

SHENANGO TOWNSHIP, LAWRENCE  
COUNTY, PENNSYLVANIA  
ORDINANCE NO. 1971-1

An Ordinance of the Township of Shenango, County of Lawrence, and Commonwealth of Pennsylvania, providing for the conservation and improvement of land affected in Shenango Township in connection with the mining of bituminous coal or the quarrying of stone by the open pit mining method, regulating such mining and quarrying, providing penalties and repealing all ordinances or parts thereof inconsistent herewith.

BE IT ENACTED AND ORDAINED by the Board of Supervisors, Shenango Township, Lawrence County, Pennsylvania, and it is hereby enacted and ordained for the protection of the health, safety and general welfare of the public and by authority of the same and pursuant to the authority granted by the Act of Legislature approved May 1, 1933, P.L. 103, as amended, as follows:

Section 1. Short Title. This ordinance shall be known and may be cited as "Shenango Township Strip Mining Ordinance".

Section 2. That from and after the passage of this Ordinance, it shall be unlawful for any person, firm or corporation, except in conformity with the provisions of this Ordinance, to mine bituminous coal or quarry stone by the open pit or strip method in Shenango Township, Lawrence County, Pennsylvania.

Section 3. Any person, firm or corporation desiring to mine bituminous coal or quarry stone by the open pit or strip mining method in said Township of Shenango, shall submit to the Board of Supervisors of the said Township, a survey of the land proposed to be so mined, quarried or stripped, together with a cash bond in the amount of five hundred (\$500.00) dollars for

each and every acre proposed to be so stripped or quarried by the open pit method; said bond shall be conditioned upon the said operator, immediately after the operation is completed, placing sufficient overburden in the open cut to restore the ground to natural contours and backfilling the pit completely. The peaks and ridges of the spoil banks shall be leveled and rounded off to such an extent as will permit the planting of trees, grasses or shrubs, but in no event shall water pockets or projecting spoil piles be permitted. Said bond shall be further conditioned upon the said operator reclaiming the land affected by the mining operation concurrent with said mining operations and in any event within six (6) months after mining has terminated or been inactive for a two (2) month period, in planting trees, shrubs or grasses upon the lands so affected by open pit mining. After reclamation, in accordance with this Ordinance, has taken place, seven hundred (<sup>300</sup>~~\$750~~.00) dollars per acre of the bond shall be released upon approval by the Township Supervisors and three hundred (<sup>200</sup>~~\$300~~.00<sub>200</sub>) dollars per acre shall be held for a two (2) year period to insure the proper catch and growth of the planting called for under this Ordinance. No permit for additional acreage shall be granted or issued to any applicant until all former strips, cuts, and mining or quarrying operations are completely back-filled and reclaimed in accordance with this Ordinance, and all Township roads destroyed or damaged by said mining or quarrying operation are repaired in accordance with the requirements of the Township Supervisors.

Section 4. Before any operation shall commence, the applicant shall submit a written application to the Township Supervisors describing the land proposed to be mined, quarried, or stripped, stating the public roads over which said machinery and coal and stone will be transported, a statement that the applicant, together with the owner of the land upon which said mining or

quarrying operations are to be performed accepts the terms and conditions of this Ordinance, and shall be signed by the operator of said mining or quarrying operation, and by the owner of the land upon which it is to be performed. Said application shall also be accompanied by a survey by a Township approved surveyor of the land proposed to be mined, quarried or stripped and it shall contain an estimate of the number of acres to be mined, quarried or stripped. Said application will further be accompanied by adequate plan and contour maps showing crop line of resource area to be affected and present contours, and also evidence of mineral deposits obtained through test borings. The applicant shall, on forms provided by the Township, apply for a permit to commence operation, which said application shall be accompanied by the payment to the Township of Shenango of a permit, inspection and application fee in the sum of one hundred (\$100.00) dollars for the first two (2) acres or fractional part thereof. After the commencement of operation, the Supervisors shall periodically inspect the site of the operation and if the operation is not being conducted in such a manner as to improve all lands destroyed or deteriorated by open cuts or spoils piles, and to prevent the pollution of any waters, shall certify that fact to the Board of Supervisors who shall immediately revoke the permit and the entire bond shall be forfeited.

Section 5. Immediately after the granting of a permit under this Ordinance and prior to the beginning of mining operations, the operator must provide adequate ditches or dikes beyond the limitations of the property to be affected by mining so as to prevent surface drainage from entering the mining area. During the mining operation and prior to reclamation of the land affected, the operator must provide adequate drainage, pumping facilities so that all areas of the operation are kept dry of accumulated water at all times. In

the event the drainage waters become silted, acid or alkaline, it must immediately be adequately treated by the use of settling basins and neutralization procedures. In no event, whatsoever, shall any untreated water be pumped or permitted to drain directly into any stream, creek or other water supply. If any stream or water pollution occurs as a result of the mining operation then the permit shall be revoked immediately and the bond shall be forfeited.

Section 6. Any operator, owner, person, firm or corporation who proceeds to mine bituminous coal or quarry stone by the open pit mining method without conforming to the provisions of this Ordinance, shall, upon conviction thereof, be fined a sum of not more than three hundred (\$300.00) dollars for each and every offense and in default of payment of any fine and costs imposed shall be committed to the Lawrence County Jail for a period of not more than thirty (30) days. Each and every day that any operation shall continue without conforming to the provisions herein shall constitute a separate and distinct offense under this Ordinance and shall be subject to separate and distinct penalties thereof.

Section 7. The provisions of this Ordinance shall be severable and if any of the provisions, shall be held to be unconstitutional or invalid, for any reason, such decision shall not effect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional or invalid provision not have been included therein.

Section 8. All Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. This Ordinance shall become effective five (5) days after its passage or adoption.

BOARD OF SUPERVISORS OF SHENANGO  
TOWNSHIP, LAWRENCE COUNTY, PENN-  
SYLVANIA.