

**TOWNSHIP OF NORTH FAYETTE  
GRADING AND EXCAVATING ORDINANCE**

**CHAPTER 9 OF THE  
TOWNSHIP CODE OF ORDINANCES, ORDINANCE NO. 418**

**ADOPTED: JANUARY 28, 2014**

## **Chapter 9**

### **Grading and Excavating**

#### **Part 1**

#### **Grading, Excavation and Fill**

- §9-101. Definitions
- §9-102. Scope of Part
- §9-103. Permit Required; Exceptions



**Part 1****Grading, Excavation and Fill****§9-101. Definitions.**

As used in this Part, the following terms have the meaning indicated:

*Administrator*—North Fayette Township Zoning Officer.

*Excavation*—any act by which earth, soil, sand, rock or other natural mineral material is dug, removed, displaced or otherwise relocated and shall include the conditions resulting therefrom.

*Fill*—any act by which earth is accumulated, dumped, transported or removed to a new location and shall include the condition resulting therefrom.

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

*Grading*—the act of altering the elevation or slope of the existing ground surface by excavation or fill material and shall include the conditions resulting therefrom.

*Grading permit*—any permit required under the provisions of this Part as a result of or in anticipation of excavation, fill, or grading activities.

*Site*—a lot, tract or parcel of land or a series of contiguous lots, tracts or parcels of land upon which excavation, fill, or grading work is performed concurrently or in connection with a single plan of construction or development.

(Ord. 418, 1/29/2014)

**§9-102. Scope of Part.**

New excavations, fills and grading or alterations, additions and repairs made to existing excavations, fills and grading shall conform to the provisions of this Part. Provided, however, that this Part shall not apply to work performed in a public street, Township park or other public property, which work has been authorized by a permit granted under any other ordinance of this Township, being performed by Township staff, or otherwise has been authorized by the permission of the Board of Supervisors or other Township official after consultation with the Township Engineer.

(Ord. 418, 1/29/2014)

**§9-103. Permit Required; Exceptions.**

1. *General Rule.* No person shall commence work on any grading, excavation or fill without first having obtained a grading permit from the Township. No more than one grading permit is required to authorize any combination of excavation, fill and grading to be performed on a single site. A separate grading permit shall be required for each separate site where excavation, fill, or grading work is to be performed.

2. *Exceptions.* A grading permit shall not be required in the following situations, which nevertheless shall be subject to all other provisions of this Part:

A. No permit is required for an excavation which does not extend beyond a

surface area of 1,000 square feet nor exceed a vertical depth of 3 feet at its deepest point, measured from the grade of the ground prior to excavation. This exception does not affect the requirement of a grading permit for any fill made with the material unearthed from such excavation. Any excavation created without a permit may not have a slope at any point exceeding a ratio of 5 horizontal to 1 vertical.

B. No permit is required for a fill which does not exceed 10 cubic yards of material on any one site. No permit is required for a fill which does not cover an area of more than 1,000 square feet nor exceed a vertical height of 3 feet at its highest point, measured from the grade of the ground prior to placement of the fill. Any fill created without a permit may not have a slope at any point exceeding a ratio of 5 horizontal to 1 vertical.

C. No permit is required for work performed at a single-family house site where the gradient, excavation, and fill at the site do not exceed at any point the maximums set forth in the following table:

<b>Area of Single-Family House Site (sq. ft.)</b>	<b>Maximum Gradient Without Permit (feet, vertical to horizontal)</b>	<b>Maximum Excavation or Fill Without Permit (cubic yards)</b>
Less than 6,000	12 to 100	75
6,000 to 10,000	15 to 100	100
10,000 to 18,000	15 to 100	200
18,000 to 30,000	18 to 100	250
Over 30,000	20 to 100	250

D. *Application for Permit.* Every person requesting a grading permit shall file a written application therefore with the Township. Such application shall:

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

(2) Be accompanied by plans and specifications prepared by a registered engineer or surveyor. Such plans and specifications shall include:

(a) A contour map showing the present contours of the land and the resulting contours of the land if the proposed work is approved and completed.

