

Chapter 107

GRADING

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[HISTORY: Adopted by the BOROUGH COUNCIL 11-19-80 as Ord. No. 613. Section 107.17.2 amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 107.1. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard persons and property and to protect and promote the public welfare by preventing excess erosion, hazardous rock and soil slippage, sediment production 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.

§ 107.2. Definitions.

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

ADMINISTRATOR and/or BUILDING INSPECTOR - The person appointed by the governing body to manage this chapter.

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

BOROUGH - The Borough of Whitehall.

ENGINEER - The appointed Engineer of the BOROUGH.

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.

ENGINEER, PROFESSIONAL - A person licensed by the Commonwealth of Pennsylvania to practice engineering and who is knowledgeable in the branch of civil engineering.

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 includes the conditions resulting therefrom.

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, and includes the condition resulting.

GOVERNING BODY - The COUNCIL of the BOROUGH.

GRADE - The elevation of the existing ground surface at the location of any proposed EXCAVATION or FILL.

GRADING - EXCAVATION or FILL or any combination thereof, and includes the conditions resulting from any EXCAVATION or FILL.

GRADING PERMIT - Any permit required under 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.

PERSON - A natural person, but also includes a partnership, corporation, trust or association.

RETAINING WALLS - A structure composed of concrete, steel or other approved building material, excluding timber, constructed for the purpose of supporting a cut or filled embankment which would otherwise not comply with the requirements of the standards set forth in this chapter and which is more than four (4) feet in height as measured on the exposed vertical surface of the wall.

SITE - A lot, tract or parcel of land or a series of lots, tracts or parcels of land which are adjoining where GRADING work is continuous and performed at the same time.

SOILS ENGINEER - A PERSON registered by the Commonwealth of Pennsylvania as a PROFESSIONAL ENGINEER and who has training and experience in the branch of soils engineering.

SOIL SURVEY - The unpublished and operational soil survey for Allegheny County, Pennsylvania, and the accompanying text, Soil Survey Interpretations of Allegheny County, Pennsylvania, as prepared by the United States Department of Agriculture Soil Conservation Service et al. When applicable, "soil survey" shall mean Soil Survey, Allegheny County, Pennsylvania, when this publication is completed.

SOLID WASTE - All parts or combinations of ashes, GARBAGE, REFUSE, radioactive material, combustible demolition materials and industrial wastes such as food-processing wastes, wood, plastic, metal scrap, etc.

§ 107.3. Applicability.

New GRADING, EXCAVATIONS and FILLS or changes, additions, repairs or alterations made to existing EXCAVATIONS and FILLS shall conform to the provisions of this chapter, except that this chapter shall not apply to work in a public street or alley or in a BOROUGH park, playground or recreation area or on other public property.

§ 107.4. Permit required.

No PERSON shall commence or perform any GRADING, EXCAVATION or FILL without first having obtained a GRADING PERMIT from the ADMINISTRATOR on approval of the ENGINEER. A separate GRADING PERMIT shall be required for each SITE. One (1) permit may cover the GRADING, EXCAVATION and any FILL made on the same SITE. A GRADING PERMIT will not be required, however, in any one of the following situations, but in all other respects the provisions of this chapter shall apply:

107.4.1. No GRADING PERMIT will be required for any EXCAVATION which does not exceed four (4) feet in vertical depth at its deepest point measured from the natural ground surface, provided also, however, that such EXCAVATION does not exceed one thousand (1,000) square feet in area.

107.4.2. No GRADING PERMIT will be required when a FILL is to be made which does not exceed ten (10) cubic yards in amount on any one SITE.

107.4.3. No GRADING PERMIT will be required when a FILL is to be made which is less than four (4) feet in vertical depth at its deepest point as measured from the top of such FILL to the natural ground surface, provided also, however, that such FILL does not exceed one thousand (1,000) square feet in area and that the slope of such FILL does not exceed a maximum at any point of three (3) horizontal to one (1) vertical.

107.4.4. No GRADING PERMIT will be required for any EXCAVATIONS and backfill made below finished grade for basements or footers, swimming pools or underground structures for new construction authorized by a building permit properly issued by the BOROUGH, and no GRADING PERMIT shall be required for the temporary stockpiling of the material from such EXCAVATION on the same SITE.

§ 107.5. Hazardous conditions; notice to repair; work performed by BOROUGH.

107.5.1. Whenever the GOVERNING BODY, upon the recommendation of its ADMINISTRATOR or ENGINEER, determines that any existing EXCAVATION, embankment or FILL has become a HAZARD as defined in § 107.2, 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 reasonable period specified therein, repair, reconstruct or remove such EXCAVATION, embankment or FILL so as to eliminate the HAZARD.

