

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE 1936

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING A LAND DISTURBANCE ORDINANCE FOR THE MUNICIPALITY AND REPEALING ORDINANCE 1535, THE GRADING ORDINANCE, AND ALL AMENDMENTS THERETO.

NOW, THEREFORE, on this 14th day of March, 1995, it is ORDAINED AND ENACTED by the Council of the Municipality of Monroeville, County of Allegheny, Commonwealth of Pennsylvania, as follows:

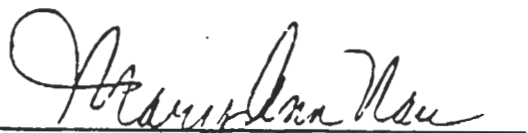
SECTION 1. The Land Disturbance Ordinance, which will provide minimum standards to safeguard persons and property, to protect and to promote the public welfare, by preventing excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems, and by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading projects, including excavation, cut and fill, and any timbering and logging operations, attached hereto is hereby adopted.

SECTION 2. Ordinance 1535, The Grading Ordinance, and all amendments thereto, and any other Ordinance or Resolution in conflict herewith is hereby repealed.

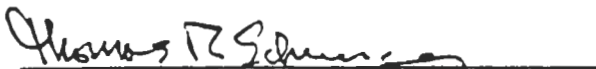
ORDAINED AND ENACTED into law this 14th day of March, 1995.

ATTEST:

THE MUNICIPALITY OF MONROEVILLE



MARY ANN NAU
MUNICIPAL MANAGER



THOMAS R. SCHUERGER
MAYOR

ENTERED INTO LEGAL BOOK ON: MARCH 24, 1995

ARTICLE ONE:
BASIC PROVISIONS

- 101 REACTION CLAUSE: IT IS HEREBY ORDAINED AND ENACTED by the Council of the Municipality of Monroeville, County of Allegheny, Commonwealth of Pennsylvania that from and after the passage and approval of this Ordinance the following regulations shall be in full force and effect. The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety and welfare of the people at large, and to be designed to encourage the establishment and maintenance of reasonable community standards of physical environment.
- 102 TITLE: This Ordinance shall be cited as the Monroeville Land Disturbance Ordinance.
- 103 PURPOSE: The purpose of this Ordinance is to provide minimum standards to safeguard persons and property, to protect and to promote the public welfare, by preventing excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems, and by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading project, including excavation, cut and fill, and any timbering and logging operations.
- 104 COMPLIANCE: No person shall construct, enlarge, alter or repair any grading project, including excavation, cut or fill, nor any timbering and logging operation except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits required by this Ordinance.
- 105 LIABILITY: Neither the issuance of a permit under the provisions of this Ordinance, nor compliance with its provisions, nor conformance with conditions required by any such permit shall relieve any person from liability for damage resulting from grading project, or any timbering and logging operation, nor attach any liability upon the Municipality for damages to persons or property.
- 106 VALIDITY: In the event any of the terms or provisions of this Agreement shall be found invalid or declared unenforceable by reason of any federal or state statute, or federal or state directive, rule or regulation, now in effect or hereinafter to become effective, or by reason of the decision of any federal or state court, such invalidity or unenforceability shall not
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affect or impair any other terms or provisions hereof, unless the other terms or provisions are directly affected by the section declared invalid or unenforceable. The parties thereupon may, within thirty (30) days, meet to discuss said invalidity or unenforceability.

ARTICLE TWO:
DEFINITIONS

201 GENERAL: Certain words used in this Ordinance are defined below. Words uses in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word shall is mandatory and not permissive.

BEDROCK: The natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surface deposits.

BUFFER ZONE: Land surrounding the immediate perimeter of a land logging and timbering operation in which no cutting of trees or other vegetation shall occur except for the isolated cutting of individual trees which are dead, sick, infected, or constitute a danger to neighboring properties or the public generally.

BUILDING PERMIT: An official document or certificate issued by the Building Official which authorizes performance of a specified building activity.

CLEAR CUTTING: A logging method that removes all trees from a tract of land or portions thereof.

COUNCIL: The governing body of the Municipality of Monroeville.

