Borough of Seven Fields

Butler County, Pennsylvania

GRADING ORDINANCE

ORDINANCE NO. 29

Enacted March 12, 1990

BOROUGH OF SEVEN FIELDS, BUTLER COUNTY

GRADING ORDINANCE NO. 29

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AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, REGULATING GRADING, EXCAVATIONS, FILLS AND ESTABLISHING STANDARDS THEREFORE AND REQUIRING GUARANTEES; PROVIDING FOR INSPECTION; CERTIFICATES OR COMPLETION; CONFERRING CERTAIN POWERS ON THE ADMINISTRATOR AND IMPOSING FINES AND PENALTIES.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Seven Fields and it is hereby ordained and enacted by and with the authority of the same:

ARTICLE 1 - TITLE, PURPOSE, VALIDITY

SECTION 1. This Ordinance shall be known as the "Borough of Seven Fields Grading Ordinance."

SECTION 2. The purpose of this ordinance is to ensure that grading enhances rather than detracts from or ignores the natural topography, resources, and amenities of the land; to provide minimum standards to safeguard persons and property; to protect and promote the public welfare of the citizens of the Borough of Seven Fields, Butler County, Pennsylvania, by preventing excess erosion, hazardous rock

and soil slippage, sediment production, and other soil and water management problems; to conserve the natural contours of the land in the Borough by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation and fill; and, to conserve existing trees and vegetation, and preserve excessive slopes. To this end, development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the proposed site and oriented to the site so that grading and other site preparation is kept to an absolute minimum.

SECTION 3. If any Section, Sub-section, sentence, clause or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 2 - DEFINITIONS

SECTION 1. Wherever used in this Ordinance the words shall have the following meaning:

(a) Administrator -- The qualified individual designated from time to time by the Borough Council to act for the Borough of Seven Fields under this Ordinance.

(b) Borough -- The Borough of Seven Fields.

(c) Building -- Any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or any other property. Separation by party and fire walls shall not constitute separate buildings.

(d) Building Permit -- A valid permit issued by the Borough of Seven Fields pursuant to the provisions of applicable Seven Fields Borough Ordinances for the construction, erection of or alterations of a structure or buildings.

(e) Erosion -- The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

(f) Excavation -- Any act by which earth, sand, gravel, rock, coal, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

(g) Excessive Slope -- Defined as either of the following: those slopes identified on the USDA SOIL CONSERVATION SERVICE soil group map as steep slopes of twenty-five percent (25%) or more; or any where, in a one hundred (100) foot horizontal distance, the slope exceeds twenty-five percent (25%).

(h) Fence -- A structural barrier to prevent intrusion within a given area.

(i) Fill -- Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, piled, transported or removed to a new location and shall include the conditions resulting therefrom.

(j) Grade, Existing or Natural -- The elevation of the existing ground surface above sea level prior to any excavating or filling.

(k) Grade, Finished -- The elevation of the ground surface above sea level after grading has been completed and the Elevation coincides with the elevation called for in a plan of grading.

(l) Grade, Rough -- That state of grading which approximates the finished grade in a plan of grading.

(m) Grading -- An excavation or fill, or any combination thereof, and shall include the conditions resulting from any excavation or fill.

(n) Grading Permit -- A permit required by this Ordinance and issued by the Administrator or his nominee.

(o) Hazard -- A danger or potential danger to life, limb, or health, or an adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers; including stream pollution.

(p) Paving -- The application of such material as will produce a dust-free, all weather, hard surface.

(q) Person -- A natural person or persons but shall also include a partnership, corporation, trust, or association, and their heirs, successors and assigns.

(r) Site -- A lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same time.

(s) Slope -- That ratio formed by the horizontal over the vertical difference of position and where the vertical difference is usually expressed as one. (e.g. 2:1, 3:1, etc.)

(t) Soils Engineer -- A person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in the branch of soils engineering.

(u) Soil Survey -- Soil Survey of Butler County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, January, 1989.

ARTICLE 3 - SCOPE OF PROVISIONS

SECTION 1. Grading includes the stripping or excavation of any material; the filling of any existing ground with natural or man-made material; and/or the relocation on any lot, tract or parcel of earth or other material. New grading, excavations, and fills or other changes, additions, repairs, or alterations made to existing grading (excavations or fills) shall conform to the provisions of this Ordinance, regardless of the amount (cubic yardage or depth involved). Permit fees, plans and specifications, and a security deposit will be required only as provided for in Article 7.

