CHAPTER 9

GRADING AND EXCAVATING

Part 1

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§101. Statement of Intent. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the excavation, filling and/or grading of any land within the Borough unless an approved permit has been obtained from the Borough Building Permit Officer. (Ord. 204, 6/6/1978, §1)

§102. Definitions. For the purposes of this Part, the following definitions shall apply:

EARTH MATERIAL - any rock, natural soil or fill and/or any combination thereof.

EXCAVATION - the mechanical removal of earth material.

FILLING - the deposition of earth material.

GRADING - any excavating or filling or combination thereof.

PERSON - any person, persons, partnership, business or corporation.

(Ord. 204, 6/6/1978, §2)

§103. Application Procedures. Application for such a permit shall be made in writing to the Building Permit Officer on forms supplied by the Borough. Such application shall contain at least the following:

A. The name and address of:

(1) The applicant.

(2) The owner of the land on which the work will be performed.

(3) The contractor performing the work.

B. An identification and description of the work to be covered by the permit for which application is made.

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

D. An estimate of the value of the proposed work.

E. Such other information as reasonably may be required by the Building Permit Officer.

(Ord. 204, 6/6/1978, §3)

§104. Issuance of Permit. The Building Permit Officer shall issue a permit only after it has been determined that the proposed work will be in conformance with all applicable requirements and regulations. (Ord. 204, 6/6/1978, §4)

§105. Permit Changes. After the issuance of a permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. (Ord. 204, 6/6/1978, §5)

§106. Placards. In addition to the permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Building Permit Officer. (Ord. 204, 6/6/1978, §6)

§107. Start of Work and Expiration of Permit.

1. The proposed work shall begin within six (6) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

2. All work shall be completed within one (1) year of the date of issuance of the permit. If any work is to be performed beyond this period a new permit must be obtained under the conditions and requirements cited in §§103 and 104 of this Part.

(Ord. 204, 6/6/1978, §7)

§108. Inspection and Revocation. During the permitted work period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary. (Ord. 204, 6/6/1978, §8)

§109. Fees. Applications for a permit shall be accompanied by a fee, in an amount as established from time to time by resolution of the Borough Council, payable to the Borough, based upon the estimated cost of the proposed work as determined by the Building Permit Officer. (Ord. 204, 6/6/1978, §9; as amended by Ord. 237, 6/4/1985, §1; and by Ord. 263, 4/7/1992)

§110. Appeals. Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed work may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Borough Council shall set at time and place not less than ten (10) nor more than thirty (300 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Borough Council shall be final in all cases. (Ord. 204, 6/6/1978, §10; as amended by Ord. 263, 4/7/1992)

§111. Penalties.

1. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand ($1,000.00) dollars and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 263]

2. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any excavation, filling and/or grading in noncompliance with this Part may be declared by the Borough Council to be a public nuisance and abatable as such.

(Ord. 204, 6/6/1978, §11; as amended by Ord. 237, 6/4/1985, §2; and by Ord. 263, 4/7/1992)