

April 1, 2002

ORDINANCE NO. 2002-200

West Pikeland Township Soil Erosion, Sedimentation and Grading Control Ordinance

AN ORDINANCE OF WEST PIKELAND TOWNSHIP ESTABLISHING SOIL EROSION, SEDIMENTATION AND GRADING CONTROLS IMPLEMENTING TITLE 25, RULES AND REGULATIONS, PART 1, COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBPART C, PROTECTION OF NATURAL RESOURCES, ARTICLE 11, WATER RESOURCES, CHAPTER 102, EROSION CONTROL AND TO REQUIRE COMPLIANCE WITH SAID STANDARDS. EFFECTIVE FIVE DAYS FROM ENACTMENT.

The Board of Supervisors of West Pikeland Township ordains the following:

1. PURPOSE:

The purpose of this Ordinance is to regulate the modification of the natural terrain and the alteration of drainage by providing for runoff, erosion and sediment control measures and maintenance of artificial structures within West Pikeland Township to assure, protect and safeguard health, safety, terrain, ecology and general welfare in the Township. The Ordinance sets forth requirements for the contents and submission of soil erosion and sediment control plans and the review and approval thereof by the Township providing for performance bonds with respect to and inspection and maintenance of soil erosion and sediment control measures and imposing fines and penalties for violations. It implements Title 25, Rules and Regulations, Part 1, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article 11, Water Resources, Chapter 102, Erosion Control, as the same may from time to time be supplemented and amended.

2. TITLE:

This Ordinance shall be known and cited as the "West Pikeland Township Soil Erosion Control Ordinance."

3. DEFINITIONS:

BEDROCK - The solid, undisturbed rock in place either at the ground surface or beneath surface soil deposits.

BORROW PIT - An open pit from which soil is excavated as a single incident for use at a single construction site.

CUT - The removal of soil or rock from its natural or predevelopment location.

DESIGN STORM - A storm with a return frequency specified by this Ordinance.

DEVELOPMENT - Any subdivision or land development or any alteration of land not for agricultural or conservation purposes which includes earthmoving, filling or stripping, including but not limited to road construction, utility installation, public or private, residential, commercial or industrial facility construction, mining and quarrying and water resource management.

EARTH MOVING - Any activity by which soil or bedrock is cut into, quarried, displaced or relocated.

EROSION - The process by which soil and bedrock are worn away by the action of wind, water, climate and other natural elements.

EXISTING GRADE - The vertical elevation of the ground surface prior to earthmoving or filling.

FILL - A deposit of soil or other materials placed by man.

FINISHED GRADE - The final vertical elevation of the ground after development.

GRADING PERMIT - The permit required to be issued prior to the disturbance of the topography and vegetation of land in connection with the conduct of activities regulated by this Ordinance.

NATURAL GROUND SURFACE - The ground surface in its original state before any earthmoving, filling, or stripping.

OPEN PIT MINING - The continuing or recurring removal of material from below the ground surface by open excavation.

PERMIT - A grading permit.

PERSON - Any individual, corporation, partnership, joint venture, unincorporated association, municipal corporation or agency within the Commonwealth of Pennsylvania or any combination thereof.

SEDIMENT - Earth and rock in suspension in water or settled out of water as a deposit on land or on beds of bodies of water.

SEDIMENTATION - The process by which sediment is deposited.

SITE - Any lot or parcel of land or combination of contiguous lots or parcels of land under single and separate ownership where earthmoving, filling or stripping is, was or will be performed.

SOIL - All earth material or whatever origin that overlies bedrock.

SOIL EROSION AND SEDIMENT CONTROL PLAN - A plan of a system of coordinated devices to prevent the dislocation in transportation of the soil during periods of earthmoving, development or stripping.

