



GRADING PERMIT APPLICATION

***Please see attached copy of Application Submission Requirements (Chapter 99 – Grading, Excavations and Fill)**

Location of Property: _____

Lot and Block Number: _____

Owner Information

Name: _____ Phone Number: _____

Address: _____

Email: _____

Contractor Information (if applicable)

Company Name: _____ Phone Number: _____

Address: _____

The Purpose of the Grading Is: _____

IS FILL BEING REMOVED OR PLACED ON SITE? Removed Placed on Site
IF FILL IS BEING REMOVED, WHAT IS DISPOSAL LOCATION? _____

Signature of Property Owner

Signature of Contractor

Checklist for Plans and Specifications

- Engineer's Seal
- Abutting Streets
- Existing Water Courses
- Proposed Contours
- Walls, Cribbing, Etc.
- Fences
- Drainage Structures
- Type of Soil
- Soils Report
- Property Lines
- Existing Contours
- Existing Buildings
- Erosion Control Plan

Application Approvals:

Building Inspector

Borough Engineer

Borough Manager

Date Issued:
Permit #:

Fee Schedule is listed in attachment under section 99-6. Any fees received by a third party will be charged to the applicant.

Chapter 99. GRADING, EXCAVATIONS AND FILL

§ 99-1. Title; purpose.

- A. Title. This chapter shall be known and may be cited as the "Baldwin Borough Grading Ordinance."
- B. Purpose. The purpose of this chapter is to provide minimum standards to safeguard persons and to protect and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill.

§ 99-2. Definitions.

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

BOROUGH

The Borough of Baldwin.

BUILDING PERMIT

A permit issued by the Building Inspector pursuant to the provisions of the Baldwin Building Code *Editor's Note: See Ch. 74, Building Construction, and Ch. 83, Construction Codes, Uniform.* for the construction, erection or alteration of a structure or building.

ENGINEER

The appointed Engineer of the Borough of Baldwin.

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

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 shall include the conditions resulting therefrom.

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 shall include the conditions resulting from any excavation or fill.

GRADING PERMIT

Any permit required under § 99-4 hereof.

PERSON

A natural person but shall also include a partnership or corporation.

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.

§ 99-3. Conformance required; exceptions.

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:

- A. Work in a public street or alley or in a Borough park, playground or recreation area or on other public property.
- B. The mining, quarrying, excavation, processing or stockpiling of rock, sand, aggregate or clay unless such work affects the support or safety of adjacent or contiguous property or structures.

§ 99-4. Grading permit required; exceptions.

No person shall commence or perform any grading, excavation or fill without first having obtained a grading permit from the Building Inspector on approval of the Engineer. A separate grading permit shall be required for each site. One 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:

- A. No grading permit will be required for any excavation which does not exceed four feet in vertical depth at its deepest point measured from the natural ground surface; provided also, however, that such excavation does not exceed 1,000 square feet in area.
- B. No grading permit will be required when a fill is to be made which does not exceed 10 cubic yards in amount on any one site.
- C. No grading permit will be required when a fill is to be made which is less than four 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 1,000 square feet in area and that the slope of such fill does not exceed a maximum at any point of three horizontal to one vertical.
- D. 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 of Baldwin, and no grading permit shall be required for the temporary stockpiling of the material from such excavation on the same site; provided, however, that if the material from such excavation is thereafter to be used for fill purposes for which a grading permit is required, such permit must be obtained prior to such use in accordance with the requirements of this chapter. In addition, if excavated material is stockpiled on a site for a period longer than 120 days, then a permit shall be necessary when disposing of the fill material.
- E. Where residential construction for single-family houses does not fall within the limits of the table below, then a grading permit shall be required in addition to the building permit:

Site Size (square feet)	Gradient	Amount of Excavation or Fill (cubic yards)
Less than 6,000	12 in 100 feet	75
6,000 to 10,000	15 in 100 feet	100

10,000 to 18,000	17 in 100 feet	200
18,000 to 30,000	20 in 100 feet	300
Over 30,000	22 in 100 feet	400

§ 99-5. Application for permit; special conditions.

