

## **Chapter 9**

### **Grading and Excavating**

#### **Part 1 Grading**

- §9-101. Short Title
- §9-102. Purpose
- §9-103. Scope
- §9-104. Definitions
- §9-105. General Requirements
- §9-106. Activities Requiring a Grading Permit
- §9-107. Activities Requiring No Grading Permit
- §9-108. Application for Permit
- §9-109. Data Required on Plan
- §9-110. Special Requirements
- §9-111. Approval
- §9-112. Standard for Issuance of Grading Permit
- §9-113. Cuts and Fills
- §9-114. Inspection Procedures
- §9-115. Costs of Inspection
- §9-116. Notice of Violation
- §9-117. Appeals
- §9-118. Penalties
- §9-119. Remedy of Violation
- §9-120. Nonassumption of Liability



**Part 1****Grading****§9-101. Short Title.**

This Part shall be known and may be cited as the “Grading Ordinance,” implementing various specifications to be associated with the grading of land and alteration of drainage within Reading Township.

(*Ord. 2004-7, 10/11/2004, §1; as amended by Ord. 2011-3, 4/18/2011, §1*)

**§9-102. Purpose.**

The purpose of this Part is to regulate the modification of the natural terrain and/or the alteration of drainage, and to provide for certain erosion and sediment control measures within the Township of Reading and to assure and safeguard health, safety, ecology and the general welfare in the Township of Reading.

(*Ord. 2004-7, 10/11/2004, §2; as amended by Ord. 2011-3, 4/18/2011, §2*)

**§9-103. Scope.**

From and after the effective date of this Part, any regulated activity such as grading, earth disturbance and/or alteration of drainage within the Township of Reading shall be in conformity with this Part. In the event of a conflict between this Part and any other regulations, the more restrictive regulations shall take precedence.

(*Ord. 2004-7, 10/11/2004, §3; as amended by Ord. 2011-3, 4/18/2011, §3*)

**§9-104. Definitions.**

The following words and terms, when used in this Part, have the following meanings, unless the context clearly indicates otherwise:

*Accelerated erosion*—the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

*Agricultural operation*—the management and use of farming resources for production of crops, livestock, or poultry, or for equine activity.

*Agricultural plowing or tilling activity*:

(1) Earth disturbance activity involving the preparation and maintenance of soil for the production of agricultural crops.

(2) The term includes no-till cropping methods, the practice of planting crops with minimal mechanical tillage.

*Along*—touching or contiguous; to be in contact with; to abut upon.

*BMP's-best management practices*—activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within the Commonwealth before, during, and after earth disturbance activities.

*Channel*—a natural or man-made water conveyance.

*Clearing*—any activity which removes the vegetative ground cover and/or trees and brush including, but not limited to, root mat material and/or topsoil removal.

*Conservation District*—a Conservation District, as defined in §3(c) of the Conservation District Law, 3 P.S. §851(c), which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in the Commonwealth.

*Conservation plan*—a plan that identifies conservation practices and includes site specific BMP's for agricultural plowing or tilling activities and animal heavy use areas.

*Disturbed area*—unstabilized land area where an earth disturbance activity is occurring or has occurred.

*Earth disturbance activity*—a construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

*Erosion*—the natural process by which the surface of the land is worn away by water, wind or chemical action.

*E&S permit—erosion and sediment control permit*—a permit required for earth disturbance activities where the earth disturbance is associated with timber harvesting, road maintenance activities, or oil and gas activities.

*E&S plan—erosion and sediment control plan*—a site-specific plan consisting of both drawings and a narrative that identifies BMP's to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

*Grade*—the measurable slope of a road, channel or natural ground or the act of finishing the surface of a road bed, channel, top of embankment, bottom of excavation, etc.

*Intermittent stream*—a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

*Licensed professional*—professional engineers, landscape architects, geologists and land surveyors licensed to practice in the Commonwealth.

*Long-term operation and maintenance*—the routine inspection, maintenance, repair or replacement of a BMP to ensure proper function for the duration of time that the BMP is needed.