STABILIZATION - The proper placing, grading and covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement. For purposes of this Ordinance, disturbed soil areas may be considered stabilized on either a permanent (vegetated) basis or temporary (non-vegetative) basis, as follows:

- A. **TEMPORARY STABILIZATION** - Where stabilization by vegetative cover has not occurred (owing to either the season or the passage of insufficient time for vegetation to have produced permanent stabilization), the term "temporary stabilization" shall include the installation of berms or other devices to control the discharge of sediments and, where feasible, the installation of commercially produced erosion control mulch blanket defined and installed in accordance with the latest edition of PennD.O.T. Specification 408 (to be used at a minimum on all cut and fill slopes extending to five feet beyond the top and toe of slope and in all drainage channels), and mulch and mulch binders applied in accordance with the latest edition of PennD.O.T. Specification 408.

- B. **PERMANENT STABILIZATION** - Permanent stabilization shall have occurred when all permanent stormwater control facilities/measures (as applicable) have been completed and are operational, temporary control facilities/measures have been removed and uniform erosion-resistant perennial vegetation is established to the point where the surface soil is capable of resisting erosion during runoff events, which for purposes of this Ordinance, shall constitute vegetative cover of a uniform coverage or density of 85% across the disturbed area.

STORMWATER MANAGEMENT PLAN - A plan for controlling water runoff so that it will not cause erosion, flooding or concentrations of water runoff and for minimizing the effects on water runoff of creating less pervious areas either during the grading process or as the result of any permanent change to the character of the natural surface of the ground.

STRIPPING - The removal of the natural ground surface, including vegetation and/or topsoil.

TOPOGRAPHY - The physical features of a site, place or region.

TOWNSHIP - The Township of West Pikeland.

VEGETATION - The plants located on a site or in an area or region.

WATERCOURSE - Any natural or artificial swale, stream, channel, drain or culvert in which water flows continuously or intermittently.

ZONING OFFICER - A Township Officer, appointed by the Board of Supervisors, whose duty it shall be to process soil erosion and sedimentation control plans in accordance with the terms of this Ordinance.

4. ACTIVITIES REQUIRING PERMIT:

The regulations established in this section shall apply to any person engaged in activities which disturbs the topography and vegetation of land.

- A. It is unlawful for any person to do any site work in conjunction with development, including but not limited to stripping, grading, earthmoving, filling and establishment of open pit mines or borrow pits for any purpose, without first securing the applicable grading permit.
- B. It is unlawful for any person to pave, fill, strip or change the existing grade of any land without first securing the applicable grading permit.
- C. It is unlawful for any person to disturb, modify, block, divert, or affect the natural overland or subsurface flow of stormwater without first securing the applicable grading permit.
- D. It is unlawful for any person to construct, erect or install any dam, ditch, culvert, drainpipe, bridge or other structure or obstruction affecting the drainage of any premises without first securing the applicable grading permit.

5. ACTIVITIES NOT REQUIRING PERMIT:

No permit shall be required in the following instances:

- A. Any activity for which a grading permit or equivalent must be obtained from any agency of the Commonwealth of Pennsylvania.
- B. Normal agricultural and forestry operations.

- a. Accepted agricultural land management practices such as plowing, irrigation and drainage; nursery operation such as removal of cultivated sod, shrubs, and trees for transplant; and logging operations leaving the stump, ground cover and root mat intact.
- C. Any developed residential lot where the following conditions are met:
 - a. The aggregate area to be stripped does not exceed 5,000 square feet.
 - b. The grade change does not exceed six inches.
 - c. All bare earth is promptly seeded, sodded or otherwise effectively protected from erosion.
 - d. The earthmoving does not involve a quantity of material in excess of 100 cubic yards.
- D. Earthmoving incident to construction of individual wells and sewage disposal systems less than 5,000 square feet in extent.
- E. Permits issued pursuant to this Ordinance do not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other applicable code, rules, act, or Ordinance. This Ordinance shall not preclude the inclusion in such other permit of more stringent requirements concerning regulation of runoff and erosion.

