

CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS

PART SEVENTEEN - BUILDING CODE

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CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS

PART SEVENTEEN - BUILDING CODE

ARTICLE 1701
Building Construction

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CROSS REFERENCES

Duty to adopt - see CHTR. Art. IX, §903

Power to regulate - see First Class Twp. Code §1502 (53 P.S. §56518)

Adoption by reference - see First Class Twp. Code §1502 (53 P.S. §56519)

1701.01 FIRE SUPPRESSION SYSTEM; FIRE HYDRANTS.

(a) A fire suppression system installed in accordance with the Uniform Construction Code, shall be installed in all areas in all buildings of the following Uniform Construction Code use and occupancy classifications exceeding the noted square feet.

Uniform Construction Code
use and occupancy classifications,
B, M, I-1, I-2, & I-3
including day care
& health care facilities

5,000 sq. ft. per floor or any
building exceeding 40 ft.
in height.

Use and occupancy classifications,
A-2, R-1 & R-2

All areas regardless of size.

(b) In Uniform Construction Code use and occupancy classifications B, M, I-1, I-2 and I-3 including day care and health care facilities, if an addition is added to an existing building and that building then exceeds 5,000 square feet per floor or exceeds forty (40) feet in height, the total building shall be required to be suppressed.

(c) All uses within the Town zoning classification C-6 shall be suppressed in all areas regardless of size.

(d) A fire hydrant will be required within fifty (50) feet of all Fire Department standpipe and sprinkler system connections installed pursuant to this subsection, as approved by the Town Fire Marshal. (Ord. 1301. Passed 5-24-04.)

1701.02 FIRE EQUIPMENT SUBSTATION.

(a) Fire equipment substations shall be provided in all new buildings exceeding sixty feet in height providing the following fire equipment:

- (1) One spanner wrench.
- (2) Two pic-headed fire axes.
- (3) Three self-contained forty-five minute breathing apparatus to be approved by the Fire Official.
- (4) One select-a-flow nozzle, one and one-half inches in diameter.
- (5) Two hundred feet of three inch diameter double jacket fire hose equipped with two and one-half inch couplings.
- (6) One, two and one-half inch gated "wye" reduced to two, one and one-half inch couplings.

(b) Fire equipment substation storage areas shall be provided at every third floor. All fire equipment substations shall be located so as to give access to stairway doors, and shall be approved by the Fire Official.
(Ord. 891. Passed 9-24-84; Ord. 1301. Passed 5-24-04.)

1701.03 SELF-CLOSING DOORS.

Self-closing hinges or automatic closures shall be placed on all doors between the garage and living area of all dwelling units, including all single family and multi-family dwelling units. (Ord. 1032. Passed 5-29-90.)

1701.04 NOTICE FOR BUILDING INSPECTIONS.

It shall be the responsibility of the recipient of a building permit to give twenty-four hour notice for all inspections which are required by the Office of the Building Inspector.
(Ord. 1032. Passed 5-29-90.)

1701.05 SUPPORTING BEAMS.

All supporting beams shall have their post plates attached by bolts and/or welding.
(Ord. 1032. Passed 5-29-90.)

1701.06 SITE PLAN.

The Building Official has the authority to require that a survey be made on the ground by a registered surveyor or licensed engineer of the building or structure, authorized by a permit, at any time prior to or during construction as a condition to processing the permit application or continuing work. In the event that the holder of a permit is directed to secure and produce such survey, and neglects or refuses to do so, such permit shall be revoked.
(Ord. 1083. Passed 9-28-92.)

1701.07 AUDIO VISUAL DEVICES.

In order to indicate, upon the arrival of the Fire Department/emergency services, which building an alarm is being activated, audio visual devices will be installed on the exterior of the building, in a location approved by the Fire Marshal's office, in all occupancies, excluding single-family dwellings, that have an automatic fire detection/protection system and/or fire suppression system installed on the premises. Such device shall be installed so that it can be viewed by approaching fire apparatus.
(Ord. 1083. Passed 9-28-92.)

1701.08 HEALTH CARE FACILITIES.

All health care facilities shall now be required to have annunciated patient room smoke detectors which shall be connected to a monitoring device located at a point on the premises that has personnel on duty twenty-four hours a day.
(Ord. 1083. Passed 9-28-92.)

1701.99 PENALTIES.**(a) Violation of Articles.**

- (1) Any individual, firm or corporation that violates any provision of this article commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) and costs.
- (2) Each day that a violation of this article continues shall be considered a separate violation.

(b) Disposition of Penalties. The amount of the penalty shall be forwarded to the entity with enforcement jurisdiction. (Ord. 1301. Passed 5-24-04.)

