

WEISENBERG TOWNSHIP
Erosion and Sedimentation Control Plan

Ordinance No. 2021 - 3

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

WHEREAS, the Chapter 102 regulations of the Department of Environmental Protection (DEP) requires persons proposing or conducting any Earth Disturbance Activities, regardless of size, to develop, implement and maintain Best Management Practices (BMP's) to minimize the potential for accelerated erosion and sedimentation and to manage post-construction storm water; and

WHEREAS, the Chapter 102 regulations require a National Pollutant Discharge Elimination System (NPDES) Permit from DEP, as issued by the Lehigh County Conservation District (LCCD), and an Erosion and Sedimentation Control Plan approval from the LCCD for Earth Disturbance Activities that involve equal to or greater than one acre of Earth Disturbing Activity; and

WHEREAS, the Township regulates Earth Disturbance Activities equal to or greater than 5,000 square feet but less than one (1) acre on any lot or tract of land located in the Township; and requires the submission of an Erosion and Sedimentation ("E&S") Plan, in accordance with Chapter 102, pursuant to Ordinance No. 11-5, duly adopted August 8, 2011; and

WHEREAS, the Township desires to amend and restate the provisions of Ordinance No. 11-5 in order to modify the regulations and procedure for developing, submitting and enforcing E&S controls on projects within Weisenberg Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDANINED 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 provide compliance with the PADEP Chapter 102 regulations and require any Earth Disturbance Activities on any lot or tract of land located in the Township to develop, implement, and maintain BMP's to minimize the potential for accelerated erosion and sedimentation.

B. To require any lot owner, person(s), or company conducting Earth Disturbance Activities equal to or greater than 5,000 square feet but less than one (1) acre on any lot or tract of land located in the Township to submit an E&S Plan to the Township depicting and detailing the BMP's proposed to minimize the potential for accelerated erosion and sedimentation and to manage post-construction storm water.

C. To require BMP's be designed 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 (or E&S Plan). A site-specific plan identifying BMP's to minimize accelerated erosion and sedimentation.

SECTION 4. Requirements

A. At the time of any Earth Disturbance Activity. the landowner, person(s), or company accomplishing the Earth Disturbance Activity shall be responsible to implement BMPs to minimize the potential for accelerated erosion and sedimentation.

B. Any landowner, person(s), or company proposing an Earth Disturbance Activity of 5,000 square feet or greater but less than one (1) acre shall submit an E&S Plan to the Township for review by the Township Engineer prior to commencing such activity.

C. Any landowner, person(s), or company proposing an Earth Disturbance Activity of one (1) acre or greater, or a point source discharge, shall submit an E&S Plan to the LCCD for their review and approval in accordance with PADEP Chapter 102.

SECTION 5. Regulations for Control of Erosion and Sedimentation

A. Any Earth Disturbance Activity must be controlled by proper measures to prevent soil erosion and sedimentation and must comply with PADEP and LCCD Regulations.

B. E&S Plans prepared for review by the Township must be prepared by a competent person familiar with the preparation of E&S plans.

C. Details of proposed BMP's shall conform to standard details contained within the latest edition of the Erosion and Sediment Pollution Control Program Manual.

D. 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 of topsoil and an attractive non-poisonous vegetative ground cover that will prevent soil erosion and the raising of dust.

E. The ground adjacent to the building shall be graded so that surface water will be drained away from such building.

F. Approved plans must comply with the Checklist for Preparation of Erosion and Sedimentation Control Plans.

SECTION 6. Administration.

A. The Erosion and Sedimentation Control Plan shall be filed at the Township administrative office.

B. The Township Engineer shall review the E&S Plan and stamp the plan as "REVIEWED", "REVIEWED AS NOTED", "REVISE AND RESUBMIT", or "REJECTED".

C. No Certificate of Occupancy shall be issued until all review and inspections fees are paid and the site is stabilized to the satisfaction of the Township and in conformance with this Ordinance.