(b) A plot plan showing the location of the proposed excavation, fill or grading, property boundaries, neighboring streets and alleys, water courses, buildings, trees with a diameter of 12 inches or greater at a height of 2 feet above the ground, and any other information helpful in describing the location and layout of the proposed work site.

(c) A description of type of soil underlying the proposed work site, the nature and type of any fill material to be used, the precise location of any storm drains, utilities (above and below ground), sewer lines and appurtenances to be installed, the type of equipment or structures to be placed in any excavation or upon any fill, and any other information which

the Township may require to determine whether the proposed work may be carried out without defeating the purposes of this Part.

(d) The estimated starting and completion dates of the proposed work.

(e) The date of submission, the names of the applicant, the landowner and the preparer of the plan, and the signature of the applicant, or, if the applicant is a corporation, the signature of an authorized agent of the applicant.

(f) Storm drain design calculations shall be submitted to the Township along with the plans and specifications.

(g) Plan showing a base line with locations of cross sections at 50-foot intervals. (A minimum of three cross sections is required.) Provide the cross sections at 50-foot intervals.

(h) Plan showing grading conforming to PennDOT Form 408, latest edition.

(I) Provide a geotechnical report for all earthmoving activities. Report must be sealed by a professional engineer. Report must be based upon actual soil samples obtained from the site, and from the source of imported fill material. The stability of the cut and fill slopes must be addressed.

(j) Stormwater management report complying with North Fayette Township Stormwater Management *Ord. 355* [Chapter 19].

(k) Provide a soil erosion and sedimentation control plan, reviewed and approved by the Allegheny County Conservation District (ACCD) for all disturbances over 5,000 square feet. Provide copy of National Pollutant Discharge Elimination System (NPDES) permit, if required.

(3) The Township may agree to dispense with the requirement for submission of any plans and specifications if it is found that the information in the applications is sufficient to show that the proposed work will conform to the purposes and provisions of this Part.

E. *Application Fee.* The application for a grading permit shall be accompanied by payment of an application fee, which fee shall pay for the time of the Township in reviewing the application. The fee shall be in an amount to be determined at the discretion of the Board of Supervisors and shall be nonrefundable. Additionally, the applicant must provide an escrow account to the Township which will be used to pay for the time of the Township Engineer. The escrow account will be established as follows: \$1,000 per acre of the total property (minimum \$1,000, maximum \$20,000). If the escrow amount falls below 50 percent of the original amount, the applicant must provide an amount to bring the escrow account back up to the original amount. At the completion of the project, any remaining funds will be returned to the applicant after all grading work is complete.

F. *Denial of Permit; Appeal.*

(1) The Township shall deny the permit application and shall provide a brief, written statement explaining his reasons for such denial, when, in his opinion, the proposed excavation, fill, or grading would create conditions

hazardous to human health or likely to endanger public property or private property in the possession of one other than the permit applicant. In determining whether the proposed work is likely to endanger health or property, the Township shall give due consideration to:

- (a) Possible saturation by rain water.
- (b) Runoff of surface water.
- (c) Possible earth movements and erosion of soil.
- (d) The nature of the earth, soil, or rock involved.
- (e) Subsurface conditions, such as the stratification and faulting of rock and possible interference with the water table.
- (f) Such other factors as the Township deems relevant and important in determining the advisability of approving the application.

(2) Any person aggrieved by a decision or order of the Township shall have the right to appeal such decision to the Board of Supervisors, which shall promptly hear, consider, and rule upon any appeal brought to it under the provisions of this Part. The Board of Supervisors shall have the power to waive strict compliance with the provisions of this Part where the evidence shows that strict compliance is unnecessary to accomplish the purposes of this Part. Any person inflicted with an undue hardship by a decision of the Board of Supervisors shall have the right to appeal such decision to a court of competent jurisdiction.