- A. Every applicant for a grading permit shall file a written application therefor with the Building Inspector. Such application shall:
- (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.
 - (2) Be accompanied by plans and specifications prepared by a registered engineer, including a contour map showing the present contours of the land and the proposed contours of the land after completion of the proposed grading and a plan showing cross sections of the proposed cut or fill at fifty-foot intervals which show the method of benching both cut and/or fill. However, under no circumstances shall there be less than three cross sections for each site involved under said permit. In addition, a plot plan showing the location of the grading, boundaries, lot lines, neighboring streets or ways, buildings, trees over eight inches in diameter which are two feet above the ground and sufficient dimensions and other data to show the location of all work; a description of the type and classification of the soil; details and locations of any proposed drainage structures and pipes, walls and cribbing; the nature of fill material and such other information as the Engineer may require to carry out the purposes of this chapter. All plans shall be dated and bear the name and seal of the registered professional engineer who prepared the same; the name of the applicant; and the name of the owner of the land. Plans shall be submitted in triplicate, one set of which shall be of a reproducible nature.
 - (3) State the estimated dates for the starting and completion of the grading work.
 - (4) State the purpose for which the grading application is filed.
- B. Where, owing to special circumstances and conditions, compliance with the provisions of this chapter would result in unnecessary hardship, Council may make special reasonable exceptions thereto as will not be contrary to the public interest and may impose such conditions as it deems necessary to adequately protect the public interest.

§ 99-6. Approval or disapproval of application; bond; fees; escrow.

- A. The Building Inspector shall receive all applications and shall collect all fees. The Building Inspector shall transmit all applications to the Borough Engineer who shall indicate his approval thereon. The Borough Engineer shall provide findings and determinations in writing to the Building Inspector within 10 working days of receipt.
- B. Before issuance of a grading permit, all applicants who have applied for a permit for excavation, grading or fill the sum of which equals or exceeds 300 cubic yards shall post a bond, with corporate surety, or other approved security in the amount of 100% of the estimated cost of the grading work to guarantee the completion of said work, including slope treatment and drainage contemplated under

the permit. 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. The estimated cost of the grading work to be done on which the bond shall be calculated must be prepared by a professional engineer registered in the Commonwealth of Pennsylvania and should be attached to the application.

- C. Before issuance of a grading permit, all applicants who have applied for a permit for excavation, grading or fill the sum of which is less than 300 cubic yards shall post a bond, with corporate surety, or other approved security in the amount of 25% of the estimated cost of the grading work to guarantee the completion of said work, including slope treatment and drainage contemplated under the permit. 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. The estimated cost of the grading work to be done on which the bond shall be calculated must be prepared by a professional engineer registered in the Commonwealth of Pennsylvania and should be attached to the application.
- D. Before issuing a grading permit, the Building Inspector shall collect a permit fee based upon the volume of material to be graded, as follows:

Volume of Material (cubic yards)	Fee
Not more than 100	\$25
More than 100, but not more than 300	\$30
More than 300, but not more than 500	\$35
More than 500, but not more than 1,000	\$40
More than 1,000, but not more than 10,000	\$40, plus \$3 for each additional 1,000 cubic yards or portion thereof above 1,000 cubic yards
More than 10,000, but not more than 100,000	\$70, plus \$1 for each additional 1,000 cubic yards or portion thereof above 10,000 cubic yards
More than 100,000	\$160, plus \$0.50 for each additional 1,000 cubic yards or portion thereof above 100,000 cubic yards, except that no fee shall be more than \$600

- E. In addition, before issuing a grading permit, the Building Inspector shall require an 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 \$50 nor more than 2 1/2% of the estimated grading and improvement cost.
- F. When calculating the volume of material for purposes of this chapter, the volume of material shall be considered cumulatively with regard to prior applications relative to the property. Thus, if grading, excavation or fill work has been performed on a property, the volume of material shall be the sum of all grading excavation or fill work previously performed as well as the sum of the grading, excavation

and fill work which is currently under consideration.