*Municipality*—a county, city, borough, town, township, school district, institution or authority or another public body created by or pursuant to State law. For purposes of this definition, town includes an incorporated town.

*NPDES-National Pollutant Discharge Elimination System*—the National system for the issuance of permits under §402 of the Federal Clean Water Act, 33

U.S.C.A. §1342, including a state or interstate program which has been approved in whole or in part by the EPA, including the regulations codified in Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance).

*Natural terrain*—the existing topographic features of a land area as either man-made (modified) or as occurring naturally without having been impacted by construction or earthmoving/altering operations.

*NPDES permit for stormwater discharges associated with construction activities*—a permit required for the discharge or potential discharge of stormwater into waters of the Commonwealth from construction activities, including clearing and grubbing, grading and excavation activities involving 1 acre (0.4 hectare) or more of earth disturbance activity or an earth disturbance activity on any portion, part, or during any stage of, a larger common plan of development or sale that involves 1 acre (0.4 hectare) or more of earth disturbance activity over the life of the project.

*Perennial stream*—a body of water flowing in a channel or bed composed primarily of substrates associated with flowing waters and capable, in the absence of pollution or other manmade stream disturbances, of supporting a benthic macro-invertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system.

*Permanent stabilization*—long-term protection of soil and water resources from accelerated erosion.

*Person*—any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of the Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; department, agency or instrumentality of State, Federal or local government, or an agent or employee thereof; or any other legal entity.

*Pollutant*—any contaminant or other alteration of the physical, chemical, biological or radiological integrity of surface water which causes or has the potential to cause pollution as defined in §1 of the Clean Streams Law, 35 P.S. §691.1.

*Project site*—the entire area of activity, development, lease or sale including:

- (1) The area of an earth disturbance activity.
- (2) The area planned for an earth disturbance activity.
- (3) Other areas which are not subject to an earth disturbance activity.

*Road maintenance activities*—

- (1) Earth disturbance activities within the existing road cross-section or railroad right-of-way including the following:
  - (a) Shaping or restabilizing unpaved roads.
  - (b) Shoulder grading.

- (c) Slope stabilization.
- (d) Cutting of existing cut slopes.
- (e) Inlet and endwall cleaning.
- (f) Reshaping and cleaning drainage ditches and swales.
- (g) Pipe cleaning.
- (h) Pipe replacement.
- (i) Support activities incidental to resurfacing activities such as minor vertical adjustment to meet grade of resurfaced area.
- (j) Ballast cleaning.
- (k) Laying additional ballast.
- (l) Replacing ballast, ties and rails.
- (m) Other similar activities.

(2) The existing road cross-section consists of the original graded area between the existing toes of fill slopes and tops of cut slopes on either side of the road and any associated drainage features.

*Runoff*—the water flow that occurs when the soil structure is infiltrated to full capacity and excess water from rain, melt-water or other sources flows over the land area.

*Sediment*—soils or other erodible materials transported by stormwater as a product of erosion.

*Sedimentation*—the action or process of forming or depositing sediment in waters of the Commonwealth.

*Stabilization*—the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement.

*Stormwater*—runoff from precipitation, snowmelt, surface runoff and drainage.

*Surface waters*—perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process.

*Timber harvesting activities*—earth disturbance activities including the construction of skid trails, logging roads, landing areas and other similar logging or silvicultural practices.

*Top of streambank*—first substantial break in slope between the edge of the bed of the stream and the surrounding terrain. The top of streambank can either be a natural or constructed (that is, road or railroad grade) feature, lying generally parallel to the watercourse.

*Waters of the Commonwealth*—rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries

of the Commonwealth.