This Ordinance shall not apply to work in a public street (See Street Opening Ordinance) or in a Borough park, playground or recreation area or other public property.

ARTICLE 4 - PERMITS REQUIRED

SECTION 1. No person shall commence or perform any grading (excavation or fill) without first having obtained a grading permit from the Administrator. A separate grading permit shall be required for each site. One permit may cover both an excavation and any fill made on the same site.

ARTICLE 5 - EXCEPTIONS

SECTION 1. A grading permit will not be required in the following situations, but in all other respects, the provisions of this Ordinance shall apply:

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

(b) Stockpiling of rock, sand, topsoil and aggregate in an area properly zoned for such use, when standards provided herein are not violated.

(c) For the construction of a single family or two family structure per recorded lot or parcel where standards provided herein are not violated.

(d) For work in streets or right-of-way dedicated to public use where standards provided herein

(e) For Borough of Seven Fields projects undertaken by the Borough Council where standards provided herein are not violated.

(f) For accepted agricultural land management practices, such as plowing, nursery operations, removal and/or transplanting of cultivated sod, shrubs and trees.

(g) For individual or community septic systems provided an approved permit has been issued by the Borough and standards provided herein are not violated.

(h) For basements and footings of a building, swimming pool, tennis court, or underground structure authorized by a building permit.

(i) Excavations for a driveway between a building site and the street, where the plot plan submitted for a building permit indicates existing and proposed contours. A grading permit is not required to temporarily stockpile the material taken from such excavation on the same site for a one-year period beginning with the date of issuance of the building permit.

ARTICLE 6 - APPLICATION FOR PERMIT

SECTION 1. Every applicant for a grading permit shall file a written application with the Administrator. Such application shall:

(a) 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 locate the proposed work.

(b) Be accompanied by plans and specifications, in triplicate, prepared by a Registered Engineer, Registered Surveyor or Registered Landscape Architect, licensed by the Commonwealth of Pennsylvania. All plans shall be dated and bear: (1) the name and seal of the Registered Professional who prepared same; (2) the name of the applicant and (3) the name of the owner of the land.

(c) A stormwater management plan for the grading site which shall be prepared in accordance with the provisions of the Borough's Subdivision and Land Development Ordinance.

(d) Applicants for a Subdivision or Land Development shall incorporate the requirements for a grading plan in the Preliminary Plat as stated in the Borough's Subdivision and Land Development Ordinance. Applicants for Site Plan Review may incorporate their grading plan in the Site Plan with the permission of the Borough Engineer.

Such plans and specifications shall include:

(1) A plan of survey and contour map (similar to the Preliminary Plan required by the Subdivision and Land Development Ordinance of the Borough of Seven Fields) showing the present contours of the land and the proposed contours of the land after completion of the proposed grading at a scale not smaller than fifty (50) feet to one (1) inch and at a contour interval of not less than two (2) feet (or as permitted by the Borough Engineer) and the quantity of cut and/or fill in cubic yards;

(2) A plan showing cross sections of the proposed cut and/or fill on fifty (50) foot intervals which show the method of benching both cut and/or fill, however, under no circumstances shall there be less than two (2) cross sections for each property involved under said permit;

(3) A plot plan showing the location of the grading, boundaries, lot lines, neighboring streets and ways, existing and proposed buildings, existing water lines and sewers or drains, existing utility lines, trees over twelve (12) inches in diameter two (2) feet above the ground except when such trees are located in areas of total cut and fill, and sufficient dimensions and other data to show the location of all work;

(4) Description of the type and classification of the soils obtained from the Soil Survey or an on-site investigation; details and location of existing water courses, area and details of paving, and any proposed drainage structures and pipes, walls and cribbing and details of bridges and/or culverts required to cross over water courses;

(4) Nature of all fill material and such other information as the Administrator may require to carry out the purpose of this Ordinance.

(5) A plan for soil erosion and sediment control meeting the requirements of the Pennsylvania Department of Environmental Resources and showing both temporary and permanent control measures and facilities.

(6) The Administrator, or his nominee, with the approval of the Borough Engineer, may waive the requirement of any or all plans and specifications listed above, if he finds that the information on the application is sufficient to show that work will conform to the provisions of this Ordinance, or it does not include the construction of a fill upon which a structure is to be erected.

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

(d) State the purpose for which the grading application is filed.

(e) State whether excavated material is to be used as on-site fill or if it is to be removed from the site. If material is to be removed from the site, the location and quantity of such disposal must be stated in the application. A separate grading permit may be required for each such off-site fill.

