

Chapter 25

Stormwater Management

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Part 1**Stormwater Management Plan****§25-101. Definitions.**

The following terms, wherever they appear in this Part, shall have the following meanings:

Agriculture - the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry. Impervious material of any nature shall not be considered part of agriculture.

Cistern - a reservoir or tank for storing water.

Culvert - a structure intended to convey runoff under an embankment, and which is designed to take advantage of submergence to increase capacity.

Design storm - the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24-hour), and used in computing stormwater management control systems.

Detention basin - a basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. This basin is designed to drain completely after a storm event.

Development - the improvement or alteration of any lot, parcel, tract or piece of land for residential, commercial, or industrial purposes in any manner which increases the quantity of impervious material cover, such as the construction or expansion of buildings, parking facilities, streets, etc.

Impervious material - any material other than vegetative cover.

Infiltration structures - a structure designed to direct runoff into the ground, e.g., French drains, seepage pits, seepage trenches, etc.

Land development - for the purposes of this Part, the definition of "land development" shall be identical to that contained in the current Shrewsbury Township Subdivision and Land Development Ordinance.

Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever. Whenever used in any Section prescribing or imposing a penalty, the term "person" shall include the members of a partnership, the officers, agents and servants of a corporation and the officers of a municipality.

Retention basin - a basin or pond containing a permanent pool of water and designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Runoff - that part of precipitation which flows over the land.

Runoff characteristics - the surface components on any watershed which, either individually or in any combination thereof, directly affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to, vegetation, soils, slopes and any type of manmade landscape alterations.

SCS - Soil Conservation Service, U.S. Department of Agriculture.

Seepage pit / seepage trench - an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

South Branch Codorus Creek Watershed - all portions of Shrewsbury Township drained by the south branch of the Codorus Creek.

Stormwater - drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Subdivision - for the purposes of this Part, the definition of “subdivision” shall be identical to that contained in the current Shrewsbury Township Subdivision and Land Development Ordinance.

Township - Shrewsbury Township.

Watershed - the corporate limits of Shrewsbury Township.

(Ord. 94-14, 10/6/1994, §1)

§25-102. Duty of Persons Engaged in Development of Land.

Any person engaged in the subdivision, alteration, or development of land which may affect stormwater runoff characteristics in the watershed shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures shall include such actions as are required:

A. To collect stormwater runoff from streets and other areas and convey same, as hereinafter provided, to a suitable point or points of discharge.

B. To assure that the maximum rate of stormwater runoff at any one point is no greater after development than prior to development activities.

C. To assure that the maximum amount of stormwater runoff at any one point is no greater after development than prior to development activities if such excess stormwater flow would damage or interfere with agricultural or residential use of neighboring property, unless such stormwater is piped consistent with the requirements of §512(g) of the Township Subdivision and Land Development Ordinance.

D. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury. Said measures shall be in accordance with the criteria hereinafter provided. Such measures may include, but are not limited to, the providing of the following:

- (1) Detention basins.
- (2) Retention basins.
- (3) Roof-top storage.
- (4) Parking lot and street ponding.
- (5) Seepage pits, seepage trenches or other infiltration structures.
- (6) Porous pavement and concrete lattice block surfaces.
- (7) Grassed channels and vegetated strips.
- (8) Cisterns and underground reservoirs.

- (9) Routing flow over grass.
- (10) Decreased impervious area coverage.

The use of other control methods which meet the criteria in this Section will be permitted when approved by the Shrewsbury Township Engineer and the Board of Supervisors. Various combinations of methods may be tailored to suit the particular requirements of the type of development and the topographic features of the project area. In no case may any change be made in existing topography which would adversely affect neighboring properties.

(*Ord. 94-14, 10/6/1994, §2*)

§25-103. Duty of Persons Engaged in Agricultural Activities.

1. Any person engaged in agricultural activities shall prevent unnecessary erosion by utilizing soil conservation practices such as crop rotation, contour stripping and/or other conservation practices.