107.5.2. If, after such notification, the property owner has not made the necessary repairs within the time adopted, then the GOVERNING BODY may direct government employees to make the required repairs and the cost thereof shall be borne by the property owner by a lien filed as provided by law.

§ 107.6. Application for permit; hardship exceptions.

107.6.1. Every applicant for a GRADING PERMIT shall file a written application therefor with the ADMINISTRATOR in a form prescribed by the ADMINISTRATOR. Such application shall:

107.6.1.1. Describe the land on which the proposed work is to be done, by lot, block, tract or street address or similar description which will readily identify and definitely locate the proposed work.

107.6.1.2. Be accompanied by plans and specifications prepared,

signed and sealed by a PROFESSIONAL ENGINEER, surveyor or architect, giving a reasonable picture of the SITE and proposed soil EROSION controls, if any. The ADMINISTRATOR may waive the preparation or approval and signature by the PROFESSIONAL ENGINEER, surveyor or architect only when it is self-evident that the proposed work is simple, clearly shown on the plans submitted and creates no potential nuisance to adjacent property or HAZARD and does not include the construction of a FILL upon which a structure may be erected. Such plans shall include a description of the SITE proposed for GRADING; accurate location by lot, block, tract and street address; a location map (a contour map showing the existing and proposed contours of the land) and a plan showing cross sections of the proposed cut or FILL which show the method of benching both cut and/or FILL. In addition, the plot plan shall show the location of the GRADING boundaries, lot lines, neighboring streets or ways, buildings, surface and subsurface utilities and waterways. In addition, the plans shall include a description of the type and classification of the soils from the SOIL SURVEY; details and location of any proposed drainage structures and pipes, walls and cribbing; seeding locations and Pennsylvania Department of Transportation requirements, schedules, debris basins, diversion channels; nature of FILL material and such other information as the ADMINISTRATOR may need to carry out the purposes of this chapter. All seeding shall be done with seed mixtures recommended by the Pennsylvania Department of Highways, and its seeding mixtures shall be shown on the plans. All plans shall be dated and bear the name and seal of the PROFESSIONAL ENGINEER who prepared the same, the name of the applicant and the owner of the land. Plans shall be submitted in triplicate, one (1) set of which shall be of reproducible nature.

107.6.1.3. State the estimated dates for the starting and completion of GRADING work.

107.6.1.4. State the purpose for which the GRADING application is filed.

107.6.2. Where, owing to special circumstances and conditions, compliance with the provisions of this chapter would result in unnecessary hardship, the COUNCIL may make such special reasonable exceptions thereto, upon recommendation from the ENGINEER, as will not be contrary to the public interest, and may impose such conditions as it deems necessary to adequately protect the public interest.

§ 107.7. Permit approval; fee; guaranty; escrow account.

107.7.1. The ADMINISTRATOR shall receive all applications and shall collect all fees. The ADMINISTRATOR shall transmit all applications to the BOROUGH ENGINEER, who shall indicate his approval thereon. In the event of disapproval, the BOROUGH ENGINEER shall note the reasons therefor, a copy of which shall be sent the applicant.

107.7.2. Before issuance of a GRADING PERMIT, the applicant shall post a bond, with corporate surety, or other approved security, in the amount of twenty-five

percent (25%) of the estimated cost of the GRADING work to guarantee the completion of said work, including slope treatment, ground cover and drainage contemplated under the permit.

107.7.3. Before issuing a GRADING PERMIT, the ADMINISTRATOR shall collect a permit fee for each SITE.¹ ***[Amended 6-3-87 by Ord. No. 715]***

107.7.4. In addition, before issuing a GRADING PERMIT, the ADMINISTRATOR shall require a cash escrow account to be established by the PERSON proposing to perform the GRADING, in an amount established by the BOROUGH ENGINEER. Said amount shall not be less than one hundred twenty dollars (\$120.00) nor more than two and five-tenths percent (2.5%) of the estimated GRADING and improvement cost to cover inspection charges of the ENGINEER. ***[Amended 12-21-94 by Ord. No. 825]***

§ 107.8. Expiration of permit; extension.

Every GRADING PERMIT shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within three (3) months or is not completed within one (1) year from the date of issue, provided that the BOROUGH COUNCIL, acting upon the recommendation of the BOROUGH ENGINEER, 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.

§ 107.9. Denial of permit; appeal.

