

**NORTH STRABANE TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE: _____**

AN ORDINANCE OF THE TOWNSHIP OF NORTH STRABANE, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING CHAPTER 9 OF THE TOWNSHIP CODE, (GRADING AND EXCAVATING) SPECIFICALLY SECTION(S) 104, 106, 118 AND 120; SAID AMENDMENTS ADD DEFINITIONS; ESTABLISH A MAXIMUM PERMITTED SLOPE GRADE OF THREE TO ONE (3:1); REQUIRE A GEOTECHNICAL ENGINEERING SURVEY FOR CERTAIN SLOPE/GRADE(S); REQUIRE THE REMOVAL/RELOCATION OF ANY UTILITIES FROM SAID SLOPE AREAS; REQUIRE SLOPE STABILITY ANALYSIS FOR CERTAIN CUTS AND REQUIRE ALL ROOF DRAINS/DOWN SPOUTS BE CONNECTED TO THE STORM SEWER SYSTEM.

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township (the “Township”) to create ordinances for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and,

WHEREAS, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Township Supervisors”) have adopted a Township Code designed to regulate certain activities in the Township, specifically those activities dealing with excavation, grading and land development; and

WHEREAS, the Board therefore desires to amend Chapter 9 Grading and Excavating of the Township Code to require geotechnical engineering reports, remove utilities from slope areas and connect all roof drains/down spouts to the storm sewer system; and

NOW THEREFORE, the Board of Supervisors hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the North Strabane Township “Amended Grading and Ordinance of 2018”

SECTION 2. PURPOSE AND REGULATORY AUTHORITY.

The Board of Supervisors has decided it to be in the best interest for the Township to require a geotechnical engineering report and certification for all grading, and excavating that meets certain criteria set forth herein. Furthermore, the Board believes it to be in the best interest

for the Township to require the removal of all utilities from the slope; and connection of all roof drains/down spouts to the storm sewer system.

SECTION 3. AMENDMENT TO SECTION 104 DEFINITIONS.

Chapter 9. Grading and Excavating, Part 1. General Regulations, §104 Definitions is hereby amended by adding the following:

EARTH DISTURBANCE shall be defined as: 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.

CLEARING shall be defined as: Removing and disposing of all unwanted surface material, such as trees, brush, grass, weeds and downed trees and other material.

GRUBBING shall be defined as: Removing and disposing of all unwanted vegetative matter from underground, such as stumps, roots, buried logs, and other debris.

NORMAL AGRICULTURAL OPERATIONS shall be defined as the activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is: (1) not less than ten contiguous acres in area; or (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

SLOPE STABILITY ANALYSIS shall be defined as: A complete computer generated analysis using parameters developed from test borings to analyze the long-term stability of the slopes.

SECTION 4. AMENDMENT TO SECTION 106 RESPONSIBILITY OF THE ADMINISTRATOR.

Chapter 9. Grading and Excavating, Part 1. General Regulations, Section 106 Responsibility of the Administrator as chosen by the Governing Body is hereby amended by eliminating §106 in its entirety and replacing it with following language:

1. The maximum slope permitted shall be no steeper than three foot horizontal for every one foot vertical (3:1).
2. The Administrator shall require a geotechnical engineering report if:

