

June 10, 1974

WEST PIKELAND TOWNSHIP  
RUNOFF AND EROSION CONTROL ORDINANCE

An ordinance to limit the amount and rate of runoff and erosion from areas undergoing development and from developed areas; providing procedures for the issuance of permits to undertake site work as part of any development, stripping, grading, or earthmoving activities; setting forth requirements for the contents and submission of runoff and erosion control plans and the review and approval thereof by the Township and the Soil and Water Conservation District; providing for performance bonds with respect to and inspection and maintenance of runoff and erosion control measures; and imposing fines and penalties for violations.

1. Purpose

The Board of Supervisors of West Pikeland Township ordains as follows:

a. Findings of Fact

(1) Damages resulting from runoff from developing and developed areas.

The stripping of vegetation and topsoil and earthmoving which customarily precede and accompany development cause a substantial increase in the percent of precipitation which runs off across the surface of the earth. The coverage of ground with impervious surfaces and the installation of storm sewerage systems increase permanently the percent of precipitation which runs off an area following development. This increased runoff during and following development causes damages resulting from more frequent flooding, decreased storage of ground water, more frequent droughts, and increased erosion, all of which adversely affect the public health, safety, and general welfare.

(2) Damages resulting from erosion from developing areas.

The stripping of vegetation and topsoil and the earthmoving which customarily precede and accompany development cause a substantial increase in the amount of soil and rock which erode from the earth and are washed away overland by runoff. This eroded soil and rock cause damages resulting from scouring and cutting earth surface and waterway banks and from deposition on the ground and on the bottom of waterways, all of which adversely affect the public health, safety, and general welfare.

b. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those damages described in Section 1a by provisions designed to:

- (1) Limit the amount and rate of runoff from sites undergoing development.
- (2) Limit the amount and rate of runoff from developed sites.
- (3) Limit the amount of erosion from sites undergoing development.

2. General Provisions

a. Short Title

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

b. Compliance

Hereafter, no land or waterway shall be used, no earth shall be stripped or moved, and no structure shall be built or extended without full compliance with the terms of this ordinance and other applicable regulations.

c. Repealer

All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

d. Severability

The provisions of this ordinance shall be severable, and, if any of the provisions hereof shall be held to be unconstitutional, invalid, or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

e. Definitions

(1) Bedrock: The solid, undisturbed rock in place either at the ground surface or beneath surficial soil deposits.

(2) Borrow pit: An open pit from which soil is excavated as a single-incident for use at a single construction site.

(3) Earthmoving: Any act by which soil or bedrock is cut into, quarried, displaced, or relocated.

(4) Erosion: The process by which soil and bedrock are worn away by the action of wind, water, and climate.

(5) Existing grade: The vertical elevation of the ground surface prior to earthmoving or filling.

(6) Development: (a) Any subdivision or land development as defined in the West Pikeland Township Subdivision Ordinance or (b) any alteration of land not for agricultural or conservation purposes which includes earthmoving, filling, or stripping on a tract of one or more acres, including but not limited to road construction; utility installation; public, commercial, or industrial facility construction; and mining and quarrying.

(7) Design storm: A storm with a 100-year frequency.

(8) Fill: A deposit of soil or other materials placed by man.

(9) Finished grade: The final vertical elevation of the ground after development.

(10) Natural ground surface: The ground surface in its original state before any earthmoving, filling, or stripping.

(11) Open-pit mining: The continuing or recurring removal of material from below the ground surface by open excavation.

(12) Person: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation or agency within the Commonwealth of Pennsylvania or any combination thereof.

(13) Sediment: Earth and rock in suspension in water or settled out of water as a deposit on land or beds of bodies of water.

(14) Sedimentation: The process by which sediment is deposited.

(15) Site: Any lot or parcel of land or combination of contiguous lots or parcels of land under one ownership where earthmoving, filling or stripping is, was, or will be performed.

(16) Soil: All earth material of whatever origin that overlies bedrock.

(17) Stripping: The removal of vegetation and/or topsoil.

(18) Watercourse: Any natural or artificial swale, stream, channel, drain, or culvert in which waters flow continuously or intermittently.

(19) Subdivision Officer: A Township Officer, appointed by the Board of Supervisors whose duty it shall be to process runoff and erosion control plans in accordance with the terms of this Ordinance.

