

CHADDS FORD TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE No. 154

STORMWATER MANAGEMENT, GRADING, SOIL EROSION AND SEDIMENT CONTROL

AN ORDINANCE OF CHADDS FORD TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA AMENDING CHAPTER 105 OF THE CHADDS FORD TOWNSHIP CODE TO RENAME SAID CHAPTER, AMEND CERTAIN REGULATIONS APPLICABLE TO EROSION AND SEDIMENT CONTROL DURING EARTH DISTURBANCE ACTIVITIES, ESTABLISH GRADING REQUIREMENTS, AMEND CERTAIN REGULATIONS APPLICABLE TO WATER QUALITY REQUIREMENTS AND REPEAL ALL ORDINANCE AND RESOLUTIONS INCONSISTENT HERewith TO THE EXTENT OF SUCH INCONSISTENCIES.

1. Amendment to Chapter Short Title. Section 105-101 of the Chadds Ford Township Code is hereby amended to read "this chapter shall be known as the 'Chadds Ford Township Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.'"

2. Definitions. The following definitions are hereby added to Section 105-202 of the Chadds Ford Township Code:

INTERMITTENT STREAM

A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the seasonal high water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

PERENNIAL STREAM

A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical

characteristics commonly associated with the continuous conveyance of water.

3. Amendments to Regulations Applicable to Soil Erosion and Sediment Control During Regulated Earth Disturbance Activities. Section 105-303 of the Chadds Ford Township Code is hereby amended as follows:

(a) Section 105-303.H(15) is hereby amended to read as follows:

All bare earth shall be promptly seeded, sodded or otherwise stabilized and effectively protected from soil erosion. In the event that work on a project ceases for more than ten (10) days, whether temporarily or permanently, all graded surfaces shall be seeded, sodded, planted or otherwise protected from soil erosion, immediately, weather permitting, and shall be watered, tended and maintained until growth is well established.

(b) Section 105-303.H(29) is hereby amended to read as follows:

Provisions satisfactory to the Township Engineer or Code Enforcement Officer shall be made for all earth disturbance activities to control dust.

4. Amendment to Water Quality Requirements. Section 105-306D of the Chadds Ford Township Code is hereby amended to read as follows:

If an intermittent stream passes through, or a water body (i.e. lake, pond, and wetland) is present on the site, the applicant shall create a riparian buffer extending a minimum 50 feet to either side of the top-of-bank of the channel, lake or wetland. If a perennial stream passes through the site, the applicant shall create a riparian buffer extending a minimum of 100 feet to either side of the top-of-bank of the stream. The buffer area shall be planted with native vegetation and maintained in a vegetated state (Refer to Appendix B, Pennsylvania Native Plant List, contained in the PA BMP Manual).

(1) The following provisions also apply to riparian buffers on lots in existence at the time of adoption of this chapter:

(a) If the applicable rear or side yard setback is less than the required riparian buffer width, the buffer width may be reduced to 25% of the setback or 25 feet, whichever is greater.

(b) If a stream traverses a site in a manner that significantly reduces the use of the site, the buffer may be reduced to 25 feet on either side subject to the approval of the Township Engineer.

(2) Permitted uses within the buffer include the following, subject to municipal approval and provided that they comply with all federal, state, and local regulations:

- (a) Recreational trails. See Appendix H, Riparian Buffer Trail Guidelines.
- (b) Utility rights-of-way.
- (c) Bridges.
- (d) Other uses subject to municipal approval.

5. Grading Requirements. Section 105-312, entitled "Grading Requirements," shall be added, to read as follows:

1. Cut and fill slopes shall not be greater than 3 horizontal to 1 vertical without approval from the Township Engineer. The Township Engineer may require the use of retaining walls or other measures necessary to stabilize slopes which exceed 3:1.
2. Excavations shall not extend below the angle of repose or natural slope of the soil under the nearest point of any footing or foundation of any structure unless such footing or foundation is properly underpinned or protected against settlement.
3. Final grading shall provide a downward slope away from all buildings with a minimum slope of six inches within the first ten feet measured from the foundation wall.
4. In any construction in the Township, no construction trash, trees or parts of trees or any foreign material shall be buried at the site. Each contractor shall maintain a facility wherein all trash shall be deposited and thereafter removed from the site to an approved landfill. In the case of placement of fill, all fill must be approved by the Code Enforcement Officer prior to placement of the same. Any contractor desiring to place fill other than the natural earth on the site shall notify the Code Enforcement Officer and request an inspection.
 - (a) Whenever fill other than clean soil or earth is utilized, clean soil shall be placed over the top of the fill to a depth sufficient as determined by the Township to conceal all materials other than clean soil or earth;
 - (b) All wooden materials shall be excluded from clean fill
 - (c) If anything other than clean soil or earth is identified in the clean fill material, prior to delivery onto the construction site, the developer must document and certify the following information to the Township:
 1. Origin of the material, location and prior use of clean fill material;
 2. Name, address, phone contact of hauler/supplier of clean fill material;
 3. Date and location of delivery of clean fill material;
 4. Statement of compliance with DEP criteria for noncontamination of clean fill material, signed, dated and notarized;
 5. All pieces of concrete and/or used asphalt to be broken into pieces no larger than four-inch to six-inch pieces, and is mixed with clean granular material. Asphalt and concrete must be free of all construction debris

(including steel, wood, insulation, etc.) or other questionable materials as determined by the Township; and

- (d) A CBR (compaction rate) 95% to 98% must be achieved, and six-inch to eight-inch lifts must be adhered to during compaction of the "clean fill." Compaction reports are required for all structural fill.

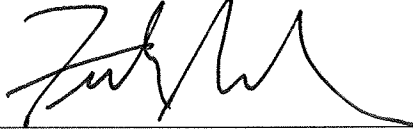
6. Survival. Except as modified by this Ordinance the remainder of Chapter 105 shall remain in effect as currently set forth in the Chadds Ford Township Code.

7. Effective Date. This Ordinance shall become effective upon its adoption by the Chadds Ford Township Board of Supervisors.

8. Repealer. Any ordinance, resolution, or any part thereof directly inconsistent with any provision of this ordinance is hereby repealed to the extent of such inconsistency only.

ENACTED AND ORDAINED this 25th day of April 2018.

CHADDS FORD TOWNSHIP BOARD OF SUPERVISORS



Frank G. Murphy
Chairman

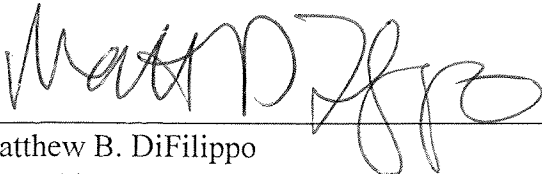


Samantha Reiner
Vice Chair



Noelle Barbone
Supervisor

Attest



Matthew B. DiFilippo
Township Manager