

TOWNSHIP OF INDIANA

ORDINANCE NO. 229

AN ORDINANCE OF THE TOWNSHIP OF INDIANA, ALLEGHENY COUNTY, PENNSYLVANIA REGULATING THE GRADING, FILLING AND THE EXCAVATING OF LAND AND ESTABLISHING DESIGN STANDARDS, REGULATIONS AND FEES FOR OBTAINING PERMITS FOR THE CONSTRUCTION AND MAINTENANCE THEREOF, THE HOURS OF OPERATIONS AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Indiana, and is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. TITLE AND PURPOSE

(1) TITLE. This ordinance shall be known and may be cited as "The Indiana Township Grading, Excavating and Fill Ordinance."

(2) PURPOSE. The purpose of this Ordinance is to provide minimum standards to safeguard persons, prevent damage to property and protect and promote the public welfare; by establishing design standards for regulating and controlling the grading, filling, excavating and construction; the quality of materials, use, location; the prevention of soil slippage, hazardous rock conditions and excess soil erosion and the maintenance thereof.

SECTION 2. DEFINITIONS

Wherever used in this Ordinance the following words shall have the meaning indicated:

(1) ADMINISTRATOR shall mean the person qualified and officially appointed by the governing body to manage this ordinance.

(2) BEDROCK shall mean natural rocklayer, hard or soft; in place at ground surface or beneath unconsolidated surficial deposits.

(3) CUT shall mean the vertical distance in elevation between a point on the original surface of the ground and the same point on the final grade after the soil or material has been removed or excavated.

(4) DEVELOPMENT shall mean any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics.

(5) DEVELOPMENT SITE shall mean a lot, parcel or tract of land on which development is taking place or is proposed.

(6) ENGINEER shall mean a professional engineer, surveyor or architect who is licensed by the Commonwealth of Pennsylvania.

(7) ENGINEERING GEOLOGIST shall mean 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.

(8) EROSION shall mean the wearing away of the land surface by running water, wind, ice or other geological agents including such processes as gravitational creep.

(9) EXCAVATION shall mean any act by which earth, sand, gravel, clay, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

(10) FLOOD PLAIN shall mean a normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. For regulatory purposes, the Flood Plain Management Act (Act of October 4, 1978, P.L. 851, No. 166) and regulations pursuant to the Act define the floodplain as the area inundated by a 100-year flood and delineated on a map by FEMA (Federal Emergency Management Agency).

(11) FILL shall mean any act by which earth, sand, gravel, clay, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and shall include the conditions resulting therefrom.

(12) GOVERNING BODY shall mean the Board of Supervisors of the Township.

(13) GRADE shall mean the elevation of the surface of the ground above sea level either before or after the proposed cut or fill.

(14) GRADING shall mean the excavating or filling of materials or any combination thereof and the conditions resulting from any excavating or filling.

(15) GRADING PERMIT shall mean any permit required under the regulations of this ordinance.

(16) HAZARD shall mean 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.

(17) LANDSLIDE PRONE AREA shall mean an area characterized by unstable slopes and land surfaces whose history, geology, soil, bedrock structure and/or climate indicate a potential for landslides as identified by the U.S. Geological Survey of Allegheny County.

(18) PEAK RATE OF RUNOFF (OR DISCHARGE) shall mean the maximum rate of flow of water at a given point and time resulting from a predetermined storm.

(19) PERSON shall mean a natural person but shall also include a partnership, a public or private corporation, trust, or association, their heirs, successors or assigns.

(20) PROFESSIONAL shall mean a person (engineer, surveyor or architect) licensed to practice their profession in the Commonwealth of Pennsylvania.