### 3. Permits

#### a. Permit Required

No person shall do any site work as part of development, including stripping, grading, earthmoving, filling, and establishment of open-pit mines or borrow pits, for any purpose without obtaining a permit from the Township Subdivision Officer except as provided for in Section 3b. At the option of the applicant, a permit may cover the site work on a single lot or on contiguous lots.

b. Permit Not Required

No permit shall be required for the following:

(1) Farming and forestry

Accepted agricultural land management practices such as plowing, irrigation and drainage; nursery operations such as removal of cultivated sod, shrubs, and trees for transplant; and logging operations leaving the stump, ground cover and root mat intact.

(2) Existing developed lots

Earthmoving, as a maintenance measure or for landscaping purposes, on existing developed lots or parcels, provided:

- (a) The aggregate of area(s) affected or stripped at any one time does not exceed 5,000 square feet.
- (b) The grade change does not exceed twelve (12) inches at any point and does not alter the drainage pattern.
- (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.

(3) Wells and sewage disposal systems

Earthmoving incident to construction of individual wells and sewage disposal systems.

(4) Site work valued at less than 100 dollars

c. Other Permits Required

Permits issued pursuant to this ordinance do not relieve the owner of responsibility for securing re-

quired 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.

d. Application

A written application from the owner of the site or his authorized representative, in the form prescribed by the Subdivision Officer shall be required for each permit. Plans and specifications shall be submitted with each application. No permit shall be transferable without the written consent of the Subdivision Officer.

(1) Plans and specifications

The permit application shall be accompanied by runoff and erosion control plans and specifications, in quadruplicate, which shall contain the following:

(a) Date; name, address and telephone number of the preparer(s) of plans or each portion thereof, and of the owner of site.

(b) 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.

(c) 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.

(d) A clear and definite delineation, with dimensions and locations for all

proposed fill.

(e) Existing topography and proposed finished grade (including that for restoration of borrow pits and open-pit mines) and site work, with contours at one or two foot intervals, drawn at a scale of one inch to twenty to forty 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 Engineer in advance of plan preparation.

(f) Established, or in the case of new subdivisions, approved tentative street grades (elevations).

(g) Size, location, and construction details of all proposed surface structures, storm drainage facilities, and other site work.

(h) Drainage area map and computations covering the entire area tributary to the site, showing calculated runoff from the design storm in cubic feet per second to all drainage structures and watercourses, together with detailed plans of all provisions for drainage.

(i) Calculated runoff from the site, in cubic feet per second for the design storm, under conditions existing at the time of the permit application, together with detailed plans for preventing any increase in runoff for the design storm during and following development.

(j) 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.

(k) A description, and a clear and definite delineation of the interim and permanent runoff and erosion control facilities and measures to be provided.

(l) The estimated cost of the earthmoving and/or filling and the cost of the required runoff and erosion controls.

e. Referral of Application

Prior to the issuance of a permit, a copy of the application and plans shall be referred to the Soil and Water Conservation District for review of the proposed erosion and sediment control measures, to the Township Engineer, the Township Planning Commission and the County Planning Commission for comment, and to the Pennsylvania Department of Environmental Resources, where required by State law. The Soil and Water Conservation District shall notify the Subdivision Officer of its recommendations within thirty (30) days of receipt of the application and plans so that the applicant may be notified in a timely manner.

f. Modifications of Plans

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

g. Fees

The permit and inspection fee shall be the actual cost to the municipality, billed at the close of each muni-

cipal fiscal year. Costs shall be computed by the Subdivision Officer using the most recently accepted bid contract unit prices for similar items of work for West Pikeland Township or nearby municipalities. The fee for a permit authorizing additional work shall be the difference between the fee paid for the original permit and the fee required for the entire runoff and erosion control project.

#### h. Conditions Upon Issuance

In granting any permit, the Subdivision 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 Soil and Water Conservation District, 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.

#### i. 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 Subdivision Officer a request for an extension of time, setting forth therein the reasons for the requested extension. If in the discretion of the Subdivision Officer, such an extension is warranted, he may grant additional time for the completion of the work. Where

the Subdivision 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 Soil and Water Conservation District and processed in the same manner as the original application and plans.

j. Revocation or Suspension

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

- (1) violation of any condition of the permit;
- (2) violation of any provision of this ordinance or any other applicable law, ordinance, rule or regulation relating to the work; and
- (3) 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.

4. Security for Completion

a. Performance Bond

The Subdivision Officer shall, 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 Subdivision Officer in the 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 therefor, 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 inure 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 Subdivision Officer to meet the minimum requirements of this ordinance.