(f) The Administrator or his nominee may require from the applicant, or the applicant's engineer, information and reports from governmental agencies, and scientific and/or engineering journals, if available, and professional engineers and/or

engineering geologists, if necessary. 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.

(g) To be adequate, a geological report shall include a detailed description of the geological conditions of the site; include conclusions and recommendations that will demonstrate that the relationship of the geological conditions to the proposed development, including hazardous conditions, water resources, mineral resources, and environmental impact. A soil conservation report shall 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.

SECTION 2. All grading plans with the exception of those for grading on a single family lot in residential districts, shall be submitted to the Administrator for his review. The stormwater management plan for the grading site shall be reviewed and approved according to the provisions of the Borough's Subdivision and Land Development Ordinance.

SECTION 3. All grading in connection with single family residential lots shall be subject to the review of the Building Inspector with the advice of the Borough Engineer, if necessary.

ARTICLE 7 - PERMIT FEES -- WORK COMPLETION GUARANTEES

SECTION 1. Before issuing a grading permit, the Administrator shall collect a permit fee in an amount specified by the Borough in accordance with a schedule of fees established and adopted by Resolution of the Borough Council. Such fees collected for the grading permit shall be applicable towards the costs incurred by the Borough for the administration and review of the permit application and the costs for inspections conducted in accordance with the schedule set forth in Article 10. In all cases, the portion of the fee established by Council as the application fee is non-refundable in the event no grading activity is conducted within the time limit for commencing work under the permit.

SECTION 2. Before issuance of a grading permit the applicant shall post a bond, with a corporate surety or other approved security. Such bond shall be executed by a corporate surety, as well as by the principal, and shall be subject to the approval of the Borough Solicitor as to form. The bond shall issue to the benefit of the Borough and be conditioned upon the faithful performance of the work required under the terms and conditions of the grading permit to the satisfaction of the Administrator. In lieu of said bond, a cash deposit, certified check or letter of credit from an approved corporate surety in Pennsylvania, in the said amount may be made with the Borough. Said bond shall be in the amount of 50% of the estimated

cost of the work to guarantee the completion of said work, including erosion and sedimentation control and storm drainage system, contemplated by the permit.

ARTICLE 8 - EXPIRATION OF PERMIT

SECTION 1. Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within six (6) months or is not completed within one year from the date of issue; provided, however, that the Administrator may, if the permit holder presents satisfactory evidence in writing that unusual difficulties have prevented the work from being started or completed within the specified time limits, grant a reasonable extension of time; and provided, further, that the application for the extension of time is made before the date of the expiration of the permit.

ARTICLE 9 - DENIAL OF PERMIT -- APPEAL

SECTION 1. Where, in the opinion of the Administrator, and concurred with by the Borough Engineer, the work as proposed by the applicant is likely to endanger any person, property or any street or way, he shall deny the grading permit. In determining whether the proposed work is likely to endanger property, or streets, or alleys, or streams, or create hazardous conditions or damage the ecology of the area, the Administrator, in conjunction with the Borough Engineer, shall give due consideration to, but shall not be limited to: possible saturation by rains, possible earth movements, runoff of surface waters and sub-surface conditions such as the stratification and faulting of rock, and the nature and type of the soil, rock, or other minerals.

SECTION 2. In the event that the applicant shall be of the opinion that he is aggrieved by the decision of the Administrator, he shall have the right to appeal to the Borough Council of the Borough of Seven Fields. Such appeals shall be submitted in writing to the Administrator and the Borough Council. Borough Council will consider appeals from the provisions of this Ordinance or from the determinations of the Administrator within thirty (30) days from the date of the receipt of the applicant's appeal. The Board, in conjunction with the Borough Engineer, shall make determinations of alternate methods, standards, or materials proposed by the applicant, when in its opinion, strict compliance with the provisions of this Ordinance is unnecessary. Any applicant or permit holder who is of the opinion that the decision of the Administrator and Borough Council will cause him undue hardship, shall have the right to appeal to any court of competent jurisdiction from any decision or determination of the Borough Council.

ARTICLE 10 - INSPECTIONS

SECTION 1. The Administrator shall, when requested, make the inspections hereinafter required and shall either approve that portion of the work that has been completed or notify the permit holder wherein the same fails to comply with the provisions of this Ordinance. Where it is found by inspection that the soil or other conditions are not as stated or as shown on the application, the Administrator shall stop work on the site immediately until approval is obtained for a revised grading plan conforming to the existing conditions.