2. The existence of the conservation plan approved by the York County Conservation District and compliance with that plan shall be a defense to an alleged violation of this Section.

(*Ord. 94-14, 10/6/1994, §3*)

§25-104. Exemptions.

The following persons shall be exempted from the plan submission requirements of this Part:

A. Any person who has secured a building permit prior to the effective date of this Part.

B. Any person who applies for a building permit for a single family dwelling within a subdivision which subdivision was approved by the Township with an approved stormwater management plan, excepting that all stormwater management facilities prepared by such plan must be completed.

C. Any person who engages in any alteration or development of land after it has been determined by a designated representative of the Township that stormwater management will not be necessary.

D. Any person proposing to construct sidewalks, driveways and curbing within public rights-of-ways existing and actually improved on the effective date of this Part.

E. Any person using land for gardening for home consumption.

F. Any person engaged in agriculture operated in compliance with §25-103 of this Part.

G. Construction regulated by the provisions of the Shrewsbury Township Subdivision and Land Development Ordinance.

H. Any person proposing to construct or place a single family dwelling on a lot in single and separate ownership excepting such person shall submit any plan required by §25-109 of this Part.

(*Ord. 94-14, 10/6/1994, §4*)

§25-105. Duty to Submit Plan.

Before the subdivision, alteration or development of any tract, parcel or piece of land within the Township, each person, except as exempted above, desiring to subdivide, alter or develop said land shall submit three copies of a plan, to be approved by the Township, which will provide for the management of stormwater on the land proposed for development. Said plan shall be submitted as part of a set development plan.

(Ord. 94-14, 10/6/1994, §5)

§25-106. Plan and Report Requirements.

The plan and report shall be sealed by a professional engineer. The Engineer shall certify that the plan and report meet the minimum design requirements of this Part and shall include the following:

A. *Topographic Features.*

(1) The location of the project relative to highways, municipalities or other identifiable landmarks.

(2) Contours at intervals of 1 foot. In areas of steep slopes (greater than 15 percent), 5 foot contour intervals may be used.

(3) Streams, lakes, ponds or other bodies of water within or near the project.

(4) Other physical features including existing drainage swales and areas of natural vegetation to be preserved.

(5) Locations of proposed underground utilities, sewers and water lines.

B. Soil types and boundaries within the area tributary site.

C. *Final Topography.*

(1) Changes to land surface and vegetative cover.

(2) Areas to be cut or filled.

(3) Structures, roads, paved areas and buildings.

(4) Final contours at intervals of 1 foot. In areas of steep slopes (greater than 15 percent), 5-foot contour intervals may be used. Final contours in area of stormwater management facilities may not exceed 2-foot intervals.

D. *Stormwater Management Controls.*

(1) All stormwater management controls must be shown on the plan and described in a narrative report, including:

(a) Groundwater recharge methods such as seepage pits, beds or trenches. The location of the proposed structure, including a detailed cross-section. If these structures are proposed, the locations of septic tank infiltration areas and wells must be shown. Groundwater recharge methods must comply with the additional requirements in paragraph .F of this Section.

(b) Other control devices or methods such as rooftop storage, semi-previous paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.

(c) *Basins.* A cross-section of the basin showing the relationship between the existing topography and the proposed bottom, spillway, top of embankment and the outlet structure shall be provided, including all pertinent construction requirements.

(d) Schedule for installation of the control measures and devices. In all cases the proposed stormwater control devices must be completed prior to the creation of additional impervious area.

(2) All calculations, assumptions and criteria used in the design of the control device or method must be submitted with the plan, including, but not limited to: (a) methodology for determining time of concentration and weighted runoff curve numbers; (b) stage/storage/ discharge table including sample calculations for determining discharge rates; (c) summary table showing pre-development, controlled and uncontrolled post-development peak discharge rates for all required storms; (d) copies of percolation test results when required; and (e) drainage divide maps for stormwater management facilities.

E. *Stormwater Collection System.*

(1) All catch basins, pipes, swales, and other means of conveyance of stormwater must be shown on the plan and described in a narrative report, including:

(a) A plan view of the collection system showing the location, size and material for all catch basins, ditches, swales and pipes.

