

## ARTICLE XVI

### ENVIRONMENTAL PROTECTION

1601. ENVIRONMENTAL PRESERVATION REQUIRED. A use shall not occur in such a way that can be clearly proven on the basis of professional engineering and environmental study to be a significant hazard to the public health and safety or environmental quality.
1602. NUISANCES, FIRE AND EXPLOSIVE HAZARDS PROHIBITED. No land owner, tenant nor lessee shall use or allow to be used land, structures or premises that they are responsible for and/or using in such a way as to threaten or create any of the following situations or conditions or activities:
- A. Communicable disease hazards, including activities that encourage the breeding of disease-prone insects or rodents.
  - B. Significant physical hazards, especially hazards that would be easily accessible by small children.
  - C. Activity that would prevent a neighboring landowner of ordinary sensibilities from making reasonable use of their property.
  - D. Activity that would be a significant hazard to the public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. See Section 1618.
  - E. Activity that would seriously threaten or cause serious pollution to groundwaters or surface waters.
  - F. Owner's Responsibility. It is the responsibility of every property owner to ensure that their activities and property do not directly or indirectly threaten public health or safety. Property-owners shall be obligated to take prompt remedial action to resolve or remove hazards to the public health and safety. This shall include, but is not limited to, removal, securing or restoration of structures that are structurally unsound or damaged by fire.
  - G. Suspension of Approval. All approvals and permits of the Township are conditioned upon compliance by the applicant with all applicable Federal, State and Township laws and regulations. The Zoning Officer may suspend or revoke a permit under this Ordinance where there is continuing failure by a use, applicant, property-owner, business or lessee to remedy or remove a hazard to the public health and safety or other violation of this Article V, unless the applicant can show good cause why such action should not be taken.

- H. Township Removal of Hazards. If the Zoning Officer becomes aware of a serious threat to the public health and safety from a physical hazard, the Zoning Officer may, but is not required to, order the property owner to resolve the hazard. If the hazard is not resolved within a reasonable specified period of time after such notice, such as 30 days or less, the Township may, at the option of the Board of Supervisors, remove the hazard or contract for its removal. In such case, the property owner shall be required to compensate the Township for all such expenses for such work and any reasonable accompanying legal and administrative costs. However, the Township does not accept the responsibility to identify or resolve all hazards.
- I. Additional Information Required. If the Zoning Officer or Board of Supervisors, in consideration of any advice of the Township Engineer or Planning Commission, has reason to believe that an existing or proposed use may create a hazard to the public health and safety, then the Zoning Officer or Board of Supervisors may require an applicant or use to substantiate that necessary measures will be put into place to avoid such hazards.
- J. Former Landfills and Hazardous Dumps. Prior to development approval of former solid waste landfills or sites that the Township has reason to believe may be contaminated by hazardous or toxic wastes, the Zoning Officer shall require that the applicant provide written evidence that proves to the satisfaction of the Zoning Officer that such conditions have been addressed in order to ensure the health and safety of future occupants of the development. The applicant shall also provide such materials to the Township Engineer, Board of Supervisors and Planning Commission for their review and comment.
1. The applicant's proof in such cases should include, but not necessarily be limited to both groundwater and soil testing. Evidence shall be provided that land-filled areas proposed for building sites will provide stable foundations. Where outstanding violations of Federal or State environmental regulations exist, or in the event of any pending action regarding such alleged violation, then the Township may delay any development approvals and Township permits until such time that the applicant proves that such issues have been resolved or that such issues would not in any way negatively impact upon the proposed use.

1603. STEEP SLOPES. [Slopes in Excess of 15 Percent (15 ft. vertical distance over 100 ft. horizontal distance)]

- A. If the proposed site for a use other than crop farming or an outdoor plant nursery includes land shown on the Official Zoning Map or otherwise suspected as having an average slope of greater than 15 percent, the Zoning Officer shall require the applicant to submit a site plan meeting the requirements of this section.

