

TOWNSHIP OF HAMPTON

Grading Ordinance

No. 584



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TABLE OF CONTENTS

A. GENERAL PROVISIONS

- SS 1. Purpose
- SS 2. Scope
- SS 3. Exceptions
- SS 4. to SS 10. (Reserved for future use)

B. DEFINITIONS

- SS 11. Definitions
- SS 12. to SS 20. (Reserved for future use)

C. GENERAL PROCEDURES AND REQUIREMENTS

- SS 21. Application Procedure
- SS 22. Special Agreement
- SS 23. Expiration of Permit
- SS 24. Denial of Permit
- SS 25. Inspections
- SS 26. Fees and Bonds
- SS 27. General Requirements
- SS 28. Certificate of Completion
- SS 29. Maintenance
- SS 30. Hazardous Condition; Nuisance
- SS 31. Working Conditions
- SS 32. Environmental Protection
- SS 33. to SS 40. (Reserved for future use)

D. PERFORMANCE AND DESIGN STANDARDS

- SS 41. Excavation
- SS 42. Fill
- SS 43. Minimization of Erosion and Sediment
- SS 44. Slope Treatment and Ground Cover
- SS 45. Retaining Walls
- SS 46. Drainage Facilities
- SS 47. to SS 60. (Reserved for future use)

E. LIABILITY AND PENALTIES

- SS 61. Liability
- SS 62. Violation
- SS 63. Remedies
- SS 64. to SS 70. (Reserved for future use)

F. REPEALER AND SEVERABILITY CLAUSE

- SS 71. Repealer
- SS 72. Severability

PART 1

GRADING REGULATIONS

A. GENERAL PROVISIONS

SS 1. PURPOSE

The purpose of this Part 1 is to provide minimum standards to safeguard persons, protect property and promote the general welfare by preventing excess erosion, hazardous rock and soil slippage, sediment production and other soil and water management problems by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation and fill.

- 1.1 To establish performance standards which insure land use, practices respectful of the natural topography and capabilities of the land;
- 1.2 To encourage maximum retention of natural topography and vegetative features on hillsides:
 - 1.2.1 To prevent earthflow and rockfall landslides;
 - 1.2.2 To prevent soil erosion and increases in storm water run-off which result in stream siltation, flooding, and damage to the property of other individuals; and
 - 1.2.3 To preserve the natural beauty of the landscape and save steep slopes;
- 1.3 To encourage imaginative and innovative site development and building design that adapts to, and takes advantage of the best use of the natural terrain;
- 1.4 To encourage the concept of cluster development and density transfer in order to save open space and steep slopes;

SS 2. SCOPE

A grading permit shall be obtained from the administrator for new grading, excavation and fills; and changes, additions or alternations made in existing excavations or fills.

- 2.1 New grading, excavations and fills; changes, additions, repairs, or alterations made to existing excavations and/or fills shall conform to the provisions of this Part 1. A permit shall not be required for work performed by the municipality or contractors employed by the municipality in a public street or alley, municipal park, playground or recreation area or on other municipal property.

- 2.2 A separate grading permit shall be required for each site. One (1) permit shall cover the grading, excavation, and any fills made on the same site.
- 2.3 Only one (1) permit shall be required for the grading of a large continuous parcel of land for a major planned development, such as a planned residential development or a planned commercial development, when the standards for the grading of the entire parcel are satisfactory to and approved by the administrator.
- 2.4 The administrator may require an approved site plan, a building permit or both as a prerequisite to the granting of any grading permit.

SS 3. EXCEPTIONS

Except where a slope of over twenty-five percent (25%) exists, a grading permit shall not be required for any of the following:

- 3.1 An excavation which does not exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface or cover an area of more than one thousand (1,000) square feet, provided that the surfaces of such excavation do not have slope at any point steeper than four (4) horizontal to one (1) vertical. However, this subsection shall not be deemed to nullify the application of this Part 1, or any requirement for obtaining a grading permit, with respect to any fill made with the material from such an excavation, unless otherwise excused by subsections 3.2 and 3.3 of this section.
- 3.2 A fill which does not exceed ten (10) cubic yards of material on any one (1) site.
- 3.3 Fill which does not exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface and does not cover an area of more than one thousand (1,000) square feet, provided that the surfaces of such fills do not have a slope at any point steeper than three (3) horizontal to one (1) vertical.
- 3.4 An excavation below finished grade for basements and footings of a building, other than a single-family dwelling, swimming pool, or underground structure authorized by a building permit; and an excavation of a driveway between a building site and the street; provided, however, that a permit is required for an excavation of a driveway between the building site and the street when extreme conditions (such as excessive cut or fill) exist. However, this subsection 3.4 shall not be deemed to nullify the application of this Part 1, or any requirement for obtaining a grading permit, with respect to any fill made with the material from such an excavation unless otherwise excused by subsections 3.2 and 3.3 of this section.
- 3.5 Soil excavated under the authorization of a properly issued building permit which is stockpiled on the same site as the excavation. If, however, excavated material

is stockpiled on a site for a period of longer than one hundred twenty (120) days, then a permit shall be necessary when disposing of the fill material.

