

Chapter 220, SOIL REMOVAL

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 6-25-1973 (Ch. 68 of the 1973 Code).

Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes -- See Ch. 101.

Site plan review -- See Ch. 213.

Subdivision of land -- See Ch. 233.

Zoning -- See Ch. 270.

§ 220-1. Definitions.

The descriptive terms and phrases used in this chapter shall be taken, deemed and construed to have the following meanings:

EXCAVATOR -- Any person, firm, corporation, copartnership or association of individuals engaging in moving, removal or excavation of soil or topsoil from any land in the Borough.

LAND -- Any land in the Borough exceeding one acre in area.

OWNER -- Any person, firm, corporation, copartnership or association of individuals owning land in the Borough.

SOIL -- Any earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence therein of organic matter.

TOPSOIL -- Soil that in its natural state constitutes the top layer of earth on any land in the Borough and is composed of 2% or more, by weight, of organic matter, and having the ability to support vegetation.

§ 220-2. Permit requirements.

No owner, person, firm or corporation shall excavate, move or remove, or cause, allow, permit or suffer to be moved, any soil from any land in the Borough of Laurel Springs unless and until a permit for such soil removal shall first have been issued by the Planning Board of the Borough of Laurel Springs; provided, however, that where a building permit shall be issued for the erection, construction, alteration or addition of a building, no permit shall be necessary for the excavation resulting from the construction of said building.

§ 220-3. Application procedures.

A. An application shall be filed for the issuance of a soil removal permit. On a form supplied by the Borough Clerk, the application shall set forth the following, in duplicate:

- (1) Name and address of applicant.
- (2) Description of land in question.
- (3) Name and address of owner of land.
- (4) Purpose or reason for moving or removing the soil from the lands.
- (5) Kind and quantity, in cubic yards, of soil to be moved or removed.
- (6) In case of removal, the place to which the soil is to be removed and the kind and quantity of soil to be removed.
- (7) Proposed dates of commencement and completion of work.
- (8) The type and number of machines or other equipment to be used in said operation and the daily starting and finishing time during which machines are to be operated, and what fences, barriers or other structures are to be provided to keep out children and others.

B. Accompanying the application, there shall be filed a topographical map prepared and certified by a licensed civil engineer and land surveyor, in duplicate, showing:

- (1) Present grades on a one-hundred-foot grid layout.
- (2) Proposed grades at said points when the work has been completed.
- (3) The quantity, in cubic yards, of soil involved in work.
- (4) Grades of all abutting streets and lands.
- (5) Proposed slopes and lateral supports.
- (6) Present and proposed surface water drainage.

C. In addition to the above requirements of Subsections A and B of this section, the applicant shall furnish such other pertinent data as the Planning Board may require, after it has had an opportunity to examine the proposed project, including the extent (in cubic yards) of topsoil to be removed and whether such topsoil is to be replaced on the site in question.

D. The application shall be submitted with a permit fee, to the order of the Borough, in the sum as provided in the Annual Fees Ordinance. In the event of a refusal of such soil removal permit, as hereinafter provided, 1/2 of said permit fee shall be returned to the applicant and the other 1/2 shall be retained to partially cover the expense of the investigation of the project by the Planning Board prior to its refusal to issue the permit. [Amended 11-22-1976 by Ord. No. 271]

E. The Planning Board shall grant or refuse to grant the permit hereinabove provided for within 30 days from the date of the filing of the application; and, in case of refusal, the applicant may, within five days thereafter, appeal said refusal to the Mayor and Council, which, after investigation and study of the project, shall afford the applicant a public hearing at a regular meeting of the Mayor and Council to be held not less than three weeks after the appeal of the applicant is filed with the Borough Clerk. The decision of the Mayor and Council on whether to affirm or reverse the action of the Planning Board in refusing to grant said permit shall be by a two-thirds vote of the Council and shall be communicated to the applicant by letter addressed to him, at the address shown upon the application, and to the Planning Board. In the event that said decision is to reverse the Planning Board, the latter shall forthwith issue the permit applied for.

§ 220-4. Bank removal; slope and grade requirements.

In the event that the application for soil removal involves the cutting down or removal of a bank extending above the elevation of the surrounding lands or the elevation of a public street contiguous to the land upon which said removal is to occur, no such soil removal shall be conducted in such manner as to leave the ultimate grade of the land from which the bank is to be removed lower

than the grade of the surrounding lands or than the grade of a public street contiguous to the land upon which said removal is to take place. If the soil removal project contemplates the leaving of any part of the bank, then and in such event the removal shall be conducted in such a manner as to leave all sides of the bank upon which soil removal has taken place at a slope of at least 1 1/2 feet horizontal to one foot vertical.

§ 220-5. Replacement of topsoil.

Should the soil removal project involve the removal of topsoil, then and in such event such topsoil shall be replaced when the earth removal shall have been completed to grade, or, if such topsoil is removed from the land and taken elsewhere, then other topsoil to a depth equivalent to that of the depth of topsoil removed shall be provided, to the end that the grade, when completed, shall be covered with topsoil to at least the same depth as it was before the grading or excavation commenced. This provision shall not apply to such portions of the land as are to be permanently covered by a building or other similar structure, a street, a street pavement, curb, sidewalk, driveway or other paved area, or by any body of water or waterway.

§ 220-6. Right of inspection.

For the purpose of administering and enforcing this chapter, any duly authorized officer, agent or employee of the Borough of Laurel Springs shall have the right to enter into and upon any lands in or upon which soil moving operations are being conducted, to examine and inspect such lands.

§ 220-7. Fee; calculation; failure to pay.

The permittee shall pay to the Borough of Laurel Springs a charge as provided in the Annual Fee Ordinance for each cubic yard of soil removed. Calculations shall be made by the permittee and approved by the Borough Engineer. Failure to pay such charge within 30 days after the submission of invoice for soil removed shall constitute a violation of this chapter.

§ 220-8. Violations and penalties.

Any person, firm or corporation or copartnership who shall violate this chapter shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, § 1-15, in the discretion of the Municipal Judge. Each day that a violation shall continue shall constitute a separate offense.