6. PERMIT APPLICATION PROCEDURE:

Any person proposing to engage in any activity requiring a permit shall apply for the permit by written application on a form prescribed by the Township Zoning Officer and available from the Township. The application must be signed by the owner of the property or his authorized representative. No permit shall be transferable without the written consent of the Zoning Officer. Plans and specifications shall be submitted with each application.

A. Plans and Design Specifications:

The permit application shall be accompanied by Soil and Erosion Control and Grading Plan and Specifications in quadruplicate (4), which shall contain the following:

- a. Date, name, address and telephone number of the preparer(s) of plans and each portion thereof, and of the owner of site.
- b. Existing topography and proposed finished grade (including that for restoration of borrow pits and open-pit mines) and site work, with surveyed contours at one or two foot intervals, drawn at a scale of not less than one inch equal 50 feet, of the entire site plus a minimum twenty (20) foot adjacent peripheral strip; or as might otherwise clearly reflect existing conditions and proposed earthmoving and other work, provided that such other interval and scale has the approval of the Township Zoning Officer in advance of plan preparation.
- c. All floodplains, wetlands, soil types, and steep slopes as defined by the Zoning Ordinance shall be shown on the plan.
- d. Certification from the preparer(s) of the plan attesting to the completeness and correctness of existing conditions as shown, and to the compliance of

all proposed earthmoving and other work with all of the requirements of this Ordinance, except for specific waivers or modifications as listed.

- e. A clear and definite delineation of the limits of work and the areas to remain undisturbed, along with a statement of the areas, in square feet, of the total site and of the areas to remain undisturbed which currently have an effective runoff and erosion resistant ground cover or surface.
- f. A clear and definite delineation, with dimensions and locations for all proposed fill.
- g. Established, or in the case of new subdivisions, approved tentative street grades (elevations).
- h. Size, location, and construction details of all proposed surface structures, storm drainage facilities, and other site work.
- i. Drainage area map and computations covering the entire area tributary to the site. Calculations of existing rate of runoff and the increased rate of runoff shall be made utilizing by the United States Soil Conservation Service Soil Cover Complex Method for large watersheds and the Universal Rational Method for watersheds ten (10) acres and less. Existing conditions shall be assumed to be good meadow or woods.
- j. Storage requirements for stormwater and sediment during construction and post-construction shall be designed for the 100, 50, 25, 10, 5 and 2-year storms over a twenty-four hour period. During construction and postconstruction, the rate of runoff leaving the site cannot exceed the preconstruction 2-year storm flow rate up to the 10-year during construction and post-construction flow rate.
- k. Procedures for protecting soils or geologic structures with water supply potential from contamination by surface water or other disruption by construction activity shall be established in consultation with the Township.
- l. If load-bearing fill is proposed, a soils investigation report prepared by a qualified registered professional engineer shall be submitted which shall consist of test borings, laboratory testing and engineering analysis to correlate surface and subsurface conditions with the proposed grading plan. The report shall include data regarding the nature, distribution and supporting ability of existing soils and rocks on the site, conclusions and recommendations to ensure stable soil conditions and groundwater control, as applicable. The Township may require such supplemental reports and data as is deemed necessary by the Township Engineer.
- m. If requested by the Township, the applicant shall agree to granting and recording of easements for drainage facilities and for easements for the maintenance of swales and for access easements to provide for the maintenance of water management facilities.
- n. Before granting occupancy permits for buildings, building lots shall be finished graded and disturbed areas shall be stabilized so that drainage will not be concentrated onto adjacent lots. If it is not possible, due to the season of the year, to establish permanent vegetative cover, and if because of lack of ground cover, exposed areas result in excess runoff or silt discharges onto adjoining properties or the street, the Township shall require the lot to be stabilized temporarily, including the immediate installation and maintenance of extra mulching, commercially produced erosion control

mulch blankets, silt barriers and/or the construction and maintenance of temporary sedimentation basins until permanent vegetation is established.

