

201.59 TIPPLES, COAL. A coal mine facility utilized for the processing, loading and storing of coal.

201.60 TRAVEL TRAILER. A vehicle used for temporary living or sleeping purposes, and standing on wheels.

201.61 USABLE OPEN SPACE. A portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking area and is suitable for use as outdoor open space for the residents thereon.

201.62 VARIANCE. The Board's authorized departure to a minor degree from the text of this Ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this Ordinance.

201.63 VENTILATING SHAFTS. A coal mine adjunct operation consisting of a structure and appurtenant facilities to permit the introduction and removal of air and other gases from underground coal mines, including degasification bore holes and related facilities and equipment.

201.64 YARD. An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

201.65 ZONING OFFICER. The administrative Officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE 3

ZONING USE DISTRICTS AND REGULATIONS

301 ESTABLISHMENT OF ZONING USE DISTRICTS. The township is divided into the zoning use districts listed hereunder and shown by the district boundary lines on the township zoning map; which is a part of this ordinance.

A-1 Agricultural District
R-1 Residential District
R-2 Residential District

- 301.1 **DISTRICT BOUNDARIES.** The district boundaries on the zoning map are intended to follow property lines, center lines of roads or water courses, boundaries of identifiable physical features or measured distances from property lines, center lines of road or water courses or identifiable physical features. When the Zoning Officer cannot determine the location of a district boundary line by reference to the zoning map, he shall refuse action; and the Zoning Hearing Board shall interpret the location of the district boundary with reference to the scale of the map and the purposes set forth in all relevant provisions of this ordinance.
- 301.2 **EXPLANATION OF USE CATEGORIES.** Two classifications of uses may be established in a zoning use district which varies in their impact upon the community and in the procedure by which they are approved.
- 301.3 **PERMITTED USES** are those which are planned for and compatible with one another in each district. An application for a permitted use shall be granted by the Zoning Officer if all area, yard and other applicable provisions of this ordinance are met.
- 301.4 **SPECIAL EXCEPTION USES** are those which may be acceptable within a zone but which, because of their size or other characteristics, make a greater impact upon neighboring properties than permitted uses. This ordinance therefore establishes special requirements (express standards and criteria set forth in the Supplemental Regulations) for such uses which must be met if they are to be approved. An application for a special exception use shall be approved by the Zoning Hearing Board after it has determined that all special requirements have been met as well as additional reasonable conditions which the Board may impose to insure that the purposes of this ordinance and of the comprehensive plan are carried out.
- 301.5 **CONDITIONAL USES** are those which may be acceptable within a zone but which, because of their activity, size or other characteristics, make a greater impact upon neighboring properties than permitted uses. This ordinance therefore establishes specific requirements (express standards and criteria set forth in the Supplemental Regulations) for such uses which must be met if they are to be approved. An application for a conditional use shall be approved by the Board of Supervisors after it has determined that all specific requirements have been met as well as additional reasonable conditions which the Board may impose to insure that the purposes of this ordinance, the comprehensive plan and Act 13 of 2012 are carried out.
- 301.6 **DIMENSIONAL STANDARDS.** The dimensional standards for each use district establish minimum standards for lot or parcel sizes and yard requirements for the placement of structures and uses on the land. These standards shall apply to any structure or uses established or expanded after the effective date of this ordinance.

Any lot of record existing at the effective date of this ordinance and then held in separate ownership from adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its minimum area and width are less than the minimum requirements of this ordinance.

302 AGRICULTURAL DISTRICT REGULATIONS.

302.1 PURPOSE. The primary purpose of this zone is to maintain and encourage the use of land for agriculture and forestry and to permit certain industrial activities which are compatible with or supportive of agriculture and forestry. A related purpose of this zone is to avoid scattered development of land for non-agricultural uses which may conflict with or be detrimental to agricultural enterprises or which may result in requirements for public services, facilities and utilities in excess of those which are normally needed or feasible in rural areas. However, due to location and topography, industrial development may be best suited.

302.2 PERMITTED USES.

- (a) Farming and agricultural activities.
- (b) Forestry.
- (c) Farm dwellings.
- (d) Display and sale of farm products, provided that at least half of all products sold shall have been produced on the premises.
- (e) Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the same property on which the products are grown or raised.
- (f) Home occupations.
- (g) Non-farm, single family dwelling.
- (h) Two-family dwellings.
- (i) Retail or service businesses serving residences or visitors to the area which employ less than five persons and which is not an adult oriented business.
- (j) Accessory uses to permitted uses.