D. Compliance inspections will be performed by Township staff, or other person(s) designated by the Township.

E. The Board of Supervisors shall establish by Resolution the fees for filing and reviewing the Plan, and performing the compliance inspections.

SECTION 7. Ordinance Stop Work Order.

A. Whenever the Township 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 Township 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 the owner's agent, or 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.

An 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 as 25 Pa. 102.1, et seq.

B. The Earth Disturbance Activity is approved by or is subject to approval by the Lehigh County Conservation District as part of a single lot or land development, excluding multiple building lots included under a single LCCD permit.

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 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 including 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 12 day of April, 2021, by the Township of Weisenberg in lawful session duly assembled.

WEISENBERG TOWNSHIP


Linda Gorgas, Chairperson

Attest:


Anthony C. Werley, Vice-Chairman


Brian C. Carl, Secretary


Richard A. Bleiler, Member

It is hereby certified that this Ordinance set forth above was duly adopted at a meeting of the Board of Supervisors on 4/12/2021 2021.


Brian C. Carl, Secretary

Address of proposed E&S Plan: _____

Date: _____

CHECKLIST FOR PREPERATION
OF EROSION AND SEDIMENT CONTROL PLANS

A. THE FOLLOWING ITEMS MUST BE PROVIDED TO COMPLETE REVIEW

Included

- _____ 1. Three (3) paper copies and an electronic copy (PDF format)
- _____ 2. Drawing Title
- _____ 3. Date of Drawing and Any Revision Dates
- _____ 4. Name of Municipality and Any Municipalities Within 200' of the Lot
- _____ 5. North Arrow
- _____ 6. Graphic and Written Scale at a Standard Engineer Scale (1" = 60' max.)
- _____ 7. Address of Lot Where Earth Disturbance Proposed
- _____ 8. Name and Address of Lot Owner
- _____ 7. Address, Signature and Seal of Design Professional
- _____ 8. Property Lines with Bearings and Distances
- _____ 9. Location of Proposed Erosion and Sedimentation BMPs
- _____ 10. Delineation of Proposed Limit of Disturbance Encompassing All Proposed Earth Disturbance Activities
- _____ 11. Existing and Proposed Topography Including Contour Data (2' Intervals Max.), Including Streams, Wetlands and Flood Plain Areas
- _____ 12. All Proposed Construction (including drywells, driveways, on-lot sewage disposal, well, sheds, patios, pools, garages, pole barns, utilities including any associated easements, stormwater management features, etc.)
- _____ 13. Design Data for All Stormwater Management BMPs, Structures, and Pipes
- _____ 14. Identification of Areas Within the Lot Where the Existing Ground Slope is Between 15% and 25%.
- _____ 14. Identification of Areas Within the Lot Where the Existing Ground Slope is Greater Than or Equal to 25%.

CHECKLIST FOR PREPERATION OF EROSION AND SEDIMENT CONTROL PLANS

B. THE FOLLOWING ITEMS MUST BE PROVIDED ON AN APPROVED PLAN

Included

- _____ 1. Area of Proposed Earth Disturbance
- _____ 2. Streets Along Frontage, Identified By Name
- _____ 3. Building Restriction or Setback Lines
- _____ 4. Building(s) Footprint with First Floor Elevation and Window Well Locations
- _____ 5. Details of All Proposed Erosion and Sedimentation Control BMPs. All Standard Details Must Be Consistent with PADEP E&S Manual, Current Edition
- _____ 6. Local or On-Site Vertical Benchmark
- _____ 7. Note on Drawing Requiring All Non-Paved Areas to Receive a Minimum of 4 Inches of Topsoil and Seeded with a Non-Poisonous Seed Mixture
- _____ 8. Design Showing All Downspouts Connected to the Proposed Drywell, or a Note Requiring All Downspouts Be Connected to the Proposed Drywell.
- _____ 7. Design Data for Proposed E&S Controls, As Applicable
- _____ 8. Sequence of Construction
- _____ 9. Erosion and Sediment Control Plan Notes Standard Notes, Consistent with the Lehigh County Conservation District Notes