SECTION 2. Plans for grading work, bearing the stamp of approval of the Administrator, shall be maintained at the site during the progress of the grading work until the work has been approved.

SECTION 3. The permit holder shall notify the Administrator in order to obtain inspections in accordance with the following schedule and such notifications shall be made by the permit holder at least seventy-two (72) hours before the inspection is to be made:

(a) Initial Inspection: When work on the excavation or fill is about to be commenced.

(b) Rough Grading: During rough grading, on a daily basis.

(c) Drainage Facilities: When drainage facilities are to be installed and before such facilities are backfilled.

(d) Special Inspection: If at any time conditions are found which are not stated on the permit holder's application.

(e) Special Structures: When excavations are completed for retaining and crib walls, when reinforcing steel is in place and before concrete is placed.

(f) Final Inspection: When all work, including the installation of all drainage and other structures, with the concurrence of the Borough Engineer, has been completed.

SECTION 4. If, at any stage of the work, the Administrator shall determine by inspection, that conditions exist, such that the work as authorized by an existing permit is likely to endanger any property, or streets, or ways, or create hazardous conditions, the Administrator may require, as a condition to allowing the work to be done, that such reasonable "Safety Precautions" be taken as the Administrator considers advisable to avoid the likelihood of danger. "Safety Precautions" may include, but shall not be limited to, specifying a lesser degree of slope, construction of additional drainage facilities or berms, terracing, compaction, cribbing, or walls.

ARTICLE 11 - STANDARDS OF EXCAVATION

SECTION 1. Recommended maximum slope steepness of a cut shall be three (3) horizontal to one (1) vertical for minimizing erosion and landslide hazard. The maximum limitation is most desirable as it can be maintained as lawn area.

SECTION 2. For those grading activities where a governmental review agency, professional engineer or engineering geologist determines the type of soil to be graded on the site from the Butler County Soil Survey or a more detailed professional field analysis, the maximum slopes can be determined as follows:

(a) Slopes of less than twenty-five percent (25%) which have landslide prone or unstable soils shall have cut slopes not steeper than three (3) horizontal to one (1) vertical.

(b) Slopes of less than twenty-five percent (25%) which are not landslide prone or unstable, or have a low probability of being landslide prone, shall have a slope not steeper than two (2) horizontal to one (1) vertical, unless a satisfactory soils engineer's report (including core borings and/or test pit) is submitted to the Borough Engineer with the grading plan, indicating that up to a 1:1 slope is structurally sound and erosion resistant. In such case, a maximum of a 1:1 slope twenty (20) feet in height may be permitted only in the commercial or industrial zoning districts provided that it is deemed aesthetically acceptable to the Borough Council.

SECTION 3. Cut slopes which are steeper than those specified above may be allowed under a grading permit, provided one or both of the following is satisfied:

(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 must be submitted to the Administrator for his approval which shall jointly be determined in conjunction with the Borough Engineer. The engineer's statement must certify that the steeper slope will have sufficient stability and that the proposed deviation from the slope specified above will not result in increased risk of injury to persons or damage to adjacent property, streets, alleys, structures, or receiving streams from erosion and sedimentation.

(b) A retaining wall or other approved support, designed by a professional engineer and approved by the Administrator, in conjunction with the Borough Engineer, is provided to support the face of excavation. The developer must show that the slope-wall combination is absolutely necessary to develop the property.

SECTION 3. The top or bottom edge of slopes shall generally be set back three (3) feet from adjacent property lines or street right-of-way lines to permit the normal rounding of the edge without encroaching on the abutting property or street. The top edge of a slope shall be set back eight (8) feet from adjacent property lines in a buffer area and the maximum grade permitted in the remainder of the buffer area shall not exceed three (3) horizontal to one (1) vertical. Adjoining properties and structures shall be protected as provided by the Borough's Building Code as is then on file in the office of the Building Inspector and/or as required by the Borough Engineer.

SECTION 4. Excavations shall not extend below the angle of repose or natural slope of the soil under the nearest point of any footing or foundation of any building or structure unless such footing or foundation is first properly underpinned or protected against settlement or movement.

SECTION 5. All blasting which is conducted in the Borough shall be in conformity with State requirements and shall be in compliance with the Act of 1957, July 10, P.L. 685, 73 P.S. Section 164-168, as amended, and the Department of Labor and Industry Rules and Regulations promulgated pursuant to the aforesaid statute.