- o. A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence, including stripping, rough grading and construction, final grading and vegetative establishment, and maintenance, and the time of exposure, of each area prior to the completion of effective runoff and erosion control measures.
- p. A description, and a clear definite delineation of the interim and permanent runoff and erosion control facilities and measures to be provided. BMP's, Best Management Practices, shall be utilized in the prevention of erosion and sedimentation.
- q. The estimated cost of the earthmoving and/or filling and the cost of the required runoff and erosion controls.

7. REFERRAL OF APPLICATION:

- A. A separate application shall be required for each grading permit. Four (4) copies of the application, plans and specifications shall be submitted. One (1) set of plans and documents shall be submitted to the Chester County Conservation District for review and comment by the applicant.
- B. If required by State and Federal Law and Regulations, the person applying for a permit shall apply to the appropriate governmental agency for an N.P.D.E.S. discharge permit.

8. MODIFICATION OF PLANS:

Major modifications of the approved application and plans shall be submitted to the Zoning Officer and reprocessed in the same manner as the original application and plans. Field modifications of a minor nature may be authorized by the Zoning Officer provided that written authorization is given to the person performing work pursuant to this Ordinance, with a copy forwarded to the Chester County Soil and Water Conservation District.

9. FEES:

- A. The application shall be accompanied by a \$50.00 processing fee. The cost for the review of the plans and the inspections made by the Township shall be at the rate regularly billed to the Township by the Township Engineer and/or Solicitor. The cost of all plan reviews and inspections made by the Zoning Officer shall be set by the Board of Supervisors in the resolution setting the schedule of fees.
- B. The applicant shall be responsible for all fees associated with reviews by the Chester County Conservation District and the Pennsylvania Department of Environmental Protection.

10. GENERAL REGULATIONS:

- A. Notwithstanding any provision of this chapter or any condition of the permit, the permittee is responsible for the prevention of damage to other property or personal injury, as well as sedimentation pollution which may be affected by the activity requiring a permit. [Amended 9-10-1979 by Ord. No. 1979-5].
- B. No person, firm or corporation shall modify, fill, excavate, pave, grade or regrade land in any manner so close to a property line as to endanger or damage any adjoining street, sidewalk, alley or any other public or private property without

supporting and protecting such property from settling, cracking, erosion, sediment or other physical damage or personal injury which might result.

- C. No person, firm or corporation shall deposit or place any debris or any other material whatsoever or cause such to be thrown or placed in any drainage ditch or drainage structure in such a manner as to obstruct free flow.
- D. No person, firm or corporation shall fail to adequately maintain in good operating order, any drainage facility on his or its premises. All drainage ditches, culverts, drain pipes and drainage structures shall be kept open and free-flowing at all times.
- E. The owner of any property on which any work has been done pursuant to a permit granted under this chapter shall continuously maintain and repair all graded surfaces and anti-erosion devices, retaining walls, drainage structures or means and other protective devices, plantings and ground cover, installed or completed.

11. PERMIT ISSUANCE:

Upon the submission of a complete application, which conforms to the provisions of this Ordinance, the Zoning Officer shall issue the necessary permit. In granting any permit, the Zoning Officer may attach such conditions thereto as he may deem reasonably necessary to prevent danger to public or private property or any sewer, storm drain or watercourse, or to prevent the operation from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance. Such conditions may include, but are not limited to, the erection or installation of walls, drains, dams and structures, plantings, and vegetation, runoff and erosion control measures or devices, furnishing necessary easements, and a specified method of performing the work. No permit shall be issued until a runoff and erosion control plan is approved by the Township Engineer and the Chester County Conservation District, if applicable, and the developer certifies that all earthmoving, grading, and filling shall be performed pursuant to the runoff and erosion control plan. The runoff and erosion control plan shall be a condition of the permit. No person shall violate any such conditions so imposed.

