COOLSPRING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA

ORDINANCE NO. 100

AN ORDINANCE OF THE TOWNSHIP OF COOLSPRING, MERCER COUNTY, PENNSYLVANIA, AMENDING THE COOLSPRING TOWNSHIP ZONING ORDINANCE TO REGULATE MINING, MINERAL EXTRACTION, AND SURFACE EXCAVATION ACTIVITIES WITHIN THE AGRICULTURAL DISTRICT; PROVIDING DEFINITIONS, CONDITIONAL USE STANDARDS, OPERATIONAL REQUIREMENTS, RECLAMATION REQUIREMENTS, ENFORCEMENT PROVISIONS, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Coolspring Township has enacted Zoning Ordinance No. 89 May 2019, and certain amendments are necessary and desired to be made to Zoning Ordinances; and

WHEREAS, Coolspring Township, pursuant to Pennsylvania law, is authorized to adopt amendments to existing Ordinances to further provide for the safety and welfare of persons and property within the Township; and

WHEREAS, the Township deems it in the best interest of the public to enact these amendments; and

NOW THEREFORE, be it enacted and ordained, and it is hereby ordained and enacted by the Coolspring Township Board of Supervisors pursuant to the authority of the Second-Class Township Code, the Municipalities Planning Code, and other applicable Pennsylvania law, that the Coolspring Township Zoning Ordinance, No. 89, enacted May 6, 2019, is hereby amended as follows:

A. The definition provisions contained at Section 200 are hereby amended to include the following definitions:

   I. MINERAL EXTRACTION. Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position.

   II. OIL AND GAS EXTRACTION. The use of land for the exploration, drilling, development, production, operation, maintenance, plugging, or abandonment of oil or natural gas wells, or for the extraction of oil, natural gas, or other liquid or gaseous hydrocarbons from the earth, together with associated facilities and appurtenant improvements, as

authorized and regulated under applicable federal and Commonwealth laws.

III. OVERBURDEN. Earth, soil, rock, clay, sand, gravel, shale, vegetation, or other material that covers or lies between the mineral or other material being extracted and must be removed or moved to access it.

B. Amend Section 500, Surface Mining and Mineral Excavation, to provide that surface mining and mineral excavation shall no longer be permitted by right within the Agricultural District and shall instead be permitted only as a Conditional Use within the Agricultural District, subject to the standards contained herein, and shall not be permitted in any other zoning district. Surface Mining and Mineral Excavation, to provide that surface mining and mineral excavation shall no longer be permitted by right within the Agricultural District and shall instead be permitted only as a Conditional Use within the Agriculture District, and shall not be permitted in other districts subject to the standards contained herein.

Section 614: MINING/ MINERAL EXCAVATION

614.01 Mining may include the excavation of earth, sand, gravel, stone, coal or other minerals by surface or deep mining methods and removal of the excavated materials from the site when such activity is the principal use and not incidental to land development. An application for conditional use must be approved prior to issuance of any land development plan, stormwater management plan, or other approval.

614.02 As part of the application for conditional use approval, the excavator shall submit a drawing showing:

614.02.1 The property on which the excavation will occur, including abutting roads, property lines and boundary on the property within which the excavating will occur, including proposed phasing of the work over the life of the project;

614.02.2 Contours at five-foot intervals, indicating existing contours and proposed contours at conclusion of excavation;

614.02.3 Solution to drainage from the site, showing means of carrying stormwater to a natural drainageway or to an approved stormwater system;

614.02.4 The registration seal of the engineer preparing the drawing for commercial.

614.03 The excavator shall comply with all applicable regulations of the Township, including but not limited to site grading or drainage, landscaping and buffering, and environmental standards.

614.04 No landfill or dumps for garbage or other refuse or commercial or industrial byproducts shall be permitted.

614.05 The excavation project shall be operated as follows:

614.05.1 Primary access to the site shall be controlled at one location.

614.05.2 The excavator shall post property, noting that a dangerous condition exists and warning trespassers away.

614.05.3 The excavator shall take care that the trucks leaving the property are not overloaded. If materials from trucks are spilled upon a public road right-of-way, such materials shall be removed from the road within four hours. Material spilled on to cartways shall be removed immediately.

