

Chapter 9

Grading and Excavating

Part 1

Grading and Excavating

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Part 1**Grading and Excavating****§9-101. Statement of Intent.**

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the excavation, filling and/or grading of any land within the Borough unless an approved permit has been obtained from the Code Enforcement Officer. The Code Enforcement Officer shall consult the Borough Engineer prior to issuing a permit for a project of significant size or scope or requiring review, evaluation or the exercise of engineering judgment within the purview of an individual licensed as a professional engineer or other professional appropriately licensed in the Commonwealth of Pennsylvania.

(*Ord. 724, 9/18/1974, §1; as amended by Ord. 846, 9/18/1991, §9-101; and by Ord. 978, 5/31/2011*)

§9-102. Definitions.

For the purposes of this Part, the following definitions shall apply:

Earth material—any rock natural soil or fill and/or any combination thereof.

Excavation—the mechanical removal of earth material.

Filling—the deposition of earth material.

Grading—any excavating or filing or combination thereof.

Person—any person, persons, partnership, business or corporation.

Retaining wall—a structure composed of concrete, steel or other approved building material, constructed for the purpose of supporting a cut or filled embankment which would otherwise not comply with the requirements of the standards set forth in this Part, and which is more than 30 inches in height as measured on the exposed vertical surface of the wall. [*Ord. 978*]

(*Ord. 724, 9/18/1974, §2; as amended by Ord. 846, 9/18/1991, §9-102; and by Ord. 978, 5/31/2011*)

§9-103. Application Procedures.

Application for such a permit shall be made in writing to the Code Enforcement Officer on forms supplied by the Borough. Such application shall contain at least the following: [*Ord. 978*]

A. The name and address of:

- (1) The applicant.
- (2) The owner of the land on which the work will be performed.
- (3) The contractor performing the work.

B. An identification and description of the work to be covered by the permit for which application is made.

C. *Land Description and Geological Report.*

(1) Describe the land on which the proposed work is to be done by lot, block, tract or street address, or similar description which will readily identify and definitely locate the proposed work.

(2) Be accompanied by plans and specifications prepared, signed and sealed by a professional engineer, surveyor, or architect giving a reasonable picture of the site and proposed soil erosion controls, if any. The Code Enforcement Officer may waive the preparation or approval and signature by the professional engineer, surveyor or architect only when it is self-evident that the proposed work is simple, clearly shown on the plans submitted, and creates no potential nuisance to adjacent property or hazard, and does not include the construction of a fill upon which a structure may be erected. Such plans may include a description of the site proposed for grading; accurate location by lot, block, tract, street address, longitude and latitude, coordinates, a location map or other similar information; a contour map showing the present contours of the land and the proposed contours of the land after completion of the proposed grading, and a plan showing cross-sections of the proposed cut or fill which show the method of benching both cut and/or fill. In addition, a plot plan may show the location of the grading, boundaries, lot lines, neighboring streets or ways, buildings, surface and subsurface utilities, and waterways. In addition, plans may include a description of the type and classification of the soil from the Soil Survey; or better, details and location of any proposed drainage structures and pipes, walls, and cribbing; seeding locations and schedules, debris basins, diversion channels; nature of fill material and such other information as the Code Enforcement Officer may need to carry out the purposes of this Part. All plans shall be dated and bear: (a) the name and seal of the professional engineer who prepared the same; (b) the name of the applicant; and (c) the owner of the land. Plans shall be submitted triplicate, one set of which shall be of reproducible nature. [*Ord. 978*]

(3) State the estimated dates for the starting and completion of grading work.

(4) State the purpose for which the grading application is filed. This information and these reports must be of sufficient detail to insure that proposed grading will not create a hazard and that there will be a minimum of soil erosion on the site to be graded.

To be adequate, a geological report may include a detailed description of the geological conditions of the site, may include conclusions and recommendations that will demonstrate the relationship of the geological conditions to the proposed development, including hazardous conditions, water resources, mineral resources and environmental impact. A soil conservation report may include existing site description as to topography, drainage, cover and soils; major resource problems as to soil limitations, erosion and sediment potential and surface runoff changes; and recommendations to minimize soil limitations, erosion and sediment, and surface water disposal problems. In no case shall the Code Enforcement Officer require more than the minimum adequate standards, as recommended by governmental agencies, professional engineers or engineering geologists, and other requirements specified in this Part 1 for

issuing a grading permit. [*Ord. 978*]

D. An estimate of the cost/value of the proposed work. [*Ord. 978*]

E. Where applicable, the provisions of 25 Pa.Code, Chapter 102, "Erosion Control," issued under Act of June 22, 1937, P.L. 1987, shall be followed. The administration and enforcement of this Act is delegated to the Allegheny County Soil and Conservation District.

