

ORDINANCE NO. 113

AN ORDINANCE OF BUFFALO TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, ESTABLISHING A GRADING PERMIT PROCEDURE; REQUIRING REVIEW OF PERMIT APPLICATIONS; REQUIRING FEES; PROVIDING FOR PENALTIES.

The Board of Supervisors of Buffalo Township, Butler County, Pennsylvania, does hereby ordain and enact the following ordinance.

Ordinance 113
Grading Permit Ordinance
Buffalo Township, Butler County, Pennsylvania

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ARTICLE ONE
General Provisions

101 Statement of Intent:

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, the excavation, filling and/or grading of any land within the Township unless an approved permit has been obtained from the Township.

102 Applicability:

The provisions, regulations, limitations, and restrictions of this Ordinance shall apply to any excavation, filling and/or grading of any land within the Township, unless specifically exempted herein.

Earth disturbance activities and associated stormwater management activities are also regulated under existing State law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than State Law.

- A. Exemptions – The following activities are specifically exempt from the permit requirements of this Ordinance.
1. Use of land for gardening and landscaping, provided that area of earth disturbance does not exceed 5,000 square feet and all work including runoff which may result from work does not adversely affect any adjoining property or Township street, as determined by Township Engineer.
 2. Agriculture, when operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Butler County Conservation District. Agricultural activities such as producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and other such activities are specifically exempt from complying with the requirements of this Ordinance.
 3. An excavation, solely for the purpose of the construction of basements, foundations and footings of a building, or structure authorized by a Building Permit, provided that no other grading is proposed.
 4. All activities conducted by authority of Buffalo Township Board of Supervisors.

ARTICLE TWO
Definitions

201 Word Usage:

For the purposes of this Ordinance, certain terms and words herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “include” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- E. The words “used or occupied” include the words “intended, designed, maintained, or arranged to be used, occupied or maintained”.

202 Definitions:

The following words and phrases when used in this Ordinance shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

AGRICULTURAL ACTIVITIES – The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

COUNTY – The County of Butler, Pennsylvania.

CONSERVATION DISTRICT – The Butler County Conservation District.

EARTH DISTURBANCE – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankment construction, land development, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials, road maintenance excluding periodic resurfacing.

EARTH MATERIAL – Any rock, natural soil or fill and/or any combination thereof.

ENGINEER (TOWNSHIP ENGINEER) – A Professional Engineer duly appointed as the Engineer for the Township of Buffalo.

EROSION – The wearing away of the land surface by running water, wind, ice, or other geological agents, including such process as gravitational creep or by chemical agent.

EXCAVATION – The mechanical removal of earth material.

FILLING – The disposition of earth material, or any material.

GOVERNING BODY – Pennsylvania Department of Environmental Protection, Butler County Conservation District or Buffalo Township.

GRADING – Any excavating or filling or combination thereof.

PERSON – An individual, partnership, association, corporation or a governmental unit, public entity or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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

SEDIMENTATION – The process by which mineral or organic matter is accumulated or deposited by the movement of water, wind, gravity or ice.

ARTICLE THREE Regulations for Grading

301 Regulations for Grading:

No cut or fill grade shall exceed a slope of 2:1 or fifty percent. No cut or fill grade shall exceed a slope of 3:1 or thirty-three percent unless such cut or fill grade is approved by the Township Engineer, said approval to be made when the Township Engineer is satisfied that the proposed cut or fill grade shall not adversely impact the environment and shall not create a condition hazardous to the safety and welfare of Township residents or other persons. These provisions shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts and fills on land naturally exceeding 2:1 or 3:1 slope, as the case may be.

No cutting, filling or other earth disturbance including natural vegetation is permissible within fifty feet of the edge of natural drainage courses except as permitted by action of the applicable Governing Body. In such cases, permission may be granted provided special precautions are taken to insure against continuing erosion and sedimentation or other circumstances which may be harmful to the immediate watercourse or in any way pollute waters of the Commonwealth.

ARTICLE FOUR Application Procedures

401 Application Procedures:

Application for a Grading Permit shall be made in writing to the Township on forms supplied by the Township. Such application shall contain at least the following:

- A. The name and address of:
 - (1) The applicant.
 - (2) The owner of the land on which the work will be performed.
 - (3) The contractor performing the work.
- B. An identification and description of the work to be covered by the permit for which application is made.
- C. A description of the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description which will readily identify and accurately locate the proposed work.
- D. An estimate of the cost of the proposed work. Estimated costs shall be reviewed and approved by the Township Engineer prior to issuance of Grading Permit.
- E. Such other information as reasonably may be required by the Township.

