

**FAWN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 5-2002

**AN ORDINANCE OF FAWN TOWNSHIP, YORK COUNTY,
PENNSYLVANIA SETTING FORTH REQUIREMENTS FOR
EROSION AND SEDIMENTATION CONTROL CONSISTENT
AND COMPATIBLE WITH THE PENNSYLVANIA CLEAN
STREAMS LAW, THE RULES AND REGULATIONS OF THE
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND THE YORK COUNTY CONSERVATION DISTRICT,
AND PROVIDING FOR VIOLATIONS AND PENALTIES**

WHEREAS, Fawn Township, York County, Pennsylvania (Township) is a political subdivision of the Commonwealth of Pennsylvania, being a Second Class Township; and

WHEREAS, pursuant to the Clean Streams Law (CSL), the Pennsylvania Department of Environmental Protection (DEP) has promulgated regulations to enforce the CSL, which regulations are found at 25 PA Code, Chapter 102; and

WHEREAS, pursuant to those regulations, the York County Conservation District (YCCD) has been designated as the investigative agency in York County for the enforcement of the CSL and its Regulations; and

WHEREAS, the YCCD is a Level II Agency, which has no enforcement powers, and as a result all enforcement must proceed through DEP; and

WHEREAS, the Commonwealth of Pennsylvania has designated large portions of the Township as High Quality or Exceptional Value Watersheds, which require extra diligence in protecting the watersheds from the effects of erosion; and

WHEREAS, the Township desires to assure that violations of the CSL and the Regulations be corrected in a timely fashion, and where appropriate, penalties be assessed for significant or ongoing violations:

NOW, THEREFORE, be it ordained and enacted and it is hereby **ORDAINED AND ENACTED** as follows:

SECTION 1: Short Title. This Ordinance shall be known as "The Fawn Township Erosion and Sedimentation Control Ordinance."

SECTION 2: Purposes.

- A. The Board of Supervisors finds that protection of the waters of the Commonwealth, pursuant to the Clean Streams Law (CSL), by minimizing erosion and controlling sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and they recognize that significant portions of the Township are in High Quality or Exceptional Value Watersheds as designated by the Commonwealth of Pennsylvania, and therefore regulations governing erosion and sedimentation control are necessary for the Township.
- B. It is the express intent of this Ordinance to assure that violations of the CSL and the regulations promulgated by the Pennsylvania Department of Environmental Resources (DEP) be corrected in a timely fashion and, where appropriate, penalties be assessed for significant and ongoing violations, and this Ordinance shall be read as being complimentary to the CSL and the regulations, and is in no way intended to, and shall not be interpreted to, create additional substantive obligations or requirements for erosion and sedimentation control in the Township.

SECTION 3: Erosion and Sedimentation Control Plan.

- A. Except as set forth in subsection B., no changes in the contour of the land, and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land, or other earth disturbance activity as defined in Title 25 of the Pa. Code, §102.1, shall be commenced until a determination has been made by the York County Conservation District (YCCD), whether or to what degree an erosion and sedimentation control plan (E&S Plan) or an NPDES permit are required. To the extent that a formal E&S Plan is not required by YCCD, then proposed erosion and sedimentation control measures shall be noted on the subdivision or land development plan. Additionally, every required plan shall be presented to YCCD, which shall review and approve such plan, or advise the Township that such approval is not required, prior to approval of any building or zoning permit. In the event that YCCD determines that an E&S Plan is required, whether or not approval of the plan is required, then copies of the E&S Plan shall be filed with the Township, and kept on the construction site. In any event, the E&S Plan, or alternatively the Best Management Practices (BMP), shall be noted on any subdivision or land development plan in a manner satisfactory to the Township.
- B. Agricultural plowing and tilling operations shall comply with the relevant portions of Section 4 of this Ordinance.

SECTION 4: Conformance with Regulations.

- A. All subdivisions, land developments, or any other activity, which involve any activities identified in Section 3 shall conform to the requirements of Chapter 102 of the Rules and Regulations of DEP as amended, Title 25 of the PA Code, and DEP's Erosion and Sedimentation Control Manual, and other

appropriate DEP and YCCD regulations. It shall be the responsibility of the land developer, subdivider, contractor, or other person engaging in or hiring people to conduct the activities identified in Section 3 to obtain approval or waiver from YCCD or any other agency designated by DEP to enforce the regulations in that Chapter.

- B. Agricultural plowing and tilling activities shall comply with the appropriate requirements of Chapter 102 of the Rules and Regulations of DEP, as amended, Title 25 of the PA Code.

SECTION 5: Preparation of Plan. The E & S Plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

SECTION 6: Design Requirements.