(1) Default

Whenever the Subdivision 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 Subdivision 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 Subdivision 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 Subdivision Officer.

In the event of any default in the performance of any term or condition of the permit or the bond, West Pikeland 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 Subdivision 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 agent of any surety or of the Subdivision 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 accordance with Section 5c(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 5c(2), except any portion thereof that may be used.

b. Liability Insurance

If in the opinion of the Subdivision 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 improvement, or any other public property, then the Subdivision Officer may, 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 Subdivision 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 Subdivision 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.

## 5. 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:

- (1) Upon completion of stripping, the stockpiling of top soil, the construction of temporary runoff and erosion control facilities, disposal of all unsuitable materials, and preparation of the ground.
- (2) Upon completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers.
- (3) During construction of the permanent structures, at such time(s) as specified by the municipality.
- (4) Upon completion of final grading, permanent runoff and erosion control facilities, including established ground covers and planting, 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 its 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 5c.

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 Subdivision Officer and the Soil and Water Conservation District a certification that all runoff and erosion control measures have been completed in conformance with the approved plans and specifications, the permit 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, a copy of which shall be submitted to the Soil and Water Conservation District.

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 permit, 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 Subdivision Officer.

## 6. 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 Subdivision 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, guard rails or other structures to safeguard the public street, sidewalk, alley or other public property and persons; using such, as the Subdivision 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 Subdivision Officer shall cause such removal and the cost of such 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 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.

#### 7. 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 Subdivision Officer.

#### 8. 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 to comply shall be given to the permittee. Such 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.

#### 9. Penalties

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than \$1,000, or imprisonment of not more than six months or both for each and every violation. Each day that the violation continues shall be a separate offense. 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 or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

10. Exemptions

The provisions of Section 4 and the criminal provisions of Section 9 shall not apply to municipal corporations or agencies.

Approved and adopted by the Board of Supervisors, of West Pikeland Township this 10th day of June, 1974.

John T. Satt  
Andrew D. McLaughlin  
Thomas Skelton

Attest:

Marquette S. Grady  
Secretary

ORDINANCE NO. 16

WEST PIKELAND TOWNSHIP  
RUNOFF AND EROSION CONTROL ORDINANCE

An ordinance to limit the amount and rate of runoff and erosion from areas undergoing development and from developed areas; providing procedures for the issuance of permits to undertake site work as part of any development, stripping, grading, or earthmoving activities; setting forth requirements for the contents and submission of runoff and erosion control plans and the review and approval thereof by the Township and the Soil and Water Conservation District; providing for performance bonds with respect to and inspection and maintenance of runoff and erosion control measures; and imposing fines and penalties for violations.

1. Purpose

The Board of Supervisors of West Pikeland Township ordains as follows:

a. Findings of Fact

(1) Damages resulting from runoff from developing and developed areas.

The stripping of vegetation and topsoil and earthmoving which customarily precede and accompany development cause a substantial increase in the percent of precipitation which runs off across the surface of the earth. The coverage of ground with impervious surfaces and the installation of storm sewerage systems increase permanently the percent of precipitation which runs off an area following development. This increased runoff during and following development causes damages resulting from more frequent flooding, decreased storage of ground water, more frequent droughts, and increased erosion, all of which adversely affect the public health, safety, and general welfare.

(2) Damages resulting from erosion from developing areas.

The stripping of vegetation and topsoil and the earthmoving which customarily precede and accompany development cause a substantial increase in the amount of soil and rock which erode from the earth and are washed away overland by runoff. This eroded soil and rock cause damages resulting from scouring and cutting earth surface and waterway banks and from deposition on the ground and on the bottom of waterways, all of which adversely affect the public health, safety, and general welfare.

e. Definitions

(1) Bedrock: The solid, undisturbed rock in place either at the ground surface or beneath surficial soil deposits.

(2) Borrow pit: An open pit from which soil is excavated as a single-incident for use at a single construction site.

(3) Earthmoving: Any act by which soil or bedrock is cut into, quarried, displaced, or relocated.

(4) Erosion: The process by which soil and bedrock are worn away by the action of wind, water, and climate.

(5) Existing grade: The vertical elevation of the ground surface prior to earthmoving or filling.

(6) Development: (a) Any subdivision or land development as defined in the West Pikeland Township Subdivision Ordinance or (b) any alteration of land not for agricultural or conservation purposes which includes earthmoving, filling, or stripping on a tract of one or more acres, including but not limited to road construction; utility installation; public, commercial, or industrial facility construction; and mining and quarrying.