12. EXPIRATION AND RENEWAL:

Every permit issued hereunder shall expire at the end of the period of time set out in the permit. The permittee shall fully perform and complete all of the work required to be done within the time limit specified in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, within thirty (30) days prior to expiration of the permit, present in writing to the Zoning Officer, a request for an extension of time, setting forth therein the reasons for the requested extension. If in the discretion of the Zoning Officer, such an extension is warranted, he may grant additional time for the completion of the work. Where the Zoning Officer determines that the extension of time will require a substantial modification of the runoff and erosion control plan, any extension of a permit shall be subject to approval of a revised runoff and erosion control plan by the Township Engineer and processed in the same manner as the original application and plans.

13. REVOCATION OR SUSPENSION:

Any permit issued under this Ordinance may be revoked or suspended by the Zoning Officer after notice for:

- A. Violation of any condition of the permit;

- B. Violation of any provision of this Ordinance or any other applicable law, Ordinance, Rules or Regulations relating to the work; and
- C. Existence of any condition or the doing of any act constituting or creating a nuisance, hazard or endangering human life or the property of others.

Security for Completion:

A. Performance Bond

The Zoning Officer may, before issuing a permit, require cash bond or corporate bond in a form satisfactory to him and approved by the Municipal Attorney, conditioned upon the faithful performance of the runoff and erosion control measures and other conditions specified in the permit within the time specified, or within any extension thereof granted by the Zoning Officer in amount of the total estimated cost of all erosion and sediment control measures and safeguards for adjoining properties. A corporate bond shall be maintained and renewed annually and shall be executed by a surety or guaranty company qualified to transact business in the State. A cash bond shall be deposited with the Township Treasurer, who shall give his receipt therefore, reciting that the cash has been deposited in compliance with and subject to the provisions of this section. The bond shall obligate the principal, his executors, administrators, successors and assigns, jointly and severally with the surety and shall insure to the benefit of West Pikeland Township, its officers, employees, and to any person aggrieved by the principal's failure to comply with the conditions thereof. The principal and the surety shall under the bond continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses or liabilities which may be incurred or expended by the Zoning Officer to meet the minimum requirements of this Ordinance.

1. Default

Whenever the Zoning Officer shall find that a default has occurred in the performance of any term or condition of the permit or bond, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Zoning Officer to be reasonably necessary for the completion of such work.

If a cash bond has been posted, notice of default as provided by the preceding paragraph shall be given to the principal, and if compliance is not had within the time specified, the Zoning Officer shall proceed without delay and without further notice or proceedings whatsoever to use the cash deposited, or any portion of such deposit, to cause the required work to be done by contract or otherwise in the discretion of the Zoning Officer.

In the event of any default in the performance of any term or condition of the permit or the bond, West Pineland Township, the surety, or any person employed or engaged on his behalf shall have the right to go upon the site to complete the required work or make it safe. In the event the Zoning Officer undertakes the work or to make the site safe with the funds from the forfeited cash or corporate bond, such funds shall be used to pay the cost of contracting, including engineering and administration, for restoration of the site to meet the requirements of the permit. If the cost of the work or making it safe exceeds the amount of the cash or corporate bond, the permittee shall continue to be firmly bound under a continuing obligation for payment of all excess costs and expenses incurred by West Pikeland Township. The cost and expenses shall be a lien upon all property and all rights to property,

real or personal, of any person liable to pay the same from and after the time said cost is due and payable. The cost shall be listed on the tax bill and shall be collected in the manner of ordinary taxes.

2. Access

No person shall interfere with or obstruct the ingress or egress to or from any such site or premises by an authorized representative or agency of any surety or of the Zoning Officer engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof.

3. Return of Bond

A corporate bond shall remain in full force and effect, until completion of the work in full force and effect, until completion of the work in accordance with Section 14(C)(2). A cash bond shall be returned to the depositor or to his successors or assigns upon the completion of the work in accordance with Section 14(C)(2), except any portion thereof that may be used.