F. Such other information as reasonably may be required by the Code Enforcement Officer. [*Ord. 978*]

(*Ord. 724, 9/18/1974, §3; as amended by Ord. 846, 9/18/1991, §9-103; and by Ord. 978, 5/31/2011*)

§9-104. Issuance of Permit.

The Code Enforcement Officer shall issue a permit only after it has been determined that the proposed work will be in conformance with all applicable requirements and regulations.

(*Ord. 724, 9/18/1974, §4; as amended by Ord. 846, 9/18/1991, §9-104; and by Ord. 978, 5/31/2011*)

§9-105. Permit Changes.

After the issuance of a permit by the Code Enforcement Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Code Enforcement Officer.

(*Ord. 724, 9/18/1974, §5; as amended by Ord. 846, 9/18/1991, §9-105; and by Ord. 978, 5/31/2011*)

§9-106. Placards.

In addition to the permit, the Code Enforcement Officer shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Code Enforcement Officer.

(*Ord. 724, 9/18/1974, §6; as amended by Ord. 846, 9/18/1991, §9-106; and by Ord. 978, 5/31/2011*)

§9-107. Start of Work and Expiration of Permit.

1. The proposed work shall begin within 6 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Code Enforcement Officer.

2. All work shall be completed within 1 year of the date of issuance of the permit. If any work is to be performed beyond this period, a permit extension must be obtained upon payment of such fee as may be established from time to time by resolution of Borough Council and demonstration of continuing compliance with all conditions of the original permit.

(*Ord. 724, 9/18/1974, §7; as amended by Ord. 846, 9/18/1991, §9-107; and by Ord. 978, 5/31/2011*)

§9-108. Standards for Excavations.

1. Maximum slope steepness of a cut should be no steeper than 3 horizontal to 1 vertical for minimizing erosion and maintaining stability. However, steeper slope can be considered based on site conditions if proper due diligence and engineering analysis is provided to the Engineer for review and approval as stated in subsection .2 below. [Ord. 978]

2. Cut slopes which are steeper than those specified above may be allowed under a grading permit, provided the following conditions are met:

A. The material in which the excavation is made is sufficiently stable to sustain a slope steeper than the slope specified above for recognized soil conditions on the site. A written statement signed and sealed by a professional engineer, stating that the steeper slope will have sufficient stability and that the risk of creating a hazard will be slight, must be submitted to the Engineer with proper backup documentation. At a minimum, this would require proper testing for soil and/or rock parameters, cross-sections and stability analysis.

B. A retaining wall or other approved support, designed by a professional engineer and approved by the Code Enforcement Officer is provided to support the face of excavation.

[Ord. 978]

3. The top or bottom edge of slopes shall generally be set back from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

4. Guidelines for cuts in the *Erosion and Sediment Control Handbook* for Allegheny County, Pennsylvania, should be followed. One or a combination of guidelines should be used to minimize hazard, depending on site condition and proposed grading. (Ord. 724, 9/18/1974; as added by Ord. 846, 9/18/1991, §9-108; and by Ord. 978, 5/31/2011)

§9-109. Standards for Fills.

1. No fills should be placed over trees, stumps, topsoil or other material which could create a hazard. Debris, not suitable for fill shall be disposed offsite in a sanitary landfill or recycled. Tree limbs and branches can be chipped and mixed with topsoil or used as mulch. [Ord. 978]

2. *Suitable Fill.* Suitable fill shall consist of cohesive or non-cohesive soils and/or rock material, reasonably free of organic matter, coal, coal blossom or other objectionable matter. Material of maximum size that can be readily placed in maximum 8-inch loose lift layers. Suitable soil and rock shall be as described in PennDOT Publication 408, §206, "Embankment."

A. *Engineered Fill.*

(1) Engineered fill shall be suitable fill placed and compacted in controlled lifts. All cohesive fill material should be placed in horizontal layers. The material should be placed in maximum 8-inch thick loose lifts and compacted with a sheepsfoot or segmented wheel roller until the in-place density is equal to or greater than 100 percent of the maximum dry density as determined by ASTM D698 (Standard Proctor) methods. The material should be no more than

3 percent above the optimum moisture content at the time of placement.

(2) Granular fill material should be placed in layers not exceeding 12 inches in loose thickness. Each lift should be compacted with a vibratory roller and tested visually using a roller pass non-deflect criteria.

[Ord. 978]

3. The top or bottom edge of slopes should generally be set back from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

4. Guidelines and controls best management practices (BMP's) for erosion and sedimentation control of fills shall be in accordance with the *Erosion and Sediment Control Handbook* for Allegheny County, Pennsylvania. One or a combination of controls and/or guidelines shall be used depending on site conditions and proposed grading. [Ord. 978]

(Ord. 724, 9/18/1974; as added by Ord. 846, 9/18/1991, §9-109; and as amended by Ord. 978, 5/31/2011)

§9-110. Standards for Minimizing Erosion and Sediment.

