

TOWNSHIP OF UPPER YODER
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 231

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS, TO OBTAIN A PERMIT FOR THE EXCAVATION, FILLING AND/OR GRADING OF LAND WITHIN THE LIMITS OF THE TOWNSHIP OF UPPER YODER; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; AND FURTHER PROVIDING FOR PENALTIES FOR ANY PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1: 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 or the construction, erection or installation of any drainage dam, ditch, culvert, drain pipe, bridge or other structure or obstruction affecting the drainage of any premises within the Township of Upper Yoder unless an approved permit has been obtained from the Township Building Officer. Specifically excluded from the provisions herein are the excavation, filling and/or grading of areas of less than 20,000 square feet or which maybe incurred for the maintance, restoration, replacement or repair for existing underground utility services, farming, gardening, lawn restoration or installation or landscaping, driveways, sidewalks, and retaining walls.

SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

- A. EARTH MATERIAL - any rock, natural soil or any combination thereof.
- B. EXCAVATION - the mechanical removal of earth material.
- C. FILLING - the disposition of earth material.
- D. GRADING - any excavation or filling or combination thereof.
- E. PERSON - any person, persons, partnership, business or corporation.

SECTION 3: APPLICATION PROCEDURES

Application for such a permit shall be made in writing to the Township Building Permit Officer 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; and,
- (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 definitely locate the proposed work.

D. An estimate of the value of the proposed work.

E. Such other information as reasonably may be required by the Township Building Permit Officer.

SECTION 4: ISSUANCE OF PERMIT

The Township Building Permit Officer shall issue a permit only after it has been determined that the proposed work will be in conformance with all applicable Federal and State statutes, Township Ordinances including zoning and subdivision, Pennsylvania DER and Cambria County Soil Conservation District requirements, and regulations and in addition, thereto:

A. The permittee is responsible for the prevention of damage to other property or for personal injury which may be caused by the work for which a permit will have been issued.

B. No person shall modify, fill, excavate, pave, grade or regrade land in any manner so close to a property boundary line that would endanger or damage any adjoining street, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sediment, flooding or any other consequential physical damage.

C. No person shall deposit or permit to be placed debris or other material whatsoever or cause such to be thrown or place in any drainage ditch or structure in such a manner as to obstruct free flow. All existing drainage ditches, culverts, drain pipes and structures shall be kept open and free flowing at all time.

D. All graded surfaces shall be seeded, sodded or otherwise protected from erosion within 30 days of project completion and shall be maintained until growth is well established.

E. The permit officer may further require permittee to provide adequate dust control measures.

SECTION 5: PERMIT CHANGES

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

SECTION 6: PLACARDS

In addition to the permit, the Township Building Permit Officer 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 permit, the date of its issuance and shall be signed by the Township Building Permit Officer.

SECTION 7: START OF WORK AND EXPIRATION OF PERMIT

A. The proposed work shall begin within one (1) month after the date of

issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Township Building Permit Officer.

B. All work shall be completed within six (6) months of the date of issuance of the permit. If any work is to be performed beyond this period, a new permit must be obtained under the conditions and requirements cited in Sections 3 and 4 of this Ordinance.

SECTION 8: INSPECTION AND REVOCATION

During the permitted work period, the Township Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. In the event the Township Building Permit Officer discovers that the work does not comply with the permit application and any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Township Building Permit Officer shall revoke the permit and report such fact to the Board of Supervisors of the Township of Upper Yoder for whatever action it considers necessary.

SECTION 9: FEES

Applications for a permit shall be accompanied by a fee, payable to the Township, based upon the estimated cost of the proposed work as determined by the Township Building Permit Officer at the following rates:

Minimum Permit Fee up to \$1,000.00 of construction	\$25.00
---	---------

ESTIMATED COST:

FEE

For each additional \$1,000.00 of construction	\$10.00
--	---------

Inspection Fee:	\$10.00
-----------------	---------

SECTION 10: APPEALS

Any person aggrieved by the Township Building Permit Officer's estimate of

the cost of the proposed work may appeal to the Upper Yoder Township Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Township Building Permit Officer. Upon receipt of such appeal, the Upper Yoder Township Zoning Hearing Board shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Upper Yoder Township Zoning Hearing Board shall be final in all cases.

SECTION 11: PENALTIES

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance, or who fails or refuses to comply with any notice, order or direction of the Township Building Permit Officer or any other authorized employee of the Township shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of Upper Yoder of not less than Fifty (\$50.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, plus costs of prosecution. In default of such payments, such person shall be imprisoned in the Cambria County Jail for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including a action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time. Any excavation, filling, and/or grading in non-compliance with

this Ordinance may be declared by the Board of Supervisors of the Township of Upper Yoder to be a public nuisance and abatable as such.

SECTION 12: SEVERABILITY CLAUSE

If any section, paragraph, sentence or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect. For this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 13: EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

ORDAINED AND ENACTED this 16th day of Sept., 1993.

UPPER YODER TOWNSHIP

Richard E. O'Neil
Ed. [unclear]
R. J. [unclear]

ATTEST:

Mary Kay Maker
Secretary

UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA

APPLICATION TO OBTAIN PERMIT FOR THE EXCAVATION,
FILLING AND/OR GRADING OF LAND

NO. _____

NAME(S) OF APPLICANT(S) _____

ADDRESS _____

RELATIONSHIP TO PREMISES _____

(Owner, Agent, Lessee)

OWNER OF PREMISES _____

ADDRESS _____

CONTRACTOR _____

ADDRESS _____

DISCRIPTION OF EXCAVATION _____

STARTING DATE _____

ESTIMATED COST OF CONTRACT _____

FEES

Minimum Permit Fee: \$25.00

ESTIMATED COST FEE

For each \$1,000.00 of construction: \$10.00

Inspection Fee: \$10.00

=====

The proposed work shall begin within six (6) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Township Building Permit Officer. All work shall be completed within one (1) year of the date of issuance of the permit.

Dated this _____ day of _____ 19 ____

Singature(s) of Applicant(s)