ARTICLE 1705
Grading, Excavation and Fills

1705.01	Title and purpose.	1705.09	Expiration of permit.
1705.02	Definitions.	1705.10	Denial of permit; appeal.
1705.03	Permit requirement.	1705.11	Supervision of grading.
1705.04	Exceptions to permit requirement.	1705.12	Maintenance.
1705.05	Standards for grading.	1705.13	Liability.
1705.06	Application for permit; submission of plans.	1705.14	Schedule of fees.
1705.07	Hazardous conditions.	1705.15	Remedies.
1705.08	Completion and performance guarantee.	1705.16	Compliance; effect of noncompliance.
		1705.99	Penalty.

CROSS REFERENCES

Street excavations - see S.U. & P.S. Art. 901

Lot area requirements - see P. & Z. 1323.13

Land and lot requirements in subdivisions - see P. & Z. 1371.05

1705.01 TITLE AND PURPOSE.

(a) This article shall be known and may be cited as “The McCandless Grading Ordinance”.

(b) The purpose of this article is to provide minimum standards to safeguard persons and property, to protect and to promote the public welfare, by preventing excess erosion, hazardous rock and soil slippage, sediment production and other soil and water management problems, and by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill.
(Ord. 625 §1. Passed 4-23-73.)

1705.02 DEFINITIONS.

Wherever used in this article the following words shall have the meanings indicated:

- (a) “Administrator” means the person qualified and officially appointed by the governing body to manage this article.
- (b) “Bedrock” means natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surficial deposits.
- (c) “Engineering geologist” means a person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.

- (d) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.
- (e) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and includes the conditions resulting therefrom.
- (f) "Fill" means any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and includes the condition resulting.
- (g) "Governing body" means Council.
- (h) "Grading" means excavation of fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
- (i) "Grading permit" means any permit required under this article.
- (j) "Hazard" means a danger or potential danger to life, limb or health, or an adverse effect or potentially adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers; "hazard" includes stream pollution.
- (k) "Person" means a natural person but shall also include a partnership, corporation, trust or association.
- (l) "Professional" means a person (engineer, surveyor or architect) licensed by the Commonwealth of Pennsylvania.
- (m) "Site" means a lot, tract, parcel of land, or a series of lots, tracts or parcels of land which are adjoining where grading work is continuous and performed at the same time.
 - (1) "Slope" means any ground area having an inclination from the horizontal. Slopes are measured either in degrees from the horizontal or as the ratio of a horizontal distance to the vertical height (or drop) to the surface of the slope. Each change in inclination from horizontal in a cut or fill represents a different slope. The slope of a cut or fill is represented by the maximum slope of a cut or fill.
- (n) "Soil Survey" means the unpublished and operational soil survey for Allegheny County, Pennsylvania and the accompanying text "Soil Survey Interpretations of Allegheny County, Pennsylvania", as prepared by the USDA Soil Conservation Services et al. When applicable, "Soil Survey" means "Soil Survey, Allegheny County, Pennsylvania" when this publication is completed.
- (o) "Soil engineer" means a person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in the branch of soils engineering.
- (p) "Solid waste" means all parts of combinations of ashes, garbage, refuse, radioactive material, combustible demolition materials and industrial wastes such as food-processing wastes, wood, plastic, metal scrap, etc.
(Ord. 625 §2. Passed 4-23-73; Ord. 1127 §D.1. Passed 8-22-94.)

1705.03 PERMIT REQUIREMENT.

(a) A grading permit must be obtained from the Administrator for new grading, excavations and fills. Changes, additions or alterations made to existing excavation or fills shall conform to the provisions of this article. A separate grading permit shall be required for each site. One permit may cover the grading, excavation and any fills made on the same site.

(b) Only one permit is required for a continuous parcel to be graded for a proposed major planned development, such as residential planned unit development or a planned industrial park when adequate standards or requirements for grading the parcel are approved by the Administrator.

(Ord. 625 §3. Passed 4-23-73.)

(c) When grading is to be performed for and executed concurrently with the construction of a new building, a separate grading plan will be required.

(Ord. 1167 §3. Passed 6-24-96.)

1705.04 EXCEPTIONS TO PERMIT REQUIREMENT.

A grading permit will not be required for any of the following situations:

(a) Grading limited to reasonable, regular, normal maintenance and landscaping improvements by individual homeowners, where standards in this article are not violated.

(b) Stockpiling of rock, sand and aggregate in area properly zoned for such use.
(Ord. 625 §4. Passed 4-23-73.)

(c) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1167, passed June 24, 1996.)

1705.05 STANDARDS FOR GRADING.

(a) The maximum slope of cut shall not exceed two horizontal to one vertical or 2:1 and the maximum slope for fill shall not exceed three horizontal to one vertical or 3:1.

