

**Chapter 88
GRADING AND EXCAVATING**

§ 88-1.	Title.	§ 88-13.	Excavation standards.
§ 88-2.	Purpose,	§ 88-14.	Standards for fills.
§ 88-3.	Definitions.	§ 88-15.	Standards for minimizing erosion and sediment.
§ 88-4.	Conformance required,	§ 88-16.	Standards for compaction of Fills and benching.
§ 88-5.	Grading permits.	§ 88-17.	Drainage.
§ 88-6.	Permit application,	§ 88-18.	Maintenance.
§ 88-7.	Permit fees.	§ 88-19.	General requirements,
§ 88-8.	Work completion guaranties.	§ 88-20.	Grading certificate of completion.
§ 88-9.	Expiration of permit.	§ 88-21.	Violations and penalties.
§ 88-10.	Denial of permit.	§ 88-22.	Remedies.
§ 88-11.	Appeals.		
§ 88-12.	Inspections.		

[HISTORY: Adopted by the Board of Supervisors of the Township of Marshall 10-2-1974 as Ord. No. 101. Amendments noted where applicable.]

GENERAL REFERENCES

- | | |
|--|--|
| Building construction - See Ch. 52. | Sewage disposal - See Ch. 157. |
| Dumping – See Ch. 64. | Subdivision and land development - See Ch. 174. |
| Fees - See Ch. 71. | Zoning- See Ch. 208. |
| Property maintenance - See Ch. 152. | |

§ 88-1. Title.

This chapter shall be known as the “Township of Marshall Grading, Excavating and Fill Ordinance.”

§ 88-2. Purpose.

The purpose of this chapter is to provide minimum standards to safeguard persons, to protect property, to maintain the present level of ecology 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.

§ 88-3. Definitions.

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

ADMINISTRATOR – The qualified individual designated from time to time by the Board of Supervisors to act for the Township of Marshall under this chapter.

BUILDING PERMIT – A valid permit issued by the Township or Marshall, pursuant to the provisions of Chapter 52, Building Construction.¹

DEVELOPER'S AGREEMENT – Any agreement entered into between the developer or applicant and Marshall Township, or conditions imposed by the Marshall Township Board of Supervisors. **[Added 3-3-1993 by Ord. No. 242]**

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.

EXCAVATION - Any act by which earth, sand, gravel, rock, coal or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

EXISTING OR NATURAL GRADE- The elevation of the existing ground surface above sea level prior to any excavating or filling.

EXPLOSIVES - A chemical or other substance intended of producing an explosion or that contains oxidizing or combustible units or other ingredients in proportions or quantities that by ignition by fire, by friction, by concussion, by percussion or by detonation may produce an explosion capable of causing injury to persons or damage to property. The term explosive includes, but is not limited to, black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton and wet nitrostarch. **[Added 9-11-2000 by Ord. No. 324]**

FENCE A structural barrier to prevent intrusion within a given area.

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.

FINISHED GRADE - The elevation of the ground surface above sea level after grading has been completed and the elevation coincides with the elevation called for in a plan of grading.

GRADING – An excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GRADING PERMIT – Any permit required by this chapter.

¹ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

HAZARD – A danger or potential danger to life, limb, or health or an adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers; including stream pollution.

PAVING – The application of such material as will produce a dust-free, all-weather, hard surface.

PERSON – A natural person or persons but shall also include a partnership or corporation and their heirs, successors and assigns.

ROUGH GRADE – That state of grading which approximates the finished grade in a plan of grading.

SITE – A lot, tract or parcel of land or a series of lots, tracts or parcels of land, joined together, where grading work is continuous and performed at the same time.

SLOPE – That ratio formed by the horizontal over the vertical difference of position and where the vertical differences usually expressed as one (1) (e.g., 2/1, 3/1, etc.).

TOWNSHIP – The Township of Marshall.

§ 88-4. Conformance required.

New grading (excavations or fills) or changes, additions, repairs or alterations mad~ to existing grading (excavations or fills) shall conform to the provisions of this chapter.

§ 88-5. Grading permits.