CROWN: The above ground parts of a tree, consisting of the branches, stems, buds, fruits and leaves. This may also be referred to as the canopy.

DBH: Diameter at breast height is tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

DEVELOPMENT: Includes any lawful land use authorized under the Zoning Ordinance of the Municipality of Monroeville.

ENGINEER: A professional Engineer, Surveyor, Architect or Landscape Architect who is licensed by the Commonwealth of Pennsylvania.

ENGINEERING GEOLOGIST: A person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.

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

gravitational creep.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FELLING: The act of cutting a standing tree so that it falls to the ground.

FILL: The end result of filling.

FILLING: An act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location including the material being deposited and the condition resulting from such act.

FOREST MANAGEMENT PLAN: A plan establishing best conservation and management practices for a landowner.

FORESTER: A person with a degree in forestry from a college or university accredited by the Society of American Foresters.

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.

GRADING: An excavation or fill or any combination thereof including the conditions resulting from any excavation or fill.

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

INSPECTION AGENT: An Engineer or an individual with at least five (5) years experience in a specific type inspection work and under the direct supervision of a Engineer to be used by the Municipality in unusually difficult situations where the inspection is beyond the capabilities of the Municipality.

LAND DISTURBANCE: An ongoing or completed operation and related activities involving or primarily connected with reshaping of land, including grading, removal of trees, vegetation or other ground

cover, transporting fill or other material for disposal purposes; and resurfacing of land.

LAND DISTURBANCE PERMIT: The permit required by these regulations.

LANDING: A place where logs, pulpwood, or firewood are assembled for transportation to a processing facility.

LOCATE: Construct, place, insert, or excavate.

MATERIAL: Includes soil, sand, gravel, clay, peat, mud, debris and refuse, or any other material, organic or inorganic.

MAJOR TIMBERING AND LOGGING OPERATION: Any cutting and removing of trees for commercial purposes from a site that is in excess of ten (10) acres in size.

MINOR TIMBERING AND LOGGING OPERATION: Any cutting and removing of trees for commercial purposes from a site that is less than ten (10) acres in size.

MUNICIPALITY: The Municipality of Monroeville.

MUNICIPAL ENGINEER: The person officially appointed by the governing body to enforce this Ordinance.

OPERATIONS: Includes the locating, moving or disposition of any material or any construction use or activity, or a combination thereof, which in any way modifies the conditions on lands subject to this Ordinance as they exist on the effective date hereof.

OWNER: An individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

PERSON: Includes any individual, firm, partnership, association, corporation, company, organization of legal entity of any kind, including governmental agencies conducting operations within the Municipality.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body, intended to inform and obtain public comment, prior to taking action in accordance with the Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE: A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

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 Ordinance.

SITE: A lot, tract, parcel of land, or a series of lots, tracts or parcels of land which are adjoining where grading work and/or timbering and logging operation is continuous and performed at the same time.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface either above or below the water level.

SEDIMENTATION: The process by which sediment is deposited on stream bottoms.

SELECTION METHOD: A method of selectively removing trees from a wooded area either singly or in small groups according to age and size with provisions being made for natural or artificial vegetation.

SKIDDER: A large machined used in moving logs from the stump site to a landing.

SKIDDING: The act of moving logs from the stump site to a landing.

SLASH: The woody material or debris left on the ground after the area is timbered and logged.

SOIL ENGINEER: A person registered by the Commonwealth of Pennsylvania as a professional Engineer and who has training and experience in soils engineering.

SOIL SURVEY: The unpublished and operational soil survey for Allegheny County, Pennsylvania and the accompanying text--Soil Survey Maps and Interpretations for Developing Areas in Allegheny

County, Pennsylvania, as prepared by the USDA Soil Conservation Services, et al.

SOLID WASTE: All parts or combinations of including but not limited to ashes, garbage, refuse, radioactive material, combustibile demolition materials and industrial wastes such as food processing wastes, wood, plastic, metal scrap.

STRUCTURE: Any assembly of materials above or below the surface of the land or water, including, but not limited to, houses, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, towers, and utility transmission devices.

TOPS: The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

TREE: 1. Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches. 2. Any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of two inches or more.