3.6 A single-family house site where the maximum gradient between property lines or the maximum excavation or fill, exclusive of the situations referred to in subsection 3.4 above, do not exceed the grades or quantities set forth in the following table:

Single-family house site.	Maximum gradient without a permit.	Maximum excavation or fill without a permit, exclusive of basements and foundations.
Less than 10,000 sq. ft.	15 in 100 ft.	100 cu. yds.
10,000 to 24,000 sq. ft.	15 in 100 ft.	200 cu. yds.
24,000 to 44,000 sq. ft.	15 in 100 ft.	250 cu. yds.
Over 44,000 sq. ft.	20 in 100 ft.	250 cu. yds.

SS 4. to SS 10. Reserved for future use.

B. DEFINITIONS

SS 11. DEFINITIONS

For the purpose of this Part 1, certain terms and words are herein defined:

A:

Administrator: the Municipal Manager or his authorized representative.

Applicant: any landowner, agent of said landowner, or tenant with the permission of said landowner, who proposes to make or cause to be made an excavation, fill or any combination thereof pursuant to the provisions of this Part 1.

Architect: a registered architect licensed as such in the Commonwealth of Pennsylvania.

B:

Bedrock: natural rocklayer, hard or soft, in place at ground surface or beneath unconsolidated surficial deposits.

Building Code: the most recently enacted edition of the CABO and BOCA building codes, as amended, by the Township of Hampton.

C:

Cover vegetation: plants such as grasses, ground covers, wild flowers, shrubs, and trees.

D:

Developer: any landowner, agent of such landowner or tenant with written, notarized permission of such landowner who makes or causes to be made, a subdivision or land or a land development.

Development: the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use, or extension of the use, of land.

E:

Engineer: a registered professional engineer licensed as such in the Commonwealth of Pennsylvania, and knowledgeable in civil engineering.

Engineering Geologist: 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.

Erosion: the detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

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

Excessive Slope: areas where the slope exceeds twenty-five (25) percent between Adjacent contour lines as shown on topological maps (i.e. where the scaled horizontal distance between the five (5) foot contour lines is less than twenty (20) feet) or between adjacent contour lines having an interval of five (5) feet or less as shown on detained site plans prepared by a registered engineer or surveyor based on actual field topographical surveys.

F:

Fill: any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location including the condition resulting therefrom.

G:

Geotechnical Engineering Report: a report prepared by a registered professional geological engineer.

Grade: the elevation of the existing or proposed ground surface at the location of any proposed excavation or fill.

Grading: excavation or fill or any combination thereof including the conditions resulting from any excavation or fill.

Grading Permit: any permit required pursuant to the provisions of this Part 1.

Grubbing: cleaning of underbrush from a well treed area

H:

Hazard: any danger or potential danger to life, limb or health, or any 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.

L:

Landscape Architect: a landscape architect licensed as such in the Commonwealth of Pennsylvania.

P:

Permit Holder: any landowner, agent of said landowner, or tenant with the permission of said landowner who has been granted a grading permit pursuant to the provisions of this Part 1.

R:

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 or standards set forth in this Part 1, and which is more than two (2) feet in height as measured on the exposed vertical surface of the wall.

S:

Single-Family House: a building, which is the only principle building on the lot, designed exclusively for residential purposes on a permanent basis by one family, or by not more than three (3) unrelated individuals.

Site: a lot, tract or parcel of land, or a series of lots, tracts or parcels of land which are adjoining and with respect to which grading work is to be continuous and performed at the same time.

Soil Survey: the Soil Survey for Allegheny County, Pennsylvania, and the accompanying text, Soil Survey of Allegheny County, Pennsylvania, as prepared by the USDA Soil Conservation Service et al.

Soils Engineer: a registered professional Engineer licensed as such in the Commonwealth of Pennsylvania and having training and experience in the branch of soils engineering.

Solid Waste: any and all parts or combination of ashes, garbage, refuse, radioactive material, combustible demolition materials and industrial wastes such as food processing wastes, wood, plastic, metal scrap, etc.

Steep Slopes: or Excessive Slopes can be defined as areas where the slope exceeds twenty-five (25) percent between Adjacent contour lines as shown on topological maps (i.e. where the scaled horizontal distance between the five (5) foot contour lines is less than twenty (20) feet) or between adjacent contour lines having an interval of five (5) feet or less as shown on detained site plans prepared by a registered engineer or surveyor based on actual field topographical surveys.

Z:

Zoning Ordinance: the Township of Hampton Zoning Ordinance, as amended.

SS 12. to SS 20. Reserved for future use.

C. GENERAL PROCEDURES AND REQUIREMENTS

SS 21. APPLICATION PROCEDURE

Every applicant for a grading permit shall file a written application, plans, specifications and a soil conservation report therefore with the administrator in a form prescribed by the administrator, and if appropriate, shall receive site plan approval from the Township Council before initiating any disturbance of the land or vegetation.

21.1 The application shall include:

- 21.1.1 A description of the land on which the proposed work is to be done by lot, block, tract and street address, or similar description which will readily identify and definitively locate the proposed work.

