

**ORDINANCE NO. 198 OF 2016**

**AN ORDINANCE AMENDING THE EAST EARL TOWNSHIP  
STORM WATER MANAGEMENT ORDINANCE 187 OF 2014**

The Board of Supervisors of East Earl Township (hereinafter the “Board”) does hereby ordain and enact this Ordinance as follows:

Section 1. This Ordinance shall amend the East Earl Township Storm Water Management Ordinance, Ordinance 187 of 2014 (hereinafter the “Storm Water Management Ordinance”)

Section 2. Section 202 of the Storm Water Management Ordinance is amended by deleting the existing definition of “Small Project” and replacing it with the following:

Small Project – Regulated Activities that, measured on a cumulative basis from the effective date of the Ordinance, create additional impervious areas of greater than one thousand (1,000) square feet and less than four thousand (4,000) square feet or involve Earth Disturbance Activity of an area less than five thousand (5,000) square feet and do not involve the alteration of storm water facilities or water courses.

The remainder of this section shall be unchanged.

Section 3. Section 501 of the Storm Water Management Ordinance is amended by adding the following:

- E. Development sites containing agricultural activities with conservation plan.
  - 1. Where a development site is located within the Agricultural District (A) or the Conservation/Open Space District (CO) and has an implemented conservation plan verified by the Conservation District, the submission of proof of the implemented conservation plan shall be considered compliance with this chapter for installation of impervious surface coverage where all of the following criteria are met.
  - 2. For a parent tract containing not less than 10.5 acres to 20 acres, cumulative new impervious areas of 10,000 square feet or less if the minimum distance between the proposed impervious area and/or SWM facility discharge point to the downslope property line of the parent tract is at least 100 feet. In lieu of meeting the minimum distance criteria, the applicant may provide documentation from a qualified person that the stormwater flows from the parent tract leave the parent tract in the same manner as the predevelopment condition and that there will be no adverse

effects to adjacent property or that the flows reach a natural drainageway or existing SWM facility before affecting adjacent property.

3. For a parent tract containing not less than 20 acres, cumulative new impervious areas of 20,000 square feet or less if the minimum distance between the proposed impervious area and/or SWM facility discharge point to the downslope property line of the parent tract is at least 250 feet. In lieu of meeting the minimum distance criteria, the applicant may provide documentation from a qualified person that the stormwater flows from the parent tract leave the parent tract in the same manner as the predevelopment condition and that there will be no adverse effects to adjacent property or that the flows reach a natural drainage way or existing SWM facility before affecting adjacent property.
4. An applicant for processing under this Section 501.E shall provide the Township with information to demonstrate there shall be no disturbance of land within floodplains, wetlands, environmentally sensitive areas, riparian forest buffers, or slopes greater than 15%.

The remainder of this section shall be unchanged.

Section 4. The following Section 502 shall be amended as follows:

Exemption from Plan Submission Requirements.

- A.4. The installation of less than 1,000 square feet of Impervious Surface coverage proposed after the effective date of the Ordinance; provided that the activities meet the criteria of Section 502.C below and are conducted in accordance with all requirements of this Ordinance.
- C. An Applicant proposing the cumulative installation of less than 1,000 square feet of Impervious Surface coverage maybe exempt from the design, plan submittal, and processing requirements of Article III, IV, and V of this Ordinance. No person or activity is exempted from compliance with Section 605 “Maintenance of Existing Facilities/BMPs” and Articles VII, VIII and IX of this Ordinance. The Applicant shall comply with the erosion and sediment control requirements of 25 Pa Code, Chapter 102. Exemptions do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance. Exemption shall not relieve an Applicant from implementing such measures as necessary to meet compliance with any NPDES Permit

requirements. Any exemption based on false, misleading, or erroneous information provided by an Applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful.

The remainder of this section shall be unchanged.

Section 5. Section 509 shall be amended as follows:

Plan Recordation and As Built Requirements,

D. Digital inventory.

1. A digital inventory shall be submitted following approval of the As-Built Plan by the Township Engineer and shall include the following:
  - a. SWM Facilities which are offered for dedication to the Township.
  - b. SWM Facilities which connect to or alter any portion of the Township's MS4.
  - c. BMPs included on a NPDES permit for which the Township is required to keep an inventory under the Township's MS4 permit.
2. Digital inventory requirements.
  - a. The digital inventory shall be in an electronic format acceptable to the Township Engineer. Files shall be provided in AutoCAD (.dxf or .dwg) or GIS (.shp or .gdb) file format.
  - b. The digital inventory shall include all information included and shown on the approved As-Built Plan.
  - c. All coordinates as depicted on the plan shall be based on the State Plane Coordinate System, South (3702), NAD 83 (2011).

Section 6. All Ordinances or Resolutions, or parts of Ordinances or Resolutions insofar as they are inconsistent herewith, shall be hereby repealed.

Section 7. The Ordinance shall be effective in thirty (30) days.

Duly enacted and ordained this 9th day of August, 2016 by the Board of Supervisors of East Earl Township, Lancaster County, Pennsylvania in a lawful session duly assembled.

The Board of Supervisors of East Earl Township

Attest:

By: \_\_\_\_\_  
Earl H. Kreider, Chairman

\_\_\_\_\_  
Secretary-Treasurer

By: \_\_\_\_\_  
Justin Sauder, Vice Chairman

By: \_\_\_\_\_  
Nelson Groff, Member

(SEAL)