107.9.1. Where, in the opinion of the BOROUGH ENGINEER, the work as proposed by the applicant is likely to endanger any property or PERSON or any street or alley or create hazardous conditions, he shall deny the GRADING PERMIT. In determining whether the proposed work is likely to endanger property or streets or alleys or create hazardous conditions, the BOROUGH ENGINEER shall give due consideration to: 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.

107.9.2. The COUNCIL of the BOROUGH shall consider promptly appeals from the provisions of this chapter or from the determinations of the BOROUGH ENGINEER, and the COUNCIL shall make determinations of alternate methods, standards or materials when in its opinion strict compliance with the provisions of this chapter is unnecessary. Any applicant or permit holder shall have the right to appeal to any court of competent jurisdiction from any decision or determination of the COUNCIL of the BOROUGH.

§ 107.10. Inspections.

107.10.1. The BOROUGH ENGINEER shall, when requested by the permit

¹ Editor's Note: Specific fees are as set forth in the Fee Resolution on file in the BOROUGH Offices.

holder, 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 chapter. Where it is found by inspection that the soil or other conditions are not as stated or shown in the application, the BOROUGH ENGINEER may refuse to approve further work until approval is obtained for a revised GRADING plan conforming to existing conditions.

107.10.2. Plans for GRADING work bearing the stamp of approval of the BOROUGH ENGINEER shall be maintained at the SITE during the progress of the GRADING work and until the work has been approved.

107.10.3. The permit holder shall notify the BOROUGH ENGINEER in order to obtain inspections in accordance with the following schedule and at least twenty-four (24) hours before the inspection is to be made. Before calling for any inspection, the owner shall have the property line stakes set and sufficient GRADE stakes set by a registered engineer-surveyor to enable the ENGINEER to verify the GRADING operation.

107.10.3.1. Initial inspection: when work on the EXCAVATION or FILL is about to be commenced.

107.10.3.2. Rough GRADING: when all rough GRADING has been completed.

107.10.3.3. Drainage facilities: when drainage facilities are to be installed and before such facilities are backfilled.

107.10.3.4. Special structures: when EXCAVATIONS are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.

107.10.3.5. Final inspection: when all work, including the installation of all drainage and other structures, has been completed.

107.10.3.6. If at any stage of the work the BOROUGH ENGINEER shall determine by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to endanger property or streets or alleys or create hazardous conditions, the BOROUGH may require as a condition to allowing the work to be done that such reasonable safety precautions be taken as the BOROUGH ENGINEER considers advisable to avoid such likelihood of danger. Safety precautions may include but shall not be limited to specifying a flatter exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing.

§ 107.11. Performance standards.

107.11.1. Standards for EXCAVATION.

107.11.1.1. Maximum slope steepness of a cut shall be determined as

follows:

107.11.1.1.1. Landslide-prone soils where slopes are greater than twenty-five percent (25%) shall have cut slopes no steeper than three (3) horizontal to one (1) vertical. SOIL SURVEY Map symbols are: 34-DE-6, 34-E-2, 34-FI, 65-E-2.

107.11.1.1.2. Landslide-prone soils where slopes are less than twenty-five percent (25%) shall have cut slopes no steeper than two (2) horizontal to one (1) vertical. SOIL SURVEY Map symbols are: 32-B-2, 32-C-2, 34-B-2, 34-C-2, 34-D-2, 65-B-2, 65-C-2, 65-D-2, 66-B1, 67-C-2, 67-D-2.

107.11.1.1.3. 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.

107.11.1.2. Cut slopes which are steeper than those specified above may be allowed under a GRADING PERMIT, provided one (1) or both of the following is satisfied:

107.11.1.2.1. 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. A written statement, signed and sealed by a PROFESSIONAL ENGINEER, stating that the steeper slope will have sufficient stability and that risk of creating a HAZARD will be slight, must be submitted to the ADMINISTRATOR.

107.11.1.2.2. A retaining wall or other approved support designed by a PROFESSIONAL ENGINEER and approved by the ADMINISTRATOR is provided to support the face of EXCAVATION.

107.11.1.2.3. The top or bottom edge of slopes shall be set back from adjacent property lines or streets right-of-way in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

107.11.1.2.4. Guidelines for cuts in the Erosion and Sediment Control Handbook for Allegheny County, Pennsylvania, should be followed. One (1) or a combination of guidelines should be used to minimize HAZARD, depending on SITE conditions and proposed GRADING.

107.11.1.2.5. Before commencing any EXCAVATION which will in any way affect an adjoining property or structures thereon, the PERSON making or causing the EXCAVATION to be made shall notify in writing the owners of the adjacent property or buildings not less than thirty

(30) days before such EXCAVATION is to be made that the proposed EXCAVATION is to be started. Copies of all such notices shall be supplied to the ADMINISTRATOR.