Retaining walls and grading shall meet the following requirements:

- (1) Any wall in excess of four feet above grade shall be designed by a registered engineer experienced in structural design and be constructed in compliance with the Building Code. A single, engineered retaining wall, not in excess of four feet, may be used in the cut or fill area.
 - (2) Where a wall is used at the toe of a cut or fill, a buffer area, measured from the base of the wall, shall be a minimum distance of twice the height of the wall. This buffer area shall not be used for placement of structures, parking, vehicular circulation, sales area, pedestrian traffic or for other uses which may endanger public safety if the wall should fall.
 - (3) Any wall in excess of five feet in height shall be protected with a six foot chain link fence.
 - (4) Cuts or fills in excess of twenty feet in height and within thirty feet of the property line shall include bufferyard D, Section 1314.04, at the top of a cut (or the bottom of a fill), whichever provides greater buffering to the adjacent property.
 - (5) Cuts or fills in excess of thirty feet in height shall include a six foot chain link fence at the top of the slope.
 - (6) Where a cut or fill exceeds fifteen feet in height, the top of cut or the toe of fill shall not be closer to the lot line than twenty feet.
- (Ord. 1127 §D.2. Passed 8-22-94.)

(b) Adequate provisions shall be incorporated to prevent erosion due to storm drainage.

All provisions shall be properly engineered and may be paved or planted swales and/or gutters and/or piped storm sewers. All of this shall be reviewed and subject to the approval of the Town Engineer.

(c) Existing storm drainage shall not be diverted to adjacent property owners.

(d) Adequate engineered provisions shall be incorporated to prevent sediment infiltration into existing streams.

(e) All fills shall be compacted to provide stability of fill materials and to prevent settlement of slippage.

(f) Immediately upon completion of grading, all areas not designated for building or paving shall be mulched and planted. Planting shall be appropriate to maintain slopes from erosion and subject to approval of the Town. In general, planting may be rye grass, crown vetch or honey-suckle.

(g) (EDITOR'S NOTE: This section was repealed by Ordinance 1004, Section 47, passed March 27, 1989.)

(h) Any slope which exceeds fifty feet in vertical height shall be properly benched.

(i) In addition to the above, all fill and cut operations shall follow the "Erosion and Sediment Control Handbook" for Allegheny County.

(j) In the event that the cut and fill operation affects any natural watercourse under the jurisdiction of the Pennsylvania Department of Environmental Resources, Division of Dams and Encroachments, by change in direction, cut and fill along the banks, culverts or bridges, or construction adjacent to, the applicant must present with his application the permit and the letter of comments from the Department of Environmental Resources, Division of Dams and Encroachments.
(Ord. 625. §5. Passed 4-23-73.)

(k) An exception may be requested to one or more requirements of these standards for grading when the location, shape or topography of the particular parcel of land is such that strict conformance to the requirements would cause undue hardship, serve no useful purpose, or be a detriment to the overall quality of the project. Such an exception shall not be contrary to the requirement or spirit of the Town's Comprehensive Plan. At least four affirmative votes of Council shall be required for approval. Such request shall come before the Planning Commission, Zoning Committee of Council and voted on at a regular business meeting. The request for exception along with plans shall be submitted thirty days prior to the Planning Commission meeting at which the submittal will be discussed.
(Ord. 1004 §48. Passed 3-27-89.)

1705.06 APPLICATION FOR PERMIT; SUBMISSION OF PLANS.

(a) Every applicant for a grading permit shall file a written application with the Administrator on a prescribed form. The application shall:

- (1) Describe the land, on which the proposed work is to be done by lot, block, tract or street address.
- (2) Be accompanied by the plans and specifications prepared and sealed by a professional (engineer, surveyor, or architect) giving a reasonable picture of the site and proposed soil erosion controls, if any. The plans must be complete with north arrow, scale, distance to road intersections, adjacent structures, roads, utilities, waterways, existing contours, finished proposed contours (all contours minimum 5 foot intervals). All necessary existing and finished spot elevations are required to show drainage details of all constructed measures to prevent soil erosion, and planting.

(b) The Administrator may waive the preparation of the plans by a professional when it is self-evident that the proposed work is simple, clearly shown on the plans submittal, and creates no potential nuisance or hazard to adjacent property.

(c) Plans and specifications above shall be submitted to Allegheny County Conservation District for approval before submission to the Administrator, and such approval must be submitted for permit when:

- (1) Excavation or fill exceeds five (5) feet in vertical depth, and results in a cut or fill slope steeper than four (4) horizontal to one (1) vertical, and exceeds an area of one thousand (1000) square feet for areas recognized by the Allegheny County Soil Survey as containing landslide-prone soils.
- (2) Excavation or fill exceeds ten feet (10) in vertical depth, and results in a cut or fill slope steeper than three (3) horizontal to one (1) vertical and exceeds an area of five thousand (5000) square feet in area for areas not recognized by the Allegheny County Soil Survey as landslide-prone.
- (3) In the event the applicant deems it necessary to exceed the slopes of cut and fill as recommended in the Soil Survey, or by the Allegheny County Conservation District, the applicant may do so only when the design is certified by a soils engineer or geologist. However, in no case shall the slopes be greater than specified in Section 1705.05(a).
(Ord. 625 §6. Passed 4-23-73.)