- B. 1. Required Site Plan. The required site plan shall include 2 foot slope contours (or another slope interval pre-approved by the Zoning Officer or Township Engineer), with all areas of slope between 15 and 25 percent and greater than 25 percent identified. The site plan shall be to scale and shall show substantial areas and types of vegetation.
2. The Zoning Officer may require a plan to be drawn by a professional surveyor, professional engineer or landscape architect.
3. For lots of more than 3 acres, only contours for those lands being considered for any disturbance of soil shall be required to be shown on the site plan.
- C. If a proposed building location and any areas within 25 feet of the proposed building location are within an area with an average slope of greater than 15 percent and less than 25 percent, the following regulations shall apply; wherever they would be more restrictive than the regular regulations:
1. Residential uses - minimum lot area of 87,000 square feet per dwelling unit,
2. Commercial, institutional or industrial use - minimum lot size of 2 acres per use and natural vegetation disturbed on a maximum of 30 percent of the lot area.
- D. If a proposed building location and any areas within 25 feet of the proposed building location are within an area with an average slope of 25 percent or greater, the following regulations shall apply; wherever they would be more restrictive than the regular regulations:
1. Residential uses - minimum lot area of 4 acres per dwelling unit,
2. Commercial, institutional or industrial use - minimum lot area of 5 acres per principal use and natural vegetation disturbed on a maximum of 15 percent of the lot area.
- E. Streets and Driveways. See applicable slope standards in the Township Subdivision and Land Development Ordinance.
- F. Erosion. If an area of greater than 15 percent slope is to be disturbed, a Sedimentation and Erosion Control Plan shall be submitted to the Township for review and shall be put into effect. The Zoning Officer may require that the applicant submit the plan to the County Conservation District for review.
- G. Grading. See Section 1608 for grading controls. No grading shall occur in such a way that would circumvent the requirements of this Ordinance. These steep slope

requirements shall apply on the basis of the slope of land at the time of the adoption of this Ordinance.

- H. Man-Made and Small Sloped Areas. This section shall not apply to steep slopes that were man-made and were not naturally steep slopes. This section also shall not apply to lots that would only contain less than 1,500 square feet of land with slopes steeper than 15 percent.

1604. WETLANDS.

- A. If a reasonable doubt exists in the determination of the Zoning Officer or Township Engineer whether a portion of a site would meet one or more State or Federal definitions of a "wetland", the Zoning Officer shall require the applicant to provide a study by a qualified professional delineating whether wetlands exist prior to construction.
- B. All applicants are put on notice that Federal regulations may require a property owner to demolish newly constructed buildings and to remove all fill if land meeting a definition of "wetland" is altered.
- C. All permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations.
- D. Setback. To allow sufficient space for the movement of construction equipment, all principal buildings shall be setback a minimum of 20 feet from all "wetlands."

1605. SETBACKS FROM SURFACE WATERS.

- A. Intent. - To protect the water quality of surface waters in the Township, to preserve physical access to surface waters in case of future public acquisition, to minimize erosion and sedimentation, to preserve the natural storm water drainage system of the area and to conserve sensitive wildlife and aquatic habitats. To provide for setbacks that can be used as required yard areas for a use.
- B. Setbacks From Major Surface Waters. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of each closest bank of a major surface water. See the Township floodplain map in case a wider area is regulated under the Floodplain Ordinance. The exact location of the top edge of the bank shall be determined by the Township Engineer. Major surface waters are defined as the East and West Branches of the Monocacy Creek.
- C. Setbacks From Minor Surface Waters. No building, off-street parking or commercial or industrial storage or display area shall be located within 50 feet of the center of the water of any minor surface waters. Minor surface waters are defined as the Schoeneck Creek.

