

**WEISENBERG TOWNSHIP
EROSION AND SEDIMENTATION CONTROL PLAN**

ORDINANCE NO. 11-5

**AN ORDINANCE OF WEISENBERG TOWNSHIP, LEHIGH COUNTY,
PENNSYLVANIA ESTABLISHING REGULATIONS FOR EARTH MOVING
ACTIVITIES AND REQUIRING THE FILING OF AN EROSION AND
SEDIMENTATION CONTROL PLAN FOR EARTH DISTURBANCE ACTIVITY
ON A LOT OR TRACT OF LAND GREATER THAN 5,000 SQUARE FEET BUT
LESS THAN ONE (1) ACRE LOCATED IN THE TOWNSHIP**

WHEREAS, regulations of the Department of Environmental Protection (DEP) require persons proposing or conducting Earth Disturbance Activities to develop, implement and maintain Better Management Practices (BMPs) to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater; and

WHEREAS, the regulations require permits from DEP for Earth Disturbance Activities that involve equal to or greater than one acre of Earth Disturbing Activity; and

WHEREAS, the Township intends to regulate Earth Disturbance Activities on any lot or tract of land greater than 5,000 square feet but less than one (1) acre located in the Township and require the submission of an Erosion and Sedimentation Control Plan.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, in lawful fashion duly assembled, as follows:

SECTION 1. Title. This Ordinance shall be known and may be cited as the Weisenberg Township Erosion and Sedimentation Control Ordinance.

SECTION 2. Purpose.

A. To require persons conducting Earth Disturbance Activities on any lot or tract of land greater than 5,000 square feet but less than one (1) acre located in the Township to submit a Plan to the Township and to develop, implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater.

B. The BMPs shall be undertaken to protect, maintain, reclaim and restore water quality and the existing and designated uses of water within the Township.

SECTION 3. Definitions.

Earth Disturbance Activity. A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and

grubbing, grading, excavations, embankments, land development, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Erosion and Sedimentation Control Plan. A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation.

SECTION 4. Submission Requirements

A. Any landowner proposing Earth Disturbance Activity of one (1) acre or greater or a point source discharge shall submit an Erosion and Sedimentation Control Plan to the Lehigh County Conservation District for their review and approval.

B. Any landowner proposing an Earth Disturbance Activity on any lot or tract of land greater than 5,000 square feet but less than one (1) acre shall submit an Erosion and Sedimentation Control Plan to the Township for review by the Township Engineer prior to commencing such activity.

C. The landowner at the time of any Earth Disturbance Activity and the person(s)/company accomplishing the work shall be responsible for preparing an Erosion and Sedimentation Control Plan to ensure that adequate erosion control measures are used.

SECTION 5. Regulations for Control of Erosion and Sedimentation

A. Ground Cover and Top Soil.

1. Any Earth Disturbance Activity must be controlled by proper measures to prevent soil erosion and sedimentation and must comply with DEP and Lehigh County Conservation District regulations.

2. After completion of construction on a lot, all exposed ground surfaces that are not paved and that are not covered by approved gravel areas or decorative stones or similar material shall be covered by a minimum of 4 inches topsoil and an attractive non-poisonous vegetative ground cover that will prevent soil erosion and the raising of dust.

3. The ground adjacent to a building shall be graded so that surface water will be drained away from such building. No grading shall be completed in such a way that soils, rocks or other debris are left in a fashion that interferes with drainage, streets or utilities work.

4. Steep Slope.

If an area of a lot including slopes of 15 percent or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall include a steep slope site plan to the Erosion and Sedimentation Control Plan. A steep slope plot plan is not required for a lot.

- A. A steep slope site plan shall meet the following requirements:
1. show detailed slope contours for all areas that potentially may be disturbed and/or constructed upon,
 2. identify all areas of 15 percent to 25 percent and greater than 25 percent slope,
 3. be to scale (such as 1 inch = 50 feet),
 4. show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,
 5. be stamped by a professional surveyor, professional engineer, registered landscape architect or registered architect,
 6. show proposed locations of principal buildings, streets, driveways, on-lot septic fields, required alternate septic field locations and other areas of proposed soil disturbance,
 7. set forth on the plan the maximum slope of the property on which earth disturbing activities will occur,
 8. show an area of 25 feet around the proposed principal building locations.

SECTION 6. Administration.

- A. The Erosion and Sedimentation Control Plan shall be filed with the Township Administrator.
- B. The Township Engineer shall approve or disapprove the plan.
- C. No Certificate of Occupancy shall be issued until all review and inspection fees are paid and the site is stabilized to the satisfaction of the Township Engineer and in conformance with this Ordinance.
- D. The Board of Supervisors shall establish by Resolution the fees for filing and reviewing the Plan.

SECTION 7. Ordinance Stop Work Order.

A. Whenever the Administrator finds any work regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or dangerous or unsafe, the Administrator is authorized to issue a stop work order on any construction on the property.

B. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

C. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in this Ordinance or any other applicable penalties as prescribed by law.

SECTION 8. Exemptions.

Erosion and Sedimentation Control Plan will not be required to be submitted to the Township for review for any or all of the following reasons:

A. The activity is subject to a DEP permit under its rules and regulations set forth at 25 Pa. Code 102.1, et seq.

B. The Earth Disturbance Activity is approved by or is subject to approval by the Lehigh County Conservation District.

C. An Erosion and Sedimentation Control Plan for the lot or tract of land has previously been approved by the Township and/or the Lehigh County Conservation District as part of a subdivision or land development application.

SECTION 9. Penalties

Any person who violates this Ordinance shall, upon conviction there for before any Magisterial District Justice, in a summary proceeding, be sentenced to pay a fine or penalty, which shall not be less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each offense, plus costs. If the defendant in any such action fails to pay any fine or penalties that are imposed, the defendant may be sentenced to county jail for a period not to exceed thirty (30) days.

SECTION 10. General Repealer

All ordinances or parts of ordinances, and all resolutions or parts of resolutions, inconsistent herewith shall be and are herewith repealed.

SECTION 11. Severability

The provisions of this Ordinance are severable. If any provision, sentence, clause, phrase, section or part thereof shall for any reason be found unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts thereof, but the same shall remain in effect. It is hereby declared to be the intent of the Township of Weisenberg that this Ordinance shall stand notwithstanding the invalidity of any part included herein.

SECTION 12. Effective Date

The provisions of this Ordinance shall become effective on the fifth (5th) day following enactment.

DULY ENACTED AND ORDAINED on this 8th day of August, 2011, by the Township of Weisenberg in lawful session duly assembled.

ATTEST:

Donald P. Breiningen
Secretary

TOWNSHIP OF WEISENBERG

Robert G. Milot
Robert G. Milot, Chairman

Linda Gorgas
Linda Gorgas, Vice-Chairperson

Thomas N. Wehr
Thomas N. Wehr, Member, Board of Supervisors

I hereby certify that this is a true and correct copy of an Ordinance adopted by the Supervisors of Weisenberg Township on August 8, 2011

Donald Breiningen
Donald Breiningen