- 21.1.2 A statement of the estimated starting and completion dates of the proposed activity.
 - 21.1.3 A statement of the purpose for which the permit is filed.
 - 21.1.4 A statement which indicates whether or not a structure which will require a building permit pursuant to the building codes, is intended to be erected.
 - 21.1.5 An affidavit from the owner granting permission and approval if the applicant is other than the owner.
- 21.2 The required site plan and specification shall include:
- 21.2.1 Seal and signature of a registered professional engineer.
 - 21.2.2 The name of the applicant.
 - 21.2.3 The name of the property owner.
 - 21.2.4 The location, by map, of the property.
 - 21.2.5 A contour map showing the present contours of the property and the proposed contours of the property after completion of the proposed activity. The contours shall be at two (2) foot intervals where the average slope is ten percent (10%) or less, and at five (5) foot intervals where the average slope exceeds ten percent (10%).
 - 21.2.6 A cross-section of the proposed cut or fill on fifty (50) foot intervals which show the method of benching for the cut and/or fill, provided, however, that there shall be not less than two (2) cross-sections for each site.
 - 21.2.7 A plot plan showing the location of the boundaries of the activity(ies), lot lines, neighboring streets, buildings, surface utilities, waterways, drainage patterns, and sufficient dimensions and data to show all proposed work.
 - 21.2.8 A description of the type and classification of the soil.
 - 21.2.9 A detailed plan identifying all proposed drainage, structures, pipes, walls and cribbing.
 - 21.2.10 A detailed seeding plan.

- 21.2.11 If applicable, the nature of the fill material to be used.
 - 21.2.12 In special cases, when grading occurs in areas of landslide prone soil or rock fall prone areas as recognized by the soil survey, or other standard surveys, or the maps referenced in 21.2.1 above, the administrator may require special precautions prior to issuing a permit from the applicant. The administrator may require the applicant to conduct core borings to determine the extent of, and location of, the landslide or rock fall prone areas. The results of all soil tests and core borings made, relative to the site, shall be submitted to the administrator.
 - 21.2.13 The administrator may waive the requirement of any or all plans and specifications listed in this Part 1, if he finds that the information on the application is sufficient to show that the work will conform to the provisions of this Part 1.
- 21.3 The required soil conservation report shall include:
- 21.3.1 Site topography.
 - 21.3.2 Site drainage.
 - 21.3.3 Vegetative cover and soils.
 - 21.3.4 A statement which describes any major limitations of the site pertaining to soils, slopes, drainage, and run-off.
 - 21.3.5 A statement of recommendations to minimize the site limitations identified.
 - 21.3.6 The administrator may require a permit or approval from the Allegheny County Conservation District.
- 21.4 Trees and natural ground cover shall be retained wherever possible to minimize the environmental impact of the development on the site.
- 21.5 When the requirements of this Part 1 for obtaining a permit have been met, the administrator shall approve the application and proposed plan and grant a grading permit to the applicant.

SS 22. SPECIAL AGREEMENT

In the event that the applicant will move or grade more than 50,000 square feet or more than 30,000 cubic yards, then a formal agreement will be required by the administrator,

and said agreement will be prepared by the applicant at his own cost and expense, and must be approved as to form by the Township Legal Counsel.

SS 23. EXPIRATION OF PERMIT

23.1 Every grading permit shall expire and become null and void if the work authorized by said permit has not been commenced within six (6) months or is not completed within one (1) year from the date of issue; PROVIDED that the administrator may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work 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 expiration of the permit. Any physical changes from the original plan uncovered in the site during the construction such as surface water drainage, soil and bedrock dislocations, alteration of ground water discharge or any other natural or man-made modification which would tend to undermine the basis upon which the permit was issued, must be immediately reported to the administrator by the permit holder. If the circumstances dictate, the administrator shall revoke the permit or otherwise modify the conditions upon which the permit was initially issued.

23.2 A grading permit may be extended, or a new permit issued for the same site or project, no more than three (3) times. Upon the expiration of the third and final permit, before another earth disturbance permit can be issued, the applicant must submit a new permit and land development application (with all items and details required under Section 21 and a written time-line for completion of the project) for review by the Environmental Advisory Council, Planning Commission and Township Council in accordance with the land development procedure identified in the Township's Zoning and Land Development Ordinances.

SS 24. DENIAL OF PERMIT

24.1 If the administrator shall determine that the work proposed by the applicant is likely to endanger any property or person, or any street or alley, or create hazardous conditions, the grading permit shall be denied. In determining whether the proposed work is likely to endanger property or streets or alleys, or create hazardous conditions, the administrator shall consider, among other relevant factors, the following: possible saturation by rains, earth movements, runoff surface waters and subsurface conditions such as the stratification and faulting of rock, aquifers, springs and the nature and type of the soil or rock.

24.2 The administrator may deny a grading permit if the use of land to be graded, either excavation or filling, is not specifically known except for the intent of improving the site. The administrator shall review the application, plans, specifications and reports and determine whether the project will improve the

site, is in the best interest of the municipality, and is not detrimental to the environment.