ARTICLE 12 - STANDARDS FOR FILLS

SECTION 1. Fill not steeper than three (3) horizontal to one (1) vertical is desirable and is to be utilized whenever possible.

SECTION 2. No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical. If deemed necessary by the Borough Engineer, the Administrator may require that the fill be constructed with an exposed slope less than or flatter than two (2) horizontal to one (1) vertical, if he finds that under the particular conditions such flatter slope is necessary for stability and safety of persons and property.

SECTION 3. Filled slopes which are steeper than two (2) horizontal to one (1) vertical may be allowed under a grading permit through the utilization of retaining walls, with the approval of the Borough Engineer. The developer must show that the slope-wall combination is absolutely necessary to develop the property. A written statement, signed and sealed by a professional engineer, experienced in erosion control and geological sciences, must be submitted to the Administrator for his approval which shall jointly be determined in conjunction with the Borough Engineer. The engineer's statement must certify that he has inspected the site and that the proposed deviation from the slope specified above will not result in increased risk of injury to persons or damage to adjacent property, streets, alleys, structures, or receiving streams from erosion and sedimentation.

SECTION 4. Whenever a fill is to be made of materials other than clean soil or earth, the grading permit shall be subject to the following additional limitations and requirements:

(a) The fill shall be completed within a reasonable length of time, the said time limit to be determined by the Administrator and to be specified on the grading permit.

(b) Clean soil or earth shall be placed over the top and exposed surfaces of the fill to a depth of two (2) feet minimum to effectively conceal all materials used in the fill other than clean soil or earth. If the filling operation is intermittent, the Borough Engineer may require that the top and exposed surfaces of the fill be so covered at the completion of each such interruption.

(c) No grading permit shall be issued for the filling with materials other than clean soil or earth until a performance bond in the amount of at least ten per cent (10%) more than the Administrator's estimated cost (i.e. 110%) of adequately covering such fill with clean soil or earth and providing erosion and sedimentation control and drainage has been furnished to the Borough. Such bond shall be in conformance with that as set forth in Article 7, Section 2.

SECTION 5. No fill of any kind shall be placed over trees, stumps, topsoil or other material which would create a hazard or nuisance or be susceptible to attracting rodents, termites, or other pests.

SECTION 6. All fills should be compacted to provide stability of fill material and to prevent undesirable settlement or slippage. Fills shall be compacted in accordance with the compaction requirements stated in Article 15. Fills shall be constructed under the supervision of a qualified soils engineer who shall certify, in writing, as to the adequacy of the compaction and he shall submit results of the compaction tests to the Administrator and the Borough Engineer.

ARTICLE 13 - SPECIFIC STANDARDS FOR RETAINING WALLS

SECTION 1. When the topography and natural condition of the property is such that a ground slope of two (2) horizontal to one (1) vertical is not feasible, the Administrator, in conjunction with the Borough Engineer, may consider the submission of a grading plan showing a retaining wall and ground slope combination that would be aesthetically acceptable.

SECTION 2. Criteria for the acceptance of such a combination shall as a minimum provide:

(a) That the retaining wall(s) not exceed a height of six (6) feet.

(b) That if the plan incorporates terracing, that the gradient of the slope between retaining walls not exceed two (2) horizontal to one (1) vertical and that the diagonal distance between walls be at least equal to the height of the retaining wall.

(c) Where a stable natural rock ledge is existing as established by a written statement from a soils engineer, a similar design of rock ledge and ground slope combination may be considered by the Administrator in conjunction with the Borough Engineer.

SECTION 3. Retaining walls must be constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal of a professional engineer.

SECTION 4. The backfilling of Retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this Ordinance and the appropriate Borough standards, if any.

SECTION 5. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be set back a minimum of three (3) feet from the adjoining property.

(a) An exception to this requirement may be applied for and granted by the Borough Engineer, if it can be satisfactorily demonstrated that such exception is necessary to permit normal use of the property, i.e., for a sideline driveway, or other reasonable considerations.

(b) The requirements of this Article 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.

ARTICLE 14 - STANDARDS FOR MINIMIZING EROSION AND SEDIMENT

SECTION 1. All grading shall be done in conformity with the requirements of the Pennsylvania Department of Environmental Resources (25 Pa. Code, Chapter 102). Earth moving activity which affects twenty-five (25) or more acres must be approved by the Department of Environmental Resources and the Butler County Conservation District pursuant to Section 102.41 and 102.42 relating to permit requirements of Title 25, Chapter 102, Erosion Control.

