

TOWNSHIP OF ANTIS

EROSION AND SEDIMENTATION CONTROL

ORDINANCE #3-2011

AN ORDINANCE OF THE TOWNSHIP OF ANTIS PROVIDING FOR MINIMIZING ACCELERATED
EROSION AND PREVENTING SEDIMENT POLLUTION TO THE WATERS OF THIS
COMMONWEALTH WITHIN ANTIS TOWNSHIP, BLAIR COUNTY, AND PROVIDING FOR
PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the Township of Antis is desirous of enacting an Ordinance controlling the accelerated erosion and the resulting sediment pollution to the waters of the Commonwealth of Pennsylvania that occur on earthmoving sites within Antis Township, Blair County, Pennsylvania;

WHEREAS, this Ordinance will promote the safety, health, and well-being of the residents of the Township of Antis; and

WHEREAS, the Township of Antis is empowered to enact this Ordinance pursuant to the Second Class Township Code and is empowered to provide penalties for violations of the same (53 P.S. § 66601),

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of the Township of Antis, Blair County, Pennsylvania and it is hereby ordained and enacted by authority of the same as follows:

SECTION No. 1: Title

This Ordinance shall be known as the Antis Township Erosion and Sedimentation Control Ordinance.

SECTION No. 2: Purpose

The purposes of this Ordinance are to regulate the modification of the natural terrain, the alteration of drainage, and to provide for certain erosion and sediment control measures within the Township of Antis to assure and safeguard health, safety and the general welfare in Antis Township.

SECTION No. 3: Definitions

Definitions of terms commonly used in the field of erosion and sediment pollution control are contained in DEP's Chapter 102 regulations. Two additional terms that are often used and herein defined are:

WATERCOURSE

A channel of conveyance of surface water having defined bed and banks, either natural or artificial, with perennial or intermittent flow, and

WATERS OF THE COMMONWEALTH

Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

SECTION No. 4: Scope

It shall be unlawful for any person, landowner, business or corporation to undertake any earthmoving activities in excess of five thousand (5,000) square feet without developing, implementing and maintaining erosion and sedimentation control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of the Commonwealth within the Township of Antis. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Pennsylvania Department of Environmental Protection Erosion Control Regulations at Chapter 102. A copy of the erosion and sedimentation control plan must be available at the earthmoving site at all times.

Subsection 401 Activities Requiring Grading Permit

The following activities require a Grading Permit:

- (a) modifying, disturbing, blocking, diverting or otherwise adversely affecting the natural overland or subsurface flow of stormwater;
- (b) construction, erection or installation of any drainage dam, ditch, culvert, drain pipe, bridge or any other structure or obstruction affecting the drainage of any premises;
- (c) paving, filling, stripping, excavating, grading, or regrading of any land; and,
- (d) disturbing the landscape, vegetation or any ground cover by any proposal involving an area in excess of five thousand (5,000) square feet.

Subsection 402 Activities Requiring No Grading Permit

The following activities *do not* require a Grading Permit:

- (a) improvements, such as erection of retaining walls, driveway paving, minor regrading or activities on a property which do not adversely affect the natural overland or subsurface flow of stormwater, drainage of any premises, or adversely disturb the landscape;
- (b) farming, gardening, lawn installation or lawn restoration, but not including sod farming; and,
- (c) work within the ultimate right-of-way of a public street or alleyway to be offered for dedication or previously ordained by the Township, County or Commonwealth, or any park, playground, recreation area or open space dedicated to and accepted by the Township, County or Commonwealth.

SECTION No. 5: Plan

Prior to the approval by Township of Antis of any Grading Permit, an erosion and sedimentation control plan must be submitted to and reviewed by the Antis Township Planning Commission and submitted to and approved by the Blair County Conservation District (hereafter, "District"). Any applicable Pennsylvania Department of Environmental Protection (hereafter, "DEP") permit authorizing earthmoving activities for land disturbance must also be obtained from the District or DEP.

SECTION No. 6: Plan Contents

Erosion and sedimentation control plans shall be developed in accordance with the DEP Chapter 102 Erosion Control Regulations. A complete explanation of the regulations and recommendations for preparing plans is available in DEP's publication "Erosion and Sediment Pollution Control Program Manual." This manual is available from the District.

SECTION No. 7: Applications

Applications for approval of an erosion and sedimentation control plan under the requirements of this Ordinance, shall be made by completing all required spaces on the standard Erosion and Sediment Control Plan Review Application (See Attachment "A"), and forwarding the form to the District at the address shown. No Grading Permits will be issued by Antis Township unless and until an approved erosion and sedimentation control plan is received.

Erosion and sedimentation control plans will be reviewed within the following time limits:

SECTION No. 12: Penalties

Should the person(s) responsible for undertaking the earthmoving operations fail to meet the deadline for correcting violations of this Ordinance, as specified in the official inspection report, the District will issue a formal Notice of Violation to the responsible party. For each violation that has occurred, a penalty of not less than one hundred dollars (\$100.00), and not more than three hundred dollars (\$300.00) for each day of each violation may result. Antis Township shall be responsible for the notice of such penalties. Such fines, penalties and associated costs will be collected as allowed by law, and in default thereof, the violator shall be imprisoned in the county jail for not more than sixty (60) days.

SECTION No. 13: Remedies

In case any building, structure, or land is, or is proposed to be, erected, constructed, re-constructed, altered, converted, maintained or used in violation of this Ordinance, the Township or, with the approval of the Township, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

SECTION No. 14: Repealer

Any prior Ordinances conflicting with the terms hereof or inconsistent with said terms are deemed to be repealed as of the effective date of this Ordinance.

SECTION No. 15: Severability

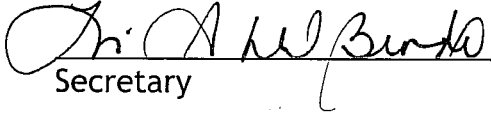
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Antis, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

SECTION No. 16: Effective Date

This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED as an Ordinance of the Township of Antis, Blair
County, Pennsylvania, this 8th day of October, 2011.

ATTEST:


Secretary


Chairman