B. Liability Insurance

If in the opinion of the Zoning Officer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvements, or any other public property, then the Zoning Officer will, before issuing the permit, require that the applicant for a permit file a certificate of insurance showing that he is insured against claims for damages for personal injury and property damage in an amount not less than \$25,000.00, including damage to West Pikeland Township by deposit or washing of material onto Municipal streets or other public improvements, which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor or any person directly or indirectly employed by him, and the amount of such insurance shall be prescribed by the Zoning Officer in accordance with the nature of the risks involved. Such insurance shall be written by a company licensed to do business in the State and approved by the West Pikeland Township. Neither issuance of a permit, nor compliance with the provisions hereto or any condition imposed by the Zoning Officer shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability upon West Pikeland Township for damages to persons or property.

14. INSPECTION:

No work shall proceed until inspected and approved by the Township Engineer, which shall file a report thereon. All work shall be performed in accordance with an inspection and construction control schedule approved by the Township Engineer.

A. Times of Inspection

After commencing initial grading operations, the Township Engineer shall inspect at the following stages in the development of the site, or of each subdivision thereof:

- a. Upon completion of stripping, the stockpiling of topsoil, the construction of temporary runoff and erosion control facilities, disposal of all unsuitable materials, and preparation of the ground.
- b. Upon completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.

- c. During construction of the permanent structures, at such time(s) as specified by the Municipality.
- d. Upon completion of final grading, permanent runoff and erosion control facilities, including established ground covers and plantings, and installation of all vegetative measures and all other work in accordance with the earthmoving permit.

B. Notice

The permittee shall notify the Township Engineer forty-eight (48) hours before any work is done. Upon receiving such notice, the Township Engineer shall inspect the work and notify the permittee of this approval or in what respect there has been a failure to comply with the requirements of this Ordinance. Any portion of the work which does not comply shall be promptly corrected by the permittee. The Township Engineer may make additional inspections as he deems appropriate, and shall have the right to waive inspections, excluding the final inspection as provided in Section 14(C)(2).

C. Completion

1. Certification - The Township Engineer shall maintain a permanent file of his inspections. Upon completion of the work, the permittee, or owner, shall file with the Zoning Officer, a certification that all runoff and erosion control measures have been completed in conformance with the approved plans and specifications, the pen-nit and the provisions of this Ordinance.
2. Final Inspection - Immediately upon completion of the project, the permittee or agent shall notify the Township Engineer which shall make a final inspection and shall prepare a final inspection report.

If upon final inspection of any work, it is found by the Township Engineer that the work subject to inspection has been satisfactorily completed in accordance with the requirements of this Ordinance, the pen-nit, conditions, plans, drawings and specifications, as the case may be, and the required reports have been submitted, a completion certificate covering such work shall be issued to the owner by the Zoning Officer.

15. PROTECTION OF ADJACENT PROPERTY:

No person shall engage in earthmoving sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public property without supporting and protecting such public street, sidewalk, alley or other public property from settling, cracking, or other damage which might result from such earthmoving. If in the opinion of the Zoning Officer, the nature of the earthmoving is such as to create a hazard to life or property unless adequately safeguarded, the applicant shall construct such walls, fences, guardrails or other structures to safeguard the public street, sidewalk, alley, or other public property and persons; using such, as the Zoning Officer may require.

No person shall dump, move or place any soil, bedrock, or other material or divert or increase the flow of water so as to cause the same to be deposited upon or roll, flow or wash upon or over the premises of another without the express consent of the owner of such premises so affected, or upon or over any public street, street improvement, road, sewer, storm drain, watercourse, or right-of-way or any public property.

No person shall, when hauling soil, bedrock, or other materials over any public street, road, alley or public property, allow such materials to blow or spill over and upon such street, road, alley or public property or adjacent private property.