- (k) Oil and gas operations as per section 412 of the ordinance.
- (l) Occupations, not customarily classified as home occupations, but carried out by a farm operator or other person residing in and engaged in a permitted use in the Agricultural District to provide supplemental income.
- (m) Facilities for the warehousing, sales and service of agricultural equipment, vehicles, feed or supplies.
- (n) Private and/or commercial recreation activities which are compatible with maintenance of the rural environment.

302.3 SPECIAL EXCEPTION USES

- (a) Schools, churches, fire halls and other public and semi-public uses which are necessary to and serve residents of the township.
- (b) Institutional residences or group homes located on farm properties.
- (c) Retail or service businesses serving residences or visitors to the area, of a scale and character compatible with the adjacent structures and activities which employ five or more persons or an adult oriented business.
- (d) Multi-family dwellings.
- (e) Trailer or mobile home parks.
- (f) Planned Residential Developments.
- (g) Sanitary landfill for depositing household and agricultural, refuse, trash and rubbish, but not including chemical, manufacturing, industrial, or radioactive waste.
- (h) Underground Coal Mining facilities.
- (i) Coal mining adjunct facility.
- (j) Coal mine conveyor.
- (k) Extractive operations.

302.4 CONDITIONAL USES

- (a) Oil and Gas Operations as per Section 412.

302.5 DIMENSIONAL STANDARDS. The following dimensional standards shall apply to all lots or parcels which may be created in the Agricultural District after the effective date of this ordinance; to all structures hereafter constructed; and to particular uses of land as noted hereunder.

(a)	<u>Area Requirement</u>	<u>Minimum lot or parcel size</u>
	One and two family dwelling	1 acre; 20,000 square feet if Public water and sewer available
	Special exception uses	1 acre or as determined by the Zoning Hearing Board
	Multi-family dwellings	2 acres minimum, 15,000 square feet per unit
	Institutional residence or group home on farm property	10 acres
(b)	<u>Lot or Parcel Frontage</u>	<u>Minimum width along road</u>
	All uses	100 feet
(c)	<u>Front Yard Requirements</u>	<u>Minimum distance to structure from centerline of road</u>
	All parcels abutting a road classified as a primary highway in the comprehensive plan	95 feet
	All parcels abutting a road classified as a secondary highway or local road	65 feet
(d)	<u>Side Yards (two required)</u>	<u>Minimum distance of use or structure from side property lines</u>
	All dwellings	20 feet

All nonresidential permitted uses and special exception uses <u>except</u>	50 feet
Any structure housing livestock or storage area for manure or compost	200 feet

303 R-1 RESIDENTIAL DISTRICT REGULATIONS.

303.1 PURPOSE. The primary purpose of this zone is to maintain and encourage the use of land for small scale agriculture and forestry uses and to permit housing and certain other activities which are compatible with or supportive of the rural nature of the community. A related purpose of this zone is to avoid scattered development of land for non-agricultural uses which may conflict with or be detrimental to rural setting of the community.

303.2 PERMITTED USES.

- (a) Single e family dwelling.
- (b) Two-family dwellings.
- (c) Home occupations.
- (d) Retail or service businesses serving residences or visitors to the area which employ an equivalent to less than five persons and which is not an adult oriented business.
- (f) Farming and agricultural activities.
- (g) Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the same property on which the products are grown or raised.
- (h) Display and sale of farm products, provided that at least half of all products sold shall have been produced on the premises.
- (i) Forestry.
- (j) Oil and Gas Operations as per Section 412.
- (k) Accessory uses to permitted uses.