Guidelines for minimizing erosion and sediment contained in the Soil Erosion and Sediment Control Handbook for Butler County and that of the Department of Environmental Resources's Soil Erosion and Sedimentation Control Manual shall be followed. One or a combination of guidelines should be used to minimize hazard, depending on site conditions and proposed grading. However, the Administrator, in conjunction with the Borough Engineer, may approve grading plans not meeting guidelines of the Handbook if the proposed grading will not

constitute a hazard. Governmental and/or engineering reports should be used as evidence that the proposed grading will not constitute a hazard.

SECTION 2. All slopes exceeding 3:1 shall be sown with crown vetch or other approved anti-erosion vegetation.

SECTION 3. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or sloping surface of a fill. Interception and diversion facilities for storm water and surface water runoff, both above and below the cut area during and after construction, shall be included in the design.

SECTION 4. Adequate provision shall be made to manage stormwater runoff safely on the grading site. Stormwater management controls shall be designed so that the peak rate of runoff (discharge) from all stormwater outfall on the site conforms to the applicable stormwater management performance standards for the site as required to satisfy the requirements of the Borough's Subdivision and Land Development Ordinance.

SECTION 5. In order to prevent erosion, vegetation shall be removed only when absolutely necessary, e.g. for buildings, filled areas, roads. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g. cut and fill slopes. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Either the grading plan or a separate landscaping plan shall specify the re-vegetation and slope stabilization of all disturbed ground. All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces (roads, driveway, parking lots, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces. The developer shall be fully responsible for any destruction to native vegetation proposed for retention. The developer shall carry the responsibility for both his own employees and for all subcontractors from the first day of grading until release by the Borough. The developer shall be responsible for replacing such destroyed vegetation. The use of qualified personnel experienced and knowledgeable in the practice of re-vegetation shall be required.

ARTICLE 15 - STANDARDS FOR COMPACTION OF FILLS AND BENCHING

SECTION 1. All fills shall be placed in conformance with the Pennsylvania Department of Transportation (PennDOT) standards for "Placement and Compaction" as stated in the most current edition of the Department's Form 408. At a minimum, all fills shall be compacted to ninety-five percent (95%) standard proctor, as determined by PennDOT approved testing methods. The fill shall be spread in a series of layers, each not exceeding twelve (12) inches in thickness and shall be compacted by a sheepsfoot roller, or other approved

method, after each layer is spread. The Administrator, or the Borough Engineer, may require additional tests or other information if, in his opinion, the conditions or materials are such that additional information is necessary. Where fills are placed on slopes of fifteen per cent (15%) or more, benching of the toe shall be required and indicated on the cross sections. Fills that exceed a height of eight (8) feet shall be provided at the toe of the slope with a key bench. The Soil Consultant will determine the size of the key bench based on the type of soil and bedrock encountered for approval by the Borough Engineer and the Administrator.

Subgrade shall be compacted to not less than one hundred percent (100%) of the determined dry weight density, (standard proctor). The dry weight density per cubic foot for the material in place will be determined in the field according to approved PennDOT methods. The in-place density or compaction will be determined in accordance with approved PennDOT methods. When the material is too coarse to satisfactorily use these methods, compaction will be determined based on non-movement of the material under the specified compaction equipment.

The moisture content of subgrade material at the time of compaction shall be not more than plus or minus three (3) percentage points of the optimum moisture content, except that any subgrade which displays pronounced elasticity or deformation under compaction equipment shall not have a moisture content greater than the optimum at the time of compaction or at the time of placing the overlaying material. When the specified stability cannot be obtained, the material in the area shall be removed and replaced and recompacted so that the subgrade will have the required compaction as previously specified.

In one-lane and two-lane width construction, the subgrade shall be completed as specified for not less than 1500 linear feet, and progressively maintained, in advance of the succeeding operation. In intersection, approach, irregular, or isolated areas, the engineer may relax this requirement.

It shall be the responsibility of the grading contractor to protect and maintain the subgrade at all times. In no case shall vehicles be permitted to travel over the subgrade in a single track. The contractor shall promptly and satisfactorily reshape and recompact or remove and replace any unsatisfactory areas prior to the placement of subbase, base course, or pavement.

The subgrade shall be checked for crown and contour in the same manner as specified for checking the finished surface of base course. However, where subgrade is constructed using an approved grading machine, which cuts the subgrade to the specified line and grade and is controlled automatically by taut lines erected on each side of the roadway, the templates for checking crown and contour will not be required.