- D. Exemption. The setbacks of this Section shall not apply to public utility facilities or publicly-owned recreational facilities.
- E. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed.
- F. Riparian Areas. Existing Riparian Buffers shall be defined as a land area of vegetation that is maintained along the shore of natural watercourse to protect water quality, enhance the aquatic ecosystem and stabilize the natural watercourse banks and channels. This riparian buffer area is defined by an area at 100 feet from the top of the watercourse at the buffer's uphill edge located on both sides of the watercourse. Riparian areas can include floodplain and wetland areas
1. On each new lot that is adjacent or contains a riparian area, the riparian area must be shown on the lot site plan and be defined as a permanent conservation easement on the recorded lot deed with the following deed covenants and restrictions:
    - a. No tree shall be felled and removed for any reason in a riparian area except by disease or damaged by weather. A zoning permit must be secured by the landowner for the removal of any tree. No earthmoving or commercial forestry shall take place within a riparian area. Trees may be removed from wetlands not located in riparian areas but must be chained out to prevent damage to the wetlands. Riparian areas cannot be mowed or trimmed except to remove noxious or invasive plant species such as purple loostrife, bull thistle phragmites and other weeds as defined in the PA State Noxious Weed Control List.
    - b. Only approved utility crossings are allowed in a riparian area. All trees and vegetation removed for this utility crossing must be replanted within 30 days of completion. A landscaping plan must be provided and approved by the Township Zoning Officer prior to any earthmoving.
    - c. No livestock including horses and dog runs, shall have access to any areas within a defined riparian area unless approved by the Township by special exception zoning approval and by the Natural Resource Conservation Service. This includes all grazing and feeding and drinking areas for the livestock.
    - d. Motorcycle racing dirt tracks and snow mobile racing tracks are prohibited in riparian areas.

- e. Any trees damaged or destroyed in a riparian area will *be* replaced by a tree of at least six foot high if it is determined that the tree was illegally removed or damaged.
- f. Earthmoving in a riparian area is prohibited except for utility crossings.

1606. ALLUVIAL SOILS.

- A. Definition. Alluvial soils are areas designated as such by the U. S. Soil Conservation Service County Soil Survey.
- B. Applicability of Floodplain Ordinance. If construction or grading is proposed within an area that has been designated as alluvial soils along a segment of a creek or major drainage swale that has not been included in the Federal 100-year floodplain study, or within a major drainage channel that the Township Engineer has reason to suspect may be within the 100-year floodplain, the applicant shall be required to complete a study to determine the extent of the 100-year floodplain.
- C. Study. The study shall be in accordance with Federal floodplain methodology, as described in the Township Floodplain Ordinance. The full cost of the study and any review by the Township Engineer shall be born by the applicant.
- D. Effect. Within any area determined to be within the 100-year floodplain, the regulations of the Township Floodplain Ordinance, as amended, shall apply.
- E. Option. The applicant may choose to not accomplish the floodplain study. In such case, the alluvial soils areas along unstudied segments and/or the width of the drainage channel suspected of being a floodplain shall be required to meet the same requirements as the 100-year floodplain.

1607. FLOODPLAIN AREAS. The requirements of the Township Floodplain Ordinance, as amended, shall apply, and are hereby incorporated into this ordinance by reference.

1608. FILLING, EXCAVATION, AND GRADING.

- A. All activities other than crop farming which require the moving of earth or the filling or excavating of an area greater than 5000 square feet shall submit a sedimentation and erosion control plan and a site grading plan to the Township prior to the start of such work. These plans may be subject to reviews by the Township Engineer and the County Conservation District. See also Section 1617, "Preservation of Trees".

B. Grading Regulations.

1. Potentially unstable slopes, as determined by the Township Engineer, shall not be created. The Zoning Officer may require that the applicant provide certification from a Professional Engineer that finished slopes will be stable.
2. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
3. No grading shall be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
4. The Zoning Officer or Township Engineer may require that a sedimentation and erosion plan be prepared, submitted to the County Conservation District for a review and complied with.
5. Materials used for fill as a future base for construction shall be non-biodegradable, well compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt in the opinion of the Township Engineer that the subsurface is suitable and secure for building.
6. Steep Slopes. The Steep Slope provisions of Section 1603 shall apply based upon the contours that existed prior to any re-grading.
  - a. In no event shall any fill material on any lot or parcel of ground contain any biodegradable material, including but not limited to: construction debris, brush, trees (or any parts thereof), paper or paper products, trash, garbage and the like

- C. Dumping. Dumping of junk or solid waste in other than an approved solid waste disposal facility or junkyard is prohibited.