WATERCOURSE: A natural drainage route or channel for the flow of water.

ARTICLE THREE:
PERMIT PROCEDURES AND REQUIREMENTS

301 **REQUIRED PERMIT:** A land disturbance permit must be obtained from the Municipal Engineer for any grading projects, including excavations, cuts and fills, and any timbering and logging operations. Changes, additions or alterations to existing excavations or fills, and timbering and logging operations shall conform to the provisions of these regulations. A separate land disturbance permit shall be required for each site. One permit may cover any grading project, and any timbering and logging operations made on the same site.

301.1 A land disturbance permit shall be required for any grading operation involving volumes of earth movement that is less than ten-thousand (10,000) cubic yards within the Municipality of Monroeville. Volumes of earth movement in excess of ten-thousand (10,000) cubic yards is a major excavation and requires approval from Council of the Municipality of Monroeville as provided for in the Monroeville Zoning Ordinance, 1443, as amended.

301.2 A land disturbance permit shall be required for any timbering and logging operation involving a land area of ten (10) acres or less within the Municipality of Monroeville. Timbering and logging operations in excess of ten (10) acres is a major timbering and logging operation and requires approval of the Council of the Municipality of Monroeville as provided for in Article Four of this Ordinance.

301.3 Only one (1) permit is required for a contiguous parcel to be graded and/or timbered and logged for an approved planned development, such as planned residential development, planned group unit, subdivision or land development.

301.4 When grading and/or timbering and logging is to be performed for and executed concurrently with the preparation of the land for an approved Site Plan that does not qualify as Conditional Use Approval for a Major Excavation, a separate land disturbance permit will be required.

302 **PERMIT EXCEPTIONS:** A land disturbance permit will not be required for any of the following situations:

302.1 Minor grading operations where neither the cut nor fill exceeds a vertical change of five (5) feet; but not if

the Municipal Engineer determines that the possibility of erosion and sedimentation exists.

302.2 Grading limited to reasonable, regular, normal maintenance and landscaping improvements by individual homeowners, where standards identified in Section 501 of this Ordinance are not violated.

302.3 Stockpiling of rock, sand and aggregate in an area properly zoned for such use.

302.4 Temporary excavation below finished grade for basements, additions to existing structures, swimming pools or accessory structures for which a building permit has been issued; but not if the Municipal Engineer determines that the possibility of erosion and sedimentation exists.

302.5 Removal of trees limited to reasonable, regular, normal maintenance and landscaping improvements by individual homeowners where standards in Section 502 of this Ordinance are not violated.

302.6 Removal of trees limited to site preparation for an approved building permit.

302.7 Removal of trees limited to site preparation for an approved site plan and or subdivision plan.

303 FORM OF APPLICATION: Written application shall be made on a form prescribed for that purpose by the Municipality and shall include such plans and detailed information as shall be required in accord with application specifications adopted by the Municipality.

304 SUBMISSION OF PLANS: The application shall consist of not less than three (3) copies of the written application together with not less than three (3) prints of each drawing. The proposed land disturbance plan shall be prepared by an Engineer in accordance with standard engineering practices to clearly indicate the following:

304.1 A valid boundary line survey of the site on which the proposed work is to be done, including but not limited to north arrow, scale, date, key location map, and registration stamp;

304.2 A description of the features, existing and proposed on the site, which are of importance to the proposed

development including but not limited to among others, location of trees, natural features, existing structures, property lines, streets, right of ways, easements, roads, utilities, distance to road intersections, and watercourses;

304.3 Owners of adjacent properties, including but not limited to the location of any existing structures and driveway locations;

304.4 Topographic features with existing contours at a vertical interval of not more than five (5) vertical feet;

304.5 The location and description of existing and future man-made features of importance to the proposed development, including structures, roads, utilities, walls, excavations and fills;

304.6 An erosion and sedimentation plan in conformance with applicable regulations;

304.7 Specifications which shall set forth details of the work, such as materials, methods procedures, insurance and estimated dates for starting and completing the work;

304.8 A subsurface investigation and evaluation by an Engineer that includes test borings, test pits and onsite visual evaluation;