No person shall commence or perform any grading (excavation or fill) without first having obtained a grading permit from the administrator. A separate grading permit shall be required for each site. One (1) permit may cover both an excavation and any fill made on the same site. A grading permit will not be required, however, in the following situations, but in all other respects, the provisions of this chapter shall apply'

- A. An excavation which does not exceed five (5) feet in vertical depth at its deepest point measured from the existing grade, if the grading does not cover an area of more than twenty percent (20%) of the site and does not exceed six thousand (6,000) square feet and does not exceed two hundred fifty (250) tune yards. This exception shall not affect the applicability of this chapter to the requirement of a grading permit for any fill made with the material from such excavation, unless such fill is within the exception of Subsection B herein.
- B. A fill which does not exceed five (5) feet in vertical depth at its deepest point measured to the existing grade, if the grading does not cover an area of more than twenty percent (20 %) of the site and does not exceed six thousand (6,000) square feet and does not exceed two hundred fifty (250) cubic yards, provided that the surface of such fills does not have a slope at any point steeper than five (5) horizontal to one (1) vertical.

- C. An excavation for basements and footing of a building, swimming pool or underground structure authorized by a building permit and excavation of a driveway between a building site and the street where the plot plans attached to the building permit indicate existing and proposed contours. A grading permit shall not be required for the temporary stockpiling, on the same site, of the material from such excavation within a one-year period beginning from issuance of the building permit.
- D. A single-family house site where the minimum slope between property lines or the maximum excavation or fill (exclusive of the situations referred to in Subsection C hereof) do not exceed the slopes or quantities set forth in the following table:

Single Family House Site Area to be Graded (Square Feet)	Maximum Slope without Permit (feet vertical per 100 feet horizontal)	Maximum Excavation or Fill without Permit (cubic yards)
Less than 12,000	12	100
From 12,000 to 30,000	15	200
Over 30,000	20	250

§ 88-6. Permit application.

Every applicant for a grading permit shall file a written application therefore with the administrator. Such application shall:

- A. 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 locate the proposed work.
- B. Be accompanied by plans and specifications, in triplicate, prepared by a registered engineer, registered surveyor or registered landscape architect, licensed by the Commonwealth of Pennsylvania, including a plan of survey; a contour map showing the present contours of the land and the proposed contours of the land after completion of the proposed grading at a scale not smaller than fifty (50) feet to one (1) inch and at a contour interval of not greater than five (5) feet; and a plan showing cross sections of the proposed cut and/or fill on fifty-foot intervals which show the method of benching both cut and/or fill, however, under no circumstances shall there be fewer than two (2) cross sections for each property involved under said permit; a plot plan showing the location of the grading, boundaries, lot lines, neighboring streets and ways, existing and proposed buildings, existing waterlines and sewers or drains, existing utility lines, type of ground cover or vegetation and sufficient dimensions and other data to show the location of all work; description of the type and classification of the soils obtained from an on-site investigation; details and location of existing watercourses, area and details of paving, and any proposed drainage structures and pipes, walls and cribbing, details of bridges and/or culverts required to

cross over watercourses; nature of fill material and such other information as the administrator may require to carry out the purpose of this chapter, All plans shall be dated and bear the name and seal of the registered professional who prepared the same, the name of the applicant and the name of the owner of the land.

- C. State the estimated dates of the starting and completion of the grading work.
- D. State the purpose for which the grading application is filed.

§ 88-7. Permit fees.²

Before issuing a grading and paving permit, the administrator shall collect a permit fee as provided in Chapter 71, Fees.

§ 88-8. Work completion guaranties. [Amended 3-3-1993 by Ord. No. 242]

- A. Prior to issuance of a grading permit, the applicant shall post in favor of the Township financial security in a form subject to approval by the Township Solicitor. The financial security shall be conditioned upon the faithful performance of the work required under the terms and conditions of the grading permit, all applicant ordinances, regulations or laws and any agreement entered into with the Township.

- B. Financial security shall be provided to guarantee the completion of the earthmoving and implementation and maintenance of soil erosion and sedimentation control measures in an amount as follows:

- (1) Fifty percent (50%) of the estimated construction cost if the earthmoving activity is less than twenty thousand (20,000) cubic yards (cut or fill quantity, whichever is greater) and a subdivision or development plan approval and developers agreement does not exist or is not required.
- (2) Further, upon completion of work authorized by the grading permit, the applicant may request from the Board of Supervisors, in written form, the release of the initial financial security. At the time of release of this initial financial security, the applicant shall post additional financial security to guarantee the integrity of the grading improvements for a period of twelve (12) months from the date of release of the initial financial security. The applicant shall repair any defects within the twelve-month period. The amount of this financial security shall be fifteen percent (15 %) of the total cost of the earthmoving activity.
- (3) One hundred ten percent (110 %) of the estimated construction cost if the earthmoving activity is twenty thousand (20,000) cubic yards or more (cut or fill quantity, whichever is greater) and/or a subdivision or development plan approval and/or developers agreement is required.

² Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.