G. *Inspections.*

(1) The Township may inspect the proposed work site prior to making his final determination of the grading permit application. A predetermination inspection shall be made at the request of the permit applicant. In the absence of such a request, the Township, at his option and discretion, may seek the permission of the permit applicant or landowner to make a predetermination inspection. If at any time a permit applicant or permit holder refuses to allow the Township to inspect a work site, the application for that work site may be summarily denied, or any permit already issued for that work site may be revoked or suspended. Following the predetermination inspection, the Township shall, within a reasonable time, render a decision denying the application, granting it, or granting it subject to express conditions deemed necessary to fulfill the purposes of this Part.

(2) Once a permit has been issued, the permit holder shall notify the Township and Township Engineer at least 48 hours in advance of the commencement of each of the following operations in order that an inspection of the work may be conducted.

- (a) When all rough grading has been completed and prior to further excavation or construction.
- (b) Prior to back filling of pipes and drainage facilities.
- (c) Prior to placement of concrete or compacting of fill.
- (d) *Final Inspection.* After all work has been completed.

(3) If at any stage of the work the Township shall determine by inspection

that the work is not in compliance with the provisions of this Part or of the grading permit, he shall issue a written notice of noncompliance to the permit holder, specifying the work needed to remedy the noncompliance. If such noncompliance continues unabated, the Township Engineer may recommend to the Board of Supervisors that appropriate action be taken under the Section of this Part providing for penalties and remedies.

H. *Excavation Standards.*

(1) No excavation shall be made with a cut face steeper in slope than 2 horizontal to 1 vertical, except under either of the following conditions:

(a) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than 2 horizontal to 1 vertical, and a written statement of a civil engineer licensed by the Commonwealth of Pennsylvania and experienced in erosion control is submitted to and approved by the Township. The statement shall state that the licensed engineer has inspected the work site and that the specified deviation from the required slope will not cause injury to persons or damage to property.

(b) A retaining wall or other approved support is provided to shore up the face of the excavation. Depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis.

(2) The Township Engineer may require an excavation to be made with a cut face flatter in slope than 2 horizontal to 1 vertical if it finds that the soil or other material from which the excavation is dug is highly susceptible to erosion or if other conditions necessitate a flatter slope. In such case, the Township shall specify a maximum allowable slope.

I. *Fill Standards.*

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

(a) The fill is located such that settlement, sliding, erosion and water drainage will not endanger adjoining property or human health and safety, in the opinion of the Township.

(b) A written statement is submitted to the Township by a licensed civil engineer, experienced in erosion control, in which such engineer certifies that he has inspected the work site and concluded that the proposed deviation from the required slope will not result in damage to adjoining property or danger to human health and safety.

(c) A retaining wall or other approved support is provided to shore up the face of the excavation. Depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis.

(2) The Township may require that the fill be graded with a slope flatter than 2 horizontal to 1 vertical if he finds such precaution necessary to ensure stability and safety under the circumstances.

(3) The fill must be composed of clean soil or earth.

(4) In order to ensure the stability and even settlement of the fill, each layer of fill shall be compacted by approved mechanical equipment in layers not to exceed 12 inches in thickness and as recommended by the applicant's geotechnical engineer. The entire are of each layer shall be completely compacted prior to placement of then next layer of fill.

J. *Drainage.* The permit holder shall take adequate steps to prevent surface water from damaging the cuts and slopes of excavations and fills. The Township may require such drainage structures as it deems necessary to prevent erosion damage and to ensure that surface water is properly channeled off to an approved storm drain, water course or catch basin. All grading permit applications must comply with the North Fayette Township Stormwater Management *Ord. 355* [Chapter 19].

K. *Miscellaneous Requirements.*

(1) No grading permit shall be issued for such a fill unless the applicant furnishes a performance bond in an amount of 110 percent of the Township's estimated cost of adequately covering such fill with clean soil.