- (A) The proposed grade/slope is three to one (3:1). Furthermore, applicant shall be required to: (1) remove all utilities from the slope; and (2) connect all roof drains/down spouts to the storm sewer system as set forth in Chapter 22, Section 513 of the Township Code; or
 - (B) The site is, has been, or is likely to become hazardous to persons or property. The overlay maps such as the Coal Resource Maps prepared by USGS, 1975, for the Greater Pittsburgh Region and Washington County soil survey as prepared by the USDA shall be used to locate hazardous areas. The report shall contain a detailed description of the geological conditions of the site and shall include conclusions and recommendations that will demonstrate the relationship of the geological conditions to the proposed development, including hazardous conditions, water resources, mineral resources and environmental impact; or
 - (C) The Grading application must be submitted to the Administrator with the Grading Plan and the Preliminary Plan for development. If a Slope Stability Analysis is required, it must be submitted with the application.
- 3. The Administrator shall not require a geotechnical engineering report and certification to be submitted by the applicant if the proposed grade/slope is flatter than three to one (3:1) AND none of the conditions set forth in Paragraph 2 herein apply.
 - 4. A slope stability analysis must be performed for cuts and fills greater than 10' in height for all slopes of 3:1.
 - (A) The Township has the authority to request a slope stability analysis on slopes flatter than 3:1 if the Administrator and/or Township Engineer deem it necessary for the stability of the material in question.
 - (B) A Slope stability analysis must be performed for cuts and fills greater than 10' in height for all slopes at 3:1. A slope stability analysis is not required for slopes less than 10' in height or flatter than 3:1, but upon review of submission, the municipality has the authority to requests a slope stability analysis on slope flatter than 3:1 if submitted information deems it necessary as the stability of the material is questionable.
 - 5. In special cases, when grading occurs in areas of landslide prone soil, or rock fall prone areas as recognized by the Soil Survey, or other standard surveys, the Administrator may require special precautions prior to issuing a permit from the applicant. The results of all soil tests and core borings made relative to the site shall be submitted to the Administrator.
 - 6. The Administrator may deny a grading permit if the use of land to be graded, either excavation or filling, is not specifically known except for the intent of improving the site. The Administrator shall review the application, plans specifications and reports and determine whether the project will improve the site, is in the best interest of the

Township, and is not detrimental to the environment. The applicant may appeal the Administrator's decision to the Board of Supervisors by preparing and submitting to the Board of Supervisors a site plan showing the development of the land in accordance with the Subdivision and Land Development Ordinance.

7. When the requirements of this Part for obtaining a permit have been met, the Administrator shall approve the application and proposed plan and grant a grading permit to the applicant.
8. The Administrator may waive the requirement of any or all plans and specifications listed in this Part, if he finds that the information on the application is sufficient to show that the work will conform to the provisions of this Part. The said agreement may be incorporated in the developer's agreement as required in the Subdivision and Land Development Ordinance.
9. The Administrator may waive the requirements of any or all plans and specifications listed in this Part and Chapter 9 in general if Applicant's proposed activities involve normal agricultural operations and provide a copy of the applicable permits from the Washington County Conservation or Pennsylvania Department of Environmental Protection.

SECTION 5. AMENDMENT TO SECTION 118 EXCAVATION.

Chapter 9. Grading and Excavating, Part 1. General Regulations, Section 118 Excavation is hereby amended by eliminating §118.1 in its entirety and replacing it with following language:

1. All topsoil shall be removed from the area to be graded and stockpiled and preserved for possible re-use on the site. However, at no time should topsoil or rock be disposed of upon the slopes of the development without said request specifically given written approval by the Township engineer. All excavated materials from foundation construction must be placed in an engineered fill and not be wasted freely on engineer graded slopes.

SECTION 6. AMENDMENT TO SECTION 120 FILLS AND EMBANKMENTS.

Chapter 9. Grading and Excavating, Part 1. General Regulations, Section 120 Fills and Embankments is hereby amended by eliminating §120.1 in its entirety and replacing it with following language:

1. All topsoil shall be removed from the area to be graded and stockpiled and preserved for possible re-use on the site. However, at no time should topsoil or rock be disposed of upon the slopes of the development without said request specifically given written approval by the Township engineer. All excavated materials from foundation construction must be placed in an engineered fill and not be wasted freely on engineer graded slopes.

SECTION 7. REPEALER. Any Township Ordinances or provisions of the Township Code, which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 8. SEVERABILITY. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

BOARD OF SUPERVISORS
NORTH STRABANE TOWNSHIP

Secretary

Chairman, Board of Supervisors

(SEAL)