

comply with all applicable regulations to said districts.

I. In all instances, the requirements set forth herein for placement upon a foundation or piers or for tie-down and anchoring of mobile/manufactured homes shall be interpreted so as to require conformance with and adherence to the manufacturer's recommendations which are provided by mobile/manufactured home manufacturers in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 *et seq.*, and any amendments thereto or statutes hereinafter enacted in replacement thereof. [Ord. 8.5.2008]

J. Nothing in this Chapter shall be construed as to impose any liability or responsibility upon Hepburn Township for providing adequate standards for placement and location of mobile/manufactured homes. The standards set forth herein shall be regarded as minimal and shall not be regarded as certifying or warranting in any way that mobile/manufactured homes placed or located in conformance herewith are safely placed or located. [Ord. 3.2.04]

K. *Controls on Development.*

(1) Mobile/manufactured homes used as permanent units or as independent dwelling units shall meet the minimum standards of all local building, housing, electrical, plumbing and other codes in force or hereinafter enacted. [Ord. 3.2.04]

(2) A mobile/manufactured home shall be subject to all controls set forth herein governing other dwelling units permitted in the applicable districts. [Ord. 3.2.04]

(3) A mobile/manufactured home shall not be removed from a lot until a permit has been issued by the Tax Collector and such permit shall not be issued by the Tax Collector until factual evidence is available indicating that taxes levied have been paid, and the Zoning Officer has been so informed. [Ord. 3.2.04]

(4) Within 5 days after removal of the mobile/manufactured home, the foundation shall be removed and the site backfilled by the owner to an approved grade as established by the Zoning Officer. In lieu of this, the owner may sell or otherwise legally transfer the lot to house another mobile/manufactured home on the same foundation provided that such transaction takes place before the mobile/manufactured home is moved from the site. [Ord. 3.2.04]

L. *Retroactivity of Skirting Requirements.* All mobile/manufactured homes presently situated within the Township within 6 months of the date of enactment of this Chapter shall be required to comply with the skirting requirements as set forth under subsection .2. [Ord. 3.2.04]

3. *Mobile/Manufactured Home Parks.* See Hepburn Township Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 3.2.04]
(Ord. 75-1, 1/6/1975; as amended by Ord. 82-5, 7/6/1982; by Ord. 3.2.04, 3/2/2004, §3D; and by Ord. 8.5.2008, 8/5/2008)

§27-613. **Natural Resource Production Uses.**

1. A natural resource production use may be permitted in R-C, R-M or R-S Districts of the Township as a conditional use, except if the use is specifically prohibited under Part 5, "District Regulations." A natural resource production use shall be as defined under this Chapter or any substantially similar use. [Ord. 8.5.2008]

2. The following paragraphs set forth the criteria for allowance of such use which shall be considered by the Board of Supervisors in the granting of the conditional use in addition to other conditional use requirements under other provisions of this Chapter. The Board of Supervisors may impose any appropriate conditions to assure compliance with any of the following paragraphs and other provisions of this Chapter, the Subdivision Ordinance [Chapter 22] or other Township ordinances, rules or regulations:

A. All such applications shall set forth what other State, Federal or other governing authority approvals must be obtained; the obtaining of and maintenance of such approvals shall be a condition of the grant of the conditional use.

B. A time limit for the natural production use may be imposed commensurate with the scope of the operations, provided that extensions of the permit may be granted upon an application which shall be acted upon under the same procedures as original permits are granted.

C. Natural resource production use applications shall include a sufficient sketch or plan to enable the Supervisors to determine the location, scope, nature of the activity and the effect of the same upon the adjacent properties and roadways. A copy of any plans which may be required to be prepared or maintained under any State law and regulations or those of any other governing authority, which pertain to the activity shall be attached to the application or if not prepared at the time of the application, shall be filed with the Zoning Officer, prior to the commencement of the activity. The application for such use shall not be granted until all such applications, except for timber harvesting, shall be certified by a professional engineer or registered land surveyor showing the plan of the property where the natural resource production use is to occur and the extent of such operation including existing structures, slopes, boundary lines of adjacent properties together with an indication as to the use made presently of the subject tract and all adjoining tracts may be required by the Supervisors as part of the application for a conditional use.

D. All applications shall show the Township roads which will be used in development of the natural resource production use and when required by the Supervisors shall be accompanied by an engineer's certification that such use will not cause any deterioration in the existing Township roads to be used in the natural resource production activity. The use of any Township roads, rights-of-way, or easements which subjects the same to excessive weights or damage in excess of the normal public traffic thereon shall be allowed only if the expense of maintaining, improving, grading, and use thereof is borne by the applicant for the conditional use and provided that the safety to the other public traffic is not impaired unduly. Appropriate requirements for improvements and maintenance of the Township roads, ditches, rights-of-way and easements, and protection of the public may be required.

E. The Township may also require as a condition of granting such permits

performance bonds to guarantee the restoration of the property and compliance with other conditions of the conditional use, in an amount that is reasonable. Prior to commencement of any natural resource production use a bond, underwritten by a security company authorized to conduct business within the Commonwealth of Pennsylvania, in favor of the Township in the minimum amount of at least \$1,000 or such other higher amount as may be reasonable under the circumstances, shall be posted to guarantee the preservation of the integrity of the Township roads. The amount of the bond, shall be in an amount per mile of Township road subject to use in the activity as follows: (1) for unpaved roads, \$1,000, and (2) for macadam or improved roads, \$3,000. The amount of said bond shall be prorated based upon the actual mileage involved to the nearest tenth of a mile, provided that the minimum amount shall not be reduced to below \$1,000. Otherwise, bonds shall be administered in accordance with the provisions of this Chapter relating to bonds. [Ord. 1988-1]

F. Proper erosion and sedimentation control measures and stormwater management controls shall be taken in the carrying out of any natural resource production use. The Office of the Lycoming County Conservation District and/or the Pennsylvania Department of Environmental Protection may be consulted by the Township to review the application. The applicant shall provide such office with information that they may reasonably require and their recommendations may be made a condition of the use. [Ord. 8.5.2008]

G. All property involved in a natural resource production use shall be completely regraded and reseeded as may be reasonably required at the termination of the use so as to restore the property into a condition essentially similar to that which existed prior to the development of the use or other such reasonable condition as may be approved by the Township, which will prevent undue erosion and make the property usable in the future for other purposes.