(21) RELEASE RATE PERCENTAGE shall mean the percentage of predevelopment peak rate of runoff from a watershed subarea (as delineated in the watershed plan), which defines the allowable post-development peak discharge from any development site in that subarea. The release rate percentage is determined by computing the following:

$$\frac{\text{Subarea predevelopment rate of runoff contributing to peak at downstream point of interest}}{\text{Subarea pre-development peak rate of runoff}} \times 100 = \text{Release Rate Percentage}$$

(22) RETAINING WALL shall mean 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 Ordinance, and which is more than four feet in height as measured on the exposed vertical surface of the wall.

(23) SEDIMENT shall mean solid material, both mineral and organic, that is in suspension, is being transported, or has been

moved from its site or origin by air, water, gravity, or ice and has come to rest on the earth's surface.

(24) SEDIMENTATION shall mean the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity, once this matter is deposited or remains suspended in water, it is considered sediment.

(25) SITE shall mean a lot, tract or 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.

(26) SLOPE shall mean the face of a cut or fill embankment or any ground whose surface makes an angle with the horizontal plane and is expressed in horizontal distance in feet per vertical fall or rise in feet (example 2 to 1 slope = 2 feet horizontal and 1 foot vertical rise or fall in elevation). Slope is also expressed in percentage and shall mean the vertical rise or fall in feet per 100 feet horizontal (example - 5% = 5 feet vertical rise or fall in elevation in 100 feet horizontal distance.

(27) SOIL SURVEY shall mean the unpublished but 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 Service, et al. and now in use in Allegheny County; a copy is on file in the Offices of the Township, with this ordinance. When applicable, Soil Survey shall mean Soil Survey, Allegheny County, Pennsylvania.

(28) SOILS ENGINEER shall mean a person licensed to practice in the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in the branch of soils engineering.

(29) SOLID WASTE shall mean all parts or combinations of ashes, garbage, refuse, radioactive material, combustible demolition materials and industrial wastes such as food-processing wastes, wood, plastic, metal scrap, etc.

(30) STORMWATER MANAGEMENT shall mean the management of stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed stormwater management plans adopted by Allegheny County as required by Pennsylvania Storm Water Management Act (Act 167 of 1978 as amended, 32 P.S. 680.1 et seq.).

(31) STORMWATER MANAGEMENT DISTRICT shall mean those districts established according to the boundaries of the

watersheds designated by the Pennsylvania Department of Environmental Resources in accordance with the Pennsylvania Storm Water Management Act (Act 167 of 1978, as amended) and the watershed stormwater management plans prepared pursuant thereto: Deer Creek Watershed, Pine Creek Watershed and Squaw Run Watershed. Certain watersheds may be further subdivided into hydrologic subareas as shown on the watershed subarea map in the watershed plans and on the zoning district map.

(32) STORMWATER MANAGEMENT PLAN shall mean a plan for managing storm water run-off from a specific site conforming to the requirements and specifications outlined in the Stormwater Management Ordinance adopted by the Township.

(33) STORMWATER RUN-OFF shall mean the waters resulting from snow melt or precipitation within a drainage basin flowing over the surface of the ground, collected in channels and conduits, and carried by receiving streams.

(34) TOPOGRAPHIC PLAN shall mean a plan of the Site showing the rise, fall and shape of the surface of the ground by elevations and/or contour lines and the location of any watercourse, natural feature or other objects.

(35) TOWNSHIP shall mean the Township of Indiana.

(36) TOWNSHIP ENGINEER shall mean the person, consultant or engineering firm appointed by the Board of Supervisors of the Township.

(37) WATERCOURSE shall mean a river, stream, creek, brook, swale, channel or ditch to carry the run-off of surface water whether natural or man-made.

(38) WATERSHED STORMWATER MANAGEMENT PLAN (OR WATERSHED PLAN) shall mean the plan for managing stormwater runoff throughout a designated watershed adopted by Allegheny County as required by the Pennsylvania Storm Water Management Act.