(2) The top and bottom edges of all graded slopes shall be at least three (3) feet from adjoining property lines and rights of way in order to permit natural rounding of the slope edges without encroachment on abutting property.

(3) Wherever practical, large trees and other natural features constituting substantial physical, aesthetic, historical or economic assets to the community shall be preserved.

(4) In order to prevent and curtail soil erosion, grass or other covering vegetation shall be grown on any soil denuded as a result of excavation, fill or grading activities. All grading permit applications must have a soil erosion and sedimentation control plan, reviewed and approved by the ACCD. Provide a copy of NPDES permit, if required.

(5) The owner of any property on which an excavation or fill has been made shall maintain all retaining walls, fences, drains, drainage structures and protective features in good condition and repair. Such owner shall be responsible for protecting and cleaning all lower properties of silt, rock, soil, mud or other debris washed from his property as a result of the grading of his property, regardless of whether such grading was approved by the Township.

(6) The owner of any property on which excavation or fill is to be conducted shall ensure that adequate environmental controls and sound erosion and sedimentation measures are in place during the progress of the work. This may include, but is not limited to, noise and dust control, diversion ditches, settlement ponds and silt screens.

L. *Expiration of Permit; Extension.*

(1) One year from the date of its issuance, each grading permit shall expire and become null and void unless, prior to such expiration, the permit holder shall apply to the Township for an extension of the grading permit. Such extension should be granted unless, in the opinion of the Township,

further delay in completing the work or changes in conditions prevailing at the time when the original permit was granted will endanger property or human health and safety. The period of extension shall be no longer than the reasonable time needed to complete the work authorized by the permit and in no case shall exceed 1 year. Only one, one year extension is allowable.

(2) If work has not commenced on site within 6 months of issuance of the date of the permit, the permit shall expire and become null and void.

M. *Grading Certificate.*

(1) If, upon final inspection of the work site, the Township finds that the work authorized by the grading permit has been completed satisfactorily in accordance with the requirements imposed by this Part and any orders or directions issued appurtenant to the provisions of this Part, the Township shall deliver to the permit holder a certificate stating that the final work has been completed.

(2) The grading certificate may be revoked if the Township becomes aware that the excavation, fill or grading covered by the certificate has been extended or altered without benefit of a grading permit or that the protective structures on the site have not been maintained properly as required by paragraph .K(4) hereof. Prior to revocation, the Township shall provide the property owner with written notice stating the deficiencies which may result in revocation of the certificate and granting the property owner 30 days in which to submit a statement of intention to remedy such deficiencies. If the deficiencies are not remedied within a reasonable time, the grading certificate shall be revoked, and the property owner may be subjected to the penalty and enforcement provisions of this Part.

N. *Penalties; Enforcement.*

(1) When written notice of a violation of any of the provisions of this Part has been served by the Township upon any person, such violation must be discontinued immediately.

(2) Each day the violation continues unabated after service of such notice shall constitute a separate offense punishable by a like fine or penalty.

(3) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(4) The Board of Supervisors may authorize the Township Solicitor to bring an action in equity or law in order to compel compliance with the provisions of this Part, including, but not limited to, an action for a temporary restraining order, and action for injunctive relief, an action for money damages for injury to public property, or any action of legal nature which the Board deems necessary to carry out the purposes of this Part.

O. *Effect on Related Ordinances and Laws.*

(1) Any ordinance or any part of any ordinance conflicting with the provisions hereof is hereby repealed to the extent of such conflict. Provided, however, that nothing in this Part shall be interpreted to repeal, eliminate, or alter any provision or requirement of the zoning or building ordinances of North Fayette Township heretofore adopted.

(2) The granting of a permit under this Ordinance by North Fayette Township shall not relieve the applicant of the duty to obtain any other permits which may be required by the laws of the United States, the Commonwealth of Pennsylvania, and/or the County of Allegheny.

