

CHAPTER 9
GRADING AND EXCAVATING

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PART 1

GRADING RESTRICTIONS

§9-101. Permit Required.

No person, firm or corporation shall change the grade of any land in the Borough of Collingdale and/or perform any excavation therein without first obtaining a permit from the Building Inspector of the Borough of Collingdale.

(Ord. 476, 10/6/1975, §1; as amended by Ord. 568, 10/5/1987)

§9-102 Application.

The application for such permit shall be accompanied by a plan approved by the Borough Engineer, which plan will demonstrate along with the building plans that such proposed change of grade will not cause damage to adjoining and adjacent property owners by reason of drainage of surface or subsurface waters. Any such grade change and/or excavation shall maintain the topography in the surrounding areas.

(Ord. 476, 10/6/1975, §2; as amended by Ord. 568, 10/5/1987)

§9-103 Fee.

Application for such permit shall be further accompanied by a permit fee as established from time to time by resolution of Council and, payable to the Borough of Collingdale.

(Ord. 476, 10/6/1975, §3; as amended by Ord. 568, 10/5/1987)

§9-104 Liability.

The granting of such permit shall not impose liability on the Borough of Collingdale and the granting of any such permit shall constitute an indemnification by the permittee to indemnify and save harmless the Borough of Collingdale from any claims or damages caused by reason of the change of grade and/or excavation, and the liability for any such change of grade shall remain the sole responsibility of the permittee.

(Ord. 476, 10/6/1975, §4; as amended by Ord. 568, 10/5/1987)

§9-105 Penalties; Abatement; Recovery of Costs.

1. **Penalties** - Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense.

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2. **Removal of Nuisances; Serving of Notice; Filing of Claims** - The Manager shall serve written notice, either personally or by certified or first class mail, on any person violating the provisions of this Part to remove any nuisance or dangerous condition on public or private property. Upon the failure of said person to comply with such notice within 15 days after receipt thereof or to request a hearing within such time before the Borough Council pursuant to the Act of April 28, 1978, P.L. 202, No. 53, §5, 2 Pa. §551 *et seq.*, known as the "Local Agency Law," the Borough Council may remove or arrange for the removal of the nuisance or dangerous condition and collect the cost of such removal together with a penalty of 10% of the cost of the removal from the person failing to comply with such notice by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. The Borough Council may also institute proceedings in equity to enjoin violations of this Part.

3. **Fines and Costs** - All fines, costs and penalties shall be cumulative and payment of one shall not preclude the payment of any other fine, cost or penalty assessed.

(*Ord. 476, 10/6/1975, §§5-6; as amended by Ord. 568, 10/5/1987*)

PART 2

STEEP SLOPE REGULATIONS

§9-201. Legislative Intent.

In the interest of the public health, safety and welfare, the provisions of this Part are intended:

- A. To minimize runoff and soil erosion which is caused by inappropriate development of steep slope land areas.
- B. To protect the Borough of Collingdale from development of steep slopes of land which may cause a subsequent expenditure for public works and disaster relief which affects the economic well-being of the Borough and its residents.
- C. To protect residents from property damage and personal injury due to runoff and erosion and landslides attributable to nearby development on steeply sloping land.
- D. To relate the intensity of development to the steepness of terrain in order to minimize grading, the removal of vegetation, runoff and erosion and to help ensure the utilization of land in accordance with its natural capabilities to support development.
- E. To restrict sedimentation and the alteration of natural drainage patterns which may aggravate flooding both in the immediate area and in downstream areas.

(Ord. 585, 7/1/1991, §101)

§9-202. Application of Regulations.

The requirements of all zoning districts shall be modified in accordance with the provisions of this Part on all land having a slope of 10% or more as delineated on a plan which meets the requirements of a preliminary plan as specified in the Delaware County Subdivision and Land Development Ordinance.

(Ord. 585, 7/1/1991, §102)

§9-203. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

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AVERAGE SLOPE - the slope of land determined according to the formula:

$$S = \frac{.0023 \times I \times L}{A}$$

Where:

S is the average slope in percent.

I is the contour interval in feet.

L is the combined length in contour lines in feet.

A is the area in acres of the parcel being considered.

(*Ord. 585, 7/1/1991, §103*)

§9-204. Steep Slope Regulations.

In every zoning district, the following regulations shall apply:

- A. Every lot hereafter created by subdivision having an average slope of at least 10%, but not more than 15%, shall have the minimum lot area increased by a factor of 1.3 and shall not have impervious surfaces exceeding 30% of the lot area.
- B. Every lot hereafter created by subdivision having an average slope of at least 15%, but not more than 25%, shall have the minimum lot area increased by a factor of 1.5 and shall not have impervious surfaces exceeding 20% of the lot area.
- C. Every lot hereafter created by subdivision having an average slope of at least 25% shall have the minimum lot area increased by a factor of 2 and shall not have impervious surfaces exceeding 10% of the lot area.
- D. All freestanding structures, buildings and substantial improvements (with the exception of driveways and utilities when no other location is feasible) are prohibited on slopes of 25% or greater and are prohibited on slopes where the soil type is classified as "stony land, steep" by that document entitled "Soil Survey, Chester and Delaware County, Pennsylvania," prepared by the United States Department of Agriculture, Soil Conservation Service, dated May, 1963, copies of which are on file in the office of the Delaware County Conservation District, Fair Acre Center, Building No. 19, Middletown Road, Lima, Pennsylvania.

(*Ord. 585, 7/1/1991, §104*)

§9-205. Liability.

Neither the approval of any proposed subdivision by any officer, employee or agency of the Borough of Collingdale, nor the grant of any subdivision approval by the Borough Council, nor the grant of any subdivision approval by the Borough Council, shall constitute a representation, guaranty or warranty of any kind by the Borough of Collingdale or by any of its officers, employees, agencies or members of its agencies of the safety or practicality of the proposed subdivision and use, and such approval or grant of approval shall create no liability on the part of the Borough of Collingdale or its officers, employees, agencies or members of its agencies.

(Ord. 585, 7/1/1991, §105)