SECTION 3. SCOPE

Except as set forth in Section 4 herein a grading permit must be obtained from the Administrator for new grading, excavating and filling operations, any changes, additions or alterations made to existing excavations or fills and shall conform to the provisions of these regulations. A separate grading permit shall be required for each site. One permit may cover the grading, excavating, and any filling made on the same

site. Such permit shall be issued by the Administrator when all the requirements and conditions described by this Ordinance are met.

Only one (1) grading permit is required for a continuous parcel or site to be graded for a proposed planned development such as Planned Residential Development, Planned Commercial Development or Planned Industrial Development when approved by the Administrator.

SECTION 4. EXCEPTIONS

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

(1) For Grading limited to reasonable, regular, normal maintenance and landscaping improvements by individual homeowners for the homeowner's own use, where the standards for Grading herein are not violated.

(2) For the stockpiling of rock, sand and aggregate in an area properly zoned for such use, provided standards herein are not violated.

(3) Grading for the construction of a new single family or two family structure which is located on a lot within a plat that has received final approval in accordance with Township Subdivision Ordinances; provided, however, that the Grading is being done and the soil erosion and sedimentation control measures have been implemented and are being maintained in accordance with the approved grading plans and specifications for the plat.

(4) For Grading and Filling operations on an individual residential lot where (a) the cut or excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the natural ground surface, does not result in a cut slope steeper than two (2) foot horizontal to one (1) foot vertical (2 to 1) and does not exceed an area of six thousand (6,000) square feet and is not located in a landslide prone area or 100 year flood plain; or (b) the fill does not exceed four (4) feet in vertical depth at its deepest point measured from the natural ground surface, does not result in a filled slope greater than two (2) foot horizontal to one (1) foot vertical (2 to 1), does not exceed an area of six thousand (6,000) square feet and is not located in a landslide prone area or 100 year flood plain.

(5) For work in streets or right-of-way dedicated to public use; provided, however, that the guidelines provided hereunder are not violated.

(6) For Township projects undertaken by the Board of Supervisors.

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

(8) For individual septic systems which do not alter the natural terrain provided an appropriate permit has been issued by the County Health Department.

(9) For temporary excavation below finished grade for basements, additions to existing structures, swimming pools or accessory buildings for which a building permit has been issued; unless the possibility of a soil erosion and sedimentation problem exists as determined by the Township Engineer.

SECTION 5 HAZARDOUS CONDITIONS

HAZARDOUS CONDITIONS: Whenever the Board of Supervisors, upon the recommendation of its Township Engineer, has determined that any existing excavation, embankment or fill is a hazard as defined in Section 2, the Administrator shall give written notice to the property owner that a hazard exists and that such hazard be corrected and eliminated by the owner within a reasonable time specified in the notice.

If, after such notification, the property owner has not taken the necessary steps to eliminate the hazard within the time specified, then the Board of Supervisors may cause such corrective action that is needed to be performed by Township employees or by contract and the cost thereof shall be borne by the property owner by a lien filed as provided by law.

The Board of Supervisors may also require that the property owner have any proposed remedies certified by a soils engineer.

SECTION 6. APPLICATION FOR PERMIT - SUBMISSION OF PLANS

Every person requesting a grading permit shall submit a written application to the Administrator which shall include:

(1) Description of Site on which the proposed work is to be done and location by Lot and Block number, recorded lot number and plan name, street address or similar description which will readily identify and definitely locate the work site, purpose for which the grading permit is requested, estimated dates for starting and completing grading work, the type, character and origin of the fill to be used if transported from another site, and if the applicant is not the owner of the property on which the work is to be done, the applicant must submit written authorization from the owner.