107.11.2. Standards for FILLS.

107.11.2.1. No FILL shall be made in a residentially zoned area of the BOROUGH or with an exposed face adjacent to such a district which creates a slope steeper than one (1) vertical to two (2) horizontal. FILL slopes in lower-zoned districts shall not be steeper than one (1) vertical to one and one-half (1 1/2,) horizontal, except under one (1) or more of the following conditions:

107.11.2.1.1. The FILL, in the opinion of the ENGINEER, 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, ways or buildings.

107.11.2.1.2. A written statement from a civil ENGINEER licensed by the Commonwealth of Pennsylvania and experienced in soil engineering, certifying that he has inspected the SITE and that the proposed deviation from the standard specified slopes will not endanger any property or result in personal HAZARD or property damage, is submitted to and approved by the ENGINEER.

However, the BOROUGH, on the advice and recommendation of the BOROUGH ENGINEER, may impose conditions requiring that a FILL be constructed with an exposed surface flatter than one and one-half (1 1/2) horizontal to one (1) vertical if the BOROUGH ENGINEER states that under the particular circumstances involved, such flatter surface is necessary for stability and for the safety of PERSONS and property.

107.11.2.2. Whenever a FILL is to be made of materials other than clean soil or earth, the GRADING PERMIT shall be subject to the following additional limitations and requirements:

107.11.2.2.1. The FILL shall be completed within a reasonable length of time as determined by the ENGINEER and specified on the GRADING PERMIT.

107.11.2.2.2. Clean soil or earth shall be placed over the top and exposed surfaces of the FILL to a depth sufficient to effectively conceal all materials used in the FILL other than clean soil or earth. If the filling operation is intermittent, the ENGINEER may require that the top and exposed surfaces of the FILL be so covered at the completion of each lift.

107.11.2.2.3. No FILL of any kind shall be placed over trees, stumps or other material which would create a nuisance or be susceptible to attracting rodents, termites or other pests.

107.11.2.2.4. No GRADING PERMIT shall be issued for the filling of materials other than clean soil or earth until a performance bond in an amount at least ten percent (10%) greater than the BOROUGH ENGINEER'S estimated cost of adequately covering such FILL with clean soil or earth has been furnished to the BOROUGH. Such bond shall be executed by a corporate surety, as well as by the principal, and shall be subject to the approval of the BOROUGH Solicitor as to form. The bond shall inure to the benefit of the BOROUGH and be conditioned upon the faithful performance of the work required under the terms and conditions of the GRADING PERMIT to the satisfaction of the BOROUGH ENGINEER. In lieu of such bond, a cash deposit or a certified check in the same amount may be made with the BOROUGH Treasurer.

107.11.3. Standards for compaction of FILLS.

107.11.3.1. All FILLS shall be compacted to provide stability of FILL material and to prevent undesirable settlement or slippage.

107.11.3.2. The FILL shall be installed in a series of layers, each not exceeding twelve (12) inches in thickness, and each layer shall be compacted by passing a sheepsfoot roller or other approved equipment across the layer in a minimum of four (4) passes as the layer is spread.

107.11.3.3. Pieces of rock or boulders having a thickness of more than six (6) inches or a cross-sectioned area in any plane of more than one and one-half (1 1/2) square feet shall not be permitted in FILLS.

107.11.3.4. No FILL material that will support combustion shall be permitted.

107.11.3.5. Where FILLS are placed on any existing slope greater than five percent (5%), the toe of the FILL shall be prepared by cutting a bench ten (10) feet wide on a reverse slope of one (1) vertical to ten (10) horizontal.

107.11.3.6. For FILLS higher than ten (10) feet above the toe of the proposed slope, there shall be constructed benches at eight-foot intervals measured vertically from the base of the FILL. Said benches shall be six (6) feet in width and shall have a floor cut to a reverse slope of one (1) vertical to six (6) horizontal.

107.11.3.7. The BOROUGH ENGINEER, with the approval of the BOROUGH COUNCIL, may require tests or other information if, in his opinion, the conditions or materials of FILL are such that the additional information is necessary.

§ 107.12. RETAINING WALLS.

107.12.1. If a RETAINING WALL is constructed to satisfy a requirement of this chapter, a building permit, as provided for by other municipal regulations, shall not

be required. The GRADING PERMIT will apply to the RETAINING WALL, and the requirements for inspections, etc., as stated herein will be complied with.

107.12.2. RETAINING WALLS must be constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal of a PROFESSIONAL ENGINEER.