303.3 SPECIAL EXCEPTION USES

- (a) Occupations, not customarily classified as home occupations, but carried out by a farm operator or other person residing in and engaged in a permitted use in the District to provide supplemental income.
- (b) Facilities for the warehousing, sales and service of agricultural equipment, vehicles, feed or supplies.
- (c) Private and/or commercial recreation activities which are compatible with maintenance of the rural environment.
- (d) Schools, churches, fire halls and other public and semi-public uses which are necessary to and serve residents of the township.
- (e) Institutional residences or group homes located on farm properties.
- (f) Retail or service businesses serving residences or visitors to the area, of a scale and character compatible with the adjacent structures and activities which employ five or more persons or an adult oriented business.
- (g) Multi-family dwellings.
- (h) Trailer or mobile home parks.
- (i) Planned Residential Developments.
- (j) Sanitary landfill for depositing household and agricultural, refuse, trash and rubbish, but not including chemical, manufacturing, industrial, or radioactive waste.
- (k) Underground Coal Mining facilities.
- (l) Coal mining adjunct facility.
- (m) Coal mine conveyor.
- (n) Extractive operations.
- (o) Campgrounds.

303.4 CONDITIONAL USES:

- (a) Oil and Gas Operations as per Section 412.

303.5 DIMENSIONAL STANDARDS. The following dimensional standards shall apply to all lots or parcels which may be created in the R-1 Residential District after the effective date of this ordinance; to all structures hereafter constructed; and to particular uses of land as noted hereunder.

(a)	<u>Area Requirement</u>	<u>Minimum lot or parcel size</u>
	One and two family dwelling	1 acre; 20,000 square feet if Public water and sewer available
	Special exception uses	1 acre or as determined by the Zoning Hearing Board
	Multi-family dwellings	2 acres minimum, 15,000 square feet per unit
	Institutional residence or group home on farm property	10 acres
(b)	<u>Lot or Parcel Frontage</u>	<u>Minimum width along road</u>
	All uses	100 feet
(c)	<u>Front Yard Requirements</u>	<u>Minimum distance to structure from centerline of road</u>
	All parcels abutting a road classified as a primary highway in the comprehensive plan	95 feet
	All parcels abutting a road classified as a secondary highway or local road	65 feet
(d)	<u>Side Yards (two required)</u>	<u>Minimum distance of use or structure from side property lines</u>

All dwellings	20 feet
All nonresidential permitted uses and special exception uses <u>except</u>	50 feet
Any structure housing livestock or storage area for manure or compost	200 feet

304 R-2 RESIDENTIAL DISTRICT REGULATIONS.

304.1 PURPOSE. The primary purpose of the R-2 Residential District is to permit (1) the maintenance, improvement and continued use of land and structures in the concentrated settlement areas of the township and to provide for a diversity of activities and land uses which are appropriate in such village centers, and (2) provide locations for business and commercial activities which serve residents and visitors to the township. It is the intent of this ordinance to encourage the location of business uses in organized districts which are close to developed and developing areas of the township, to avoid the scattered location of business uses in rural areas, and strip commercial development along highways.

304.2 PERMITTED USES.

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Multi-family dwellings.
- (d) Home occupations.
- (e) Customary accessory uses.

304.3 SPECIAL EXCEPTION USES.

- (a) Institutional residences or group homes.
- (b) Schools, churches, fire halls and other public and semi-public uses which are necessary to and serve residents of the township.
- (c) Professional offices.
- (d) Retail and service businesses serving residents or visitors to the

area, of a scale and character compatible with adjacent structures and activities.

- (e) Eating places.
- (f) Theaters, bowling alleys.
- (g) Offices.
- (h) Banks.
- (i) Medical facilities.
- (j) Funeral home.
- (l) Gasoline station.
- (m) Automobile sales, repair.
- (n) Commercial recreation activities.
- (o) Private clubs, fraternal organizations.
- (p) Wholesale business.
- (q) Light manufacturing.
- (r) Outdoor storage of materials.
- (s) Junk Yards.
- (t) Underground Coal Mining facilities.
- (u) Coal mining adjunct facility.
- (v) Coal mine conveyor.
- (w) Extractive operations.

304.4 CONDITIONAL USES:

- (a) Oil and Gas Operations as per Section 412.

304.5 DIMENSIONAL STANDARDS. The following dimensional standards shall apply to all lots or parcels which may be created in the Village/Business District after the effective date of this ordinance and to all structures hereafter constructed.

(a) Area Requirements Minimum lot or parcel size

All uses shall conform to area standards which may be required by the Pennsylvania Department of Environmental Resources for approval of on-lot sewage disposal systems. Where such requirements are not limiting, the following minimums shall apply.

