

BEFORE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF MONROEVILLE

AN ORDINANCE OF MUNICIPAL)
COUNCIL OF THE MUNICIPALITY)
OF MONROEVILLE AMENDING ORDINANCE) Ordinance No. 1535
NO. 1527 THE PLANNING AND)
CONSTRUCTION CODE BY ADOPTING)
GRADING REGULATIONS)

AND NOW, on July 8, 1986, it is ORDAINED

AND ENACTED by Municipal Council of the Municipality of Monroeville as follows:

Section 1: The Planning And Construction Code Ordinance No. 1527 is hereby amended by adding thereto Chapter 206 entitled "Grading Specifications" having as language thereof the language of the attachment.

Section 2: This page of this Ordinance shall be inserted as an addendum to the Planning and Construction Code.

Section 3: Any Ordinance or part of an Ordinance in conflict with any of the provisions of this Ordinance is hereby repealed to the extent of such conflict.

MUNICIPALITY OF MONROEVILLE

Attest:

By Washington C. Alton

By Michael P. French

ENTERED INTO LEGAL BOOK ON: 7-18-86

PROPOSED GRADING ORDINANCE

MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, COUNTY OF ALLEGHENY, PENNSYLVANIA, REGULATING THE DESIGN, CONSTRUCTION, MAINTENANCE OR ALTERATION OF GRADING EXCAVATIONS AND FILLS AND CONTAINING CERTAIN RELATED PROVISIONS.

ARTICLE ONE: BASIC PROVISIONS

- 101 REACTION CLAUSE: IT IS HEREBY ORDAINED AND ENACTED by the Council of the Municipality of Monroeville, County of Allegheny, Commonwealth of Pennsylvania that from and after the passage and approval of this Ordinance the following regulations shall be in full force and effect. The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety and welfare of the people at large, and to be designed to encourage the establishment and maintenance of reasonable community standards of physical environment.
- 102 TITLE: This Ordinance may be cited as The Monroeville Grading Ordinance.
- 103 PURPOSE: The purpose of this ordinance is to provide minimum standards to safeguard persons and property, to protect and to promote the public welfare, by preventing excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems, and by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill.
- 104 COMPLIANCE: No person shall construct, enlarge, alter or repair any grading, excavation or fill except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits required by this Ordinance.
- 105 LIABILITY: Neither the issuance of a permit under the provisions of this Ordinance, nor compliance with its provisions, nor conformance with conditions required by any such permit shall relieve any person from liability for damage resulting from grading, nor attach any liability upon the Municipality for damages to persons or property.
- 106 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 Council that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.
- 107 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held to be invalid,

the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

8 DEFINITIONS: Wherever used in this ordinance the following words shall have the meaning indicated:

BEDROCK: The natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surface deposits.

COUNCIL: The governing body of the Municipality of Monroeville

ENGINEER: A professional engineer, surveyor or architect who is licensed by the Commonwealth of Pennsylvania

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.

FILL: An 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 material being deposited and the condition resulting from such act.

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

GRADING PERMIT: The permit required by these regulations

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

MUNICIPALITY: The Municipality of Monroeville

MUNICIPAL ENGINEER: The person officially appointed by the governing body to enforce this ordinance.

PERSON: A person, partnership, corporation, trust, or association

SITE: A lot, tract, 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.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface either above or below water level.

SEDIMENTATION: The process by which sediment is deposited on stream bottoms.

SOIL ENGINEER: A person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in soils engineering.

SOIL SURVEY: The unpublished and operational soil survey for Allegheny County, Pennsylvania and the accompanying text Soil Survey Maps and Interpretations for Developing Areas in Allegheny County, Pennsylvania, as prepared by the USDA Soil Conservation Services et.al.

SOLID WASTE: All parts of combinations of ashes, garbage, refuse, radioactive material, combustible demolition materials and industrial wastes such as food-processing wastes, wood, plastic, metal strap, etc.

WATERCOURSE: A natural drainage route or channel for the flow of water

ARTICLE TWO: PERMITS

201 **REQUIRED PERMIT:** A grading permit must be obtained from the Municipal Engineer for new grading, excavations and fills. Changes, additions or alterations to existing excavation or fills shall conform to the provisions of these regulations. A separate grading permit shall be required for each site. One permit may cover any grading, excavation, and fills made on the same site.