ARTICLE 16 - DRAINAGE

SECTION 1. Berm ditches shall be constructed when necessary to prevent erosion. The Administrator shall require drainage structures or pipes to be constructed or installed which are necessary to prevent erosion and to satisfactorily carry off surface waters. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course which is a safe place to deposit or receive such waters, as approved by the Borough Engineer. Grading will not be done in such a way as to divert water onto the property of another landowner, except into a natural watercourse, without the written consent of that landowner and in accordance with the approved plan for managing stormwater runoff on the grading site. The Borough Engineer may require such drainage structures or pipes to be constructed or installed, as in his opinion, are necessary to prevent erosion damage and to satisfactorily carry off surface waters. Grading equipment will not be allowed to cross live streams (blue line on USGS Map). Provisions will be made for the installation of culverts or bridges for such crossings. Culverts and bridges of proper size shall be installed where a water course is to be crossed in accord with State rules, regulations, and law.

ARTICLE 17 - MAINTENANCE OF PROTECTIVE DEVICES

SECTION 1. The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, fences, ground cover, and other protective devices as established by permit and further, the continued use of said area shall be contingent upon the maintenance and upkeep, satisfactory to the Borough. The Certificate of Completion therefore may, at any time, be revoked by the Borough Council, in accordance with the procedures set forth in Article 19, Section 2 and 3, if the conditions of the permit are not being observed, or if conditions exist that prejudice the health, safety and welfare of any person, persons and/or property.

ARTICLE 18 - GENERAL REQUIREMENTS

SECTION 1. Limits The top or bottom edge of excavations and fills shall be at least three (3) feet from property lines or right-of-way lines of streets to permit the normal rounding of the edge without encroaching on the abutting property. The top or bottom edge of excavation and fills shall be at least twenty-five (25) feet from the nearest bank of any stream or body of water.

SECTION 2. Fencing Prior to the commencement of those grading operations where the final cut or fill slope will be in excess of two (2) horizontal to one (1) vertical, the Administrator or the Borough Engineer may require the erection of a temporary fence at the top of such slopes. Such temporary fence must measure at least four (4) feet in height, satisfy all Borough fence requirements, and be approved by

the Administrator. Upon the completion of grading, the Administrator or the Borough Engineer may require a permanent fence to be placed at the top of all such cut or fill slopes. The permanent fence must measure at least four (4) feet in height, satisfy all Borough fence requirements and be approved by the Administrator. Before a grading permit is issued, a bond shall be required as provided in Article 7, Section 2 hereof, to guarantee the protection of steep slopes.

SECTION 3. Clean-Up The owner of a property shall be responsible to protect and clean up affected properties of silt or debris washing from his property as a result of the re-grading of his property. The duties imposed under this paragraph shall be in addition to those duties owed to other property owners by law.

All soil washed or carried onto public streets during grading operations shall be cleaned up each day. Temporary driveway or road surfaces shall be provided as soon as possible.

SECTION 4. Preservation of the Natural Landscape In order to prevent the denuding of the landscape, wherever practicable, large trees and other natural features constituting important physical, aesthetic and economic assets to existing or impending development work shall be preserved. All grading shall be kept to the absolute minimum.

SECTION 5. Dust Control All grading, excavation or fill shall be performed so that no unnecessary dust shall be raised. The Administrator may enforce reasonable dust control regulations and may revoke any permit issued under this Ordinance until dust control regulations are met.

SECTION 6. Hazardous Conditions Whenever the Administrator in conjunction with the Borough Engineer determines that any existing excavation, embankment, or fill has become a hazard as defined in this Ordinance, the owner of the property upon which the excavation, embankment, or fill is located, or other person or agent in control of said property, upon receipt of notice from the Administrator shall, within twenty-four (24) hours or other reasonable period specified therein, repair, reconstruct, or remove such excavation, embankment or fill so as to eliminate the hazard.

If, after such notification, the property owner, or his agent, has not made the necessary repairs, within the time specified, then the Borough Council may direct Borough employees or hired personnel to make the required repairs and the cost thereof shall be borne by the property owner, said costs to be collected in the manner provided by law, including the imposition of a lien against the property.

SECTION 7. Day and Time Requirements None of the work or activity covered by a Grading Permit shall be conducted on a Sunday or legal holiday without the approval of the Borough Council or the Administrator. All of the work and activity covered by a Grading Permit shall be conducted between the hours of seven o'clock A.M. and six o'clock P.M. unless these time limits are extended, excused or otherwise modified by the Council or the Administrator.