Single family dwelling	10,000 square feet
Two-family dwelling	7,500 square feet per unit
Multi-family dwelling	6,000 square feet per unit
Special exception uses	20,000 square feet or larger if required by the Zoning Hearing Board to provide compatible space relationships with adjacent properties

(b) Lot or Parcel Frontage Minimum width along road

All uses 60 feet

(c) Front Yard Requirements Minimum distance to structure from centerline of road

All parcels abutting a road classified as a primary highway in the comprehensive plan 55 feet

All parcels abutting a road classified as a secondary highway in the comprehensive plan 40 feet

(d) Side Yards (two required) Minimum distance of use or structure from side property line

Single and two-family dwellings	10 feet
Multi-family dwellings	15 feet
Special exception uses	20 feet

305 REGULATION OF COAL MINING AND EXTRACTIVE OPERATIONS AND ACTIVITIES. In addition to complying with all the requirements of Section 705 of the "Morris Township Land Use Ordinance" relating to the application for and approval of a special exception use, no activities or operations relating to underground coal mining facilities, coal mining adjunct facility, coal mine conveyor, or extractive operations shall be permitted within the Township except upon application made and subject to the following requirements and conditions:

- (a) All special exception uses granted hereunder will be subject to such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Zoning Hearing Board may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code. Such conditions may be related to such things as lot sizes, set backs, maximum building height and any other conditions which the Zoning Hearing Board may consider reasonable and appropriate for the proposed conditional use.
- (b) Plugging operations for existing oil and gas wells and exploration or core test borings shall not require special exception use approval and are permitted uses in any zoning district, provided that the coal operator complies with all applicable state and federal regulations.
- (c) Underground coal mining facilities and coal mining adjunct facilities.
 - 1. As a condition to the continued validity of any special exception use permit issued by the Zoning Hearing Board, the owner or operator will certify to the Zoning Hearing Board that it is obtaining or has obtained all permits and approvals required by state and federal laws, regulations, rules, enforcement orders and conditions for the proposed use. The owner or operator shall file with the Zoning Hearing Board Secretary, upon request, a copy of each state or federal application with supporting documentation, or permit, for the proposed use.
 - 2. The application shall include a development and operation plan. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance

will be achieved, shall be included.

(A) A description of the character, timing and duration of the proposed operation, including maps and plans showing the location of the site, all access routes from public roads, and area and extent of the proposed activity.

(B) The location and identity of ownership of all structures and land uses that will or may be adversely affected by the proposed operation, and measures that will be taken to protect all structures, inhabitants and land uses from adverse impacts from the proposed use.

(C) Plans for restoring and reclaiming all involved areas following discontinuance of the underground mining.

(D) A description of plans for: transportation of materials and equipment to construct the facility; measures that will be taken to maintain all roads within the Township that are used to transport materials and equipment; and procedures for repairing any damages to the roads which may occur as a result of this activity. Owners, operators, and other persons engaged in underground coal mining activities or coal mining adjunct activities shall comply with all Ordinances of the Township of Morris concerning weight limitations for vehicles, permits for transport of overweight vehicles, and for posting of bond for transport of overweight vehicles.

(E) A description of how the proposed use and facility will meet all applicable regulations concerning construction standards, sewage disposal, water supply and fire protection.

(F) A site plan of the proposed facility showing all structures, facilities access ways, fencing and screening provisions.

3. Every bore hole shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.
4. Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located. The lot for a ventilating shaft (except for degasification bore holes which are not subject to this limitation) shall not be less than one (1) acre, and each such ventilating shaft shall not be located less than three hundred (300) feet from any occupied dwelling, unless waived by the owner thereof. Open

areas shall be covered with an appropriate vegetative material and properly maintained. The adjacent properties shall be protected from the noise of exhaust fans consistent with the following requirements:

(A) The maximum noise level is hereby established by Township Ordinance No. 1- 2009, as amended;

(B) The use of reasonable noise reduction technology available at the time of the application, if required after a consideration of all relevant factors, including but not limited to topography, elevation, fan orientation, surrounding vegetation, population density, and population distance in order to meet the standards set forth in Subparagraph (A) above.

