored by the holder of the permit in the event of such damage. The owner shall correct any damage to the utility before the municipality issues the completion certificate.

- (d) Fencing. Should the nature of land operation, in the opinion of the inspector, create a hazard to persons or property unless adequately fenced, the owner shall construct such fences or guardrails as safeguards to persons using adjoining property (public or private).
- (6) Erosion and sediment control. The requirements and guidelines of the Erosion and Sediment Control Handbook of Westmoreland County shall be implemented, including any necessary permits. A copy of this document is on file in the Westmoreland County Conservation District Office. In addition, the following also shall apply:
 - (a) Scheduling of areas to be stripped. Areas to be stripped of natural cover at any one (1) time shall be limited in size to no more than is necessary for reasonable operational schedules, which schedules delineating those areas shall be submitted with the application.
 - (b) Interim protective vegetation. Protective vegetation and/or mulching or artificial cover shall be established on all areas where soil is to be exposed for more than twenty (20) days, including topsoil stockpiles and borrow pits excluding rights-of-way for cartway or utility line development or the vehicle paths for ingress, egress and regress on the site.
 - (c) Preservation of natural features. In order to prevent the denuding of the landscape, wherever practical, large trees and other

natural features which constitute physical, aesthetic and economic assets to the community shall be preserved and shall be protected during ground-moving operations, except where they would intrude into or beneath pavement, shoulders or swales or where sight distance requirements dictate.

- (d) Final ground cover. Permanent final vegetation or other ground cover shall be installed as soon as practical in the development. Upon completion of the operation, the entire site shall be ground covered and provided with drainage facilities so as to avoid excessive erosion, sedimentation and storm runoff. The municipality may require this work to be done in accord with specifications of a registered landscape architect, an experienced nurseryman or other person qualified in this field.

(7) Retaining walls.

- (a) If a retaining wall is constructed to satisfy a requirement of this chapter, a building permit as provided for by the BOCA National Building Code/1987, Section 1223.0 through and including Section 1223.5 (Page 296) pertaining to retaining walls, said BOCA National Building Code/1987 having been adopted by the Township of North Huntingdon as Ordinance No. 686 on September 9, 1987.⁴ Said Ordinance No. 686 shall be applicable in the event that a retaining wall is not constructed to satisfy a requirement contained in this chapter. The grading permit will apply to the retaining wall, and the requirements for inspection, etc., as stated herein, will govern. Other construction

⁴ Editor's Note: See Ch. 65, Building Construction, Art. I, Adoption of BOCA Code.

within the site beyond the scope of this chapter involving the construction of a retaining wall must comply with the requirements of Ordinance No. 686 or other ordinances that may be in effect at that time.

- (b) Retaining walls must be constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal of a professional engineer.
- (c) The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this chapter and the appropriate municipal specifications.
- (d) In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be three (3) feet zero (0) inches back from the adjoining property, except as follows:
 - [1] A special exception to this requirement may be applied for and granted by the municipality if it can be satisfactorily demonstrated that such a variance is necessary to ensure normal use of the property, i.e., for a side line driveway.
 - [2] The requirement of this subsection may also be waived when the proposed retaining wall is a joint venture between adjacent property owners and appropriate documents so stating are filed with the application for a permit.

C. Transportation of materials.

- (1) Approval of municipality. The proposed use of public streets or thoroughfares for the transportation of material in excess of the provisions of § 84-10 for disposal or fill purposes shall have the approval of

the municipality. The bonding and insurance requirements in § 84-16 of this chapter shall apply.

- (2) Size and type of vehicles and hours of operation. The size and type of vehicles and the hours of operation shall be as approved by the Township Engineer and Road Superintendent as related to the posted load limits of streets to be used and traffic volumes thereon.
- (3) Wheel and truck cleaners. Wheel and truck cleaners shall be required as necessary on site at any transport origin and destination point within the municipality; all vehicles shall be scraped and cleaned before leaving the site.
- (4) Protection of property during transportation. The transporter shall take reasonable measures, including but not limited to wetting down or other treatment before leaving the site, to ensure that during transit no material being transported shall blow or spill over public or private property.
- (5) Street cleaning. In the event that earth, dust, powder, mud, sludge or any other debris from the operation involved in the permit accumulates in or on any street, catch basin or sewer line, the transporter shall remove the same immediately upon notification by the municipality.

D. Land reclamation project.

- (1) Application.
 - (a) An owner or lessee holding a lease, the unexpired term of which is more than five (5) years from the date of filing of the application, may, in filing for a required land operations permit, choose to undertake or conduct a land reclamation project as defined by this chapter. In such instance, the application shall contain such additional information as may be deemed necessary by the municipality to describe

properly the nature and extent of the operation and the program.