1609. STORAGE OF EXPLOSIVE AND HAZARDOUS SUBSTANCES.

- A. No above ground or surface storage of potentially explosive or hazardous liquids, gases or chemicals in any quantity in excess of 200 cubic feet in volume shall be stored or maintained within 150 feet of a residential district boundary or dwelling, except for the following substances for on-lot use: building heating fuels, fire suppression chemicals, fertilizers, janitorial chemicals and printing supplies.

- B. All outdoor above ground storage facilities areas for potentially explosive or hazardous liquids, gases or chemicals shall be enclosed by a secure chain link or similar fence with a minimum height of 7 feet, and shall include a sign stating their contents.
- C. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could:
  - 1. contaminate groundwater or surface water,
  - 2. render groundwater or surface water undesirable as a source of water supply or recreation, or
  - 3. seriously harm the aquatic life of a creek or other water body.
- D. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to an engineered collection area.

1610. SEWAGE DISPOSAL.

- A. All methods of sewage and waste treatment and disposal shall meet the requirements of the PA. Department of Environmental Protection and in accordance with the Official Township Sewage Facilities Plan, when applicable.
- B. Re-certification of On-Lot Systems. Any on-lot or community cluster septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change or expansion of an existing use would cause an increase in sewage flows.
- C. Back-Up System. Any lot using an on-lot septic system shall also include *a tested* open, unpaved land area that would be suitable for installing a second system if the first system failed.
- D. On-Lot Systems and Lot Area. The minimum lot areas shall not apply if a testing of a site for a septic system results in a determination by the Sewage Enforcement Officer that a larger lot area is needed, in which case that larger lot area shall be the minimum.
- E. Wastewater Amount. For all uses not connected to an approved central sewage treatment system that meets both State and Township requirements, an amount of wastewater shall not be generated for treatment through an on-site absorption area that is greater than an average of one equivalent dwelling unit per acre of lot area.

1611. NOISE.

- A. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in this Section in the following table, when measured at or within a lot-line of the receiving lot or district boundary:

Sound Level Limits by Receiving Land Use and Time

<b>Receiving Land Use Category</b>	<b>Hours</b>	<b>Sound Level Limit</b>
Residential or AG District or Lot Line of an Existing Dwelling or Hospital	1) 7 a.m. to 9 p.m. other than Sundays	68 dBA
	2) 9 p.m. to 7 a.m. plus all day Sundays and Federal holidays	61 dBA
Commercial and Commercial Recreation District	At all times	71 dBA
Industrial District*	At all times	75 dBA
*Temporary Use Exception: For noise generated by a permitted commercial or industrial use that only operates a maximum of 21 days in any calendar year.	between 8 a.m. and 8 p.m.	75 dBA

Note- dBA means "A" weighted decibel.

The Township Board of Supervisors may require the placement of acoustical barriers, such as sound catching retaining walls, to assure compliance with the above sound level limits if the Supervisors are not satisfied that other methods of reducing sound levels proposed by the applicant will result in the required sound levels being attained.

- B. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Section 1611.B. shall be reduced by 5 dBA.
- C. The maximum permissible sound level limits set forth in Section 1611.B. shall not apply to any of the following noise sources:
1. Sound needed to alert people about an emergency.

2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 7.00 a.m. and 9:00 p.m.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7:00 a.m. and 9:00 p.m. except for clearly emergency repairs which are not restricted by time.
5. Agricultural activities, including permitted animal husbandry, but not exempting a commercial kennel.
6. Motor vehicles traveling on State-owned streets.
7. Public celebrations, specifically authorized by the Board of Supervisors or a County, State or Federal Government agency or body.
8. Railroads and aircraft.
9. Un-amplified human voices.
10. Routine ringing of bells and chimes by a place of worship or municipal clock.

1612. VIBRATION.

- A. No use shall generate vibration that is perceptible to an average person through his or her senses (without the use of measuring instruments) on private property beyond the exterior lot line of the use generating the vibration.
- B. For vibration created within a GI District, this requirement shall only apply to vibration perceptible within a dwelling or a residential district.

1613. ODORS AND OPEN BURNING.

- A. Odors. No use shall generate odors that are seriously offensive to persons of average sensibilities beyond the boundaries of a lot line. This shall not apply to odors created by permitted agricultural uses that are using normal farming practices (see Act 133 of 1982, the State "Right to Farm Act").
- B. Open Burning. See Township Ordinance No. 74 of 1981, as amended.