(*Ord. 2004-7, 10/11/2004, §4; as amended by Ord. 2011-3, 4/18/2011, §4*)

#### **§9-105. General Requirements.**

Whenever the landscape is to be temporarily or permanently disturbed as to either contours, soil or slope characteristics, or vegetation or any ground cover is to be permanently altered and/or removed, a plan is required showing how resulting stormwater runoff and erosion and sediment shall be controlled. This plan shall include the general data (refer to §9-109 for more specific plan criteria):

- A. The amount and extents of site alterations proposed.
- B. Site development schedule.
- C. Erosion and sediment control practices (both temporary and permanent)
- D. Operation and maintenance arrangements (as applicable). [*Ord. 2011-3*]

(*Ord. 2004-7, 10/11/2004, §5; as amended by Ord. 2011-3, 4/18/2011, §5*)

#### **§9-106. Activities Requiring a Grading Permit.**

The following activities require a grading permit (in addition to PA DEP permits and approval where applicable):

- A. Modifying, disturbing, blocking, and/or diverting the natural overland or subsurface flow of stormwater and/or groundwater. [*Ord. 2011-3*]
- B. Construction, erection or installation of any drainage dam, ditch, culvert, drainage pipe, bridge or any other structure improvement, or obstruction affecting the drainage of any land.

(*Ord. 2004-7, 10/11/2004, §6; as amended by Ord. 2011-3, 4/18/11, §6*)

#### **§9-107. Activities Requiring No Grading Permit.**

The following activities require no grading permit (not to exclude PA DEP permits and approval where applicable):

- A. Improvements, such as erection of retaining walls, driveway paving, or activities on a property, which do not adversely affect the natural overland or subsurface flow of storm water drainage of any premises, or adversely disturb the landscape. [*Ord. 2011-3*]
- B. Gardening or lawn restoration, but not including sod farming. [*Ord. 2011-3*]
- C. Grading that is in an isolated, self-contained area and there is no apparent detriment to public or private health, safety, welfare or the environment. [*Ord. 2011-3*]
- D. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the matter from such excavation. [*Ord. 2011-3*]
- E. Cemetery graves.
- F. Refuse disposal sites controlled by other State or Federal regulations.

G. Excavations for wells and/or utilities. [*Ord. 2011-3*]

H. Mining, quarrying, excavation, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law. [*Ord. 2011-3*]

I. Exploratory excavations under the direction of soil engineers or engineering geologists.

J. Earth disturbances occurring in conjunction with Township initiated road maintenance activities. [*Ord. 2011-3*]

K. Cultivation and agricultural operations that have an approved County and/or State approved Conservation Plan shall not be required to submit an application or plan but shall adhere to the regulations and control provisions contained in this Part.

L. The requirement of a grading plan for driveway culverts shall be at the discretion of the Township [*Ord. 2011-3*]

Exemption from the permit requirements of this Part shall not be deemed to grant authorization for work to be done in any manner in violation of the provisions of this Part or any other laws or ordinances of the Township.

(*Ord. 2004-7, 10/11/2004, §7; as amended by Ord. 2011-3, 4/18/2011*)

#### **§9-108. Application for Permit.**

1. Any person, firm or corporation proposing to engage in an activity requiring a grading permit hereunder shall apply by the submission of a plan and application.

2. A separate plan shall be required for each grading permit, unless otherwise authorized by the Township.

3. Two copies of the proposed plan, including specifications and development schedules, shall be submitted to the Township for a grading permit. One copy shall be forwarded to the Township Engineer.

4. The plan for a grading permit shall be accompanied by a fee established in the Township of Reading's schedule of fees and collection procedures.

5. Where approval by the Adams County Conservation District is required, evidence shall be provided to indicate that submission has been made.

(*Ord. 2004-7, 10/11/2004, §8; as amended by Ord. 2011-3, 4/18/2011, §16*)

#### **§9-109. Data Required on Plan.**

The plan for a grading permit shall include any or all of the following elements, at the discretion of the Township, as part of the plan submitted by an applicant for a grading permit:

A. A valid boundary line survey of the site on which the work is to be performed.

B. A description of the features, existing and proposed, surrounding the site that are of importance to the proposed development.