(b) A profile of the collection system showing existing and proposed finish grades, proposed invert elevations, top of grate elevations and slope of each storm sewer or open channel segment.

(c) A topographic plan showing the area tributary to each design point in the collection system.

(2) All calculations, assumptions, and criteria used in the design of the stormwater collection system must be submitted with the plans.

F. *Engineering Certificate.* Engineering certificate from a registered professional engineer on a form supplied by the Township, that the engineer certifies he has prepared the plans and specifications in accordance with the laws of the Commonwealth, and that the plans and specifications are in compliance with the minimum requirements of this Part and generally accepted good engineering practices. The engineer shall also certify that he will inspect the construction of the work to assure compliance with such plans, specifications, requirements and practices. At the conclusion of construction, the engineer shall certify that the facilities conform to such plans, specifications, requirements and practices.

G. *Maintenance Program.* A maintenance program for all stormwater management facilities must be included. This program must include the ownership of the facilities, detail the financial responsibility for any required maintenance and provide a mechanism whereby the Township can provide emergency maintenance or repairs and place liens on the property to collect the cost of same.

(Ord. 94-14, 10/6/1994, §6)

§25-107. Design Criteria.

The stormwater management plan and the design of stormwater management facilities shall be consistent with the requirements of §§512 and 613 of the Township Subdivision and Land Development Ordinance except that where different designs are mandated for areas within the South Branch Codorus Creek Watershed by the South Branch Codorus Creek Watershed Act 167, Stormwater Management Plan dated May 1990, such alternate designs shall be utilized; provided, however, in all cases, the design shall as closely as possible meet the requirements of §§512 and 613 of the Township Subdivision and Land Development Ordinance without violating the aforesaid “plan,” and in no case may any plan be approved or facilities installed if the same would have an adverse impact on neighboring properties.

(*Ord. 94-14, 10/6/1994, §7*)

§25-108. Plan Review and Approval.

1. The Township shall forward one copy of the plan to the Township Engineer for review. The Township Engineer shall recommend to the Township in writing whether the plan should be approved, disapproved or amended.

2. The Board of Supervisors shall render its decision on the application and communicate its decision to the applicant not later than 90 days after such application has been filed. The decision of the Board of Supervisors, which may be approval, disapproval or approval subject to amendment, shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days after it is made.

(*Ord. 94-14, 10/6/1994, §8*)

§25-109. Requirements for Single Family Dwellings.

Before obtaining a permit to permit the construction or placement of a single family dwelling on a lot in single and separate ownership the applicant shall submit to the Zoning Officer the plan and other information required by the Uniform Construction Code [Chapter 5, Part 1]. If the Zoning Officer finds the provisions made for the management of stormwater to be insufficient to meet the criteria set forth in §25-107 of this Part, or the need for further evaluation or planning with respect to the stormwater discharge from the property of the applicant, he shall notify the Township Engineer who shall evaluate the site and establish the measures necessary to achieve compliance with the criteria set forth in §25-107 of this Part. These stormwater management measures shall be incorporated into the permit and shall be constructed or installed according to a time schedule set forth by the engineer. If the required stormwater management measures include the construction of any facility requiring maintenance, the applicant shall, prior to obtaining the building permit, enter into a recordable agreement prepared by the Township Solicitor obligating the applicant, his heirs, administrators, executors and assigns to maintain the facility so that the standards set forth in §25-107 of this Part will continue to be met.

(*Ord. 94-14, 10/6/1994, §9; as amended by Ord. 2008-02, 8/6/2008*)

§25-110. Fees and Expenses.

Fees and deposits covering all costs to the Township for administering an application shall be established by resolution of the Board of Supervisors. No permit to

begin any work or construction on a project shall be issued until the required fees and deposits have been paid.

(*Ord. 94-14, 10/6/1994, §10*)

§25-111. Maintenance Guarantee.