1705.07 HAZARDOUS CONDITIONS.

(a) Whenever the governing body, upon the recommendation of its Administrator, determines that any existing excavation, embankment or fill has become a hazard as defined in Section 1705.02, the owner of the property upon which the excavation, embankment or fill is located, or other persons or agent in control of the property, upon receipt of notice in writing from the Administrator shall, within the reasonable period specified therein, repair, reconstruct or remove such excavation, embankment or fill so as to eliminate the hazard.

(b) If, after such notification, the property owner has not made the necessary repairs within the time adopted, then the governing body may direct government employees to make the required repairs and the cost thereof shall be borne by the property owner by a lien filed as provided by law.

(c) Whenever the governing body, upon the recommendation of its Administrator, determines that any proposed excavation or fill may present a hazard as defined in Section 1705.02, the governing body reserves the right to require the applicant to have the proposed work certified by a soils engineer or geologist.
(Ord. 625 §7. Passed 4-23-73.)

(d) The use of solid waste as fill material is prohibited.
(Ord. 1004 §45. Passed 3-27-89.)

1705.08 COMPLETION AND PERFORMANCE GUARANTEE.

(a) Before issuance of a grading permit, the applicant shall post a bond Pennsylvania approved corporate surety, or other approved security in the amount of ten percent of the estimated cost of the grading work and erosion control facilities proposed for the permit to guarantee the work and facilities in a satisfactory manner and meeting the requirements of this article. No bond shall be required if another bond or other approved security is posted for construction and/or site improvements. When all requirements of this permit have been met and the work has been completed in a satisfactory manner, the full amount of security shall be returned to the person posting the security.

(b) Alternate surety for construction of an individual residence, in lieu of the above may be as follows:

- (1) Cash deposit in the amount of seventy-five dollars (\$75. 00) for each residence, refundable upon compliance with this article, or the deposit may remain deposited with the Town to be applied to the next permit.
- (2) Cash deposit or surety as outlined in subsection (a) hereof in the amount of one thousand dollars (\$1,000), to remain in effect for grading all individual residences, for a one year period.
(Ord. 625. §8. Passed 4-23-73.)

1705.09 EXPIRATION OF PERMIT.

Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not commenced within 180 days or it is not completed within one year from the date of issue, provided that the governing body, acting upon the recommendation of the Administrator, may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant an extension of up to one year, and provided further, that the application for the extension of time is made before the date of expiration of the permit. Any physical changes in the site such as surface water drainage, soil and bedrock dislocations, alteration of groundwater discharge or any other natural or man-made modification which would cause a doubt to be cast upon the feasibility of the contents of the original permit approval, must be reported to the Administrator in the intervening period between approval of permit and completion of the project.
(Ord. 1004 §49. Passed 3-27-89.)

1705.10 DENIAL OF PERMIT; APPEAL.

(a) When the requirements of this article for obtaining a permit have been met, the Administrator shall approve the proposed plan and grant a grading permit to the applicant. Approved work may then start. However, when, in the opinion of the Administrator, work proposed by the applicant is likely to endanger any property or person, or any street or alley, or create hazardous conditions, the grading permit shall be denied. In determining whether the proposed work is likely to endanger property of streets or alleys, or create hazardous conditions, the Administrator shall give due consideration to: possible saturation by rains, earth movements, run-off surface waters and subsurface conditions such as the stratification and faulting of rock, aquifers, springs and the nature and type of the soil or rock.

(b) The governing body shall within fifteen days consider appeals from the provisions of this article or from the denial by the Administrator, and the governing body within fifteen days shall consider alternate methods, standards or materials proposed by the developer when, in his opinion, strict compliance with the provisions of this article is unnecessary. Any applicant or permit holder shall have the right to appeal to any court of competent jurisdiction from any decisions of the governing body.
(Ord. 625 §10. Passed 4-23-73.)

1705.11 SUPERVISION OF GRADING.

(a) The permittee or his agent shall notify the Administrator in writing of the start and completion of each continuous grading operation. Notice shall be received by the Administrator or at his office at least two working days before start of completion of grading operations.

(b) Grading work at these stages or at any other time will be subject to spot inspections at the discretion of the Administrator to determine that the work is being performed in compliance with these regulations.

(c) In special cases, when grading occurs in areas of landslide-prone soil as recognized by the Soil Survey or better, the Administrator may require special precautions from the grader. The results of all soil tests and core borings made relating to the site graded shall be submitted to the Administrator. (Ord. 625 §11. Passed 4-23-73.)

1705.12 MAINTENANCE.

(a) The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair the excavation or fill permitted, and also all retaining walls, cribbing, drainage structures, fences, ground cover and any other protective devices as may be a part of the permit requirements.