SECTION 8. Excessive Slopes In order to minimize erosion and storm runoff, to protect watersheds, to discourage erosion of soils by maintaining adequate foliage cover on excessive slopes, and to promote the perpetuation of open space on hillsides, excessive slopes of twenty-five percent (25%) or more, as defined by this Ordinance, may not be graded except where approval has been granted by Borough Council following their review of a report on the proposed grading as prepared by the Administrator in conjunction with the Borough Engineer.

ARTICLE 19 - GRADING CERTIFICATE OF COMPLETION

SECTION 1. If, upon final inspection of an excavation or fill, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this Ordinance, a grading certificate of completion covering such work and stating that the work is approved, shall be issued to the permit holder by the Administrator.

SECTION 2. The Borough Council shall have the power to revoke any grading certificate of completion upon the recommendation of the Administrator that the work covered by the permit, or that any retaining walls, cribbing, drainage structures, fence, or other protective devices shown on the approved plans and specifications submitted for a permit have not been maintained in good order and repair.

SECTION 3. Before such revocation, the Administrator shall first give written notice to the permit holder and to owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied, the certificate shall be revoked. Such conditions shall be corrected within thirty (30) days of notice to the owner to correct same.

ARTICLE 20 - VIOLATIONS AND PENALTIES

SECTION 1. 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 Ordinance.

SECTION 2. When written notice of a violation of any of the provisions of this Ordinance has been served by the Administrator on any person, such violation shall be discontinued immediately.

SECTION 3. Any person, firm, partnership, or corporation violating any of the provisions of this Ordinance shall be liable on conviction thereof before a justice of the peace or other proper judicial officer to a penalty not exceeding $300.00 for each and every offense, and whenever such person, firm, partnership, or corporation shall have been notified by the Administrator by service of summons in a prosecution or in any other way that he is committing such violation of this Ordinance, each day that he shall continue such

violation after such notification shall constitute a separate offense punishable by a like fine or penalty, and upon default of the payment of the fine or penalty and the costs, the defendant may be sentenced and committed to the county jail or workhouse for a period not exceeding thirty (30) days.

ARTICLE 21 - REMEDIES

SECTION 1. In case any work is performed by any person in violation of any of the provisions of this Ordinance, the Administrator, in addition to other remedies, may institute in the name of the Borough, any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful work and to restrain or abate such violation.

ARTICLE 22 - REPEALER

SECTION 1. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

GRADING ORDINANCE NO. 29

ORDAINED AND ENACTED by the Council of the Borough of Seven Fields, this 9TH day of April, 1990.

Christine R. Clutter

Christine R. Clutter
Borough Secretary

Jacqueline S. Ross

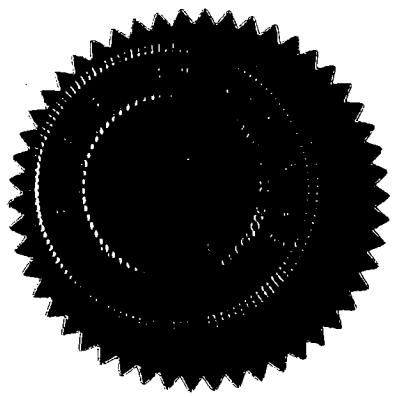
Jacqueline S. Ross
Council President

REVIEWED AND APPROVED BY ME this 9TH day of APRIL, 1990.

Dr Michael H. Coleman

Dr. Michael H. Coleman
Mayor of Seven Fields Borough

(SEAL)



GRADING ORDINANCE

Volume of Material	Permit Fee
0 to 500 c.y.	$200.00
500 to 1,000 c.y.	$250.00
1,000 to 40,000 c.y.	$250.00 for the first 1,000 c.y. plus $50.00 for each additional 1,000 c.y.
40,000 to 100,000 c.y.	$250.00 for the first 1,000 c.y. plus $50.00 for each additional 1,000 c.y. up to 40,000 c.y., plus $40.00 for each 1,000 c.y. between 40,000 and 100,000 c.y.
over 100,000 c.y.	Same fees as those listed for grading of 40,000 to 100,000 c.y. plus $25.00 for each 1,000 c.y. above 100,000 c.y.

ORDAINED AND ENACTED by the Council of the Borough of Seven Fields this 27th day of November, 2000.

Charles Galbraith, Council President

Christine Wells, Borough Manager/Sec.