- 24.3 Any person who is aggrieved by the application of the provisions of this Part 1 may within fifteen (15) days from the date of the denial of the permit, or such other adverse determination by the administrator, file a written appeal, together with all the grading permit application materials required by this Ordinance, to the Township Council. The Township Council shall grant a hearing upon such an appeal within thirty (30) days after the receipt of the written appeal. The Township Council shall render a decision on the appeal within thirty (30) days after the close of the hearing.
- 24.4 If any appeal is taken from the issuance of a building permit where a grading permit has also been issued and if such appeal shall, pursuant to the provisions of the Zoning Ordinance, operate as a stay of all proceedings under any such building permit, then such appeal shall also operate to stay all proceedings under any such grading permit.

SS 25. INSPECTIONS

The administrator shall make the inspections hereinafter required and shall either approve that portion of the work which has been completed or notify the permit holder wherein the same fails to comply with the provisions of this Part 1.

- 25.1 Grading and drainage plans approved by the administrator shall be maintained at the site during the progress of the grading and drainage and until the work has been approved.
- 25.2 The permit holder shall submit to the administrator an "as built" drawing of the project before the issuance of a grading certificate of completion.
- 25.3 The permit holder shall notify the administrator in order to obtain inspections in accordance with the following schedule and such notification shall be made by the permit holder at least twenty-four (24) hours before the inspection is to be made:
 - 25.3.1 INITIAL INSPECTION - when work is about to be commenced and stake out is completed.
 - 25.3.2 ROUGH GRADING - when all rough grading has been completed.
 - 25.3.3 DRAINAGE FACILITIES
 - 25.3.3.1 All drainage facilities that connect to or shall become public drainage facilities shall be continuously inspected during construction.

25.3.3.2 Other drainage facilities shall be inspected before such facilities are backfilled.

25.3.4 ADDITIONAL INSPECTION - when in the opinion of the administrator other inspections are necessary.

25.3.5 FINAL INSPECTION - when all work, including the installation of all drainage, landscaping and other structures has been completed.

25.4 If at any stage of the work the administrator shall determine by inspection that the nature of the excavation is such that further work as authorized by an existing permit is likely to endanger any property, street, alley, 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 such likelihood of danger.

25.5 If at any stage of the work the administrator shall determine by inspection that the nature of the excavation or fill is not in compliance with the plans and details submitted for the issued permit, the administrator shall notify the applicant in writing of the violation and what remedy must be pursued by the applicant. If the violation is not rectified within the specified amount of time, the administrator shall proceed in accordance with the violation and enforcement requirements outlined in Section 62.

SS 26. FEES AND BONDS

26.1 At the time of application the applicant shall pay an application review fee, as established by the Township Council by resolution from time to time, to cover the Township costs of reviewing application documents. Any additional charges incurred by the Township to review the application of an excavation permit shall be borne by the applicant. Any application funds not expended by the Township shall be returned to the applicant within a reasonable period of time.

26.2 INSPECTION FEES - An inspection fee equal to two (2) percent of the total estimated cost of the grading work, storm water control facilities and landscaping shall be collected by the administrator prior to the issuance of a grading permit. A minimum fee of \$50.00 shall be charged. Inspection costs incurred by the Township in excess of the initial fee collected shall be paid for by the applicant prior to final inspection of the work.

26.3 PERFORMANCE AND MAINTENANCE GUARANTEES

26.3.1 As a condition of approval of a grading application under this Ordinance, the Township may require the applicant to post a cash or performance bond or other security acceptable to the Township

in the amount of fifty percent (50%) of the estimated cost to perform the work. The cost estimate shall include the complete scope of work needed to be performed by the applicant to comply with this Ordinance and shall be prepared and certified by the applicant's engineer or architect and accepted as reasonable by the Township's engineer. The Township's engineer shall be the final arbiter as to the reasonableness of any cost estimates.

- 26.3.2 Upon completion of the job, a maintenance bond in amount of fifteen percent (15%) of the cost estimated as determined in SS 26.3.1 shall be posted (PAYABLE TO THE TOWNSHIP OF HAMPTON) for a period of eighteen (18) months.
- 26.3.3 No bond shall be required if another bond or approved security is posted for construction and/or site improvements which already covers the cost of grading and other control facilities.

SS 27. GENERAL REQUIREMENTS

- 27.1 A fence not less than four (4) feet in height, of a design approved by the administrator and meeting requirements of the Zoning Ordinance, shall be placed at the top of all new cuts and fills made when the cuts or fill slopes are steeper than one and one-half (1 1/2) horizontal to one (1) vertical.
- 27.2 All topsoil shall be removed from the area to be graded, stockpiled and preserved for reuse on the site before other excavation is permitted. A minimum of four (4) inches of topsoil shall be replaced over all disturbed or undeveloped areas.
- 27.3 The permit holder shall be responsible for protecting adjacent and downstream properties from any storm water damage which occurs as a result of grading activities on the project site. Such protection shall include cleaning up and restoring adjacent and downstream properties to their original condition.

SS 28. CERTIFICATE OF COMPLETION

If upon final inspection of the site for which a permit has been issued, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this Part 1, 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.