304.9 Calculations by an Engineer showing the safety of any existing or proposed earth retaining structures and the design earth pressures for these structures;

304.10 Where fill is involved, the following additional information may be necessary:

304.10(a) A plan showing proposed preparation of natural ground surface by benching or by removal of topsoil, vegetation and other materials;

304.10(b) A soils report prepared by Soil Engineer that shall include data on the nature, distribution and supporting ability of existing soils and rock on the site and means of assuring stable soil conditions and ground water control;

304.10(c) A description of surface and subsurface drainage control;

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- 304.10(d) Results of stability analysis;
- 304.10(e) A description of the kind of material to be used in fill;
- 304.10(f) A description of the method of compacting fill and thickness of layers to be used in such compacting;
- 304.10(g) 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;
- 304.10(h) Other supplemental reports as deemed necessary by the Municipal Engineer.
- 304.11 When deemed necessary by the Municipal Engineer, a Drainage Study prepared by an Engineer may be submitted that includes the following:
- 304.11(a) An accurate map of the site the location, elevations and dimensions of all present and proposed watercourses, ditches, pipes and drainage structures; proposed excavations and fills; woodlands, structures, parking areas and driveways; sources, storage and disposition of water channeled through or across the site; all proposed grading and drainage; and the gradients and maximum flow rates of watercourses.
- 304.11(b) A description of the work to be performed and disposition of cut and fill material, the materials to be used and the method of performance including provisions for protecting and maintaining existing drainage facilities whether on public or private property. The drainage study shall be accompanied by all supporting data developed by the Engineer.
- 304.11(c) Calculations based on the Soil-Cover Complex Method to determine runoff. The coefficient of run-off used shall be computed on the basis of existing land use set forth in the Monroeville Comprehensive Plan and on densities permitted in the Monroeville Zoning Ordinance.
- 304.11(d) Drainage facilities to carry surface water shall be provided and designed to prevent erosion or overflow.
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- 304.11(e) The applicant shall agree to the granting and recording of easements for the installation and maintenance of drainage facilities.
- 304.11(f) Adequate storm water retention facilities shall be provided to ensure that storm water run-off after development shall not be greater than the run-off which would occur from the site in its natural state during a storm with a one hundred (100) year probability.
- 304.12 For minor logging and timbering operations, a Forest Management Plan indicating the following may be necessary:
- 304.12(a) A description of the type of tree removal project, identifying: thinning; selective cutting; clear cutting; and/or aesthetic improvement cut;
- 304.12(b) A description of the area to be timbered, specifying area to be timbered, tree species mixture, a sampling of tree sizes and the notation of any unusual, scarce or endangered timber;
- 304.12(c) A one-hundred percent inventory of trees to be timbered, stating the species, size and quantity. This inventory shall include those trees which are diseased, damaged or in otherwise unhealthy condition;
- 304.12(d) A statement demonstrating how trees that are not proposed for removal are to be protected during land clearing, construction and restoration;
- 304.12(e) A statement/map showing general soil conditions throughout the proposed timber area;
- 304.12(f) A grading plan;
- 304.12(h) Information as to how all trees will be marked for removal and those trees which are to remain on the site;
- 304.12(i) The diversity of the tree species shall be maintained within the designated area at generally the same ratio both before and after the timbering;
- 304.12(j) The edge of the designated area will not be disturbed and shall be maintained at a width of
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twenty-five (25) feet. Ingress/egress points shall be located as determined and approved by the Municipal Engineer;

304.12(k) A list of equipment to be used in the timbering shall be included;

304.12(1) A time schedule for the start and completion of all work within the timbering area;

304.13 For minor logging and timbering operations, a Forest Restoration Program indicating the following may be necessary:

304.13(a) Grading and seeding of all areas disturbed as a result of the timbering activity, including but not limited to roads, wheel ruts, aprons and work areas;

304.13(b) All trees shall be cut at a minimum of 18 inches to the ground;

304.13(c) The crowns of the felled trees be reduced to firewood length and stacked, unless it is removed from the site as it is cut. Branches less than four (4) inches in diameter shall be processed to wood chips and remain on the site;

304.13(d) A specific proposal for replanting or reforestation;

304.14 The Municipal Engineer may waive the requirement for preparation of plans by an Engineer where it is evident that the proposed work is simple, clearly shown on the drawings submitted, and poses no potential nuisance or hazard to adjacent property.