614.05.4 Wash stations shall be provided on site for trucks leaving the site to enter a public road to ensure no dust leaves the property. The location and function of the wash station shall be approved by the Township Engineer to ensure the functions of the station are adequate.

614.05.5 To prevent the migration of dust from surface mining to other properties, the Township may require the installation of screening, landscaping or buffer areas.

614.05.6 Access roads shall be paved for a distance of 200 feet from the public road and designed to prevent any material from being tracked onto the public roadway. Access road design and material is subject to review by the Township Engineer.

614.06 The Board of Supervisors may require a bond in favor the Township to be posted by the excavator to cover damages that may occur to Township roads as a result of hauling materials excavated from the permitted site. The amount of the bond, less any sums needed to correct damages, shall be refunded to the excavator within one year after the conclusion of the operation.

614.07 No mining operation shall be conducted within any setback limits set forth by the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Protection (DEP) or the United States Government. The developer shall provide the Township with evidence that all setbacks required by other agencies have been met and shall be at least 1,000 feet away from an existing residential structure, public school, church, community or institution building, public park or private recreation area.

614.08 Mining may not occur in any side or rear setback area established in any district. Overburden may not be placed higher than any setback area, unless set back by at least one foot for each additional foot in height above grade.

614.09 No mining for sand and gravel shall occur on a lot of less than two (2) acres. Minimum lot size of other minerals shall be forty (40) acres.

614.10 Mining operations shall be restricted to the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday and shall not operate on Sundays, or Federal holidays.

614.11 The applicant shall furnish copies of all local, state or federally required permits and shall show compliance with all applicable state and federal laws and acts prior to the approval of a Subdivision and Land Development Application.

614.12 Fencing shall be provided around the entirety of the property, no less than eight (8) feet in height.

614.12.1 Additional landscaping, on the outside perimeter of the fencing, may be required by the Board of Supervisors if the use is adjacent to an existing residential structure or a residential designated zoning district.

614.13 The area created by the required setbacks shall be retained in a natural condition that provides buffer or screening or provided with raised earth berm landscaped to provide year-round screening and buffer to public road and residential uses or areas.

614.14 A Reclamation Plan shall accompany the application and shall be approved by the Pennsylvania Department of Environmental Protection. The Reclamation Plan shall include a description of how the land will be restored including, but not limited to, regrading, replacing topsoil, and replanting vegetation.

614.15 If blasting is to be undertaken during the mining operation, a seismograph shall be placed on the side of the operation at all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid for by the applicant.

614.15.1 Specific dates, time, and site locations of the blasting shall be submitted to the Township prior to blasting activities.

614.16 Any suspension or revocation of required State or Federal permitting shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of the Section 1002 of the Township Zoning Ordinance.

614.17 Applicant shall demonstrate compliance with all applicable DEP permitting requirements.

614.18 All conveyor usage shall be limited to material movement on site only.

614.19 MINOR EXCAVATION — Excavation activities involving the removal, relocation, or disturbance of earth, soil, or rock for the purpose of landscaping, gardening, creating private walkways, installing or repairing utilities, constructing or maintaining residential outbuildings or other similar noncommercial improvements.

614.19.1 Exemptions. Exemptions to these regulations applied to property owners conducting minor excavation work for personal use on property they own or reside on and above by the following:
614.19.2 The excavation activity performed by the property owner(s) or their designees are not associated with commercial or industrial operations.
614.19.3 The excavation area does not exceed one (I) acre without oversight.
614.19.4 The excavation does not exceed ten (10) feet in depth for extraction of minerals only.
614.19.5 The excavation does not adversely affect adjacent property owners.
614.19.6 If the excavation activities are protected under the Pennsylvania Right to Farm Act.

C. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
D. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the of the remaining provisions, sentences, clauses, sections, or other parts of this Ordinance. It is hereby declared to be the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.
E. This Ordinance shall become effective within five (5) days after enactment.

ORDAINED AND ENACTED this 2ND day of November, 2026, at a Regular Meeting of Coolspring Township.

ATTEST:

COOLSPRING TOWNSHIP Board of Supervisors

Kenneth truthers

Corwin Masson

Terri Ligo, Sec. Attest Signatures

Drew Shaffer