(b) If, at any time subsequent to the completion of the grading work, the cut face or fill slope shall evidence signs of deterioration, erosion or other evidence which might be detrimental to the properties above and below the grading site, Council, upon recommendation of the Administrator, may direct the property owner to take necessary remedial steps in accordance with sound engineering practice to restore the grading to a safe condition, and to do so in a reasonable period of time.
(Ord. 625 §12. Passed 4-23-73.)

1705.13 LIABILITY.

Neither the issuance of a permit under the provisions of this article, nor the compliance with the provisions hereto or with any condition imposed by the Administrator hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Town for damages to persons or property. (Ord. 625. §13. Passed 4-23-73.)

1705.14 SCHEDULE OF FEES.

A fee in the amount of five dollars (\$5. 00) per acre or each portion thereof, will be charged for each grading permit. (Ord. 625 §14. Passed 4-23-73.)

1705.15 REMEDIES.

In case any work is performed by any person in violation of any of the provisions of this article, the proper office of the Town, in addition to other remedies, may institute in the name of the Town any appropriate action or proceeding whether by legal process or otherwise, to prevent such unlawful work and to restrain or abate such violation.
(Ord. 625. §16. Passed 4-23-73.)

1705.16 COMPLIANCE; EFFECT OF NONCOMPLIANCE.

(a) No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done contrary to or in violation of any provision of this article.

(b) When written notice of any violation of any provision of this article has been served by the Administrator on any person, such violation shall be discontinued immediately or within a reasonable time limit specified in such notice. If violation is not discontinued, or extends beyond the specified time limit, the Administrator shall revoke the grading permit and the violator shall be subject to the penalty provided in Section 1705.99.
(Ord. 625 §15. Passed 4-23-73.)

1705.99 PENALTY.

Any person violating any provision of this article shall be fined not more than one hundred dollars (\$100.00) per day for each offense. Whenever such person has been notified by the Administrator by service of summons in a prosecution or in any other way that he is committing a violation of this article each day that he continues such violation after notification shall constitute a separate offense. Fines shall be collected as like fines or penalties are now by law collected.
(Ord. 625 §15. Passed 4-23-73.)

ARTICLE 1709
Swimming Pools

Former Article 1709 was repealed by Ordinance 741, passed July 3, 1978. See Section 1313.12 of the Zoning Code.

ARTICLE 1713
Smoke Detectors

- | | |
|--|------------------|
| 1731.01 Installation required in multi-family buildings. | 1713.99 Penalty. |
| 1713.02 Installation rate. | |

CROSS REFERENCE

Automatic fire alarm systems- see BLDG. 1701.04(d)

1713.01 INSTALLATION REQUIRED IN MULTI-FAMILY BUILDINGS.

(a) The owners of all existing multi-family buildings including apartments, townhouses and condominiums shall, within five years of the effective date of Ordinance 726, install in each dwelling unit a minimum of one approved ionization type smoke detector sensing visible and invisible particles of combustion. Such detector shall be electrically operated and wired into the hall or bedroom light circuit, and installed in a manner and location approved by the authority having jurisdiction. There shall be no exposed electric cord plugged into a wall outlet. No detector shall be battery operated.

(Ord. 726 §1. Passed 8-22-77.)

(b) The owners of all new multi-family buildings including apartments, townhouses and condominiums shall install in each dwelling unit a minimum of one approved ionization type smoke detector sensing visible and invisible particles of combustion. Such detector shall work on electric and battery power and have the capacity to be connected to both sources of power simultaneously. Such detector shall be installed in a manner and location approved by the authority having jurisdiction. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling unit.

(Ord. 798. Passed 6-30-80.)

1713.02 INSTALLATION RATE.

The owners of existing multi-family residential buildings affected by this article shall install the necessary smoke detectors as follows:

- (a) In twenty percent (20%) of their dwelling units within one year of the effective date of Ordinance 726.
- (b) In an additional twenty percent (20%) of their dwelling units within two years of the effective date of Ordinance 726.
- (c) In an additional twenty percent (20%) of their dwelling units within three years of the effective date of Ordinance 726.
- (d) In an additional twenty percent (20%) of their dwelling units within four years of the effective date of Ordinance 726.

(e) In the final twenty percent (20%) of their dwelling units within five years of the effective date of Ordinance 726. (Ord. 726 §2. Passed 8-22-77.)

1713.99 PENALTY.

Failure to comply with the provisions of this article shall constitute a summary offense and shall be punishable by a fine not exceeding five hundred dollars (\$500. 00) for each failure to install the required smoke detectors. (Ord. 726 §3. Passed 8-22-77.)

ARTICLE 1715
Timber Harvesting

1715.01	Policy; purpose.	1715.06	Forest practices.
1715.02	Scope; applicability.	1715.07	Responsibility for road maintenance and repair; road bonding.
1715.03	Definitions.	1715.08	Enforcement.
1715.04	Notification; preparation of a logging plan.	1715.09	Surety; bond.
1715.05	Contents of the logging plan.		

