

AN ORDINANCE

NO. 1140

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin By Amending Chapter 240, Watercourses; To Add Provisions Regulating Stormwater Management Facilities, And By Amending Chapter 110, Fees, § 110-17, Watercourses, To Apply to Stormwater Management Facilities.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 240, Watercourses, § 240-1, Maintenance of property; maintaining the free flow of water; § 240-2, Permit required; § 240-3, Application for permit; and § 240-4, Approval procedure, shall be amended by revising the Chapter and Sections to provide as follows:

§ 240-1. Maintenance of property; maintaining the free flow of water.

- A. It shall be the obligation of every property owner to maintain his property in such manner so as to permit at all times the free flow of water through any drain, ditch, stream, swale, stormwater management facility, or watercourse, whether natural or man-made, occupying such land, including the removal of any trees, bushes, undergrowth, tree limbs, trash or debris which might interfere with the free flow of water in the event of a storm.

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§ 240-2. Permit required.

It shall be unlawful for the owner of any land to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream, swale, stormwater management facility, or watercourse in Upper Dublin Township without first obtaining from the Township Engineer a permit authorizing such work to be performed; and no drain, ditch, stream, swale, stormwater management facility, or watercourse shall be stopped, filled up, confined, paved or otherwise interfered with or the course thereof changed except in strict accordance with the terms and conditions of such permit and the plans and specifications submitted therewith.

§ 240-3. Application for permit.

- A. The application for a permit shall be in a form prescribed by the Township, verified by affidavit made by the owner and accompanied by plans and specifications prepared by a registered engineer or surveyor. Upon filing the application and plans and specifications, the Township Engineer shall notify the Pennsylvania Department of Environmental

Protection or other agency overseeing permits relating to watercourses and all municipalities which are adjacent to the Township of the occurrence and contents of the filings.

- B. The plans and specifications shall show the exact nature of the work to be performed; the course, structure and capacity of all drains, ditches, streams, stormwater management facilities, and watercourses; the method of drainage of the adjacent or contiguous territory; and any other necessary and explanatory details required by the Township.
- C. The delineation of the identified floodplain area may be revised by the Township where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documenting the necessity for such changes. However, prior to any such changes, approval must be obtained from the Federal Insurance Administration (FIA).

§ 240-4. Approval procedure.

- A. The application and plans and specifications shall be filed in triplicate with the Township Engineer. The Township Engineer may require alterations, changes or modifications in the plans and specifications which it deems necessary and may refuse a permit until such alterations, changes and modifications have been made.
- B. If the Township Engineer shall disapprove the plans and specifications submitted and refuse a permit, the reasons therefor will be set forth in writing and given to the applicant, who may, within 30 days thereafter, appeal to the Board of Commissioners. Before acting upon such appeal, the Board of Commissioners may, in its discretion, arrange for a public hearing after giving such notice as it deems desirable.

Section 2. The Code of the Township of Upper Dublin, Chapter 110, Fees, shall be amended by revising § 110-17, Watercourses, to provide as follows:

§110-17. Watercourses.

In accordance with Chapter 240, Watercourses, a fee shall be charged for the application for a permit to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream, swale, stormwater management facility, or watercourse in the amount of \$225.00, plus the actual costs of any inspections per each hour or portion thereof a Township inspector or the Township Engineer is engaged on the work.

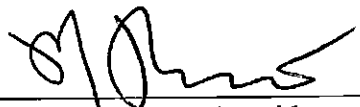
Section 3. Nothing in this Ordinance or the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this *14th* day of *September*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

Ordinance Chapter 206O-CH 240 Watercourse Amendments 02.09.04