5. All operational structures and other facilities which may present a hazard or danger of injury to the public or animals shall be completely enclosed by a metal fence not less than six (6) feet high, with the top portion above the height of six (6) feet (above ground level) to be constructed of barbed wire or other security material with the entire fence being constructed in such a manner so as to prevent the entry onto that portion of the premises where the hazard or danger exists by unauthorized persons, domestic animals or livestock. The governing body may require such other fencing as may be necessary to protect the safety and welfare of the public.
6. For all ventilating shafts, fans, degasification bore holes, and any other coal mining facilities or structures which the Zoning Hearing Board deems screening necessary for the safety, health and welfare of the public that are visible from any structure used for residential, cultural, social, educational, recreational, religious or similar purposes in any zoning area of the Township, there shall be a buffer strip of land planted and maintained for screening purposes. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. The plants shall be of a kind, or used in a manner to provide proper and adequate screening within twelve (12) months after commencement of operations in the area to be screened. The Zoning Hearing Board may permit the screening requirement to be fulfilled by natural or topographical features as determined upon a case-by-case review of the Special Exception Use Application. The Zoning Hearing Board shall require that either new planting or alternative screening be provided if after twelve (12) months, the plant materials do not provide a suitable screen.
7. The applicant shall have acquired sufficient level or equitable interest in the real property in which the site of the Adjunct Coal Mining Facility is

located to provide a basis for seeking the use permits.

8. As a condition to the continued validity of any special exception use permit issued by the Zoning Hearing Board, the applicant shall have applied for or obtained from each appropriate state and federal regulatory agency or authority a permit issued in accordance with all applicable state and federal laws and regulations for the proposed use. The applicant, upon request of the Zoning Hearing Board, shall certify to the Zoning Hearing Board that all state and federal permits have been obtained for the proposed use, and upon request of the Zoning Hearing Board furnish copies of such federal and state applications and permits as may be requested.

9. All uses in conjunction with a Special Exception Use Permit issued by the Zoning Hearing Board pursuant to this Section shall comply with the following additional performance standards:

(A) Compliance with all of the plans submitted to the Zoning Hearing Board as part of the application for the Special Exception Use Permit.

(B) Compliance with all state and federal laws and regulations relating to the approval, development and operation of the underground coal mine and the related Coal Mining Adjunct Operations.

(C) The correction within a reasonable time after final determination of any violation by the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the underground mine or the special exception use.

(d) Coal Mine Conveyor.

1. The Special Exception Use Application shall include a site plan, drawn to scale, of the entire proposed conveyor system. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved shall be included.

(A) The physical location of the proposed facility showing all structures, facilities, fencing, screening and related features from the beginning point of the system to the termination point.

(B) Contours at a minimum interval of twenty feet.

(C) A delineation of the conveyor right-of-way routing which identifies parcels by ownership, easement or other instruments or agreements by which access and use will be achieved.

(D) The location of all public and private rights-of-way which traverse the conveyor corridor.

(E) The location and identity of ownership of all structures and land uses that will or could be adversely affected by the proposed facility.

(F) A listing of provisions and measures that will be utilized to protect persons, properties and activities from adverse impacts resulting from the proposed construction and use of the conveyor facility. Fencing or other security measures may be specified by the Zoning Hearing Board if they determine that there is a reasonable possibility that dangerous conditions will be created with respect to persons or property as a result of the construction or operation of the facility.

2. Documentation shall be submitted to verify ownership, easements or other instruments or agreements for corridor access and use.

3. A coal mine conveyor shall not be constructed within three hundred (300) feet of any occupied dwelling, unless waived by the owner thereof.

4. All surface areas of the corridor shall be covered with an appropriate vegetative material and properly maintained at all times.

5. All uses in conjunction with a Special Exception Use Permit issued by the Zoning Hearing Board pursuant to this Section shall comply with the following additional performance standards:

(A) Compliance with all of the plans submitted to the Zoning Hearing Board as part of the application for the Special Exception Use Permit.

(B) Compliance with any and all state and federal laws and regulations relating to the approval, development and operation of the facility.

(C) The correction within a reasonable time after final determination of any violation of the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the underground mine or the special exception use for the conveyor.

6. As a condition to the continued validity of any Special Exception Use Permit issued by the Zoning Hearing Board, the applicant shall obtain or shall have obtained from each appropriate state and federal regulatory agency or authority, a permit for the proposed use in accordance with all applicable state and federal laws and regulations. Upon request of the Zoning Hearing Board, the applicant shall furnish to the Zoning Hearing Board copies of any such federal and state applications and permits as may be requested.