- A. The design standards and specifications for said plans are contained in the Erosion and Sedimentation Control Manual which has been prepared by DEP and administered by YCCD, and is on file in that office and with the Township. Said plan shall include, but shall not be limited to, the following information:

1. The topographic features of the project area;
2. The types, depth, slope and area extent of the soils indicated on the plat, plan or similar appropriate official map;
3. The proposed alteration to the area;
4. The amount of runoff from the project area and the upstream watershed area.

- (a) Provisions shall be made to effectively accommodate any increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded to

prevent sedimentation from being discharged into the waters of the Commonwealth;

- (b) All surface water shall be diverted away from the project area where feasible.

B. The E & S plan shall be designed to prevent accelerated erosion and sedimentation by incorporating the following control measures and control facilities:

1. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion;
2. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
3. Disturbed soils shall be stabilized as quickly as practicable;
4. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
5. The staging of earthmoving activities. The disturbed area and the duration of exposure shall be kept to a practical minimum;
6. Temporary control measures and facilities for use during earthmoving, including:
 - (a) Temporary vegetation and/or mulching shall be used to prevent exposing critical areas during development;
 - (b) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

7. Permanent control measures and facilities for long term protection:

(a) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development;

8. A maintenance program shall be developed for the control facilities including disposal of materials removed from the control facilities or project area.

SECTION 7: Grading for Erosion and Other Environmental Controls.

A. In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. The installation of erosion and sedimentation control devices necessary to control the erosion of and runoff from any work area shall be accomplished prior to any work involving the excavation of earth or the demolition of existing facilities;
2. The location, grading and placement of sub-grade (base) material of all roads, streets and parking areas shall be accomplished as the first work done on any subdivision or development. The wearing surface may be placed at the discretion of the developer or subdivider as approved in the final subdivision or land development plan;
3. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas;
4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil;

5. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding;
6. During grading operations, necessary measures for dust control shall be exercised;
7. Grading equipment will not be allowed to cross streams, and provisions will be made for the installation of temporary or permanent culverts or bridges.

SECTION 8: Responsibilities.

- A. Whenever sedimentation is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer, subdivider, property owner, contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at their expense as soon as practicable.
- B. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the collective responsibility of the land developer, subdivider, property owner, contractor, person, corporation and other entity at their expense.
- C. It is the responsibility of any land developer, subdivider, property owner, contractor, person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way, to obtain all necessary and appropriate permits, and to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.

- D. The land developer, subdivider, property owner, contractor, person, corporation and other entity shall provide and install, at his, her, their, or its expense, in accordance with DEP, YCCD, and Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the E & S Plan.

SECTION 9: Other Ordinances. This Ordinance shall be read and administered in conjunction with the Fawn Township Zoning and Subdivision and Land Development Ordinances.

SECTION 10: Enforcement; Penalties.

- A. To the extent provided by law, the Township shall cooperate with and assist YCCD or DEP in enforcing any violations of any E & S Plan or any other laws, rules or regulations identified by either of those entities. The Township may, in its sole discretion, become involved in any such enforcement actions to the extent permitted by law or as requested by either of those entities.
- B. In addition to any remedies available to DEP, regardless of whether or not the Township participates pursuant to subsection A., or pursuant to this Ordinance, the Township shall have the authority to treat any violations of the E & S Plan or failure to file a Plan as a violation of this Ordinance, and shall have the authority to exercise any and all remedies available at law or in equity or pursuant to this Ordinance, including, but not limited to, the issuance of a cease and desist order either stopping any further work on the project until the violation is cured, injunctions, costs to clean up damages, costs caused by violation of this Ordinance or the E & S Plan, or costs associated with curing violations, or enforcing this Ordinance, including reasonable attorney's fees.

- C. In addition to those remedies available pursuant to subsections A. and B., above, any person or entity violating the provisions of this Ordinance, upon conviction by a District Justice of competent jurisdiction in a criminal summary proceeding, shall pay a fine not to exceed \$1,000.00, and/or imprisonment in the York County Prison not to exceed thirty (30) days, plus attorney's fees and costs, for each offense. Each day the violation continues shall be considered a separate offense.
- D. The taking of any action or the extent of any action taken pursuant to this Section shall be in the sole discretion of the Township's Board of Supervisors, and shall be evaluated on a case-by-case basis, taking into consideration, among other things, the seriousness or significance of the violation as it relates to the public health, safety, and welfare.

SECTION 11: Successors. All references in this Ordinance to YCCD shall include any agents of or successors to YCCD, or any agency to whom DEP in the future delegates enforcement of the laws and its regulations relating to erosion and sedimentation control.

SECTION 12: Severability. In the event that any section or portion of this Ordinance is determined to be unlawful, unenforceable, or otherwise void, the remainder of that Section or this Ordinance shall continue in full force and effect, as though that provision were not a part of this Ordinance.

SECTION 13: Effective Date. This Ordinance shall be effective five (5) days after its enactment.

ORDAINED AND ENACTED this 9th day of September, 2002.