SS 29. MAINTENANCE

- 29.1 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 other protective devices as may be a part of the permit requirements.

29.2 The continued use of said area shall be contingent upon the proper maintenance and upkeep of all the above mentioned items, satisfactory to the municipality and subject to such further conditions as the municipality may prescribe from time to time to keep the site in proper condition.

29.3 The grading Certificate of Completion may be revoked by the Township Council at any time, upon the recommendation of the administrator or the municipal engineer, where the conditions of the permit are not being observed, the work covered by the certificate has been materially extended or altered without a permit to do so, or conditions exist which jeopardizes the health, safety and welfare of any person, persons or property. Before such revocation, the administrator shall first give written notice to the permit holder and to the owner of the property involved, specifying the defect of unsatisfactory condition involved, and advising that unless such defect or unsatisfactory condition is remedied, the certificate shall be revoked, if the defect or unsatisfactory condition is remedied within thirty (30) days of notice to the owner to correct same, the certificate shall not be revoked.

If the permit holder shall fail to correct such defect or unsatisfactory condition within such thirty (30) day period the municipality may undertake the necessary work and the costs thereof shall be born by the permit holder and collected in any manner authorized by law, including the imposition of a lien against the property.

SS 30. HAZARDOUS CONDITION: Nuisance

Whenever the administrator determines that any existing excavation, embankment or fill has become a hazard as defined in SS 11. of 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 in writing from the administrator shall, within the time specified in such notice, repair, reconstruct or remove such excavation, embankment, or fill so as to eliminate the hazard.

If the permit holder shall fail to correct such hazardous or unsatisfactory condition within the specified time period, the municipality may undertake the necessary work and the costs thereof shall be borne by the permit holder and collected in any manner authorized by law, including the imposition of a lien against the property.

30.1 The administrator shall determine when any existing excavation, embankment or fill has become a hazard as defined in SS 11. of this Ordinance.

30.2 Any excavation not completed within one hundred eighty (180) days from the date of initial grading shall constitute a nuisance and a hazard.

- 30.3 When the administrator determines that a nuisance or hazard exists, he shall give written notice thereof to the owner of the property upon which the excavation, embankment or fill is located.
- 30.4 The property owner shall restore, repair, reconstruct or remove such excavation, embankment or fill as directed by the administrator within thirty (30) days of receipt of said written notice.
- 30.5 If the property owner has not taken the remedial action directed by the administrator within the stated time period, the municipality, in addition to pursuing any and all other legal or equitable remedies, may undertake the necessary remedial work and the cost thereof shall be borne by the property owner and a lien therefor filed against the property in accordance with the applicable law.

SS 31. WORKING CONDITIONS

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

- 31.1 DUST CONTROL - During grading operations, necessary measures for dust control will be exercised.
- 31.2 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.
- 31.3 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 Township Council or Township Council's designated representative.
- 31.4 WORK HOURS - All of the work and activity covered by a grading permit shall be conducted between the hours of seven o'clock (7:00) A. M. and six o'clock (6:00) P.M. unless these time limits are extended, excused or otherwise modified by the Township Council, or their designated representative.

SS 32. ENVIRONMENTAL PROTECTION

- 32.1 Vegetation preservation - no removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted, except in conformance with the provisions of this Ordinance or any other Ordinance of the Township of Hampton regulating land use and development, except that the activity of "grubbing" shall be permitted.

- 32.2 Cutting and Clearing of Vegetation - The mass, or large-scale cutting of trees and clearing of vegetation for the sole purpose of clearing land, unless incidental to imminent development, is prohibited.

Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are approved site plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week, basis (utilizing a five (5) days on, two (2) days off standard work week), within thirty (30) days of the completed cutting activities and for which a site plan and landscaping plan have been submitted and approved by the Township.

This language is not intended to prohibit the culling of diseased, dead or dying plants or trees; the development of flower or vegetable gardens; and removal of single trees or clumps of vegetation for aesthetic, safety or other concerns. It does prohibit the mass, or large-scale defoliation of property preparatory to development until shortly before the proposed development actually takes place.

- 32.3 LIVE STREAM CROSSINGS - Grading equipment will not be allowed to cross live streams. All applicable permits must be obtained from the appropriate Federal, State or County agency. Provision will be made for the installation of culverts or bridges for such crossings.
- 32.4 CONSERVATION OF NATURAL FEATURES - In order to prevent the denuding of the landscape, large trees and other natural features constituting important physical, aesthetic and economic assets to existing or intending development work, shall be preserved. All grading shall be kept to the absolute minimum.
- 32.5 EXCESSIVE SLOPES - Excessive slopes of over twenty-five percent (25%) shall not be graded 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.

An excessive slope is determined as defined in SS 11 of this Ordinance. The areas considered to have excessive slope may be revised or modified by the Township Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision and the possibility that such revision will produce no environmental harm.

SS 33. to SS 40. Reserved for future use.