If any soil, bedrock, or other material or water or liquid is caused to be deposited upon or to roll, flow or wash upon any public property or right-of-way in violation of the above paragraphs of this Section, the person responsible shall be notified and shall cause the same to be removed from such public property or way within thirty-six (36) hours. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the material or liquid shall be removed immediately. In the event it is not so removed, the Zoning Officer shall cause such removal and the cost of the removal shall be paid to West Pikeland Township by the person who failed to so remove the material and shall be a debt due West Pikeland Township. The cost of such removal shall be a lien upon all property and all rights to the property, real or personal, of any person liable to pay the same from and after the time said cost is due and payable. The cost of such removal shall be listed on the tax bill and shall be collected in the manner of said taxes.

16. MAINTENANCE OF RUNOFF AND EROSION CONTROL MEASURES:

The permittee or the owner of any property on which work has been done pursuant to a permit granted hereunder, or any other person or agent in control of such property, shall maintain in good condition and promptly repair or restore all grade surfaces, walls, drains, dams and structures, plantings, vegetation, runoff and erosion control measures and other protective devices. Such repair and/or restoration, and maintenance shall be in accordance with the approved plans, specifications and permit as required by this Ordinance until permanent measures are accepted by the Zoning Officer.

17. NOTIFICATION OF NON-COMPLIANCE:

If at any stage the work does not conform to the permit, including conditions thereof, or to the plans and specifications, including modifications thereof, or to the approved runoff and erosion control plan, a written notice shall set forth the nature of corrections required and the time within which corrections shall be made. Upon failure to comply within the time specified, the permittee shall be considered in violation of this Ordinance, in which case the bond, if any, shall be forfeited and penalties imposed upon under Section 9 of this Ordinance.

18. PENALTIES

Any person, partnership or corporation who or which has violated the terms or provisions of this Ordinance shall be guilty of summary offense and upon conviction before a District Justice in a summary proceeding, shall be subject to a fine of not more than one thousand dollars (\$1000) for each violation or imprisonment to the extent allowed by the law for the punishment of summary offenses. Each day the violation continues, shall be a separate offense. All fines and penalties collected for the violation shall be paid over to the Treasury of West Pikeland Township. In addition, thereto, West Pikeland Township may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary orders, temporary or permanent injunctive or mandamus or other appropriate forms or remedy or relief.

19. EXEMPTIONS:

The provisions of Section 13 and the criminal provisions of Section 18 shall not apply to Municipal corporations or agencies.

20. SEVERABILITY:


The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board

that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision has not been included herein.

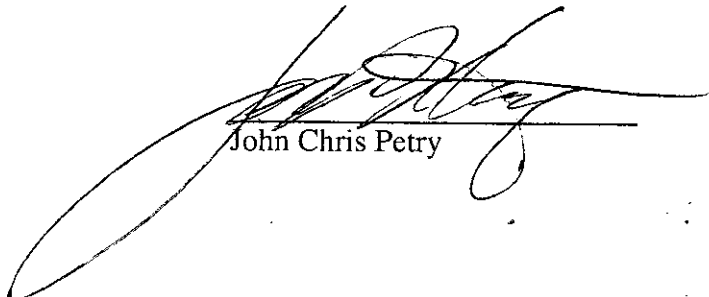
21. This ordinance shall be effective within five (5) days of enactment.

APPROVED and ADOPTED by the Board of Supervisors of West Pikeland Township
this 1st day of April 2002.

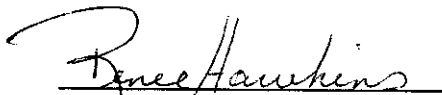
**BOARD OF SUPERVISORS
WEST PIKELAND TOWNSHIP**


Harold Hallman, III, Chairman


Linda S. Glaum, Vice Chairman


John Chris Petry

ATTEST:


Secretary