§ 99-7. Expiration of permit; extension of time limit.

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 months or is not completed within one 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.

§ 99-8. Denial of permit; appeals.

- A. 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.
- B. 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.

§ 99-9. Inspections; plans to be maintained at site.

- A. The Borough Engineer shall, when contacted by the permit holder as required in this chapter, 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.
- B. 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.
- C. The permit holder shall notify the Borough Engineer in order to obtain inspections in accordance with the following schedule and at least 24 hours before the inspection is to be made. The permit holder shall notify the Borough Engineer at least five working days before the final inspection is to be made.
 - (1) Initial inspection. When work on the excavation or fill is about to be commenced.
 - (2) Rough grading. When all rough grading has been completed.
 - (3) Drainage facilities. When drainage facilities are to be installed and before such facilities are backfilled.
 - (4) Special structures. When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.
 - (5) Final inspection. When all work, including the installation of all drainage and other structures, has

been completed.

- D. If at any state 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 are 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.
- E. Upon conclusion of the work but prior to final inspection by the Borough Engineer, the professional engineer who designed the grading plan shall sign and stamp the work guaranteeing that the work has been performed in accordance with the submitted and approved plans. Further, the professional engineer who signed and stamped the work referred to above must show any changes on the drawings that differed from the approved plans.
- F. Upon conclusion of the work but prior to final inspection by the Borough Engineer, all applicants who have applied for a permit for excavation, grading or fill the sum of which equals or exceeds 300 cubic yards shall have a professional engineer validate, through submission of a signed and stamped document to the Borough Engineer that any fill material used for a validly permitted project has been compacted within the ranges established through moister density testing (using either standard or modified proctor). All tests must be performed by an accredited laboratory that possesses the necessary state or federal certifications.
- G. The Borough Engineer shall not proceed with the final inspection and shall not grant authority to release any performance bond until the items required under this chapter prior to final inspection are provided to him.
- H. Following final inspection, all applicants who have applied for a permit for excavation, grading or fill the sum of which equals or exceeds 300 cubic yards shall be required to post a two-year maintenance bond with corporate surety, or other approved security in the amount of 100% of the estimated cost of maintaining said work, including slope treatment and drainage contemplated under the permit. 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 on the maintenance of the work performed 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. The estimated cost of the maintenance work on which the bond shall be calculated must be prepared by a professional engineer registered in the Commonwealth of Pennsylvania and should be reviewed by the Borough Engineer.

§ 99-10. Excavation standards.

- A. No excavation shall be made with a cut face steeper in slope than one vertical to 1 1/2 horizontal, except under one or more of the following conditions:
 - (1) The excavation is located so that a line having a slope of one vertical to 1 1/2 horizontal and passing in any portion of the plane of the cut face will be entirely inside a line three feet inside the property lines of the property on which the excavation is made.
 - (2) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than one vertical to 1 1/2 horizontal, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Borough Engineer and approved by him. The statement shall state that the site has been

inspected and that the deviation from the slope specified above will not result in injury to persons or damage to property.

- (3) A retaining wall or other approved support design by a registered engineer and approved by the Borough Engineer is provided to support the face of the excavation and prevent injury to persons or damage to property.
- B. The Engineer may require an excavation to be made with a cut face flatter in slope than one vertical to 1 1/2 horizontal if he finds the material in which the excavation is to be made unusually subject to erosion, or if other conditions exist which make such flatter-cut slope necessary for stability and safety.
 - C. Excavations shall not extend below the angle of repose or natural slope of the soil under the nearest point of any footing or foundation of any building or structure unless such footing or foundation is first properly underpinned or protected against settlement.
 - D. 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 30 days before such excavation is to be made that the proposed excavation is to be started. Adjoining properties and structures shall be protected as provided in the Borough Building Code
Editor's Note: See Ch. 74, Building Construction, and Ch. 83, Construction Codes, Uniform.
as is then on file in the office of the Building Inspector and/or as required by the Engineer.

§ 99-11. Fill standards.