D. PERFORMANCE AND DESIGN STANDARDS

SS 41. EXCAVATION

- 41.1 Maximum slope steepness of a cut shall be two (2) horizontal to one (1) vertical for minimizing erosion and landslide hazards. However, a governmental review

agency, professional engineer or engineering geologist may determine the types of soil on the sites to be graded from the soil survey, other standard surveys, geological surveys or core borings. Maximum slopes can then be determined as follows:

41.1.1 Landslide prone soils or unstable rock formations where existing slopes are less than twenty-five percent (25%) shall have proposed cut slopes no steeper than three (3) horizontal to one (1) vertical. Soil survey map symbols are:

“GrE - Gilpin-Vandergrift Silt Loams, Slumped”

“GQF - Gilpin-Upshur Complex”

41.1.2 Landslide prone soils where existing slopes are less than twenty-five percent (25%) shall have proposed cut slopes no steeper than two (2) horizontal one (1) vertical. Soil survey map symbols are:

	Landslide Risk Potential
“UaB - Upshur Silty Clay Loam, 3 to 8% slopes”	Moderate
“UaC - Upshur Silty Clay Loam, 8 to 15% slopes”	High
“GpB - Gilpin-Upshur Complex, 3 to 8% slopes”	Moderate
“GpC - Gilpin-Upshur Complex, 8 to 15% slopes”	High
“GpD - Gilpin-Upshur Complex, 15 to 25% slopes”	High
“GvB - Guernsey-Vandergrift Silt Loam, 3 to 8% slopes”	Moderate
“GvC - Guernsey-Vandergrift Silt Loam, 8 to 15% slopes”	High
“GvD - Guernsey-Vandergrift Silt Loam, 15 to 25% slopes”	High
“EVB - Ernest-Vandergrift Silt Loams, 3 to 8% slopes”	High
“EvC - Ernest-Vandergrift Silt Loams, 8 to 15% slopes”	High
“EvD - Ernest-Vandergrift Silt Loams, 15 to 25% slopes”	High

41.1.3 Soils which are not or have a low probability of being landslide prone shall have a slope no steeper than one and one-half (1 1/2) horizontal to one (1) vertical. All soil survey map symbols except the symbols listed above denote soils of low landslide probability.

41.2 Cut slopes of up to 1:1 may be allowed under a grading permit, provided that two or more of the following conditions is satisfied:

41.2.1 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. An acceptable geological report signed and sealed by a professional engineer, certifying that the steeper slope will have sufficient stability and that it will not endanger any property or result in property damage and that creation of a hazard will be minimal shall be submitted to and may be approved by the administrator.

- 41.2.2 A retaining wall or other approved support, designed by a professional engineer or architect and approved by the administrator is provided to support the face of the excavation.
- 41.2.3 The slope proposed is demonstrated in a site plan presented to the Planning Commission, the Environmental Advisory Council, and the Township Council to be absolutely necessary to permit the reasonable development of the site.
- 41.3 The administrator may require that the excavation be located so that a line having a slope of one and one-half (1 1/2) horizontal to one (1) vertical measured from the bottom of the cut slope will be entirely inside the property lines of the property on which the excavation is made, if conditions exist which, under applicable engineering practice, the excavation may not be stable or safe.
- 41.4 The administrator may require an excavation to be made with a cut slope flatter than those specified above if he finds the material in which the excavation is to be made is unusually subject to erosion, or if other conditions exist which, under applicable engineering practice, make such a flatter cut slope necessary for stability and safety.
- 41.5 Excavations adjacent to any footing, foundation or structure shall not extend below the minimum angle of repose or natural slope of the soil under the nearest point of same unless such footing, foundation or structure is first properly underpinned or otherwise protected against settlement. Before commencing any excavation which will affect physically in any way an adjoining property or structures thereon, the permit holder shall notify, in writing, the owners of adjoining property or structures not less than thirty (30) days before such excavation is to be made informing them excavation is planned. Adjoining properties and structures shall be protected as provided in the building code and/or as required by the administrator.
- 41.6 The top or bottom edge of final slopes shall be set back three (3) feet plus one-fifth (1/5) the height of the cut, which the total set back distance shall not exceed ten (10) feet, 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 and to allow for location of proper drainage facilities and protective devices.
- 41.7 All blasting which is conducted in the Township 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. The administrator shall be notified twenty-four (24) hours prior to any blasting.

SS 42. FILL

42.1 No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical, except under one or more of the following conditions:

42.1.1 The fill, in the judgment of the administrator, is located so that settlement, sliding, or erosion of the fill material will not result in property damage or be a hazard to adjoining property, streets, alleys, buildings, storm drains or drainage ways.

42.1.2 Soils capability and geological report, signed and sealed by a professional engineer, experienced in erosion control and soils analysis, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, and that creation of a hazard will be minimal, shall be submitted to and may be approved by the administrator.

42.2 The administrator may require that the fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) vertical if he finds that under the particular conditions such flatter surface is necessary for stability and safety.

42.3 Fills, embankments and finish grading shall be designed in accordance with the following:

42.3.1 Where fills are located so that earth movement may result in personal injury or damage to adjacent property, streets, alleys or buildings, the bearing value and stability of the material under proposed fills and embankments shall be determined by subsurface investigation performed by a professional engineer.