201.1 Only one permit is required for a continuous parcel to be graded for a proposed planned development, such a planned residential development, planned group unit, subdivision or land development when adequate standards or requirements for grading the parcel are approved by the Municipal Engineer.

201.2 When grading is to be performed for and executed concurrently with the construction of a new building, a separate grading permit will be required.

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

202.1 Minor grading operations where neither the cut or fill exceeds a vertical change of five feet; but not if the Municipal Engineer determines that the possibility of erosion and sedimentation exists.

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

202.3 Stockpiling of rock, sand and aggregate in area properly zoned for such use.

202.4 For the construction of a single family or two family structure which is located on a lot within a plat that has received final approval in accordance with municipal subdivision regulations; but only if grading erosion and sedimentation control measures have been and are being employed in accordance with the approved grading plans and specifications for the plot.

202.5 For temporary excavation below finished grade for basements, additions to existing structures, swimming pools, or accessory structures for which a building permit has been issued; but not if the Municipal Engineer determines that the possibility of erosion and sedimentation exists.

203 APPLICATION FOR PERMIT: No grading permit shall be issued unless an application has been submitted, reviewed, and approved in accordance with the following provisions.

203.1 The application for a grading permit shall be filed with the Municipal Engineer and shall be accompanied by a fee established by resolution of Council to cover the cost of review.

203.2 Three (3) copies of the grading plan, and all required reports and specifications shall be submitted to the Municipal Engineer. One complete set of plans shall be kept at the site while work is in progress.

203.3 Where any natural watercourse which is under the jurisdiction of the Pennsylvania Department of Environmental Resources, Division of Dams and Encroachments, may be affected by proposed excavations of fills along the banks of the watercourse or any culvert or bridge, or by a change in a direction, or by adjacent construction, the applicant must present as a part of his application the permit and the letter of comments from the Department of Environmental Resources, Division of Dams and Encroachments.

203.4 Plans and specifications above shall be submitted to the Allegheny County Conservation District for approval before submission to the Municipal Engineer when:

203.4(a) The excavation or fill exceeds five (5) feet in vertical depth, and results in a cut or fill slope steeper than four (4) horizontal to one (1) vertical, and exceeds an area of one thousand (1,000) square feet from areas recognized by the County Soil Survey as containing landslide-prone soils.

203.4(b) In the event the applicant deems it necessary to exceed the slopes of cut and fill as recommended in the Soil Survey, or by the

Allegheny County Conservation District, said applicant may do so, only when the design is certified by a Soils Engineer or Engineering Geologist. However, in no case shall the slopes be greater than specified in paragraph 301.1.

203.4(c) The Municipal Engineer shall not issue a grading permit without the required approvals from the Allegheny County Conservation District, or until no less than thirty days has passed from the date of submission to said District.

204 SUBMISSION OF PLANS: The application shall consist of not less than three copies of a letter of application together with not less than three prints of each drawing submitted to show how resulting erosion and sediment shall be controlled. The proposed grading plan shall be prepared by a licensed engineer, architect, surveyor or landscape architect in accordance with standard engineering practices to clearly indicate the following:

204.1 A valid boundary line survey of the site on which the proposed work is to be done, including north arrow, scale, location of trees, and watercourses;

204.2 A description of the features, existing and proposed surrounding the site which are of importance to the proposed development including, among others, distance to road intersections, adjacent structures, roads, utilities, and watercourses;

204.3 A topographic map with existing contours at a vertical interval of not more than five feet which shows drainage and soil conditions on the site based on data from the soil survey;

204.4 The location and description of existing and future man-made features of importance to the proposed development, including structures, roads, utilities, excavations and fills;

204.5 Plans and specifications for soil erosion and sediment control measures as required by the Municipality and the County Conservation District; and

204.6 A development schedule indicating the anticipated starting and completion dates of the development, the sequence of development, and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

204.7 The Municipal Engineer may waive the requirement for preparation of plans by an engineer where it is evident that the proposed work is simple, clearly shown on the drawings submitted, and poses no potential nuisance or hazard to adjacent property.

205 DRAINAGE STUDY: Where deemed necessary by the Municipal Engineer and Council, the applicant shall submit a detailed drainage study prepared by a Registered Professional Engineer qualified in hydrology.

205.1 The drainage study shall show on an accurate map of the site the location, elevations and dimensions of all present and proposed watercourses, ditches, pipes and drainage structures; proposed excavations and fills; woodlands, structures, parking areas and driveways; sources, storage and disposition of water channeled through or across the site; all proposed grading and drainage; and the gradients and maximum flow rates of watercourses.