1614. LIGHT, GLARE AND HEAT CONTROL.

- A. Street Lighting Exempted. This Section 1614 shall not apply to street lighting that is owned or maintained by the Township or the State.
- B. All uses or sources, including signs, shall minimize the production of light, heat or glare that is perceptible beyond any property line of the lot on which the light, heat, or glare is produced.
- C. A building permit shall be required for all new exterior lighting, including: site lighting; any form of illumination of buildings or structures or parts of buildings or parts of structures; and illumination of signs, logotypes, or other forms of advertising. Building plans and or site plans required as part of an application for a building permit shall clearly illustrate and completely describe any proposed exterior lighting and shall provide a statement of type, intensity, and purpose of such lighting.

In NC, GC and PIC Districts, lighting fixtures shall be decorative, aesthetically pleasing and a maximum of twenty feet (20') in height, unless the Board of Supervisors approve alternative types and heights of fixtures upon request of the applicant.

- D. Height of Lights. No luminary, spotlight or other light source that is within 200 feet of a dwelling or residential or agricultural district shall be placed at a height exceeding 30 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- E. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from abutting streets or lots. No spotlight shall be directed such that the bulb itself is directly visible from a public street or dwelling.
- F. Shielding Colors. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or residentially or agriculturally zoned areas, and to prevent the lighting from shining into the eyes of passing motorists. No red or green lights, other than approved traffic control or warning lights, shall be permitted within 75' feet of any intersections of street right-of-way lines nor within 75' feet of any intersections of driveways or private access roads with street right-of-way lines
- G. Maximum Candlepower. No lighting source, including signs, shall spill-over a property line in such a way as to cause an illumination of greater than the following amounts, measured on the surface at the lot line of the receiving lot or street:

1. 0.2 foot-candles spillover at a residential lot line *or* adjacent residential or agricultural zoned property between the hours of 10 p.m. and 7 a.m.
  2. 0.7 foot-candles spillover at a residential lot or adjacent residential or agricultural zoned property between the hours of 5 p.m. and 10 p.m.
- H. Flickering. Flashing, flickering or strobe lighting is prohibited, except for non-advertising seasonal lights between October 30th and January 5th.
- I. Measurement. The maximum illumination levels of this Section shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. A foot-candle is defined as a unit of measurement equaling the illumination on a surface 1 square foot in area where there is a distribution of light having a candlepower of 1 candela. (see ord. 128)

1615. PLACEMENT OF OUTDOOR MACHINERY AND DUMPSTERS AND REQUIRED FENCING OF OUTDOOR STORAGE.

- A. Noise. No outdoor machinery, such as exhaust fans, central air conditioning units, freezer compressors, power generators or high voltage electric transformers shall routinely produce noise that would violate the noise standards of Section 1611.
- B. Placement. All outdoor machinery that could create a noise nuisance shall be placed on a side of a commercial or industrial building that does not face an abutting existing dwelling, residential district or other noise-sensitive use.
- C. Safety. Hazards involving outdoor machinery and storage shall be well-marked.
- D. Trash Dumpster and Solid Waste Containers. All trash dumpsters shall be screened on 3 of 4 sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. This screening shall be done with a solid wooden fence, brick wall or evergreen plants. No dumpster shall be kept within 20 feet of a dwelling unit other than that of the owner. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain at least (2) two outdoor solid waste receptacles at convenient locations on the property for customer use.
- E. Fencing of Outdoor Storage Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land, and *any* stationary hazardous machinery and equipment that are outdoors shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of 12 to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer, who may request a review by the Township Engineer, that such fencing or walls are not needed.

1616. RADIOACTIVITY AND ELECTRICAL DISTURBANCES.

- A. No use shall cause electrical disturbances to equipment on other lots.
- B. No radioactive wastes shall be disposed of in any district, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also PA.DEP regulations.