ARTICLE FIVE Issuance of Permit

501 Issuance of Permit:

The Township shall issue a Grading Permit only after it has been determined that the proposed work will be in conformance with all applicable requirements and regulations.

ARTICLE SIX
Permit Changes

601 Permit Changes:

After the issuance of a Grading Permit by the Township, no changes of any kind shall be made to the application, Grading Permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Township.

ARTICLE SEVEN
Placards

701 Placards:

In addition to the Grading Permit, the Township shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show the number of the Grading Permit, the date of its issuance, expiration date, and be signed by the Township.

ARTICLE EIGHT
Start of Work and Expiration of the Permit

801 Start of Work and Expiration of the Permit:

- A. The proposed work shall begin within 6 months after the date of issuance of the Grading Permit or the permit shall expire unless a time extension is granted in writing by the Township.
- B. All work shall be completed within 1 year of the date of issuance of the Grading Permit. If any work is to be performed beyond this period, a new Grading Permit must be obtained under the conditions and requirements cited in Sections 301 and 401 of this Ordinance.

ARTICLE NINE
Inspection and Revocation

901 Inspection and Revocation:

During the permitted work period, the Township or their designated official may inspect the premises to determine that the work is progressing in compliance with information provided on the permit application and with all applicable Township laws and ordinances. In the event the Township discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Township may revoke the Grading Permit and report such fact to the Board of Supervisors for whatever action it considers necessary. The applicant shall be responsible for all direct costs incurred by Township as a result of inspections of proposed grading work.

ARTICLE TEN
Fees

1001 Fees:

The application for a Grading Permit shall be accompanied by a fee in an amount as established from time to time by resolution of the Board of Supervisors payable to the Township based upon the estimated costs of the proposed grading work. Any new permit required pursuant to Section 801 B of this ordinance shall be accompanied by a fee in an amount as established from time to time by resolution of the Board of Supervisors.

ARTICLE ELEVEN
Appeals

1101 Appeals:

- A. Any person aggrieved by any action of the Township or its designee may appeal to the Buffalo Township Board of Supervisors within 30 days of that action.
- B. Any person aggrieved by any decision of the Buffalo Township Board of Supervisors may appeal to the Butler County Court of Common Pleas within 30 days of the Board of Supervisors decision.

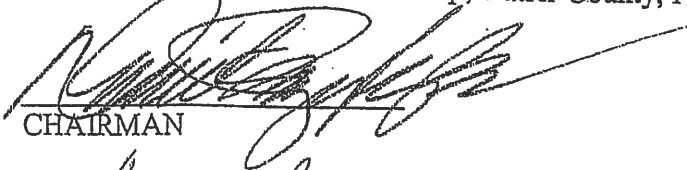
ARTICLE TWELVE
Penalties

1201 Penalties:

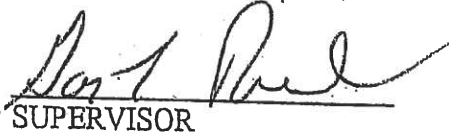
- A. Anyone violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall pay a fine to the Township of not more than \$1,000.00 for each violation, recoverable with costs, or imprisoned in County Prison for a period of not more than 10 days, or both. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

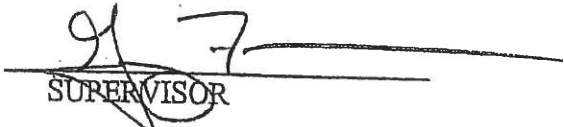
- B. In addition, the Township, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

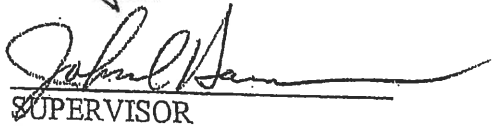
ORDAINED AND ENACTED into law this 13th day of June, 2007 by the Board of Supervisors of Buffalo Township, Butler County, Pennsylvania.

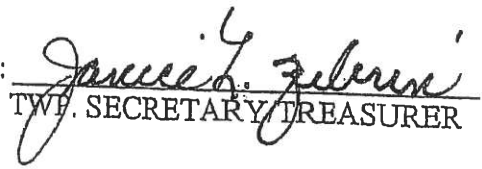

CHAIRMAN


VICE-CHAIRMAN


SUPERVISOR


SUPERVISOR


SUPERVISOR

Attest: 
TWP. SECRETARY/TREASURER