CROSS REFERENCES

Securing load of logs - see Vehicle Code 75 Pa C.S. §4903
Sales and use tax - see 61 Pa. Code §58.3
Log transportation devices - see 67 Pa. Code Ch. 183

1715.01 POLICY; PURPOSE.

In order to preserve forests and the environmental and economic benefits they provide, it is the policy of the Town of McCandless to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in Sections 1715.01 through 1715.09 are intended to further this policy by: (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry. Because proper cutting practices vary depending on the site and on landowner objectives, it is not the intent of this article to prescribe specific practices. (Ord. 1251. Passed 7-23-01.)

1715.02 SCOPE; APPLICABILITY.

Sections under this article shall apply to all timber harvesting within the Town where a lot or lots to be harvested equals or exceeds one (1) acre and the value of the trees, logs or other timber products exceeds two hundred dollars (\$200.00) and a permit shall be obtained. (Ord. 1251. Passed 7-23-01.)

1715.03 DEFINITIONS.

As used in Sections 1715.01 through 1715.09, the following terms shall have the meanings given them in this section:

- (a) “Felling” shall mean the act of cutting a standing tree so that it falls to the ground.
- (b) “Forestry” shall mean managing and using for human benefit forest lands and natural resources that occur on and in association with forest lands, including trees, other plants, animals, soil, water, related air, and climate. It includes, but is not limited to, the planting, cultivating, harvesting, transporting, and selling of trees for commercial purposes.
- (c) “Landing” shall mean a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
- (d) “Litter” shall mean discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.
- (e) “Lop” shall mean to cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- (f) “Operator” shall mean an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.
- (g) “Landowner” shall mean an individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of, any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting. This definition shall include Federal, State and County governments, school districts and authorities.
- (h) “Precommercial timber stand improvement” shall mean a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- (i) “Skidding” shall mean dragging trees on the ground from the stump to the landing by any means.
- (j) “Slash” shall mean woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.
- (k) “Stand” shall mean any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.
- (l) “Stream” shall mean any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.
- (m) “Timber harvesting, tree harvesting, or logging” shall mean the process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products and the preparation of the site, exclusive of tree marking, for such harvesting.
- (n) “Top” shall mean the upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

- (o) "Wetland" shall mean areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas.
- (p) "Woodland, mature" shall mean an area of plant material covering one (1) acre or more and consisting of thirty percent (30%) or more canopy trees having a sixteen inch (16") or greater caliper, or any grove consisting of eight (8) or more trees having an eighteen inch (18") or greater caliper. The caliper is measured four and one-half feet (4 ½') above the ground.
(Ord. 1251. Passed 7-23-01.)

1715.04 NOTIFICATION; PREPARATION OF A LOGGING PLAN.

(a) Notification of Commencement or Completion. For all timber harvesting operations under the jurisdiction of these regulations, the landowner shall notify the Town enforcement officer with the required information at least twenty (20) business days before operation commences and within five (5) business days after the operation is complete. Notification shall be in writing and shall specify the land on which the harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation. A permit shall be obtained from the Town prior to commencement of timber harvesting. The cost of the permit, including review and inspection fees, shall be set by resolution.

(b) Logging Plan. Every landowner on whose land timber harvesting is to occur and every operator proposing to log a plot shall be jointly and severally responsible for preparing a written logging plan in the form specified by this article. No timber harvesting shall occur until the plan has been prepared and approved by the Town. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Town Land Use Administrator upon request.

(c) Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

(d) Permit Validity. A permit shall be valid for six (6) months from the date it is issued. (Ord. 1251. Passed 7-23-01.)

1715.05 CONTENTS OF THE LOGGING PLAN.

(a) Minimum Requirements. As a minimum, the logging plan shall include the following:

- (1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings; retirement shall include replanting and regrading of the access system so that it is replaced to its original condition;
- (2) An estimate of the location and total number of mature trees on the plot and the total number and location of trees to be cut.

- (3) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
- (4) Design, construction, and maintenance of stream and wetland crossings;
- (5) If forest activities occur on, or may affect landslide prone soils as identified on the logging plan map, a soils engineer registered to practice in the Commonwealth of Pennsylvania must certify that the forestry activities will not impact the landslide prone soils or, if the soils will be impacted, the steps necessary to mitigate or prevent impactation must be specified.

(b) Map. Each logging plan shall include a site map containing the following information:

- (1) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
- (2) Significant topographic features related to potential environmental problems;
- (3) Floodways and floodplains as defined by the National Flood Insurance Study maps;
- (4) All landslide prone soils and slopes exceeding twenty-five percent (25%).
- (5) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
- (6) Location of all crossings of waters of the Commonwealth; and;
- (7) The general location of the proposed operation to municipal, county, and state highways, including any accesses to, and weight limits of, those highways.