C. A plan of the general topography (including drainage) and soil conditions on the site (latter available in the Soil Survey that can be obtained through the County Conservation District or via the internet). [*Ord. 2011-3*]

D. The location and a description of existing and proposed man-made features of importance to the proposed development (i.e., contours, building, roads and driveways). [Ord. 2011-3]

E. Plans and details of soil erosion and sediment control measures in accordance with standards and specifications of the Township of Reading and the PA DEP Erosion and Sediment Control Regulations (25 Pa.Code, Chapter 102). [Ord. 2011-3]

F. A development schedule indicating the anticipated starting and completion dates of the development sequence. [Ord. 2011-3]

G. A plan for stormwater management, if required. [Ord. 2011-3]  
(Ord. 2004-7, 10/11/2004, §9; as amended by Ord. 2011-3, 4/18/2011)

### **§9-110. Special Requirements.**

1. In addition to the requirements of §9-109, the applicant shall submit with the plan a detailed drainage study prepared by a registered professional qualified in the study of hydrology/hydraulics in the Commonwealth. This study shall include:

A. A plan of the property showing the location of all present and proposed ditches, streams, pipes and other drainage structures, and proposed cuts and/or fills. In addition to showing present elevations and dimensions, and location and extent of all proposed grading and/or drainage, the plan shall clearly indicate all woodlands, buildings, parking areas and driveways. Further, the plan shall indicate the present and proposed sources, storage and disposition and water being channeled through or across the premises, together with elevations, gradients and maximum flow rates. The plan shall describe the work to be performed, the disposition of cut and/or fill, the materials to be used, and the manner or method of performance including provisions for protecting and maintaining existing drainage facilities whether on public or private property. The applicant shall also supply the supporting data for the plan as developed by the engineer.

B. Calculations to determine pre-existing and post-development runoff.

2. The Township of Reading may require such supplemental reports and data as are deemed necessary by the Township Engineer. Recommendations included in such reports and approved by the Township Engineer shall be incorporated in the plan or specifications.

3. Fills tapering out on natural slopes steeper than four horizontal to one vertical shall not be made unless a report is received which is deemed acceptable by the Township Engineer and approved by the Board of Supervisors. The report shall be made by a registered professional soils engineer certifying that he has investigated the property, made soils tests and that, in his opinion, such steeper slopes will safely support the proposed fill.

4. Steep slope areas shall be preserved in their natural state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum area necessary and, in no case, shall it exceed the following permitted disturbance limits:

A. Moderately steep slopes (slopes of 15 to 25 percent). No more than 40 percent of moderately steep slopes shall be regraded, cleared, or otherwise altered

or disturbed.

B. Very steep slopes (slopes greater than 25 percent). No more than 15 percent of very steep slopes shall be regraded, cleared, or otherwise altered or disturbed. In addition, the disturbance permitted on very steep slopes shall be limited to the following activities:

(1) Timber harvesting, when conducted in compliance with a Conservation District approved timber harvesting plan. Clearcutting or grubbing of trees is prohibited on very steep slopes.

(2) Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.

5. A pre-construction walkthrough is required 3 business days prior to clearing and grubbing operations to physically delineate the limits of disturbance for areas near trees, tree groves, slopes, streams, floodplains, wetlands, etc.

*(Ord. 2004-7, 10/11/2004, §10; as amended by Ord. 2011-3, 4/18/2011, §23)*

#### **§9-111. Approval.**

The Township shall have 60 days with which to review a complete grading plan submission/application. Written review of the submission/application shall be provided to the applicant. Upon receipt of written approval of the plan from the Township Engineer and receipt of all necessary PA DEP approvals, the Township Zoning Officer may issue the necessary grading permit.

*(Ord. 2004-7, 10/11/2004, §11)*

#### **§9-112. Standard for Issuance of Grading Permit.**

1. Notwithstanding any provisions of this Part or any condition of the grading permit, the permittee is responsible for the prevention of damage to other property, or personal injury, which may be effected by the activity requiring a grading permit.

