

**BOROUGH OF POINT MARION
FAYETTE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2 of 2022

AN ORDINANCE REGULATING EXCAVATION, FILLING, AND/OR GRADING

WHEREAS, Pennsylvania Borough Code as amended, boroughs are authorized to adopt all or any portion of standard recognized codes as an ordinance of the Borough; and;

WHEREAS, from time to time third party public service providers need to excavate, fill, and/or grade the streets of Point Marion Borough, Fayette County, Pennsylvania, and;

WHEREAS, the Borough Council of Point Marion, Fayette County, Pennsylvania wishes to regulate this activity by third parties, and;

WHEREAS, the Borough does heretofore enact the following:

NOW THEREFORE, BE IT ENACTED and ORDAINED and it is hereby ENACTED and ORDAINED by the Borough Council of The Borough of Point Marion as follows:

Section One: Definitions.

Unless the context clearly indicates otherwise, the following words or phrases used in this Chapter shall have the meanings given to them in this section.

“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.

Section Two: APPLICATION PROCEDURES

Application for such a permit shall be made in writing to the Building Permit Officer/Borough Secretary 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 to be covered by the permit for which application is made.

(d) An estimate of the value of the proposed work.

(e) Such other information as reasonably may be required by the Building Permit Officer/Borough Secretary.

Section Three: ISSUANCE OF PERMIT

Building Permit Officer/Borough Secretary shall issue a permit only after it has been determined that the proposed work will be in performance with all applicable requirements and regulations.

Section Four: PERMIT CHANGES

After the issuance of a permit by the Building Permit Officer/Borough Secretary, 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/Borough Secretary.

Section Five: PLACARDS

In addition to the permit, the Building Permit Officer/Borough Secretary 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/Borough Secretary.

Section Six: START OF WORK AND EXPIRATION OF PERMIT

(a) The proposed work shall begin within six 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/Borough Secretary.

(b) All work shall be completed within one year of the date of the 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 Section Two and Section Three.

Section Seven: INSPECTION AND REVOCATION

During the permitted work period, the Building Permit Officer/Borough Secretary 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 Borough laws and ordinances. In the event the Building Permit Officer/Borough Secretary 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/Borough Secretary shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary.

Section Eight: FEES

Applications for permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed work, as determined by the Building Permit Officer/Borough Secretary at rates as established from time to time by resolution of the Borough Council.

Section Nine: APPEALS


Any person aggrieved by the Building Permit Officer/Borough Secretary's estimate of the cost of the proposed work may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the determination of the Building Permit Officer/Borough Secretary on receipt of such appeal, the Borough Council shall set a time and place, not less than 10 days nor more than 30 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.

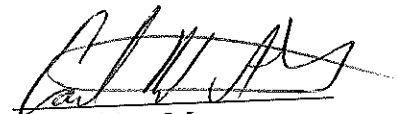
Section Ten: VIOLATIONS AND PENALTIES

Any person, firm or corporation who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer/Borough Secretary or any other authorized employee of the Borough shall be, upon conviction thereof, sentenced to a fine of not less than \$25 no more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day

during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue, and all persons shall be required to correct, or remedy such violations and noncompliance within a reasonable time. Any excavation, filling and/or grading in noncompliance with this chapter may be declared by the Borough Council to be a public nuisance and abatable as such. Said Ordinance may be enforced by the Borough Mayor, Code Enforcement Office, and/or Borough Police.

ENACTED and ORDAINED this the 28th day of February, 2022, by the Council of The Borough of Point Marion, Fayette County, Pennsylvania.


Joe Corcoran, President


Carl Ables, Mayor

ATTEST:


Secretary