(c) Compliance with State Law. The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:

- (1) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § § 691.1 et seq.);
- (2) Stream crossing and wetlands protection regulations issued pursuant to the Stormwater Management Act (32 P.S. § § 693.1 et seq.); and
- (3) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. § § 680.1 et seq.)

(d) Relationship of State Laws, Regulations, and Permits to the Logging Plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

(Ord. 1251. Passed 7-23-01.)

1715.06 FOREST PRACTICES.

The following requirements shall apply to all timber harvesting operations in the Town:

- (a) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Town, Allegheny County or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- (b) No tops or slash shall be left within twenty-five feet (25') of any public thoroughfare or private roadway providing access to adjoining residential property or within twenty-five feet (25') of any property line.
- (c) All tops and slash shall be lopped to a maximum height of four feet (4') above the surface of the ground.
- (d) Litter resulting from a timber harvesting operation shall be removed from the site before the operator vacates it.
- (e) Care shall be exercised in harvesting operations so that sixty percent (60%) of mature woodlands or fifty percent (50%) of any woodlands in the harvested area shall remain after completion of logging. After issuance of a logging permit for an area delineated on the logging plan, another permit shall not be issued for that area or any overlapping area for ten (10) years from the date of issuance of the preceding permit.
- (f) No tops or slash shall be left in a floodway or floodplain.
- (g) A soils engineer registered to practice in the Commonwealth of Pennsylvania shall monitor all forest activities occurring on or affecting landslide prone soils or steep slopes.
- (h) Any person, firm, corporation, operator or landowner engaged in logging shall take all possible steps to avoid carrying or depositing mud, dirt, debris, or any other foreign substance which might inadvertently or otherwise be carried on to or deposited on to any street or road. A final cleanup shall be accomplished no later than 5:00 p.m., prevailing time each workday. All sections of Article 509 of the Codified Ordinances of the Town of McCandless are applicable.
- (i) Each tree to be removed shall be marked with paint or other distinctive means at two (2) points so as to be visible on the stump after the tree is removed. The marked trees shall correspond to the trees designated on the map.

1715.07 RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR; ROAD BONDING.

The landowner and the operator shall be responsible for repairing any damage to Town roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. Pursuant to 67 Pennsylvania Code, Chapter 189, the Town may require the landowner or operator to furnish a bond to guarantee the repair of such damages. (Ord. 1251. Passed 7-23-01.)

1715.08 ENFORCEMENT.

(a) Town Enforcement Officer. The Land Use Administrator or his designate shall be the enforcement officer for Sections 1715.01 through 1715.09.

(b) Inspections. The Town enforcement officer or his designate may go upon the site of any timber harvesting operation before, during, or after active logging to: (1) Review the logging plan or any other required documents for compliance with Sections 1715.01 through 1715.09 and (2) Inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

(c) Violation Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of Sections 1715.01 through 1715.09, the Town enforcement officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Town enforcement officer may order the immediate suspension of any operation upon finding that: (1) Corrective action has not been taken by the date specified in a notice of violation; (2) The operation is proceeding without a logging plan; or (3) The operation is causing an immediate environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Town enforcement officer, the operation is brought into compliance with Sections 1715.01 through 1715.09 or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer with thirty (30) days of issuance to the governing body of the Town. (Ord. 1251. Passed 7-23-01.)

(d) Penalties. Any landowner or operator who (1) Violates any provision of Sections 1715.01 through 1715.09; (2) Refuses to allow the Town enforcement officer access to a harvest site pursuant to paragraph (b) of this section or who fails to comply with a notice of violation or suspension order issued under paragraph (c) of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), plus costs, for each separate offense. Each day of continued violation of any provision of Sections 1715.01 through 1715.09 shall constitute a separate offense. (Ord. 1251. Passed 7-23-01.)

1715.09 SURETY BOND.

A bond or surety of a type approved by the Town Solicitor in an amount agreed to by the Town Engineer to guarantee compliance with the logging plan shall be submitted prior to commencement of timber harvesting. (Ord. 1251. Passed 7-23-01.)

ARTICLE 1717
Property Address Numbering

1717.01	Street number regulations.	1717.03	Enforcement.
1717.02	Prohibited activity.	1717.99	Penalty.

1717.01 STREET NUMBER REGULATIONS.

The owners of all buildings or property within the Town to which street numbers have been assigned in accordance with the Allegheny County 911 System shall have the street number prominently displayed at all times in accordance with the following standards. For the purpose of this article, a “street number” is an address number established in accordance with the county-wide 911 system with reference to the adjacent road or street assigned and given to a particular building or property:

- (a) Each building or house to which a street number has been assigned shall have a street number displayed in a clearly visible manner on the property, building or house except for buildings or houses which are located a distance greater than fifty feet from the nearest public or properly marked private roadway or upon which signage cannot be attached or would not be readable from the nearest public or properly marked private roadway by reason of natural or manmade obstructions. The owner of said property shall be required to provide posted signage within twenty feet of the public or properly marked private roadway, which post shall have affixed thereon the street number which has been assigned to the building or house. A tree may substitute for a post where appropriate in the same manner as stated above.
 - (1) The signage on the building or house shall be within the proximity of the front door.
 - (2) Numbers of signage within twenty feet of the roadway shall be placed on a post in a vertical position four to five feet in height.
- (b) If, for any reason, the street number of a particular building is not readily identifiable by posted signage along the public or properly marked private roadway whether due to the proximity of multiple buildings with different street numbers or some other reason, then the street number should be affixed to the building as well as posted by the road. Similarly, if a single building has multiple street numbers or apartment numbers, such as a professional building or apartment, a building directory should be posted at the main entrance of the building. The building itself must have an exterior street number.

- (c) This article shall take effect on the date of adoption, insofar as notices to property owners relating to this section of the article are concerned, and shall not become effective as to enforcement under Section 1717.99 hereof, until the first day of June, 1999. (Ord. 1209. Passed 12-21-98.)

1717.02 PROHIBITED ACTIVITY.

It shall be unlawful to cover, conceal, obstruct, destroy, remove, deface or vandalize any street number or road/street name sign installed or displayed pursuant to and in accordance with the requirements of this article.

(Ord. 1209. Passed 12-21-98.)

1717.03 ENFORCEMENT.

Upon determining that a building or property owner has not complied with the street or road name signage regulations of this article, the Town of McCandless, or its designated representative, may pursue any of the following enforcement remedies:

- (a) Provide written notice to the owners, occupants and other persons in possession of buildings or property which has not been numbered in accordance with these regulations, of the violation and need to comply.
- (b) In the event that persons persist in refusing to comply with these regulations despite notices to do so, the Town or its representatives may issue a written order directing the owners, occupants or others in possession of the buildings or property in violation of this article to comply with the applicable requirements of this article.
- (c) In the event the property owners or occupants or possessors fail or refuse to take action in accordance with the notices and an order issued pursuant to this article, the Town or its representatives may provide the signage, as necessary, in order to bring the property owner into compliance with the standards promulgated in this article. The Town may recover the cost of material and labor for the purchase and installation of signage from the property owners, occupants or possessors as well as reasonable administrative fees, interest or other charges allowed by law.

In the event the owners, occupants or possessors of the subject property fail to pay the cost of such installation as determined and approved the Town or its representatives may institute proceedings at law to collect the full costs together with all penalties, interest, fees, and other charges which are authorized by applicable law, or may take action to assess these costs and charges against the premises and the owners thereof and collect same as a municipal lien or may take other action to collect these sums as may be permitted by law.

(Ord. 1209. Passed 12-21-98.)

1717.99 PENALTY.

Any person who shall be found to have engaged in the prohibited unlawful conduct as set forth in Sections 1717.02 and 1717.03 or who shall willfully fail to comply with any order to comply with the street numbering regulations, shall upon conviction be sentenced to pay a fine of one hundred dollars (\$100.00) together with court costs.

(Ord. 1209. Passed 12-21-98.)

ARTICLE 1719
Uniform Construction Code

1719.01	Adoption.	1719.03	Board of Appeals.
1719.02	Administration and Enforcement.	1719.04	Conflict; scope.
		1719.05	Fees.

1719.01 ADOPTION.

(a) The Town of McCandless (hereinafter "Town") hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.

(b) The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Town.
(Ord. 1300. Passed 5-24-04.)

1719.02 ADMINISTRATION AND ENFORCEMENT.

Administration and enforcement of the Code within the Town shall be undertaken in any of the following ways as determined by the Town Council from time to time by resolution:

- (a) By the designation of an employee of the Town to serve as the municipal code official to act on behalf of the Town;
- (b) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Town;
- (c) By agreement with one or more other municipalities for the joint administration and enforcement of Act through an intermunicipal agreement;
- (d) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Town;
- (e) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.
(Ord. 1300. Passed 5-24-04.)

1719.03 BOARD OF APPEALS.

A Board of Appeals shall be established by resolution of the Town Council in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 1300. Passed 5-24-04.)

1719.04 CONFLICT; SCOPE.

(a) All building code ordinances or portions of ordinances which were adopted by the Town on or before July 1, 1999, which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(b) All building code ordinances or portions of ordinances which are in effect as of the effective date of this article and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(c) All relevant Town ordinances, regulations and policies of the Town not governed by the Code shall remain in full force and effect.

(Ord. 1300. Passed 5-24-04.)

1719.05 FEES.

Fees assessable by the Town for the administration and enforcement undertaken pursuant to this article and the Code shall be established by the governing body by resolution from time to time.

(Ord. 1300. Passed 5-24-04.)