H. Appropriate certifications that all applicable governmental regulatory approvals have been obtained, together with copies of such approvals, shall accompany all applications and compliance with all such regulations shall be a condition of the use.

I. A substantial fence completely separating the area to be developed or used in the natural resource production use activity may be required and shall be required if the use activity is located within 200 feet of a residential lot or an R-S or R-M, or C-H zoned district, or within 200 feet of such a district boundary. The type and nature of the fence shall be as determined by the supervisors under the circumstances that may exist from time to time and shall be such as will reasonably protect the public, adjoining landowners and others from suffering injury to their person or property as a result of the use. [Ord. 8.5.2008]

J. No top of the slope or quarry shall be nearer than 100 feet to any property line or street line.

K. No rock crusher, cement plant or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process of treating such products shall be permitted in residential areas; and when in other areas such operation shall be subject to such conditions and safeguards as deemed necessary by the Board of Supervisors to protect the public health, safety and welfare.

L. The natural resource production use shall be conducted in accordance with all the provisions of the Surface Mining Conservation and Reclamation Act, 52 P.S. 1396.1 *et seq.*

(1) This law regulates all surface mining except (a) extraction of minerals (other than coal) by a landowner for his own noncommercial use from land owned or leased by him; (b) extraction of such noncoal minerals for commercial purposes in an amount less than 500 tons per acre in any given year; (c) extraction of noncoal minerals for highway construction purposes, provided the work is performed under bond, contract and specifications which provide for reclamation of the area; and (d) the use of slag on the premises of a manufacturer as a part of the manufacturing process.

(2) Though some uses are exempt from said act all applicable sedimentation and erosion control measures remain in force.

(Ord. 75-1, 1/6/1975; as amended by Ord. 1986-1, 5/20/1986; by Ord. 1988-1, 5/5/1988; and by Ord. 8.5.2008, 8/5/2008)

§27-614. Off-Street Parking (See also §27-626).

1. *General Regulations.*

A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

B. Each parking space shall consist of not less than an average of 270 square feet of usable area for each motor vehicle including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than 9 feet wide and 20 feet long. Outdoor parking spaces, and the approaches thereto, shall be paved, or covered with gravel or cinders. Such outdoor parking space shall be deemed to be part of the open space of the lot on which it is located. In commercial districts, all parking lots shall be surfaced with a permanent material.

C. A garage may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission.

E. *Surfacing.* Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, and shall be so arranged as to provide for orderly and safe parking and storage of self-propelled vehicles.

F. *Lighting.* Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any

signals, hydrants, gas regulator and measuring devices, including the structures in which they are housed, and necessary to the normal maintenance, repair or installation for any utility. Structures shall not be permitted for the housing of transformers, pumps, and similar equipment that cause any noise, odor, smoke or other hazardous effect. The installation of these "essential services" shall be permitted without the requirements of a public hearing by the Public Utility Commission, the Township Supervisors, or the Zoning Hearing Board.

3. *Uses Not Permitted Nor Specifically Prohibited.* If a use is proposed in the Township in a district where it is not specifically prohibited and if such use is not provided as a specifically permitted use or as a conditional use or special exception, such use may be permitted by the Zoning Hearing Board under the conditions applicable to the granting of a variance provided that if such variance is granted the Zoning Hearing Board shall be permitted to place such restrictions and conditions upon the use as might be applied to any special exception or conditional use. In the alternative, the applicant for such use may apply for an amendment to this Chapter. (Ord. 75-1, 1/6/1975; as added by Ord. 1991-1, 3/15/1991)

§27-619. Strip and Deep Mining.

1. Strip mining shall follow procedure as set forth in §27-522 and the Surface Mining Conservation and Reclamation Act, 52 P.s. §1396.1 *et seq.*, as amended.

2. Deep mining shall not be permitted except by specific permission by the Township Supervisors after a public hearing thereon, and subject to the restriction and controls as deemed necessary and further provided that a permit is authorized as a special exception by the Zoning Hearing Board in accord with all requirements established by the Township Supervisors.

(Ord. 75-1, 1/6/1975)

§27-620. Structures in Yard Areas.

1. *Second Dwelling.* In a residence district, no building to the front or rear of and on the same lot with a main building, shall be erected or used for residence purposes. However, a second dwelling will be permitted above a garage provided this dwelling remains secondary to the main building.

2. *Accessory Building.*

A. Accessory buildings shall not be constructed in any required front yard.

B. Accessory buildings shall not be constructed in that portion of the side yards that is the minimum open space required for side yards as set forth under the applicable district regulations.

C. An accessory building may be erected within a rear yard provided that:

(1) It shall be at least 10 feet from the rear property line.

(2) It shall be at least 10 feet from the nearest wall of the main building; or this may be reduced to 5 feet if no windows or other openings in either building are involved; or the accessory buildings may be integrated with the main building by contiguous walls, breezeway, or other connection.

3. *Projections.* No principal building, and no part of a principal building shall be erected within, or shall project into the required front, side, or rear yard of a lot, except