305 ISSUANCE OF PERMIT A Land Disturbance Permit will be issued by the Municipal Engineer upon satisfying the following conditions.

305.1 Payment of Fees as established by separate ordinance.

305.2 Bonds and certificate of insurance. A permit shall not be issued until the bonds and certificate of insurance prescribed in Section 308 has been provided and approved by the Municipal Manager and Solicitor.

- 305.3 Compliance with the restrictions of this ordinance and applications and plans approved by the Municipal Engineer.
- 305.4 Possible 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:
- 305.4(a) A reasonable time limit for completion of the work.
- 305.4(b) 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.
- 305.4(c) Construction of additional drainage facilities, berms, terracing or cribbing.
- 305.4(d) Tests of all 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.
- 305.4(e) Restrictions upon the size, type and number of pieces of equipment to be used, including trucks on public streets or thoroughfares.
- 305.4(f) Planting of appropriate ground cover on slopes to provide retention of soil and control erosion.
- 305.4(g) On-site supervision of the work by an Engineer or representative.
- 305.4(h) Immediate removal of debris deposited on public streets or thoroughfares or adjacent property as a result of work.
- 305.4(i) Compliance with applicable health and safety measures, including but not limited to adequate warning signs, traffic controls, sanitary measures, environmental measures and applicable measures.

306 EXPIRATION OF PERMIT: Every land disturbance permit shall become null and void if the work authorized has not been commenced within one (1) year or is not completed within two (2) years from the date of issue. The Municipal Engineer may issue a renewal permit for an additional one (1) year period.

- 307 APPEALS: Appeals shall be taken to Council within thirty (30) days of any denial by the Municipal Engineer. Council may grant relief from the strict provisions of this Ordinance where, in its opinion, alternate methods, standards or materials proposed by the developer will meet the objectives and intent of this Ordinance. Any applicant or permit holder shall have the right to appeal decisions of Council to any Court of competent jurisdiction.
- 308 PERFORMANCE BONDS AND CERTIFICATE OF INSURANCE: Prior to the issuance of a permit for any grading project and/or timbering and logging operation, the Applicant shall secure the necessary Performance Bonds and Certificate of Insurance as established by the Municipal Engineer and approved by the Municipal Manager and Solicitor.
- 309 INSPECTION: The applicant shall notify the Municipal Engineer of the schedule of land disturbance operation. Notice shall be received by the Municipal Engineer at least two (2) working days before start or completion of land disturbance operation.
- 309.1 Land disturbance work at these stages or at any other time will be subject to spot inspections at the discretion of the Municipal Engineer to determine that the work is being performed in compliance with the approved permit and these regulations.
- 309.2 Should the Municipal Engineer deem it necessary, a report by an Engineering Geologist will be required with inspection and certification that cuts and fills have been placed in accordance with approved plans and specifications.
- 309.3 If after review of the application, the Municipal Engineer may recommend on-site inspection by an independent agency as a condition of the permit. 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 capabilities of the Municipality. The inspection agent shall be an Engineer or shall have at least five (5) years experience in this type of inspection work and under the direct supervision of an Engineer. The inspection agent shall furnish inspection on the land disturbance operation as directed by the Municipal Engineer. The services of the inspection agent shall be solely the applicant's expense. The inspection agent shall submit periodic inspection reports to
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the Municipal Engineer as prescribed in its approval.

309.4 A final inspection shall be conducted by the Municipal Engineer to certify compliance with this Ordinance. Satisfactory compliance with this Ordinance shall be necessary before issuance of any occupancy permit.

310 MAINTENANCE: The owner of any property on which an excavation or fill has been made shall maintain the excavation or fill in good condition including all retaining walls, cribbing, drainage structures, fences, ground cover or other protective devices as may be a part of the permit requirements.

310.1 All drainage courses, ditches, culverts, pipes and structures shall be adequately maintained by the property owner and shall be kept open and free flowing at all times.