- (b) Other requirements of this chapter shall apply, but the municipality recognizes that the special nature and scope of the operation, any self-imposed protective methods and devices and the provisions of other applicable regulatory laws may warrant different considerations and shall take this into account when applying the standards and when waiving submission of data under § 84-17B.

(2) Operational requirements.

- (a) In addition to complying with other applicable requirements of this chapter or any other ordinance, the operation shall be conducted in such a manner as to provide reasonable protection to surrounding properties and uses against detriment from emission odor, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter, water-carried waste and the like.
- (b) In connection with the proposed operations, the municipality may require the installation, operation and maintenance of such methods and devices as may, in its opinion, be reasonably required to prevent or reduce such emission and may impose such conditions regarding the extent of open space between any portions of the proposed operation involving such emissions as will tend to prevent or reduce injury to surrounding property and neighborhood which might result from the proposed operation.
- (c) The municipality may also limit the extent and hours of any operation, depending upon the specific site of such operation and its relation to surrounding properties and structures. This limit shall be imposed so as to provide a

reasonable degree of protection. The municipality may prohibit such operation at a particular location if, on review and recommendation of the Township Engineer, it would be unsafe or dangerous to surrounding properties.

- (d) Undrained pools resulting from surface drainage shall be sprayed in accordance with specifications of local public health authorities to eliminate breeding places for mosquitoes and other insects.
 - (e) Off-street parking areas adequate for all employees' vehicles and trucks shall be provided.
- (3) Development program. The application shall include a program and illustrative plan for development of the subject property which shall consist of two (2) phases: the exploitation phase and the reuse phase, as well as an annual stage development schedule.
- (a) Exploitation phase.

- [1] The plan for the exploitation phase shall show the proposed development as planned in relation to all properties within three hundred (300) feet of the boundaries of the lot involved. The plan shall include topographic and geological surveys and other materials indicating existing conditions, including drainage, and the conditions, including topography, drainage and soils, which shall exist at the end of the exploitation phase. Contour intervals, based on United States Geological Survey datum, shall be five (5) feet in areas where the gradient is greater than ten percent (10%) and two (2) feet in areas where gradient is ten percent (10%) or less.

- [2] The program for the exploitation phase shall demonstrate the feasibility of the operation without creating a hazard or causing damage to other properties. This program shall also indicate the different stages of exploitation, where and how traffic on and from the development will be handled, where equipment will be operating, the location and dimensions of structures and the manner in which safeguards will be provided, including those for preventing access by children and other unauthorized persons to dangerous areas. The final stage of the program shall indicate how the project is to be finished in accord with the plan for reuse.
- (b) Reuse phase. The program for the reuse phase shall indicate how the property is to be left in a form suitable for reuse for purposes permissible in the zoning district in which it is located so as to relate such reuses to uses existing, proposed or intended for surrounding properties. Among items to be included in such program are proposed circulation patterns in and around the site, the treatment of exposed soil or subsoil, including measures to be taken to replace topsoil or establish vegetation in worked-over areas in order to make the property suitable for reuse and treatment of slopes to prevent erosion.
- (c) Annual stage development schedule. The applicant shall submit an initial schedule delineating the scope and extent of the operation, the estimated time for completion and the portion to be accomplished during the first year of the program, and, annually thereafter, the applicant shall submit such a schedule projecting the intended

accomplishment for at least one (1) year ahead. Any change in schedule for foreseeable or anticipated delays shall be reported promptly to the inspector, with reasons therefor, and a proper adjustment in plans shall be made. Unforeseeable delays or departures from the schedule shall be justified to the satisfaction of the municipality. Major departures from the schedule shall be considered as changes in plans and shall render the entire application subject to review and approval by the Board of Commissioners.

- (4) Referral to Planning Commission. The program and illustrative plans for development of the site shall be referred to the Planning Commission for report and recommendation as to relationship of the development to zoning and other planning aspects.
- (5) Permits and certificates of completion. Permits and certificates of completion shall be issued in accord with the provisions of §§ 84-10 through 84-13, except that an annual permit fee shall be required, as provided for in § 84-15 hereof.

§ 84-20. Liability.

Neither the issuance of a permit under the provisions of this chapter nor the compliance with the provisions contained in this chapter or with any condition imposed by the Township Manager hereunder shall relieve any person, partnership or corporation from any responsibility for injury to persons or damage to property resulting therefrom or as otherwise imposed by law, nor shall the same impose any liability upon the Township of North Huntingdon for injury to persons or damage to property.

§ 84-21. Conflict with other provisions.

This chapter shall be construed as being in addition to the provisions of any other regulatory ordinances. If any regulations herein are in conflict with any other regulatory ordinances, the provisions establishing the more restrictive requirements shall apply.

§ 84-22. Environmental impact statement.

An environmental impact statement is required before beginning of any applicable work under the provisions of this chapter.