- A. 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 vertical to two horizontal. Fill slopes in lower zoned districts shall not be steeper than one vertical to 1 1/2 horizontal, except under one or more of the following conditions:
 - (1) The fill, in the opinion of the Borough 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.
 - (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.
- B. In issuing permits, 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 1 1/2 horizontal to one vertical if the Borough Engineer advises that under the particular circumstances involved, such flatter surface is necessary for stability and for the safety of persons and property.
- C. 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:
 - (1) The fill shall be completed within a reasonable length of time as determined by the Engineer and so specified on the grading permit.
 - (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 are so covered at the completion of each lift.

- (3) No fill of any kind shall be placed over trees, stumps or other material which could create a nuisance or be susceptible to attracting rodents, termites or other pests.
- (4) No grading permit shall be issued for the filling of materials other than clean soil or earth until the performance bond referenced in § 99-6B above is posted. 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 insure 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.

§ 99-12. Compaction of fill.

- A. All fills shall be compacted to provide stability of fill material and to prevent undesirable settlement or slippage.
- B. The fill shall be installed in a series of layers each not exceeding 12 inches in thickness, and each layer shall be compacted by passing a sheep's-foot roller or other approved equipment across the layer in a minimum of four passes as the layer is spread.
- C. Pieces of rock or boulders having a thickness of more than six inches or a cross-sectional area in any plane of more than 1 1/2 square feet shall not be permitted in fills.
- D. No fill material that will support combustion shall be permitted.
- E. Where fills are placed on any existing slope greater than 5%, the toe of the fill shall be prepared by cutting a bench 10 feet wide on a reverse slope of one vertical to 10 horizontal.
- F. For fills higher than 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 feet in width and shall have a floor cut to a reverse slope of one vertical to six horizontal.
- G. 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.

§ 99-13. Drainage.

- A. Adequate provisions shall be made to prevent any surface waters from damaging:
 - (1) The cut face of an excavation.
 - (2) The sloping surface of a fill.
 - (3) Adjacent property affected by the change in the existing natural runoff.
- B. Excavations cut at the normal one vertical to 1 1/2 horizontal and deeper than 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 vertical to six horizontal.
- C. Excavations cut at slopes in excess of the normal set forth in Subsection **B** above, and deeper than 10 feet from the top of the cut, shall have similar benches installed at eight-foot intervals measured from the top.
- D. All drainage provisions shall be of such a design as to carry surface waters to the nearest practical

street storm drain, storm sewer or natural watercourse, as approved by the Engineer as a safe place to deposit and receive such waters.

- E. 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.
- F. Constructed benches in fills or cuts or at the top of slopes shall have horizontal gradients of at least 2% for the purpose of carrying off surface waters.
- G. The planting of sod, shrubs or other vegetation on slopes to prevent erosion may be required where the condition of the grading is such that planting is necessary to protect against erosion, in the opinion of the Borough Engineer.

§ 99-14. Maintenance and repair.

- A. 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.
- B. 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 of Baldwin 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.
- C. 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 thereof shall be borne by the property owner by a lien filed as provided by law.

§ 99-15. Distance from adjacent properties; fences; cleanup; landscaping.

- A. The top or bottom edge of slopes shall be at least three 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.
- B. At the top of all cut or fill slopes which are in excess of 1 1/2 horizontal to one vertical, and six or more feet in total height, a fence not less than four feet in height, and of a design meeting the Borough standards, shall be erected.
- C. 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 high property.
- D. 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 preserved.

§ 99-16. Violations and penalties.

- A. 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.
- B. When written notice of a violation of any of the provisions of this chapter has been served by the Building Inspector on any person, such violation shall be discontinued immediately.
- C. Any person violating any of the provisions of this chapter shall be liable, on conviction thereof, to a penalty not exceeding \$300, plus costs of prosecution, or to imprisonment for up to 30 days for each and every offense. Whenever such person shall have been notified by the Borough Engineer by service of summons in a prosecution or in any other way that he is committing 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.

§ 99-17. Other 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.