(e) Extractive Operations, and Extractive Industries, Processing and Storage.

1. A Special Exception Use Approval shall be obtained for extractive operations, and extractive industries, processing and storage. All applications submitted for consideration of the Township Planning Commission and Zoning Hearing Board shall include, at a minimum, the following documentation, and all other pertinent data deemed necessary to process the application. Extractive operations, and extractive industries, processing and storage are not intended to include above-ground or below-ground activities associated with an underground coal mining operation except coal bed methane gas extraction.

(A) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to be submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits;

(B) Identification of seams of coal, rock, ore, beds of sand and gravel, strata of soil or other material to be removed in connection with the proposed extractive operation;

(C) An analysis of the possible impact of extractive operations upon ground water supplies in all affected areas of the Township and the measures that will be taken to guarantee that any loss, diminution or pollution of water supply will be corrected;

(D) The location and identity of ownership of all structures and land uses that may be affected by the proposed operation, and the measures that will be taken to protect all structures and land uses from adverse impacts from the proposed extractive operation;

(E) Plans for the restoration or reclamation of all land affected by the extractive operation;

(F) Receipt of a certification from each state or federal agency or authority having enforcement jurisdiction for the issuance of all necessary permits, licenses or grants of authority for the installation and operation of the proposed extractive operation, that the owner or operator seeking the Special Exception Use has fully complied with all requirements for the issuance of such permits, licenses or grants of authority and that such will be granted, together with an undertaking to promptly advise the Zoning Hearing Board within thirty (30) days of any event which would constitute a violation of any requirement for the issuance or continued validity of any such permit, license or grant of authority or any condition thereto;

(G) A description of plans for the transportation of materials, products and equipment to be used, removed from, or marketed in connection with the proposed extractive operation including routes of travel, number and weight of vehicles to be used and procedures which will be made to maintain and repair roads that are targeted for use.

2. No top-of-slope or quarry wall shall be located closer than 100 feet to any property or street line. The perimeter surrounding the area of operation shall be fenced with a fence of minimum height of eight (8) feet to prevent access by both animals and children.
3. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted in the A-1 Agricultural District or other areas of the Township.
4. The removal designated in the permit shall be begun within a sixty (60) day period from the date of issuance of a permit, or the permit shall be revoked at the expiration of said period.
5. The designated operator shall complete operation within a period of time as designated in the permit. Upon expiration of the period of time as set forth therein, the operator must cease operations and commence backfilling and scar removal as hereinafter provided. The operator may present to Zoning Hearing Board a request for an extension of time, which may be granted if the operator was held back in his operation through unforeseen circumstances deemed to be no fault of his own. However, should an extension of time be refused by the Zoning Hearing Board, the operator must cease operations as previously stated. Failure of the operator to cease operations shall constitute a violation of this Ordinance and shall be subject to penalties provided herein.

6. Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by the Zoning Hearing Board for each and every mile of Township road or portion thereof proposed to be traversed for removing material from the site. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Townships roads which have been damaged shall be as determined by the Township Engineer, and be reconstructed to Township specifications.
7. The backfilling operation, after all surface excavation is completed, shall re-establish a satisfactory vegetative ground cover that will deter soil erosion and eventually rebuilt the soil. Legumes such as Crown vetch and rye grass and/or plants or evergreens or deciduous trees, shall be planted in accordance with Soil Conservation, U.S. Department of Agriculture recommendations.
8. The stripping and selling of topsoil and/or sod shall be permitted only under the following conditions:
 - (A) When it is part of the construction or alteration of a building or the grading incidental to such building activity;
 - (B) When it is in conjunction with normal lawn preparation and maintenance;
 - (C) When it is in conjunction with the construction or alteration of a street or utility improvement;
 - (D) In commercial sod farms or farming operations where such use is permitted, provided that sound soil practices are observed.

306 PERFORMANCE STANDARDS.

- (a) Special Standards for Steady-State Noise Emanated from Stationary Equipment - Steady-state noise emanated from stationary equipment or sources, which will persist during indefinite or periodic intervals of time over a period of more than seven (7) consecutive days onto adjacent real properties or to a receiving property within any district within the Township, shall not exceed the maximum noise

levels prescribed in this Section.