2. No person, firm or corporation shall modify, fill, excavate, grade or regrade land in any manner so close to a property line as to endanger or damage any adjoining street, alley, or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sediment, flooding or any

3. No person, firm or corporation shall fail to adequately maintain, in good operating order, any drainage facility on his premises. All drainage ditches, culverts, drain pipes and drainage structures shall be kept open and free-flowing at all times. Where facilities are serving joint (adjacent) properties, it shall be the responsibility of both persons, firms, or corporations to maintain the facilities.

4. The owner of any property on which any work has been done pursuant to a grading permit granted under this Part shall continuously maintain and repair all graded surfaces and anti-erosion devices, retaining walls, drainage structures or means and other protective devices, plantings and ground cover installed or completed. The Township is responsible for maintenance and repair of accepted public facilities within the right-of-way of Township roads.

5. All graded surfaces shall be permanently stabilized within 30 days, weather permitting. The disturbed area and duration of exposure shall be kept to a minimum

using temporary erosion and sediment control measures immediately as outlined in the currently effective *Erosion and Sediment Pollution Control Manual*, as published by the Commonwealth of Pennsylvania, Department of Environmental Protection.

6. All trees in an area of extreme grade change shall be protected with suitable tree wells, unless necessity for removal is established. Precautions shall be taken to prevent the unnecessary removal of trees.

7. When required, adequate provisions shall be made for dust control measures as are deemed acceptable by the Township.

8. All plans and specifications submitted for a grading permit shall include provisions for both interim (temporary) and final (permanent) erosion and sediment control. The design, installation and maintenance erosion and sediment control measures shall be accomplished in accordance with standards the Adams County Soil Conservation District, as and specifications established by adopted from standards and specifications as published by the Commonwealth of Pennsylvania, Department of Environmental Protection (Chapter 102).

(Ord. 2004-7, 10/11/2004, §12)

### **§9-113. Cuts and Fills.**

1. *Cuts.* Standards for cuts are:

A. The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility. Additional information, which may include a subsurface soil and geological report, or other available information may be required.

B. If the material of the slope is of such composition and character as to be unstable under anticipated conditions, Reading Township shall require such measures as are necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.

C. Where mechanical stabilization or containment of the slope by other than the use of natural material is employed, conditions of approval may require screening by vegetation.

2. *Fills.* Standards for fills are:

A. The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility. Additional information, which may include a subsurface soil and geological report, or other available information shall be submitted in support of the proposed grading plan.

B. No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction, or otherwise not conducive to stability, or which has the potential for environmental impact, shall be permitted in fills.

C. It shall be the responsibility of the contractor to conduct such environmental due diligence as reasonably necessary to verify the nature of fill material to be placed at the site. Such tests shall be documented and the results provided to the owner. All material determined to be "regulated" (i.e., soil, rock, stone, dredged material, used asphalt, historic fill, and brick, block or concrete from construction and demolition activities that is separate from other waste and

recognizable as such that has been affected by a spill or release of a regulated substance) shall not be permitted onsite without approvals from both the owner and all other regulatory agencies who may have jurisdiction over the placement of such material(s). In general, materials determined to be "clean" shall include uncontaminated, nonwater-soluble, nondecomposable inert solid material including soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such. [Ord. 2011-3]

(Ord. 2004-7, 10/11/2004, §14; as amended by Ord. 2011-3, 4/18/2011, §41)

#### **§9-114. Inspection Procedures.**

1. All inspections, if applicable, shall be the responsibility of the Township Engineer or, in his absence, a qualified person acceptable to the Township. [Ord. 2011-3]

2. Inspections will be carried out on an "as needed" basis. A set of "as built" plans shall be submitted to the Township and authenticated by a registered professional engineer or land surveyor. [Ord. 2011-3]

3. Engineering certification shall accompany all "as built" plans which involve structural or mechanical measures to serve as supporting evidence that structures meet design standards and specifications specified herein. [Ord.2011-3]

4. A final inspection shall be conducted by the Township Engineer to certify compliance with this Part. [Ord. 2011-3]

5. The Township may request the Adams County Conservation District perform additional inspection of erosion control measures.