- C. If the financial security is required by a developer's agreement, then the financial security shall be posted within the terms of said agreement.
- D. If the financial security is not required by a developer's agreement, then upon completion of work authorized by the grading permit, the applicant may request from the Board of Supervisors, in written form, the release of the initial financial security. At the time of release of this initial financial security, the applicant shall post additional financial security to guarantee the integrity of the grading improvements for a period of eighteen (18) months from the date of release of the initial financial security. The applicant shall repair any defects within the eighteen-month period. The amount of this financial security shall be fifteen percent (15 %) of the total cost of the earthmoving activity.

§ 88-9. Expiration of Permit

Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within six (6) months or is not completed within one(1) year from the date of issue, provided that the administrator may, if the permit holder permits satisfactory evidence in writing that unusual difficulties have prevented the work from being started or completed with 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.

§ 88-10. Denial or permit.

Where, in the opinion of the administrator, the work as proposed by the applicant is likely to endanger any person, property or any street or way, he shall deny the grading permit. In determining whether the proposed work is likely to endanger property or streets or alleys or streams or create hazardous conditions or damage the ecology of the area, the administrator shall give consideration to but shall not be limited to possible saturation by rains, earth movements, runoff of surface waters and subsurface conditions such as the stratification and faulting of rock and the nature and type of the soil, rock or other minerals.

§ 88-11. Appeals.

The Board of Supervisors shall promptly consider appeals from the provisions of this chapter or from the determinations of the administrator, and the Board may consider alternate methods, standards or materials proposed by the applicant. (any application or permit hold shall have the right to appeal to any court of competent jurisdiction from any decision or determination of the Board of Supervisors).

§ 88-12. Inspections.

- A. The administrator shall make the inspections thereafter required and shall either approve that portion of the work that 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 on the application, the administrator shall stop work on the site immediately until approval is obtained for a revised grading plan conforming to the existing conditions.
- B. Plans for grading work, approved by the administrator, shall be maintained at the site during the progress of the grading work until the work has been approved.
- C. The permit holder shall notify the administrator in order to obtain inspections in accordance with the following schedule and such notifications shall be made by the permit holder at least seventy-two (72) hours before the 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 inspection, if at any time conditions are found which are not stated on the permit holder's application.
 - (5) Special structures. When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.
 - (6) Final inspection. When all work, including the installation of all drainage and other structures have been completed.
- D. If, at any stage of the work, the administrator shall determine by inspection that conditions exist such that the work as authorized by an existing permit is likely to endanger any property or streets or way or create hazardous conditions, the administrator may require, as a condition to allowing the work to be done, that such reasonable safety precautions be taken as the administrator considers advisable to avoid the likelihood of danger. Safety precautions may include but shall not be limited to specifying a lesser degree of slope, construction of additional drainage facilities, berms, terracing, compaction, cribbing or walls.

§ 88-13. Excavation Standards

- A. No excavation shall be made with a cut face steeper in slope than three (3) horizontal to one (1) vertical, except under one (1) or more of the following conditions:
- (1) The material in which the excavation is made is sufficiently stable to sustain a slope or steeper than three (3) horizontal to one (1) vertical and a written statement to that effect by a registered professional engineer, licensed by the Commonwealth of Pennsylvania and experienced in geological sciences and erosion control, is submitted to the administrator and approved by him. The statement shall state that the site has been approved, inspected and that the deviation from the slope specified above will not result in increased risk or injury to persons or damage to adjacent property or receiving streams from erosion and sedimentation.
 - (2) A retaining wall or other approved structure to support the face of the excavation is designed by a registered professional engineer and approved by the administrator.
- B. The administrator may require an excavation to be made with a cut face less or flatter in slope than three (3) horizontal to one (1) vertical if he finds the material in which the excavation is to be made is unusually subject to erosion or if other conditions exist which, under applicable engineering practice, make such flatter cut slope necessary for stability and safety.
- C. Excavations adjacent to any footing, foundation or structure shall not extend below the angle of repose or natural slope of the soil under the nearest point of the same unless such footing, foundation or structure is first properly underpinned or protected against settlement.
- D. Before commencing an excavation which will in any way affect all adjoining property or structures thereon, the person making or causing the excavation to be made shall notify the owners of adjoining property or buildings, in writing, not less than thirty (30) days before such excavation is to be made and shall furnish the administrator proof of said notification. Adjoining properties and structures shall be protected as provided in the Township of Marshall Building Code as is then on file in the office of the Township and/or as required by the administrator.

§ 88-14. Standards for fills.