310.2 All graded surfaces, anti-erosion devices, retaining walls, drainage structures and similar protective devices, plantings and ground covers installed pursuant to a land disturbance permit shall be continuously maintained and kept in good repair by the owner.

310.3 Adequate engineering provisions shall be incorporated to prevent the infiltration of sediment into existing streams.

310.4 Where the Municipal Engineer finds evidence of deterioration or erosion of any excavation or fill which threatens to damage nearby properties, he shall direct the property owner to affect remedies which will restore the grading to a safe condition within a reasonable period of time.

311 ENFORCEMENT PENALTIES: Any person who or which shall violate the provision of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than three hundred (\$300) dollars. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than ninety (90) days. Each day that a violation is continued shall constitute a separate offense.

ARTICLE FOUR:
SITE PLAN REVIEW AND PROCEDURES

- 401 **SITE PLAN REVIEW:** No land disturbance permit shall be issued for any timbering and logging operation involving a land area in excess of ten (10) acres until a site plan has been submitted, reviewed and approved by Monroeville Council in accordance with the provision outlined in Article Four and in compliance with the standards established in Article Five of this Ordinance.
- 402 **APPLICATION PROCEDURE:** The application for approval of a proposed site plan for a major timbering and logging operation shall be submitted in the Office of the Municipal Engineer and shall be accompanied by a fee established by ordinance of Council. The Municipal Engineer shall annually prepare a Schedule of Application Submission for major timbering and logging operations.
- 403 **FORM OF APPLICATION:** Written application shall be made on a form prescribed for that purpose by the Municipality and shall include such plans and detailed information as shall be required in accord with application specifications adopted by the Municipality.
- 404 **SUBMISSION OF PLANS:** The application shall consist of not less than ten (10) copies of the written application together with not less than ten (10) prints of each drawing. The proposed land disturbance plan shall be prepared by an Engineer in accordance with standard engineering practices to clearly indicate the following:
- 404.1 A valid boundary line survey of the site on which the proposed work is to be done, including but not limited to north arrow, scale, date, key location map, and registration stamp;
- 404.2 A description of the features, existing and proposed on the site, which are of importance to the proposed development including but not limited to among others, location of trees, natural features, existing structures, property lines, streets, right of ways, easements, roads, utilities, distance to road intersections, and watercourses;
- 404.3 Owners of adjacent properties, including but not limited to the location of any existing structures and driveway locations;
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- 404.4 Topographic features with existing contours at a vertical interval of not more than five (5) vertical feet;
- 404.5 The location and description of existing and future man-made features of importance to the proposed development, including structures, roads, utilities, walls, excavations and fills;
- 404.6 An erosion and sedimentation plan in conformance with applicable regulations;
- 404.7 Specifications which shall set forth details of the work, such as materials, methods procedures, insurance and estimated dates for starting and completing the work;
- 404.8 A subsurface investigation and evaluation by an Engineer that includes test borings, test pits and onsite visual evaluation;
- 404.9 Calculations by an Engineer showing the safety of any existing or proposed earth retaining structures and the design earth pressures for these structures;
- 404.10 For a major logging and timbering operations, a Forest Management Plan indicating the following shall be necessary:
- 404.10(a) A description of the type of tree removal project, identifying: thinning; selective cutting; clear cutting; and/or aesthetic improvement cut;
- 404.10(b) A description of the area to be timbered, specifying area to be timbered, tree species mixture, a sampling of tree sizes and the notation of any unusual, scarce or endangered timber;
- 404.10(c) A one-hundred percent inventory of trees to be timbered, stating the species, size and quantity. This inventory shall include those trees which are diseased, damaged or in otherwise unhealthy condition;
- 404.10(d) A statement demonstrating how trees that are not proposed for removal are to be protected during land clearing, construction and restoration;
- 404.10(e) A statement/map showing general soil conditions throughout the proposed timber area;
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- 404.10(f) A grading plan;
- 404.10(h) Information as to how all trees will be marked for removal and those trees which are to remain on the site;
- 404.10(i) The diversity of the tree species shall be maintained within the designated area at generally the same ratio both before and after the timbering;
- 404.10(j) The edge of the designated area will not be disturbed and shall be maintained at a width of twenty-five (25) feet. Ingress/egress points shall be located as determined and approved by the Municipal Engineer;
- 404.10(k) A list of equipment to be used in the timbering shall be included;
- 404.10(l) A time schedule for the start and completion of all work within the timbering area;
- 404.11 For a major logging and timbering operations, a Forest Restoration Program indicating the following shall be necessary:
- 404.11(a) Grading and seeding of all areas disturbed as a result of the timbering activity, including but not limited to roads, wheel ruts, aprons and work areas;
- 404.11(b) All trees shall be cut at a minimum of 18 inches to the ground;
- 404.11(c) The crowns of the felled trees be reduced to firewood length and stacked, unless it is removed from the site as it is cut. Branches less than four (4) inches in diameter shall be processed to wood chips and remain on the site;
- 404.11(d) A specific proposal for replanting or reforestation;