FAWN TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Rini J. Clark

By: *Rini J. Clark*
Chairman

By: *Robert E. Lloyd*
Supervisor

By: *Henry M. Sammes*
Supervisor

(SEAL)

**FAWN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-2015

**AN ORDINANCE OF FAWN TOWNSHIP, YORK COUNTY, PENNSYLVANIA,
AMENDING ORDINANCE NO. 5-2002, THE FAWN TOWNSHIP EROSION AND
SEDIMENTATION CONTROL ORDINANCE**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Fawn Township as follows:

SECTION 1: Section 3A. of the Erosion and Sedimentation Control Ordinance shall be deleted in its entirety and replaced with the following:

“Except as set forth in subsection B., any changes in the contour of the land, and any grading, excavating, removal, or destruction of the topsoil or trees or other vegetation cover of the land, or other earth disturbance activity as defined in Title 25 of the PA. Code, § 102.1, shall be in compliance with Title 25 of the PA. Code, § 102.1 et seq. and the York County Conservation District Requirements which are attached hereto and incorporated herein as Exhibit “A”. To the extent that a formal E&S Plan is not required per the specific attached, then proposed erosion and sedimentation control measures shall be noted on the subdivision or land development plan. Additionally, if a formal E&S Plan is required the Plan shall be presented to YCCD, which shall review and approve such plan prior to Township approval of any building or zoning permit. In the event that an E&S Plan is required, whether or not approval of the plan is required, then copies of the E&S Plan shall be filed with the Township, and kept on the construction site. In any event, the E&S Plan, or alternatively the Best Management Practices

(BMP), shall be noted on any subdivision or land development plan in a manner satisfactory to the Township.”

SECTION 2: Section 4A. of the Erosion and Sedimentation Control Ordinance shall be deleted in its entirety and replaced with the following:

“For any activity which meets the standards identified in Section 3 above, said activity shall conform to the requirements of Chapter 102 of the Rules and Regulations of DEP as amended, Title 25 of the PA Code, and DEP’s, Erosion and Sedimentation Control Manual, and other appropriate YCCD regulations. It shall be the responsibility of the land developer, subdivider, contractor, or other person engaging in or hiring people to conduct the activities identified in Section 3 to obtain approval or waiver from YCCD if required or any other agency designated by DEP to enforce the regulations in that Chapter.”

SECTION 3: Section 5 of the Erosion and Sedimentation Control Ordinance shall be deleted its entirety and replaced with the following:

“The E&S Plan if required shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.”

SECTION 4: SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

SECTION 5: REPEALER. Any and all ordinances or parts thereof inconsistent herewith are hereby repealed in whole or in part.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED THIS 12th day of January 2015.

ATTEST:

FAWN TOWNSHIP BOARD
OF SUPERVISORS

Julian Julius
Secretary

Robert E. Lloyd
Chairman

[TOWNSHIP SEAL]

STORMWATER -- NPDES PHASE II

PAG-2 and NPDES Phase II Requirements for Construction Activities

Disturbed Area	Written E&S Plan	E&S Plan Approval	NPDES SW Construction Permit	PCSMP Submitted	PCSMP Approval
0 to 5000 Sq. Ft.	Not required unless in HQ or EV or for other DEP permit requirement (i.e.: Chapter 105)	Not required but may be a municipal requirement**	No	Not required but may be a municipal requirement	Not required but may be a municipal requirement
5000 Sq. Ft. to less than 1 acre	Yes	Not required but may be a municipal requirement**	No	Not required but may be a municipal requirement	Not required but may be a municipal requirement
1 or more acres	Yes	Required	Yes***	Yes	Individual YES General NO*

***NOTE:** If the permitted activity is in an MS4 municipality, the municipality must ensure the approval of the PCSMP (Post Construction Stormwater Management) plan. The applicant should send the PCSMP plan to the MS4 municipality along with the municipal notification. Even where the approval of the PCSMP is not required, the permittee must develop and implement the PCSMP and certify that the BMPs were implemented in accordance with the PCSMP plan when the NOT (Notice of Termination) is submitted.

** Although E&S (Erosion and Sediment Control) plan approval is not required under Chapter 102 for these activities, E&S approval may be required by municipal ordinance or if other DEP permits are required (i.e.: Chapter 105 Joint Permit or GPs (General Permits.))

*** Excluding agricultural plowing and tilling, animal heavy use areas, timber harvesting (unless preparing a site for future land development), road maintenance activities, an earth disturbance activity covered under another DEP permit (which includes requirements to comply with Chapter 92 NPDES requirements) or covered under Section 404 of the Federal Clean Water Act which are not required to obtain an NPDES permit. Timber harvest and road maintenance activities involving 25 acres or more of earth disturbance are required to obtain an E&S permit. Oil & gas activities involving 5 acres or more of earth disturbance are required to obtain an E&S permit.

Updated 11/18/10