Guidelines for minimizing erosion and sediment in the *Erosion and Sediment Control Handbook* for Allegheny County, Pennsylvania should be followed. One or a combination of guidelines should be used to minimize hazard, depending on site condition and proposed grading. However, the Code Enforcement Officer may approve grading plans not meeting guidelines of the handbook if proposed grading will not constitute a hazard. Governmental and/or engineering reports should be used as evidence that proposed grading will not constitute a hazard.

(Ord. 724, 9/18/1974; as added by Ord. 846, 9/18/1991, §9-110; and as amended by Ord. 978, 5/31/2011)

§9-111. Retaining Walls.

1. If a retaining wall is constructed to satisfy a requirement of this Part, a building permit, as provided for by other Borough regulations, shall not be required. The grading permit will apply to the retaining wall, and the requirements for inspection, etc., as stated herein will be complied with.

2. Retaining walls must be constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal of a professional engineer.

3. The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this Part and the appropriate Borough specifications.

4. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be 3 feet-0 inches back from adjoining property.

A. A special exception to this requirement may be applied for and granted by the Code Enforcement Officer if it can be satisfactorily demonstrated that such a variance is necessary to insure normal use of the property, i.e., for a sideline driveway. [Ord. 978]

B. The requirement of this subsection may also be set aside when the proposed retaining wall is a joint venture between adjacent property owners, and

appropriate documents so stating are filed with the application for the permit.
(*Ord. 724, 9/18/1974*; as added by *Ord. 846, 9/18/1991, §9-111*; and as amended by *Ord. 978, 5/31/2011*)

§9-112. Drainage Provisions.

1. Adequate provisions shall be made to prevent any surface or subsurface waters from damaging:

- A. The cut face of an excavation.
- B. The sloping surface of a fill.
- C. Adjacent property affected by the change in the existing natural runoff pattern.

2. To prevent damage, grading plans should follow vegetative control methods and ditch and conduit control methods in the *Erosion and Sediment Control Handbook* for Allegheny County, Pennsylvania when they fit the site. The Code Enforcement Officer may approve methods and materials recommended by governmental agencies and professional engineers when they are more suitable to the site in preventing damage. Drainage facilities shall be designed to accommodate the largest size storm that would occur on the average of every 2 years.

(*Ord. 724, 9/18/1974*; as added by *Ord. 846, 9/18/1991, §9-112*; and as amended by *Ord. 978, 5/31/2011*)

§9-113. Maintenance.

1. 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.

2. 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, the Council, upon the recommendation of its Code Enforcement Officer, 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. 978*]

(*Ord. 724, 9/18/1974*; as added by *Ord. 846, 9/18/1991, §9-113*; and as amended by *Ord. 978, 5/31/2011*)

§9-114. Liability.

Neither the issuance of a permit under the provisions of this Part nor the compliance with the provisions hereto or with any condition imposed by the Code Enforcement Officer 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 Borough for damages to persons or property.

(*Ord. 724, 9/18/1974*; as added by *Ord. 846, 9/18/1991, §9-114*; and as amended by *Ord. 978, 5/31/2011*)

§9-115. Inspection and Revocation.

During the permitted work period, the Code Enforcement Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances. In the event the Code Enforcement Officer discovers that the work does not comply with the permit application of any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Code Enforcement Officer shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary.

(*Ord. 724, 9/18/1974, §8; as amended by Ord. 846, 9/18/1991, §9-115; and by Ord. 978, 5/31/2011*)

§9-116. Fees.

Applications for a permit shall be accompanied by a fee, in an amount as established from time to time by resolution, payable to the Borough based upon the estimated cost of the proposed work as determined by the Code Enforcement Officer.

(*Ord. 724, 9/18/1974, §9; as amended by Ord. 846, 9/18/1991, §9-116; and by Ord. 978, 5/31/2011*)

§9-117. Appeals.

Any person aggrieved by the Code Enforcement Officer's estimate of the cost of the proposed work may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the determination by the Code Enforcement Officer. Upon receipt of such appeal, the Borough Council shall set a time and place not less than 10 nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Borough Council shall be final in all cases.

(*Ord. 724, 9/18/1974, §10; as amended by Ord. 846, 9/18/1991, §9-117; and by Ord. 978, 5/31/2011*)

§9-118. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 724, 9/18/1974, §11; as amended by Ord. 846, 9/18/1991, §9-118; and by Ord. 978, 5/31/2011*)