1. *Maintenance by Private Entity.* In cases where permanent control facilities are owned by a private entity (such as a homeowners association), such entity shall be responsible for maintenance. In this case, a legally binding agreement between the entity and the municipality shall be made providing for maintenance of all permanent control facilities, including the inspection by the Township Engineer of all such facilities deemed critical to the public welfare annually and after each major flood event. Such maintenance shall be guaranteed by all of the property owners in the subdivision whose stormwater management needs are provided by the control facility. The agreement shall provide a mechanism whereby the Township can perform emergency maintenance and repair and access the cost thereof to one or more of the lots within the subdivision without duty to apportion, and if such assessments are not timely paid can place municipal liens on one or more of the lots in the subdivision without duty to apportion.

2. *Maintenance by Individual Lot Owners.* When stormwater management facilities are located on all individual lots, and when they are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be recorded with the deed to the property.

3. If the Township determines at any time that any permanent stormwater management facility has been eliminated, altered, or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Township may cause the work to be done and a lien for costs may be placed against the property in accordance with the requirements of the Municipal Lien Law 53 P.S. §7101 *et seq.*

(*Ord. 94-14, 10/6/1994, §11*)

§25-112. Inspections.

1. The Township Engineer or his designee may periodically inspect the site during construction of the permanent stormwater facilities. It is the responsibility of the permittee to notify the Township Engineer 72 hours in advance of the beginning of construction of stormwater management facilities.

2. Any portion of the work which does not comply with the approved plan and report must be promptly corrected by the permitted. No work may proceed on any subsequent phase of the stormwater management plan, the subdivision or land development or building construction, until the required corrections have been made. After construction of the facility, the developer's engineer will certify to the Township that the construction of the stormwater management facility was completed in accordance with the plans, specifications, and reports as originally submitted and approved by the Township. Work which is not properly documented and certified or which do not accurately reflect correct site conditions will be rejected.

(*Ord. 94-14, 10/6/1994, §12*)

§25-113. Civil Remedies.

Any subdivision, alteration or development of property conducted in violation of the provisions of this Part is hereby declared to be a public nuisance. Suits to restrain, prevent or abate violation of this Part may be instituted in equity or at law by the Township or by an aggrieved person.

(Ord. 94-14, 10/6/1994, §13)

§25-114. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 94-14, 10/6/1994, §14; as amended by Ord. 2008-02, 8/6/2008)

§25-115. Waivers.

The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township and the Township Engineer, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Part. In granting waivers, the Township may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Part.

(Ord. 94-14, 10/6/1994, §15)

Part 2¹**Erosion and Sedimentation Control****§25-201. Short Title.**

This Part shall be known as the “Shrewsbury Township Erosion and Sedimentation Control Ordinance.”

(*Ord. 2005-01, 1/3/2005, §1*)

§25-202. Purposes.

1. The Board of Supervisors finds that protection of the waters of the Commonwealth, pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.*, 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.

2. It is the express intent of this Part to assure that violations of the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and the regulations promulgated by the DEP be corrected in a timely fashion and, where appropriate, penalties be assessed for significant and ongoing violations, and this Part shall be read as being complimentary to the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and the regulations, and is in no way intended to, and shall not be interpreted to, create additional substantive obligations

¹Editor’s Note: The preamble to *Ord. 2005-01* provides:

“WHEREAS, Shrewsbury Township, York County (Township) is a political subdivision of the Commonwealth of Pennsylvania, being a Township of the Second Class; 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 of Exceptional Value Watersheds, which require extra diligence in protection (sic) the watersheds from the effects of erosion;

“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.”

or requirements for erosion and sedimentation control in the Township.

(*Ord. 2005-01, 1/3/2005, §2*)

§25-203. Erosion and Sedimentation Control Plan.

1. Except for normal agricultural plowing and tilling operations, 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 25 Pa.Code, §102.1, shall be commenced until an erosion and sedimentation (E&S) plan has been prepared. If 5,000 square feet or more of earth will be disturbed, then the E&S plan shall be reviewed by the York County Conservation District, which shall determine whether or not their approval of the E&S plan is required. Whether or not approval of the plan is required, 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 shall be noted and referenced on any subdivision or land development plan in a manner satisfactory to the Township.