(2) Be accompanied by three (3) sets of plans and specifications prepared and sealed by a professional including but not limited to the following:

(a) Plan of property at a scale no smaller than 1" = 50' where feasible showing:

- (1) Metes and bounds of property;
- (2) North arrow;
- (3) Location of proposed work site on property;
- (4) Existing structures, roads, utilities, waterways, etc.
- (5) Existing and proposed finished contours at intervals of not more than two (2) feet;
- (6) Cross sections showing elevations at intervals of not more than 50 feet;
- (7) Not less than two (2) typical sections through cut and fill area showing cut and fill slopes, benches, toe drains, etc;
- (8) Existing and proposed storm sewers and drainage facilities;
- (9) Existing and proposed bridges, walls and cribbing;
- (10) Classification and type of soil on site. As indicated on the soil survey map of Allegheny County.
- (11) Indicate any landslide prone areas as identified by the U.S. Geological Survey of Allegheny County;

(12) Indicate all areas of proposed work in 100 year flood plain;

(13) Adjacent structures that may be affected by the proposed work.

(b) Soil Erosion and Sedimentation Control Plan conforming to the requirements and specifications of the Department of Environmental Resources "Soil Erosion and Sedimentation Control Manual" for this type of project.

(c) Compliance with the Township's 100 year "Floodplain Management Regulations", Ordinance No. 203 if applicable.

(d) Any federal, state or county permits required for this type of project.

(3) The Applicant shall pay a fee to Township in the amount established by Resolution of the Board of Supervisors. The permit shall constitute a binding and legal agreement between the applicant and the Township.

The Applicant shall also post with the Township a Completion or Performance Bond and Cash Escrow Bond as outlined in Section 7 of this ordinance.

SECTION 7. COMPLETION AND PERFORMANCE GUARANTEE

Before the issuance of a Grading Permit, the Applicant shall post a bond or other approved security in the amount of one hundred (100%) percent of the estimated cost of the grading work and erosion control facilities proposed under the permit to guarantee said work and facilities completed in a satisfactory manner and meeting the requirements of this Ordinance. No bond shall be required if another bond, sufficient to cover the costs to the Township of correcting non-compliance with this Ordinance, 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 said security within thirty (30) days of having met the requirements.

SECTION 8. WORKING CONDITIONS

The following general working conditions will apply to all grading sites.

(1) DUST CONTROL - During grading operations, necessary measures for dust control will be exercised.

(2) CLEAN-UP - 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. The owner of the property being graded shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the grading work on the higher property.

(3) WORK DAYS - 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 Board of Supervisors or its designated representative.

(4) WORK HOURS - 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 Board of Supervisors, or its designated representative.

SECTION 9. EXPIRATION OF PERMIT

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 (1) year from the commencing date, provided that the Administrator may, if the permit holder presents satisfactory evidence that difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time (not to exceed 6 months) 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 ground water 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. Permit requirements shall be changed by the Administrator as necessary to account for such changed conditions.

SECTION 10. DENIAL OF PERMIT. APPEAL

APPEALS: Appeals may be taken to the Board of Supervisors within thirty (30) days of any denial by the Administrator. The Board of Supervisors may grant relief from the strict provisions of this ordinance where in its opinion alternate methods, standards or materials proposed by the Applicant will meet the objectives and intent of this Ordinance. Any request for modifications of the applicable Stormwater Management Standards, especially the standards governing allowable peak rate of Stormwater Runoff, shall be determined in accordance with the procedure for a no-harm evaluation as contained in the amendment to the Subdivision and Land Development Ordinance. Any applicant shall have the right to appeal decision of the Board of Supervisors to any Court of competent jurisdiction.

SECTION 11. GRADING INSPECTION AND SUPERVISION

(1) The permit holder shall notify the Administrator in order that inspections may be made in accordance with the following schedule and such notification shall be made by the permit holder at least twenty-four (24) hours before the scheduled work stage as indicated:

- (a) Initial Inspection. When work on the excavation or fill is about to be commenced.
- (b) Rough Grading. When all rough grading has been completed.
- (c) Drainage Facilities. When drainage facilities are to be installed and before such facilities are back-filled.
- (d) Special Structures. When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.
- (e) Final Inspection. When all work, including the installation of all drainage and other structures has been completed, including restoration.

(2) 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.