405 NOTIFICATION OF NEIGHBORING PROPERTY OWNERS: The applicant shall provide a list of names and addresses of all property owners within one-thousand (1000) feet of the property line where the proposed major timbering and logging operation is proposed. The Office of the Municipal Engineer shall notify

those affected property owners in writing, providing a brief description of the proposed project and the date of the public hearing. Additionally, the area shall be posted with signs that provide a brief description of the proposed project and the date of the public hearing.

- 406 PUBLIC HEARING: As provided in the Schedule of Application Submission, a Public Hearing pursuant to public notice shall be held by the Municipal Council.
- 407 COUNCIL ACTION: Action shall be taken by Council, either approving or disapproving, on an Application for a major timbering and logging operation within sixty (60) days from the date of the first Council meeting at which the application first appears as an agenda item. Council may attached such conditions as they deem appropriate to approval.
- 408 ISSUANCE OF A PERMIT: Upon approval by Council and satisfaction of any conditions established by Council, the Municipal Engineer shall issue a Land Disturbance Permit for the proposed project. Approval for a major timbering and logging operation shall be valid for a period of one year following Council Action. If the proposed project is not started within six (6) months, Council approval shall be void.
- 409 PERFORMANCE BONDS AND CERTIFICATE OF INSURANCE: Prior to the issuance of a permit for any grading project and/or timbering and logging operation, the Applicant shall secure the necessary Performance Bonds and Certificate of Insurance as established by the Municipal Engineer and approved by the Municipal Manager and Solicitor.
- 410 INSPECTION: The applicant shall notify the Municipal Engineer of the schedule of a major timbering and logging operation prior to the commencement of any work. All inspections shall comply with Section 309 of this Ordinance.
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ARTICLE FIVE:
LAND DISTURBANCE STANDARDS

501 GRADING STANDARDS: The following shall be minimum standards for issuance of a land disturbance permit.

501.1 The maximum slope of an excavation shall not be greater than one and one-half (1 1/2) horizontal to one (1) vertical, and maximum slope for fill shall not be greater than two (2) horizontal to one (1) vertical; provided, however, that the maximum cut may be increased to one (1) horizontal to one (1) vertical where a Soil Engineer certifies that the cut be into sedimentary rock or other material which is sufficiently durable to remain stable and maintain the cut without slippage. The only exception to this standard shall be where a retaining wall, designed and sealed by an Engineer, is constructed to support the face of the slope.

501.2 No grading, excavation or fill shall be performed so close to any property line as to endanger or damage any adjoining street or any other public or private property without supporting such property from settling, cracking, erosion, sedimentation, flooding or any other physical damage or personal injury which might result.

501.3 Excavation adjacent to any building foundation walls, footings, or structures shall not extend beyond the angle of repose or natural slope of the soil under the nearest point of same unless the footings, foundations, or structures have been sufficiently underpinned or otherwise protected against settlement.

501.4 Adequate provisions shall be incorporated to prevent erosion due to storm drainage. All drainage facilities shall be properly engineered and may be paved or planted swales and gutters and piped storm sewers. All storm drainage facilities will be reviewed and approved by the Municipal Engineer.

501.5 Existing storm drainage shall not be diverted so as to alter the location of watercourses on any adjacent property. Any proposed grading shall be accomplished so that exiting storm water runoff flows are neither increased from predevelopment rates nor concentrated at the point of release onto abutting properties.