1617. PRESERVATION OF TREES AND FORESTS.

- A. Intent. To protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas and conserve energy. These regulations shall not be construed to prohibit commercial forestry operations.
- B. Tree Removal. No more than 10 trees per lot, or on any combination of adjoining lots in common ownership, with a trunk diameter of 6 inches or more (measured at a height 3 feet above original grade) shall be removed in any calendar year as part of the development of a use unless each such additional tree meets or will meet one or more of the following conditions:
  - 1. is located within 10 feet of an uncurbed vehicular cartway,
  - 2. is within a proposed or existing vehicular cartway, shoulder or sidewalk,
  - 3. is within 10 feet of an approved storm water detention basin, paved area, driveway or on-lot sewage system,
  - 4. is within 25 feet of the foundation of an approved structure,
  - 5. is within an approved utility corridor,
  - 6. is diseased, dead or poses a clear danger to a structure, utility or public improvement,
  - 7. is a hazard to vehicular sight distance,
  - 8. is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional 5 years,
  - 9. is within an area of an approved principal or accessory use that clearly requires the removal of the tree,
  - 10. is within an area that must be cleared to develop an approved golf course, or
  - 11. is necessary to allow longer rows for crop farming.
- C. Protection of Trees During Construction. Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, damage by equipment or change in grade level. Trees that were required to be preserved and that were destroyed shall be replaced by the developer with mature trees with the closest trunk width if available, in addition to any penalty that may be exercised under this Ordinance.

- D. Applicability. This section shall not apply to an owner of a residential lot of less than 4 acres after occupancy.
- E. Forestry. This section shall not apply to approved commercial forestry, which is regulated as a distinct land use, nor to the cutting down of up to 10 percent of the trees of greater than 6 inches diameter (measured at a height of 3 feet above the surrounding ground level) on a lot or tract in any calendar year, which is permitted by right in all districts.
- F. Preservation of Trees Within Non-Riparian Buffer Areas. See Section 1404.D.3.c.

1618. REVIEWS TO DETERMINE COMPLIANCE WITH PERFORMANCE STANDARDS.

- A. Definition. "Performance Standards" shall mean the requirements of Article XVI.
- B. Intent. To ensure that all uses, especially industrial uses involving complex or unusual processes, comply with the performance standards of this Ordinance and do not threaten the public health and safety.
- C. Information Required. The Zoning Officer, or the Zoning Hearing Board in the case of special exception uses or variance requests or a request for review by the Zoning Officer, may require an applicant to submit sufficient information on any storage, manufacture or processing of materials that might involve explosive, toxic, hazardous or radioactive substances to determine whether the use would meet the health, safety and performance requirements of this Ordinance.
- D. Zoning Hearing Board Review. If a reasonable doubt exists whether a proposed use would meet the performance standards of this Ordinance, the Zoning Officer may request a review by the Zoning Hearing Board.
- E. Studies May be Required. As part of a review by the Zoning Hearing Board of a special exception use or a review requested by the Zoning Officer, the Zoning Hearing Board may require an applicant for an approval or permit under this Ordinance to fund such reasonable and necessary studies to determine the use's compliance with the performance standards. Such studies shall be completed by expert(s) acceptable to the Zoning Hearing Board. The Zoning Officer or the Zoning Hearing Board shall be given at least 45 days, if they determine it is needed, to review such information after it is submitted in written form.
  - 1. Cooperation. The applicant shall be required to provide such information to the designated reviewer as is needed to allow an accurate determination of potential hazards.

- F. Monitoring. If a reasonable doubt exists that a use would violate the performance standards, the Zoning Hearing Board may require a use to fund such reasonable and necessary monitoring to ensure its compliance.
  - G. Backup Systems. The Zoning Hearing Board may require a use to provide a separate secondary safeguard system to protect the public from serious nuisances and hazards under the Performance Standards.
  - H. Safety Standards. If the Zoning Hearing Board determines that a significant fire or explosive hazard could exist, the Zoning Hearing Board may make a condition of any zoning approval that use that threatens the hazard comply fully with the relevant standards for that operation, storage or process as developed by the National Fire Protection Association, or other nationally recognized standard.
1619. STRIPPING OF TOPSOIL. The permanent stripping and substantial removal of topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop farming practices.