(Ord. 418, 1/29/2014)

# TOWNSHIP OF NORTH FAYETTE

## Application for Grading Permit

Property Location: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page \_\_\_\_\_

Allegheny County Tax ID Number (Lot and Block): \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Landowner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Contractor's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Type of Activity: Excavation: \_\_\_ Fill: \_\_\_ Grading: \_\_\_

Total Surface Area to be Graded, Cut or Filled: \_\_\_\_\_ Sq. Ft.

Present Property Use: \_\_\_\_\_

Proposed Property Use: \_\_\_\_\_

Approximate Start Date: \_\_\_\_\_ Approximate Stop Date: \_\_\_\_\_

Estimated Cost of Work: \_\_\_\_\_ Estimated Volume of Earthwork (Cut, Fill, Graded) \_\_\_\_\_ CY

This Application must be submitted to the Township Engineer along with all of the plans and supplemental information required by the Township Grading Ordinance Number 194.

The undersigned accepts responsibility for payment to the Township of North Fayette for any and all reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report on the application to the Township. The applicant shall also reimburse the Township for the reasonable and necessary inspection fees for the inspection of all improvements associated with this application. It is understood that the applicant/landowner is not delinquent in any fees owed the Township of North Fayette from prior submissions. Should it be determined that there are any such outstanding obligations, the Township reserves the right to deny approval of this permit as submitted by the above named applicant/landowner until all obligations are satisfied.

I, \_\_\_\_\_, certify that I am the Owner of record of the property for which application is made or the authorized agent for the Owner, and that the information provided on and with this application is true and correct to the best of my knowledge or belief. (If the applicant is not the Owner, the Owner's signed and notarized authorization to his/her agent to act on Owner's behalf is required to be submitted.)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

◆-----◆  
**TOWNSHIP USE ONLY:**

Application Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Application Number: \_\_\_\_\_

Review Fee: \_\_\_\_\_

Approved or Denied by: \_\_\_\_\_

Date: \_\_\_\_\_



**TOWNSHIP OF NORTH FAYETTE  
ALLEGHENY COUNTY, PENNSYLVANIA**

**GRADING PERMIT NO. \_\_\_\_\_**

DATE OF ISSUE: \_\_\_\_\_

ISSUED TO: \_\_\_\_\_

ADDRESS OF PERMITTEE: \_\_\_\_\_

TELEPHONE NUMBER OF PERMITTEE: \_\_\_\_\_

CLASSIFICATION OF PERMITTED EARTHWORK: \_\_\_\_\_

LOCATION OF PERMITTED EARTHWORK: \_\_\_\_\_

ZONING DISTRICT OF PREMISES: \_\_\_\_\_

TAX PARCEL NUMBER OF PREMISES: \_\_\_\_\_

This permit is not valid unless signature of Township Engineer, manually executed, shall appear.

\_\_\_\_\_  
**Recommended by Engineer of the Township of North Fayette**

\_\_\_\_\_  
**Code Enforcement Officer of the Township of North Fayette**

This permit is issued pursuant to the provisions, conditions, and limitations contained in the Grading Ordinance of the Township of North Fayette, Ordinance No. 194, as amended and the representations made by owner (or authorized agent), in the Application for Grading Permit No. \_\_\_\_\_, as filed with the Township Engineer of the Township of North Fayette. This Grading Permit authorizes only such earthwork as that which the Township Engineer has by endorsement of said Application, approved.

This permit shall be summarily revoked upon discovery of any false statement or material misrepresentation made by owner (or authorized agent), in said Application.

This permit shall be revoked in the event that the work of the permitted construction is not commenced within 180 days from the issue date shown above. This permit shall expire one year after the issue date shown above or upon completion of the permitted construction, whichever event shall first occur.

This permit does not authorize Final Acceptance of the permitted construction. Upon completion of the permitted construction, owner (or authorized agent) must secure from the Township Engineer a Final Inspection Report before Final Acceptance of the permitted construction may be lawfully completed.

This permit must be posted in accordance with the provisions of the Grading Ordinance of the Township of North Fayette Ordinance No. 194 as amended.