(7) Design storm: A storm with a 100-year frequency.

(8) Fill: A deposit of soil or other materials placed by man.

(9) Finished grade: The final vertical elevation of the ground after development.

(10) Natural ground surface: The ground surface in its original state before any earthmoving, filling, or stripping.

(11) Open-pit mining: The continuing or recurring removal of material from below the ground surface by open excavation.

b. Permit Not Required

No permit shall be required for the following:

(1) Farming and forestry

Accepted agricultural land management practices such as plowing, irrigation and drainage; nursery operations such as removal of cultivated sod, shrubs, and trees for transplant; and logging operations leaving the stump, ground cover and root mat intact.

(2) Existing developed lots

Earthmoving, as a maintenance measure or for landscaping purposes, on existing developed lots or parcels, provided:

- (a) The aggregate of area(s) affected or stripped at any one time does not exceed 5,000 square feet.
- (b) The grade change does not exceed twelve (12) inches at any point and does not alter the drainage pattern.
- (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.

(3) Wells and sewage disposal systems

Earthmoving incident to construction of individual wells and sewage disposal systems.

(4) Site work valued at less than 100 dollars

c. Other Permits Required

Permits issued pursuant to this ordinance do not relieve the owner of responsibility for securing re-

proposed fill.

(e) Existing topography and proposed finished grade (including that for restoration of borrow pits and open-pit mines) and site work, with contours at one or two foot intervals, drawn at a scale of one inch to twenty to forty 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 Engineer in advance of plan preparation.

(f) Established, or in the case of new subdivisions, approved tentative street grades (elevations).

(g) Size, location, and construction details of all proposed surface structures, storm drainage facilities, and other site work.

(h) Drainage area map and computations covering the entire area tributary to the site, showing calculated runoff from the design storm in cubic feet per second to all drainage structures and watercourses, together with detailed plans of all provisions for drainage.

(i) Calculated runoff from the site, in cubic feet per second for the design storm, under conditions existing at the time of the permit application, together with detailed plans for preventing any increase in runoff for the design storm during and following development.

(j) A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence,

cipal fiscal year. Costs shall be computed by the Subdivision Officer using the most recently accepted bid contract unit prices for similar items of work for West Pikeland Township or nearby municipalities. The fee for a permit authorizing additional work shall be the difference between the fee paid for the original permit and the fee required for the entire runoff and erosion control project.

#### h. Conditions Upon Issuance

In granting any permit, the Subdivision 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 Soil and Water Conservation District, 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.

#### 1.. 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 Subdivision Officer a request for an extension of time, setting forth therein the reasons for the requested extension. If in the discretion of the Subdivision Officer, such an extension is warranted, he may grant additional time for the completion of the work. Where

principal, his executors, administrators, successors and assigns, jointly and severally with the surety and shall inure 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 Subdivision Officer to meet the minimum requirements of this ordinance.

(1) Default

Whenever the Subdivision 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 Subdivision 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 Subdivision 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 Subdivision Officer.

In the event of any default in the performance of any term or condition of the permit or the bond, West Pikeland 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 Subdivision 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

by the West Pikeland Township. Neither issuance of a permit, nor compliance with the provisions hereto or any condition imposed by the Subdivision 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.

#### 5. 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:

(1) Upon completion of stripping, the stockpiling of top soil, the construction of temporary runoff and erosion control facilities, disposal of all unsuitable materials, and preparation of the ground.

(2) Upon completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers.

(3) During construction of the permanent structures, at such time(s) as specified by the municipality.

(4) Upon completion of final grading, permanent runoff and erosion control facilities, including established ground covers and planting, and installation of all vegetative measures and all other work in accordance with the earthmoving permit.

## 6. 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 Subdivision 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, guard rails or other structures to safeguard the public street, sidewalk, alley or other public property and persons; using such, as the Subdivision 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 Subdivision Officer shall cause such removal and the cost of such removal shall be paid to West Pikeland Township

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 or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

10. Exemptions

The provisions of Section 4 and the criminal provisions of Section 9 shall not apply to municipal corporations or agencies.

Approved and adopted by the Board of Supervisors, of West Pikeland Township this 10th day of June, 1974.

John T. Satt  
Andrew D. McKeough  
Thomas Blanton

Attest:

Marguerite S. Grady  
Secretary