501.6 No debris or other material shall be placed or allowed to be placed in any drainage ditch or structure in

such a manner as to obstruct the free flow of surface water.

501.7 All trees in an area of extreme grade change shall be protected with suitable tree wells unless the necessity for removal is established. Trees shall not be removed unnecessarily.

501.8 Provisions shall be made for dust control as are deemed necessary and acceptable by the Municipal Engineer.

501.9 All fills shall be compacted to provide stability of fill materials and to prevent settlement or slippage. Any fill material to be used shall be tested by the owner to insure that its dry density shall be not less than ninety-two percent (92%) of maximum density as determined by ASTM D1556.

501.10 Immediately upon completion of grading, all areas not designated for building or paving shall be mulched and planted. Planting shall be appropriate to maintain slopes from erosion and subject to approval of the Municipality. In general, planting may be rye grass, fescue, crown vetch or honey-suckle.

501.11 Plans and specifications for every grading permit shall provide for both temporary and permanent erosion and sediment control.

501.12 When needed for slope stabilization, benching shall be required. In general, slopes which exceed fifty (50) feet shall require benches.

501.13 Topsoil stripped from the site in preparation for earth moving activities shall be stockpiled and replaced on the site over all regraded, non-developed areas, at a minimum depth of four inches.

501.14 Fill areas shall be prepared by removing organic material such as vegetation and rubbish, and any other material determined by the Municipal Engineer to prevent proper compaction and stability.

501.15 In addition to the above, all fill and cut operations shall follow the Handbook for Earth Moving Activities and Erosion and Sedimentation Control for Allegheny County. A soil and erosion and sedimentation plan shall be prepared in accordance with the provisions of Title 25, Environmental Resources, Chapter 102 Erosion Control, and approved by the Allegheny County Conservation District (ACCD)

prior to the commencement of any grading or other regulated earth disturbance activity, unless the ACCD determines that a soil and erosion control plan is not required.

502 TIMBERING AND LOGGING STANDARDS: The following shall be minimum standards for issuance of a land disturbance permit.

502.1 All timbering and logging operations shall be by the selection method. Clear cutting is prohibited.

502.2 Timbering and logging operations shall not be undertaken on any ground with a slope exceeding twenty-five (25%) percent nor in landslide or flood prone areas.

502.3 Removal of trees which have a DBH of more than twenty (20) inches shall be reviewed by the Municipal Engineer before inclusion in any timbering and logging operation.

502.4 The diversity of the tree species shall be maintained within the permit area at generally the same ratio both before and after the timbering;

502.5 Buffer zones of twenty-five (25) feet along all abutting properties shall be maintained on the property on which the timber and logging operation is being conducted.

502.6 Buffer zones of twenty-five (25) feet along all any streets, streams and around any springs shall be maintained on the property on which the timber and logging operation is being conducted.

502.7 All cutting, removing, skidding and transporting of trees as part of the timbering and logging operation shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees, vegetation and the land itself.

502.8 Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soils and waterways.

502.9 Roads and trails shall only be wide enough to accommodate the type of equipment used and grades of such roads and trails shall be kept as low as possible.

502.10 Where possible, stream crossings shall be avoided but where deemed necessary, crossings shall be made at a right angle across suitable culverts or bridges.

502.11 Skidding across live or intermittent streams is prohibited except over culverts or bridges.

502.12 All limbs and stubs shall be removed from felled trees prior to skidding.

502.13 All trees bent or held down by felled trees shall be promptly released.

502.14 No trees shall be left lodged in the process of felling.

502.15 Felling or skidding on or across property of others is prohibited without the express written consent of those property owners. Felling or skidding on or across any public street is prohibited without the written permission of the appropriate municipal, county or state government agency.

502.16 No tops or slash shall be left within fifty (50) feet of any adjoining property or public street; within twenty-five (25) feet of any stream and/or historic or scenic trail; or within ten (10) feet of any drainage ditch.

502.17 The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.

502.18 Upon completion of the timbering and logging operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from public streets by motor vehicles of any kind shall be effectively blocked.