1. Definitions. Any terms used in this Section, which are not otherwise defined in this Ordinance or as hereafter prescribed, shall be interpreted in conformity with the applicable publication of the American National Standards Institute or its successor body.

(A) "Noise" means any sound that annoys or disturbs humans or tends to cause an adverse psychological or physiological effect on humans.

(B) "Steady-State Sound" means any sound from which the output of the source remains constant throughout the period of measurement.

(C) "A-weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

(D) "Person" means any individual, public or private corporation, governmental agency, bureau or department of the State, municipal industry, co-partnership or association.

(E) "Source Property" means any real property, the activities upon which are contributing to the ambient noise level around the boundary of the property.

(F) "Receiving Property" means real property within which the maximum noise specified shall not be exceeded from sources outside such property.

(G) "Receiving Building" means any building used primarily for human habitation, sleeping, cultural, social, educational, recreational, religious or similar activities at which the maximum noise specified shall not be exceeded from sources outside the property upon which the building is located.

2. No person shall cause or permit any steady-state sound to emanate from a source property which exceeds the levels set forth in paragraph (3) of this Section when measured at the following locations:

(A) Within 25 feet of any Receiving Building located in any district;

(B) At any point along the boundary line between the Source Property and the Receiving Property in any District.

3. Maximum permissible noise levels are established by Township Ordinance No. 1 2009, as amended.
 4. Sound measurements made to determine compliance with the conditions and standards of this Section shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in ANSI Specifications S1, 4-1971.
 5. All noise measurement procedures used to determine compliance with the conditions and standards of this Section shall be conducted so as to accurately and validly describe the noise levels which are the object of the measurement, taking into consideration and to exclude to the degree practicable unrelated contributions from the overall ambient noise environment.
 6. The performance standards set forth in this Section relating to steady-state noise emanated from stationary equipment or sources may be waived by the Zoning Hearing Board during the construction phase of any above-ground facility or installation associated with underground coal mining.
- (b) Vibrations - Vibrations detectable without instruments on neighboring property in any district shall be prohibited. This subparagraph concerning vibrations shall not be applicable to blasting when the coal mine owner or operator, or other persons or entities has obtained a valid Department of Environmental Resources permit for blasting.
- (c) Odor - No malodorous gas or matter that is discernable on any adjoining lot or property shall be permitted.
- (d) Air Pollution - Except in the event of the use as an underground Coal Mine or a Coal Mine Adjunct Operation, which shall comply with applicable state and federal laws, regulations and requirements with respect to air pollution, no pollution of air by flyash, dust, smoke, vapors, or any substance that is harmful to health, animals, vegetation or other property shall be permitted.
- (e) Glare - Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- (f) Erosion - No erosion by wind or water that will carry objectionable substances onto neighboring properties shall be permitted.

- (g) Water Pollution - Water pollution in violation of any standards established by the Pennsylvania Department of Environmental Resources shall not be permitted.

ARTICLE 4

SUPPLEMENTAL REGULATIONS

- 401 APPLICATION OF REGULATIONS. The regulations specified in this Article shall apply in all zoning districts and overlay zoning districts in addition to all other applicable regulations.
- 402 NON-CONFORMING USES
- 402.1 CONTINUATION. A non-conforming use may be continued, but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following guidelines:
- (a) The new use will correspond more closely to the use permitted in the district.
 - (b) The changed use will be in keeping with the character of the neighborhood in which it is located.
- 402.2 RECONSTRUCTION. Any structure containing a non-conforming use which is damaged by fire or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, except that if a structure is damaged by flooding, land sliding or subsidence it shall not be reconstructed except in conformity with the provisions of the overlay district in which it is located.
- 402.3 ABANDONMENT. If any non-conforming use ceases or is abandoned for a period of one year, such non-conforming use shall not be resumed.
- 402.4 CERTIFICATE REQUIRED. A zoning certificate must be obtained within one year by the owner of any non-conforming use as evidence that the use lawfully existed prior to the adoption of the provisions which made the use non-conforming.
- 402.5 LIMITATION OF REGULATIONS. It is not the intent of this section to restrict the continuation, reconstruction or resumption of uses which are permitted as special exceptions within a zoning district or structures which are used for permitted uses but which are non-conforming only with respect to the