2. Agricultural plowing and tilling operations shall comply with the appropriate requirements of Chapter 102 of the rules and regulations of DEP, as amended, Title 25, Pa.Code.

(*Ord. 2005-01, 1/3/2005, §3*)

§25-204. Conformance with Regulations.

1. All subdivisions, land developments, or any other activity, which involve any activities identified in §25-103 shall conform to the requirements of Chapter 102 of the rules and regulations of DEP as amended, Title 25, Pa.Code, and DEP's "Erosion and Sedimentation Control Manual," and other appropriate DEP and York County Conservation District 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 §25-103 to obtain approval or waiver from York County Conservation District or any other agency designated by DEP to enforce the regulations in that chapter.

2. Agricultural plowing and tilling operations shall comply with the relevant portions of Article XII, Environmental Regulations, of the Shrewsbury Township Zoning Ordinance.

(*Ord. 2005-01, 1/3/2005, §4*)

§25-205. Design Requirements.

1. 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 York County Conservation District, and is on file in that office and with the Township. Said plan shall include, but shall not be limited to, the following information:

- A. The topographic features of the project area.
- B. The types, depth, slope and area extent of the soils indicated on the plat, plan or similar appropriate official map.
- C. The proposed alteration to the area.

D. The amount of runoff from the project area and the upstream watershed area.

(1) 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.

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

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

A. Stripping of vegetation, re-grading, or other development shall be done in such a way that will minimize erosion.

B. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

C. Disturbed soils shall be stabilized as quickly as practicable.

D. 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.

E. The staging of earthmoving activities. The disturbed area and the duration of exposure shall be kept to a practical minimum.

F. Temporary control measures and facilities for use during earthmoving, including:

(1) Temporary vegetation and/or mulching shall be used to prevent exposing critical areas during development.

(2) 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.

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

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

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

(Ord. 2005-01, 1/3/2005, §5)

§25-206. Grading for Erosion and Other Environmental Controls.

To provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

A. 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 and facilities.

B. The location grading and placement of sub-grade (base) material of all road, 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.

C. 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.

D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

E. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.

F. During grading operations, necessary measures for dust control shall be exercised.

G. Grading equipment will not be allowed to cross streams, and provisions will be made for the installation of temporary or permanent culverts or bridges.

(Ord. 2005-01, 1/3/2005, §6)

§25-207. Responsibilities.

1. 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.

2. 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.

3. 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.

4. 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, York County Conservation District, and Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the E&S plan.

(Ord. 2005-01, 1/3/2005, §7)

§25-208. Other Ordinances.

This Part shall be read and administered in conjunction with the Shrewsbury Township Zoning and Subdivision Land Development Ordinances.

(Ord. 2005-01, 1/3/2005, §8)

§25-209. Enforcement; Penalties.

1. To the extent provided by law, the Township shall cooperate with and assist York County Conservation District 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.

2. In addition to any remedies available to DEP, regardless of whether or not the Township participates pursuant to subsection .1, or pursuant to this Part, 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 Part, and shall have the authority to exercise any and all remedies available at law or in equity or pursuant to this Part, 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 Part or the E&S plan, or costs associated with curing violations, or enforcing this Part, including reasonable attorney's fees.

3. In addition to those remedies available pursuant to subsections .1 and .2, above, any person or entity violating the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2008-02*]

4. The taking of any action or the extent of any action taken pursuant to this Section shall be in the sole discretion of the Shrewsbury Township 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.

(*Ord. 2005-01, 1/3/2005, §9; as amended by Ord. 2008-02, 8/6/2008*)

§25-210. Successors.

All references in this Part to York County Conservation District shall include any agents of or successors to York County Conservation District, or any agency to whom DEP in the future delegates enforcement of the laws and its regulations relating to erosion and sedimentation control.

(*Ord. 2005-01, 1/3/2005, §10*)