(3) In special cases, when grading occurs in areas of landslide-prone soil as recognized by the Soil Survey of the

Pennsylvania Bureau of Topographic and Geologic Survey, or better, the Administrator may require special precautions from the grador. The results of all soil tests and core borings made relating to the site shall be submitted to the Administrator.

(4) If, at any stage of the work, the Administrator shall determine by inspection that the nature of the formation is such that further work as authorized by the existing permit is likely to endanger any property, or streets, or ways, or create hazardous conditions, the Administrator, after consultation with the Township Engineer, 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 such likelihood of danger. "Safety Precautions" may include, but shall be limited to, specifying a more flat or exposed slope, construction of additional drainage facilities or additional work, berms, terracing, compaction, cribbing, or walls.

SECTION 12 STANDARDS FOR EXCAVATION

(1) The maximum slope steepness of a cut shall be two feet horizontal to one foot vertical (2' to 1') for minimizing erosion and landslide hazards. However, a governmental review agency, Profession Engineer or Engineering Geologist may recognize the types of soil on the site to be graded from the Soil Survey, the Pennsylvania Bureau of Topographic and Geologic Survey, or better. Maximum slopes can then be determined as follows:

(a) Landslide-prone soils shall not be graded at all until reviewed and approved by a Soils Engineer whose expertise in geology and soil science is proven satisfactorily to the Administrator, by written documentation of education and/or experience; experience shall be documented specifically by jobs, places, and dates. The plans for grading any such landslide-prone soils shall be submitted to the Allegheny County Soil Conservation District for critical review before any work actually starts.

(2) 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 by a written statement, signed and sealed by a Soils Engineer, stating

that the steeper slope will have sufficient stability and that risk of creating a hazard will be slight, might be submitted to the Administrator.

(b) A retaining wall or other approved support, designed by a Professional and approved by the Administrator is provided to support the face of excavation.

(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) Procedures for minimizing soil erosion, sedimentation and landslides for cuts as set forth in the Erosion and Sediment Control Handbook for Allegheny County, Pennsylvania shall be implemented before any work is started and maintained after each rainfall. One or a combination of procedures shall be used to minimize hazard, depending on site conditions and proposed grading.

(5) Compliance with the Township's Floodplain Management Regulations and Specifications outlined in ordinance No. 203.

SECTION 13. STANDARDS FOR FILLS

(1) The maximum slope steepness of a fill shall be two feet horizontal to one foot vertical (2' to 1'), and before placed, properly benched with adequate toe drains to prevent movement. Any slope exceeding fifty (50') feet in vertical height shall be properly benched. No fill shall be placed over trees, stumps or other material which could create a hazard. Instead, such materials may be buried in natural ground where no structures will be built or hazard created. Limbs can be chipped and mixed with the topsoil.

(a) Landslide-prone soils shall not be filled at all until reviewed and approved by a Soils Engineer whose expertise in geology and soil science is proven satisfactorily to the Administrator, by written documentation of education and/or experience; experience shall be documented specifically by jobs, places and dates. The plans for filling any such landslide-prone soils shall be submitted to the Allegheny County Soil Conservation District for critical review before any work actually starts.

(2) All fills shall be compacted to provide stability of fill material and to prevent undesirable settlement or slippage.

(a) Fills in residential and commercial developments approved for development under the Township's Zoning and Subdivision and Land Development Ordinances where placed in future streets and building sites shall be prepared, benched, properly drained and the fill placed in strict compliance with the instructions, under the supervision of and with final approval of a soils engineer. All fill areas shall be compacted to ninety-five (95%) percent of the dry density as determined by the Pennsylvania Test Method (PTM) No. 106 and copies of the test results furnished to the Township together with a written certification from the soils engineer that the fill was properly placed and compacted and the slopes are stable and in accordance with approved plans.