42.3.2 The type of fill material available in each stage of the grading operations shall be determined in order to plan proper filling procedures.

42.3.2.1 Rock may be incorporated in fills and embankments but only in layers twenty-four (24) inches thick, maximum, as per the latest edition of Pennsylvania Department of Transportation Specifications Publication 408, with voids filled and a blanket of compacted fill separating one layer of rock from the next. Rock fill shall not be placed near the bottom of foundations, building caissons and subsurface utility installations. Suitable earth shall be reserved or provided to cover rock fill under proposed seeded or planted areas.

- 42.3.2.2 No unsuitable material, including but not limited to the following; coal, boney, red-dog, expansive shale, sliding clays and cinders shall be placed in fill areas.
- 42.3.2.3 Wood or solid waste decomposable material shall not be placed in fill areas.
- 42.3.3 No fill of any kind shall be placed over topsoil, trees, stumps or other material which would create a nuisance, potential fire hazard or sanitary problem such as decomposition which would attract rodents, termites or other pests.
- 42.3.4 On major fills or embankments, a toe bench shall be constructed below the mantle under the toe of fill.
- 42.3.5 Where fills are placed on existing slopes of five percent (5%) or more, benching of the existing surface shall be required and indicated on the cross-sections.
- 42.3.6 A porous drain shall be installed on the bottom and back wall of the toe bench and in the area, together with a drain pipe and suitable discharge pipe to the existing non-erosive surface beyond and below the toe of the proposed fill. The discharge location shall not cause drainage related problems to downstream property owners.
- 42.3.7 Overfilling of slopes is desirable to permit the final shaping of the surface to proposed grade without the addition of loose fill over the surface of the slope, provided that no fill shall be higher than ten (10) feet vertically before the slope is shaped to proper grade.
- 42.3.8 At the end of each work day, the horizontal surface of the fill area shall be shaped, compacted and rolled to the outside edge to provide for drainage.
- 42.3.9 All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill (excepting rock) 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. Fill shall be placed at the optimum moisture content for the specified degree of compaction. The administrator may require tests or other information if, in his opinion, the conditions or materials are such that additional information is needed. Where fills are to have streets, structures, or public utilities placed in or on them, a Modified Proctor Density of ninety-five percent (95%) shall be achieved. (ASTM test designation D 1557-78).

- 42.3.10 The top or bottom edge of final slopes shall be set back three (3) feet plus one-fifth (1/5) the height of the fill, which the total set back distance shall not exceed ten (10) feet, 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 and to allow for location of proper drainage facilities and protective devices.
- 42.4 Whenever a fill is to be made of materials other than clean soil or earth, the grading permit shall be subject to the following limitations and requirements:
 - 42.4.1 The fill shall be completed within a reasonable length of time (under no circumstances for the initial permit to exceed one hundred eighty (180) days), the said time limit to be determined by the administrator and to be specified on the grading permit.
 - 42.4.2 Clean soil or earth suitable for revegetation shall be placed over the top of exposed surfaces of the fill to a depth sufficient to effectively conceal all materials within the fill, other than clean soil or earth, both at the end of each day's operation and at the completion of grading.

SS 43. MINIMIZATION OF 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 hazards, depending on site conditions and proposed grading.

However, the administrator 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.

SS 44. SLOPE TREATMENT AND GROUND COVER

In order to prevent erosion, permit holder shall be required to provide adequate and varied ground cover vegetation. The kind and character of this cover vegetation shall be approved by the administrator upon recommendation by the Environmental Advisory Council.

For slopes steeper than three (3) horizontal to one (1) vertical, the ground covering shall be an approved variety of erosion resistant vegetation.

The completion of fills, embankments and finish grading should be done during a season of the year when turf or ground cover can best be established.

SS 45. RETAINING WALLS

- 45.1 If a retaining wall is constructed to satisfy a requirement of this Part 1, a building permit 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.
- 45.2 Retaining walls shall be designed and constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal and signature of a professional engineer or architect.
- 45.3 The backfilling of retaining walls and the construction of subterranean drainage facilities shall be done in accordance with sound engineering practice as determined by the municipal engineer.
- 45.4 In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be at least three (3) feet back from the adjoining property.
 - 45.4.1 The requirement of SS 45.4 may be waived by the administrator if it can be satisfactorily demonstrated that such an exceptions is necessary to insure normal use of the property, e.g., for a sideline driveway.
 - 45.4.2 The requirement of SS 45.4 may also be waived when the proposed retaining wall is a joint venture between adjacent property owners, and documents evidencing the same are filed with the application for the permit.

SS 46. DRAINAGE FACILITIES

- 46.1 Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and/or the sloping surface of fills and/or adjacent properties. Interception and diversion facilities for storm water and surface water run-off, both above and below the cut area during and after construction, shall be included in the design. As a minimum, drainage facilities to the proposed retention areas shall be designed to accommodate the severest storm that might occur during a ten (10) year period.
- 46.2 The drainage pattern prior to construction shall be indicated on the plan in accordance with Section 21.1.2.7 of this chapter, and adequate measures shall be taken to eliminate any erosion and water runoff damage to adjacent properties during the construction and after completion of construction.