6. In all cases, however, the permittee shall be required to undertake all earth moving and grading activities in accordance with this Part and the approved site improvement and grading plan, whether or not inspection by the Township is provided. As-built plans shall be required prior to the issuance of a certificate of occupancy if the owner or permittee is seeking any change to the approved site improvement and grading plan. [Ord. 2011-3]

7. When weather conditions or time of year prevent the permittee from completing all earth moving and grading activities prior to a request for an occupancy permit, the Township, on a case by case basis, may issue a temporary occupancy permit upon satisfaction of all of the following criteria:

A. All final earth moving and soil stabilization that can be completed is completed.

B. Temporary soil erosion and sedimentation control facilities are properly installed and in good repair.

C. Temporary seeding and mulching of disturbed areas is complete.

D. The owner provides an agreement to the satisfaction of the Township Solicitor to guarantee completion of the earth disturbance within 6 months of the date of the agreement.

(Ord. 2004-7, 10/11/2004, §15; as amended by Ord. 2011-3, 4/18/2011)

**§9-115. Costs of Inspection.**

1. Permittees shall bear all costs of reviews, inspections or work required or permitted hereunder and shall deposit with the Township such sum as the Board of Supervisors shall determine, to guarantee payment of the costs of such inspections. The costs of inspections shall be in accordance with the established schedule of fees, as established from time to time by Resolution of the Board of Supervisors. Fees may be collected by the Township in any manner provided by law, including placing a lien on the property in the amount of the fees plus costs and interest.

2. All such deposits with the Township shall be made pursuant to and be governed by an escrow agreement to be entered into between the Township and the permittee prior to the Township issuing any permit pursuant to this Part. [*Ord. 2011-3*] (*Ord. 2004-7, 10/11/2004, §16; as amended by Ord. 2011-3, 4/18/2011, §55*)

**§9-116. Notice of Violation.**

Any member of the Board of Supervisors, any officers or employees of the Township designated thereby for this purpose, or the Township Engineer, as authorized by the Board of Supervisors, may give notice by personal service or by United States Mail, to the permittee or other owner or occupant of a violation of this Part, directing and requiring such individual to conform to the requirements of this Part within 15 days after issuance of such notice.

(*Ord. 2004-7, 10/11/2004, §17*)

**§9-117. Appeals.**

An applicant may file a written appeal to the Board of Supervisors within 30 days from the date of any written determination made by the Township Engineer under this Part or the receipt of a notice of violation. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication, in all appeals from the determination or notice of violation.

(*Ord. 2004-7, 10/11/2004, §18*)

**§9-118. Penalties.**

Any person, firm or corporation who shall violate any provision of the Part, upon conviction thereof in an action brought before a district justice 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 that shall be found to have been violated shall constitute a separate offense.

(*Ord. 2004-7, 10/11/2004, §19*)

**§9-119. Remedy of Violation.**

In addition to the penalties as set forth in §9-119, any movement of the landscape, vegetation, or any ground cover performed in violation of this subsection shall be restored to its previous condition, including replacement of excavated earth, removal of illegally placed fill, and restoration of grades and planting. In order to enforce this

Section, the Township Solicitor may seek injunctive relief in accordance with the rules of civil procedure or the Township can perform the necessary work and lien the property for the cost thereof.

*(Ord. 2004-7, 10/11/2004, §20)*

**§9-120. Nonassumption of Liability.**

1. It is recognized that earth disturbance creates risks of runoff and soil erosion damage. This Part establishes guidelines for reducing these risks, but in all cases the property owner and their designers, agents, and contractors shall be responsible for any damage directly or indirectly caused by any activity regulated by this Part.

2. The public is hereby notified that the Township, Township employees, and Township consultants undertake no responsibility for loss of property, loss of life or personal injury due to activities regulated by this Part, even if all regulations and ordinances of the Township are followed.

*(Ord. 2004-7, 10/11/2004; as added by Ord. 2011-3, 4/18/2011, §56)*