- A. No fill shall be made which creates any exposed surface steeper in slope than three (3) horizontal to one (1) vertical, except under one (1) or more of the following conditions:
- (1) A written statement from a registered professional engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control and geological sciences, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not result in increased risk of injury to persons or damage to adjacent property, streets, alleys, structures or receiving streams from erosion and sedimentation, is submitted to and approved by the administrator.
 - (2) The administrator may require that the fill be constructed with an exposed slope less than or flatter than three (3) horizontal to one (1) vertical if he finds that under the particular conditions such flatter slope is necessary for stability and safety.

- B. 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, said time limit to be determined by the administrator and to be 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, other than clean soil or earth, within the fill.
- C. When the fill is other than clean soil or earth, the administrator may require clean soil or earth to be placed over the top and exposed surfaces of the fill to a depth sufficient to conceal all materials at the end or each day's operations.
- (1) No fill of any kind shall be placed over trees, stumps or other material which would create a nuisance or be susceptible to attracting rodents, termites or other pests.
 - (2) No grading permit shall be issued for the filling with materials other than clean soil or earth until a performance bond in the amount of at least ten percent (10%) more than the administrator's estimated cost [i, e., one hundred ten percent (110 %)] of adequately covering such fill with clean soil or earth and providing erosion and sedimentation control and drainage has. been furnished to the Township. Such bond shall be in conformance with that as set forth in §88-8.

§ 88-15. Standards for minimizing erosion and sediment.

In order to prevent erosion, the permittee shall be required to provide adequate surface treatment by installing ground cover of such kind and character as may be approved by the administrator. Guidelines for minimizing erosion and sediment in the Soil Erosion and Sediment Control Handbook for Allegheny County, Pennsylvania, should be followed. One (i) or a combination of guidelines should be used to minimize a hazard, depending on site conditions and proposed grading. However, the administrator may approve grading plans not-meeting guidelines of the Handbook if the proposed grading will not constitute a hazard. Governmental and/or engineering reports should be used as evidence that the proposed grading will not constitute a hazard.

§ 88-16. Standards for compaction of fills and benching.

All fills shall be compacted to provide stability of material and to prevent undesirable settlement. The fill shall be spread in a series of layers, each not exceeding six (6) inches in thickness, and shall be compacted by a sheepsfoot roller or other approved method after each layer is spread. The administrator may require tests or other information if, in his opinion, the conditions or materials are such that additional information is necessary. Where fills are placed on slopes of fifteen percent (15%) or more, benching of the surface shall be required and indicated on the cross sections. Fills that exceed a height of eight (8) feet shall be provided at the toe of the slope with a key bench at least two (2) feet deep and four (4) feet wide across the entire length of the toe.

§ 88-16.1. Blasting. [Amended 7-14-2008 by Ord. No. 391]

Blasting operations using explosives may be permitted in conjunction with any grading or excavating activity, including, but not limited to, earthmoving or trenching operations. Such grading or excavating activities may be permitted by the Marshall Township Board of Supervisors provided that the person or entity applies for a grading permit and the grading permit application clearly demonstrates that all standards and conditions set forth in Section 88-16.2 of the Marshall Township Code of Ordinances, Grading and Excavating have been met.

§ 88-16.2. Blasting Standards and Conditions. [Added 7-14-2008 by Ord. No. 391]

All blasting operations using explosives in conjunction with any grading or excavating activity must meet all of the following conditions:

- (1) All blasting must be conducted in accordance with the Title 25, Pennsylvania Code, Chapter 211, STORAGE, HANDLING AND USE OF EXPLOSIVES.
- (2) All blasters must be licensed by the Commonwealth of Pennsylvania's Department of Environmental Protection prior to any blasting activity within Marshall Township.
- (3) All applicants must secure and provide to Marshall Township a copy of any and all approved Blasting Activity Permit(s) from the Commonwealth of Pennsylvania's Department of Environmental Protection Bureau of Mining and Reclamation prior to any blasting activity with Marshall Township.
- (4) All applicants must provide a Certificate of Insurance evidencing coverage at five million dollars per occurrence with Marshall Township named as an additional insured.
- (5) All applicants must provide notification by certified mail, return receipt requested, to all homeowners with properties within 1000 feet of the blast site at least of 30 days in advance of the blasting activity. The notification shall provide general information about the blasting operation, the operation's blasting schedule, and a statement regarding the duration of the operation. Proof of mailing and all receipts returned must be submitted to the Township for all properties prior to any blasting activities.
- (6) All applicants must provide a pre-blast survey for all residential and commercial structures within 300 feet of the blast site. Such survey shall not be performed by the blasting company. The surveyor shall document both interior and exterior conditions. The surveyor shall record the condition of the structure before blasting and any physical features the blasting could affect. The surveyor shall also record the quality and quantity of private water supplies.
- (7) The blasting company must retain a third party person or entity to conduct seismographic recordings which shall be made at the nearest three (3) residential and the nearest three (3) commercial structures from the blasting site. An analysis of the seismic data shall be submitted to the Township within three (3) days from the conclusion of the blasting activity.
- (8) A detailed blasting report shall be submitted to Marshall Township within three (3) days from the conclusion of the blasting activity.