- 46.3 Storm sewers, catch basins, drainage ditches and swales necessary to protect adjacent properties, whether they be permanent or temporary in nature, shall be constructed before any excavation or filling is started. The storm sewers, catch basins, drainage ditches and swales shall be maintained, cleaned, cleared and open during construction. If the above is not complied with, the administrator shall stop all clearing and grading on the site until the necessary drainage facilities are completed or the permit will be revoked and the required bond forfeited.
- 46.4 Drainage ditches shall be constructed at the toe and top of cut and fill slopes to divert the surface water to drainage facilities during and after construction.
- 46.5 New storm sewers and other facilities and utilities traversing a proposed fill area shall be buried a minimum of three (3) feet from top of pipe to existing grade, or fill shall be constructed in that area prior to installation of said sewers and utilities. The minimum size storm sewer exclusive of toe drains shall be fifteen (15) inches in diameter unless a variation in size is approved by the administrator. All storm sewers located under pavement areas shall be reinforced concrete pipe as required by the Township engineer.
- 46.6 Slopes steeper than two (2) horizontal to one (1) vertical and of more than ten (10) feet in vertical height shall be separated by a level berm of at least four (4) feet in width at intervals of no more than ten (10) feet vertically if slope is potentially hazardous due to easily erosive material in said slope. On slopes of two (2) horizontal to one (1) vertical, or less steep, the four (4) feet level berms will not be required unless deemed necessary by the administrator or Township Engineer.
- 46.7 Drainage ditches with a grade of five percent (5%) or greater shall be paved with concrete, bituminous mixture, brick, half pipe, rubble or other hard surface material.
- 46.8 Drainage ditches with a grade of less than five percent (5%) shall be grassed and sloped in such a manner that they can be conveniently cut and maintained.
- 46.9 Drainage structures, storm sewers and appurtenances shall be of proper design and so constructed as to carry surface water and any subsurface water encountered to the nearest practical storm drain or natural watercourse approved by the administrator as a safe place to deposit and receive such waters. Approval by the administrator in no way relieves the owner of his legal responsibilities to adjacent property owners. The owner shall also comply with all Federal, State, and County laws dealing with the enclosing or discharging into existing streams or channels. Storm water management facilities in compliance with the Township's Subdivision and Land Development Ordinance shall be included in the drainage plan.

46.10 If, in the judgment of the administrator, the proposed drainage structures, storm sewers and appurtenances are not adequate, he shall require the addition of such facilities as to insure the prevention of erosion damage and to satisfactorily carry off surface waters and/or subsurface waters.

46.11 As a guide for the prevention of 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, when they suit the site.

The administrator may approve methods and materials recommended by governmental agencies, professional engineers and architects, when they are more suitable to the site in preventing damage. Private drainage facilities of any nature shall be at least designed to accommodate the largest size storm that would occur on the average of every ten (10) years.

46.12 No rock fill shall be placed around or over storm sewers or drainage facilities.

SS 47. to SS 60. Reserved for future use.

E. LIABILITY AND PENALTIES

SS 61. LIABILITY

Neither the issuance of a permit under the provisions of this ordinance, nor the compliance with the provisions hereof or with any condition imposed by the administrator hereunder, shall relieve any permit holder from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the municipality, its employees, and its consultants for damages to persons or property.

61.1 The applicant shall be fully responsible for any non-compliance with approved plans. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of grading until release by the Township. The use of qualified personnel experienced and knowledgeable in the practice of excavation and landscape restoration shall be required.

61.2 Compliance with the requirements of this ordinance shall be incumbent upon the person performing any grading, presence or absence of an inspector notwithstanding.

SS 62. VIOLATION AND PENALTIES

62.1 No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause same to be done contrary to or in violation of any provision of this ordinance.

62.2 When notice of any violation of, or non-compliance with, the provision of this ordinance has been given to the administrator or the Code Enforcement Officer, or their representative, to any person, such violation shall be discontinued immediately or within a reasonable time limit specified in such notice. If such violation is not discontinued, or extends beyond the specified time limit, the administrator shall revoke the grading permit and the violator shall be subject to the applicable penalty.

62.3 Any person violating any of the provisions, of this ordinance shall be liable on conviction thereof, to a penalty of not less than three hundred dollars (\$300.00) and not exceeding five hundred dollars (\$500.00). Whenever such person shall have been notified by the Code Enforcement Officer, by service of summons in a prosecution, or in any 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.

SS 63. 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 of Hampton, in addition to other remedies, may institute in the name of the Township of Hampton, an appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful work and to restrain or abate such violation.

SS 64. to SS 70. Reserved for future use.

SS 71. REPEALER

All ordinances or parts of ordinances insofar as they conflict with this ordinance are hereby repealed. Ordinance 336 is hereby repealed in its entirety.

SS 72. SEVERABILITY

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 Township Council that this ordinance would have been enacted has such unconstitutional provisions or parts thereof not been included herein.

ORDAINED AND ENACTED INTO LAW THIS 23 DAY OF February, 2000.

ATTEST:

TOWNSHIP OF HAMPTON


Municipal Manager


President of Council