205.2 The drainage study shall describe the work to be performed and disposition of cut and fill material, the materials to be used and the method of performance including provisions for protecting and maintaining existing drainage facilities whether on public or private property. The drainage study shall be accompanied by all supporting data developed by the engineer.

205.3 The drainage study shall include calculations based on the Soil-Cover Complex Method to determine runoff. The coefficient of run-off used shall be computed on the basis of existing land use set forth in the Monroeville Comprehensive Plan and on densities permitted in the Monroeville Zoning Ordinance.

205.4 Drainage facilities to carry surface water shall be provided and designed to prevent erosion or overflow.

205.5 The applicant shall agree to the granting and recording of easements for the installation and maintenance of drainage facilities.

205.6 Adequate stormwater retention facilities shall be provided to ensure that stormwater run-off after development shall not be greater than the run-off which would occur from the site in its natural state during a storm with a one hundred year probability.

SOILS REPORT: A soils report shall be required if load-bearing fill is proposed, and this report shall consist of test bearings, laboratory testings, and engineering analysis to correlate surface and subsurface conditions with the proposed grading plan.

206.1 The soils report shall be prepared by a soil engineer, and shall include data on the nature, distribution, and supporting ability of existing soils and rock on the site and means of assuring stable soil conditions and ground water control as required.

206.2 Fills toeing out on natural slopes steeper than twenty-five percent shall not be approved unless a supplemental report prepared by a soil engineer certifies that he has investigated, tested and analyzed the site, and that in his opinion such steeper slopes will safely support the proposed fill. Such other supplemental reports may be required as shall be deemed necessary by the Municipal Engineer.

PERFORMANCE GUARANTEE: Before issuance of a grading permit, the applicant shall post a bond, Pennsylvania approved corporate surety, or other approved security in the amount of one hundred percent (100%) of the estimated cost of the grading work and erosion control facilities proposed for the permit to guarantee completion of said

work and facilities in a satisfactory manner which meets the requirements of this Ordinance.

207.1 The performance guarantee for grading for single family residences may comply with the above requirements, or be a cash deposit of \$75.00 per residence.

207.2 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.

08 APPROVAL: When the requirements of this Ordinance for obtaining a grading permit have been met, the Municipal Engineer shall approve the proposed plan and issue a grading permit. When in the opinion of the Municipal Engineer, work proposed by the applicant is likely to endanger any property, person, public roadway, or cause any other hazardous condition, the Municipal Engineer shall disapprove of the application and shall not issue a grading permit. The Municipal Engineer, in reviewing each application shall give due consideration to possible saturation by rains, earth movements, run-off surface waters, sub-surface conditions, the stratification and faulting of rock, aquifers, springs and the nature and type of the soil or rock.

09 EXPIRATION OF PERMIT: Every grading permit shall become null and void if the work authorized has not been commenced within one (1) year or is not completed within three (3) years from the date of issue.

10 APPEALS: Appeals may be taken to Council within thirty (30) days of any denial by the Municipal Engineer. Council may grant relief from the strict provisions of this ordinance where in its opinion alternate methods, standards or materials proposed by the developer will meet the objectives and intent of this Ordinance. Any applicant or permit holder shall have the right to appeal decisions of Council to any Court of competent jurisdiction.

ARTICLE THREE: STANDARDS AND REQUIREMENTS

01 STANDARDS FOR GRADING: The following standards shall be minimum standards for the issuance of a grading permit.

301.1 The maximum slope of an excavation shall not be greater than one and one-half (1 1/2) horizontal to one (1) vertical, and maximum slope for fill shall not be greater than two (2) horizontal to one (1) vertical; provided, however, that the maximum cut may be increased to one horizontal to one vertical where a soils engineer certifies that the cut be into sedimentary rock or other material which is sufficiently durable to remain stable and maintain the cut without slippage.

301.2 No grading, excavation or fill shall be performed so close to any property line as to endanger or damage any adjoining street or any other public or private property without supporting such property from

settling, cracking, erosion, sedimentation, flooding or any other physical damage or personal injury which might result.

301.3 Adequate provisions shall be incorporated to prevent erosion due to storm drainage. All drainage facilities shall be properly engineered and may be paved or planted swales and gutters and piped storm sewers. All storm drainage facilities will be reviewed and approved by the Municipal Engineer.