107.12.3. The backfilling of RETAINING WALLS and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this chapter and the appropriate municipal specifications.

107.12.4. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be three (3) feet zero inches back from the adjoining property.

107.12.4.1. A special exception to this requirement may be applied for and granted by the ADMINISTRATOR if it can be satisfactorily demonstrated that such a variance is necessary to ensure normal use of the property, i.e., for a side-line driveway.

107.12.4.2. The requirement of this subsection may also be set aside when the proposed RETAINING WALL is a joint venture between adjacent property owners and appropriate documents so stating are filed with the application for the permit.

§ 107.13. Drainage.

107.13.1. Adequate provisions shall be made to prevent any surface waters from damaging:

107.13.1.1. The cut face of an EXCAVATION.

107.13.1.2. The sloping surface of a FILL.

107.13.1.3. Adjacent property affected by the change in the existing natural runoff.

107.13.2. EXCAVATIONS cut at the normal one (1) vertical to one and one-half (1 1/2) horizontal and deeper than ten (10) feet from the top of the cut shall have six-foot-wide benches installed at ten-foot intervals measured from the top. Said benches shall have reverse floor slopes of one (1) vertical to six (6) horizontal.

107.13.3. EXCAVATION cut at slopes in excess of one (1) vertical to one and one-half (1 1/2) horizontal and deeper than ten (10) feet from the top of the cut shall have similar benches installed at eight-foot intervals measured from the top.

107.13.4. All drainage provisions shall be of such a design as to carry surface waters to the nearest practical street storm sewer or natural watercourse, as approved by the ENGINEER as a safe place to deposit and receive such waters.

107.13.5. The BOROUGH ENGINEER shall require such drainage structures or pipes to be constructed or installed as may be necessary to prevent EROSION damage and to satisfactorily carry off accumulated surface waters.

107.13.6. Constructed benches in FILLS or cuts or at the top of slopes shall have horizontal gradients of at least two percent (2%) for the purpose of carrying off surface waters.

107.13.7. To prevent EROSION, the planting of sod, shrubs or other vegetation shall be required on all slopes.

§ 107.14. Maintenance.

107.14.1. 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 any other protective devices as may be a part of the permit requirements.

107.14.2. If at any time subsequent to the completion of the GRADING work the cut face or FILL slope shall evidence signs of deterioration, EROSION or other evidence which might be detrimental to the properties above or below the GRADING SITE, the BOROUGH COUNCIL, upon the recommendation of its ENGINEER, may direct the property owner to take whatever necessary remedial steps are deemed necessary to restore the GRADING area to a safe condition and to do so in a reasonable period of time.

107.14.3. If after such notification the property owner has not made the necessary repairs within the allotted time, then the BOROUGH COUNCIL may direct BOROUGH employees to make the required repairs and the cost hereof shall be borne by the property owner by a lien filed as provided by law.

§ 107.15. General requirements.

107.15.1. The top or bottom edge of slopes shall be at least three (3) 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.

107.15.2. At the top of all cut or FILL slopes which are in excess of one and one-half (1 1/2) horizontal to one (1) vertical and six (6) or more feet in total height, a fence not less than four (4) feet in height and of a design meeting the BOROUGH standards shall be erected.

107.15.3. 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.

107.15.4. In order to prevent the denuding of the landscape, wherever practicable, large trees and other natural features constituting important physical, aesthetic and economic assets to existing or impending development work shall be

reserved.

§ 107.16. Disclaimer of liability.

Neither the issuance of a permit under the provisions of this chapter nor the compliance with the provisions hereof or with any condition imposed by the ADMINISTRATOR or ENGINEER hereunder shall relieve any PERSON from any responsibility for damage to PERSONS or property resulting therefrom or as otherwise imposed by law, nor impose any liability upon the BOROUGH for damages to PERSONS or property.

§ 107.17. Violations and penalties.

107.17.1. No PERSON shall construct, enlarge, alter, repair or maintain any GRADING, EXCAVATION or FILL or cause the same to be done contrary to or in violation of any provision of this chapter. When written notice of violation of any of the provisions of this chapter has been served by the ADMINISTRATOR or any PERSON, such violation shall be discontinued immediately.

107.17.2. Any PERSON violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty not exceeding three hundred dollars (\$300.) per day for each and every offense, and in default of payment thereof, to imprisonment for not more than thirty (30) days. Whenever such PERSON shall have been notified by the ADMINISTRATOR by service of summons in a prosecution or in any other way that he is committing such violation of this chapter, 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.²

§ 107.18. Additional remedies.

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

² Editors Note: Amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I.