(3) A minimum depth of two (2) feet of clean soil or earth shall be placed over the top and exposed surfaces of the fill to conceal all materials used in the fill other than clean soil or earth. If the filling operation is intermittent, the top and exposed surfaces of the fill should be so covered at the completion of each lift.

(4) 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.

(5) Procedures for minimizing soil erosion, sedimentation and landslides for fills, as set forth in the Erosion and Sediment Control Handbook for Allegheny County, Pennsylvania shall be implemented before any work is started and maintained after each rainfall. One or a combination of guidelines shall be used to minimize hazard, depending on site conditions and proposed grading.

(6) Compliance with the Township's Floodplain Management Regulations and Specifications outlined in Ordinance No. 203.

SECTION 14. STANDARDS FOR MINIMIZING EROSION AND SEDIMENTATION

The procedures for minimizing soil erosion and sedimentation set forth in the Erosion and Sediment Control Handbook for Allegheny County, Pennsylvania on file in the offices of the Township, shall be followed for all grading, whether or not under permit. One or a combination of guidelines shall be used to minimize hazard, depending on site conditions and proposed grading. However, the Administrator may approve grading plans not meeting guidelines of the Handbook if sufficient evidence is submitted to him to prove that the proposed grading will not constitute a hazard. Governmental and/or engineering reports may

be used as evidence that proposed grading will not constitute a hazard. Any such evidence shall be retained in the files of the Township, available for public inspection, for at least three (3) years after the grading is completed.

SECTION 15. RETAINING WALLS

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

(3) 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 other appropriate Township specifications.

(4) In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be at least 3' - 0" back from the adjoining property.

(a) A special exception to this requirement may be applied for and granted by the Administrator 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, and will not result in a hazard as defined in this Ordinance.

(b) The requirement of this paragraph 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.

SECTION 16. DRAINAGE AND STORMWATER MANAGEMENT PROVISIONS

Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill. The Administrator shall require such drainage structures or pipes to be constructed or installed which are necessary to prevent erosion damage and to satisfactorily carry off surface waters. All drainage provisions shall be of such design so that the peak discharge from all stormwater outfalls on the site shall be in conformance with the applicable Stormwater Management Performance Standards for the Stormwater Management

District in which the site is located as contained in the Amendment to the Subdivision and Land Development Ordinance.

To prevent damage, grading plans shall follow Vegetative Control Methods and Ditch and Conduit Control Methods in the Erosion and Sediment Control Handbook for Allegheny County, Pennsylvania as they fit the site. The Administrator may approve methods and materials recommended by governmental agencies and Professionals when they are more suitable to the site in preventing damage.

SECTION 17. MAINTENANCE

(1) The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all the excavation or fill areas, 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 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 period of time.

SECTION 18. LIABILITY

Neither the issuance of a permit under the provisions of this ordinance, 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 Township for damages to persons or property.

SECTION 19. VIOLATION AND PENALTIES

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.

When written notice of any of the provisions of this Ordinance has been served by the Administrator on any person, such violation shall be discontinued immediately or within a designated time limit specified in such notice. If violation is not discontinued, or extends beyond the designated time limit, the Administrator shall revoke the Grading Permit and the violator is subject to fine.

Any person violating any of the provisions of this Ordinance shall be liable on conviction thereof to a penalty not exceeding \$300.00 per day for each and every offense. Whenever such person 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. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

SECTION 20. REMEDIES

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

SECTION 21. VALIDITY

The provisions of this Ordinance are severable, and if any of its provisions or any part of any provision shall be held unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 22. REPEAL

Any Ordinance or parts of any Ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

SECTION 23. EFFECTIVE DATE

This Ordinance shall be effective in ten (10) days.

ORDAINED AND ENACTED into law, this 14th day
of July, 1987.

TOWNSHIP OF INDIANA

ATTEST:

Helen M. Farnie
Township Secretary

By *Dorothy T. Claus*
Mayor, Board of Supervisors

Approved as to form:

Thomas L. Byrle
Solicitor