301.4 Existing storm drainage shall not be diverted so as to alter the location of watercourses on any adjacent property.

301.5 No debris or other material shall be placed or allowed to be placed in any drainage ditch or structure in such a manner as to obstruct the free flow of surface water.

301.6 All trees in an area of extreme grade change shall be protected with suitable tree wells unless the necessity for removal is established. Trees shall not be removed unnecessarily.

301.7 Provisions shall be made for dust control as are deemed necessary and acceptable by the Municipal Engineer.

301.8 All fills shall be compacted to provide stability of fill materials and to prevent settlement or slippage. Any fill material to be used shall be tested by the owner to insure that its dry density shall be not less than ninety-five percent (95%) of maximum density as determined by ASTM D1556.

301.9 Immediately upon completion of grading, all areas not designated for building or paving shall be mulched and planted. Planting shall be appropriate to maintain slopes from erosion and subject to approval of the Municipality. In general, planting may be rye grass, crown vetch, or honey-suckle.

301.10 Plans and specifications for every grading permit shall provide for both temporary and permanent erosion and sediment control.

301.11 When needed for slope stabilization, benching shall be required. In general, slopes which exceed fifty (50) feet shall require benches.

301.12 In addition to the above, all fill and cut operations shall follow the Handbook for Earth Moving Activities and Erosion and Sedimentation Control for Allegheny County.

02 HAZARDOUS CONDITIONS: Where Council, upon the recommendation of its Municipal Engineer, has determined that any existing excavation, embankment or fill is a hazard, the Municipal Engineer shall give written notice to the property owner that a hazard exists and shall order that such hazard shall be remedied by the owner within a reasonable time specified in the notice.

302.1 If, after such notification, the property owner has not made the necessary repairs within the time adopted, then Council may cause such remedies as are needed to be performed by municipal employees or by contract, and the cost thereof shall be borne by the property owner by a lien filed as provided by law.

302.2 Whenever Council determines that any proposed excavation or fill is a hazard, it may require that the property owner have any proposed remedies certified by a soils engineer or an engineering geologist.

303 INSPECTION: The applicant shall notify the Municipal Engineer of the schedule of any grading operation. Notice shall be received by the Municipal Engineer or at his office at least two (2) working days before start or completion of grading operations.

303.2 Grading work at these stages or at any other time will be subject to spot inspections at the discretion of the Municipal Engineer to determine that the work is being performed in compliance with the approved permit and these regulations.

303.3 Should the Municipal Engineer deem it necessary, a report by an engineering geologist will be required with inspection and certification that cuts and fills have been placed in accordance with approved plans and specifications.

303.4 A final inspection shall be conducted by the Municipal Engineer to certify compliance with this Ordinance. Satisfactory compliance with this Ordinance shall be necessary before issuance of any occupancy permit.

304 MAINTENANCE: The owner of any property on which an excavation or fill has been made shall maintain the excavation or fill in good condition including all retaining walls, cribbing, drainage structures, fences, ground cover, or other protective devices as may be a part of the permit requirements.

304.1 All drainage courses, ditches, culverts, pipes and structures shall be adequately maintained by the owner and shall be kept open and free flowing at all times.

304.2 All graded surfaces, anti-erosion devices, retaining walls, drainage structures and similar protective devices, plantings and ground covers installed pursuant to a grading permit shall be continuously maintained and kept in good repair by the owner.

304.3 Adequate engineering provisions shall be incorporated to prevent the infiltration of sediment into existing streams.

304.4 Where the Municipal Engineer finds evidence of deterioration or erosion of any excavation or fill which threatens damage to nearby properties, he shall direct the property owner to affect remedies which will restore the grading to a safe condition within a reasonable period of time.

305 ENFORCEMENT PENALTIES: Any person, partnership, or corporation who or which shall violate the provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than three hundred dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than ninety days. Each day that a violation is continued shall constitute a separate offense.

306 ENFORCEMENT REMEDIES: In case any grading is, or is proposed to be, performed in violation of this Ordinance, Council may, in addition to other remedies, institute in the name of the Municipality any appropriate action or proceeding to prevent such unlawful work and to restrain or abate such violation.

ORDAINED AND ENACTED into law this 8 day of July, 1986.

MUNICIPALITY OF MONROEVILLE

ATTEST:

Washington C. Alton
Municipal Manager

George Dale Dgo. Mayo
Mayor

(SEAL)