- (9) Blasts shall be designed and conducted to achieve either a minimum scaled distance of 90 feet or meet the maximum allowable peak particle velocity indicated by Figure 1 of the Title 25, Pennsylvania Code, Chapter 211.151(c) and not to exceed the noise levels specified in Table 1 of PA Code Chapter 211.151(d) at the closet building not owned or leased by the blasting company or its customer.

§ 88-17. Drainage. [Amended 8-3-1988 by Ord. No. 206]

The permittee shall comply with the provisions for erosion control and stormwater management in Chapter 174, Subdivision and Land Development. In addition, provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or sloping surface of a fill, and the administrator shall require drainage structures or pipes to be constructed or installed which are necessary to prevent erosion and to satisfactorily carry off surface waters. Culverts and bridges of proper size shall be installed when a watercourse is to be crossed in accord with state rules, regulations and laws.

§ 88-18. Maintenance.

The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, fences, ground cover and other protective devices as established by permit, and further, the continued use of said area shall be contingent upon the maintenance and upkeep satisfactory to the Township. The certificate of completion therefore may, at any time, be revoked by the Board of Supervisors, in accordance with the procedures set forth in § 88-20 B and C, if the conditions of the permit are not being observed or if conditions exist that prejudice the health, safety and welfare of any person, persons or property.

§ 88-19. General requirements.

- A. The top or bottom edge of excavations and fills shall be at least three (3) feet from property lines or right-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property. The top or bottom edge of excavation and fills shall be at least twenty-five (25) feet from the nearest bank of any stream or body of water. A temporary fence not less than four (4) feet in height and approved by the administrator shall be placed at the top of all cuts or fills and slopes in excess of one and one-half (1/2) horizontal to one (1) vertical, prior to excavation. Upon completion of grading, a permanent fence not less than four (4) feet in height and meeting Township fence requirements shall be placed at the top of all such cuts or fills and slopes. Before a grading permit is issued, a bond shall be required as provided in § 88-8 hereof to guarantee the protection of steep slopes.
- B. The owner of a property shall be responsible to protect and clean up affected properties or silt or debris washing from his property as a result of the regrading of his property. The duties imposed under this subsection shall be in addition to those duties owed to other property owners, by law.
- C. 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 suburban development shall be preserved.
- D. All grading, excavations or fill shall be performed so that no unnecessary dust shall be raised. The administrator may enforce reasonable dust control regulations and may revoke any permit issued under this chapter until proper dust control regulations are met.

- E. All work shall be inspected by the grading administrator or his designate for compliance. All applicants shall comply with any other applicable ordinance, including but not limited to the Chapter 208, Zoning and Chapter 174, Subdivision and Land Development. [Added 3-3-1993 by Ord. No. 242]

§ 88-20. Grading certificate of completion.

- A. If, upon final inspection of an excavation or fill, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this chapter, a grading certificate of completion covering such work and stating that the work is approved shall be issued to the permit holder by the administrator.
- B. The Board of Supervisors shall have the power to revoke any grading certificate of completion upon the recommendation of the administrator that the work covered by the permit or any retaining walls, cribbing, drainage structures, fences or other protective devices shown on the approved plans and specifications submitted for a permit have not been maintained in good order and repair.
- C. Before such revocation, the administrator shall first give written notice to the permit holder and to the owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied, the certificate shall be revoked. Such conditions shall be corrected within thirty (30) days of notice to the owner to correct the same.

§ 88-21. 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 administrator on any person, such violation shall be discontinued immediately.
- C. Any person, firm, partnership or corporation violating any of the provisions of this chapter shall be liable, on conviction thereof before a District Justice or other proper judicial officer, to a fine not exceeding one thousand dollars (\$1,000.), plus costs of prosecution and, in default of payment of such fine and costs, to a period of imprisonment not exceeding thirty (30) days for each and every offense; and whenever such person, firm, partnership or corporation shall have been notified by the administrator by service of summons in a prosecution or in any other way that he is committing such violation of this chapter, each day that he shall continue 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 collected³

³ Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.

§ 88-22. 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 Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful work and to restrain or abate such violation.