

**TOWNSHIP OF EAST FALLOWFIELD
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-03

AN ORDINANCE OF EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING SECTIONS 106, 902, AND APPENDIX A.1 OF THE STORMWATER MANAGEMENT ORDINANCE WITH RESPECT TO THE SQUARE FOOTAGE REQUIREMENTS AND/OR THRESHOLDS FOR EXEMPT ACTIVITIES, APPLICABILITY OF MODIFIED REQUIREMENTS FOR SMALL PROJECTS AND APPLICABILITY OF SIMPLIFIED APPROACH TO STORMWATER MANAGEMENT FOR SMALL PROJECTS AND WITH RESPECT TO TOWNSHIP ENFORCEMENT PROCEDURES.

BE IT ENACTED and ORDAINED, by the Board of Supervisors of East Fallowfield Township, Chester County, as follows:

SECTION 1. Section 106(B)(1), *Exemptions and Modified Requirements*, is hereby amended to change the square footage requirements as follows:

Section 106(B)(1). General Exemptions

Regulated Activities that:

1. Involve less than one thousand (1,000) square feet of Regulated Impervious Surfaces AND less than five thousand (5,000) square feet of Earth Disturbance.

SECTION 2. Table 106.1, *Thresholds for Regulated Activities that are Exempt from the Provisions of this Ordinance as Listed Below*, is hereby amended to change the square footage thresholds as follows:

TABLE 106.1 Thresholds for Regulated Activities that are Exempt from the Provisions of this Ordinance as Listed Below

< 1,000 sq. ft. of Regulated Impervious Surfaces AND < 5,000 sq. ft. of Proposed Earth Disturbance

≥ 1,000 sq. ft. of Regulated Impervious Surfaces OR ≥ 5,000 sq. ft. of Proposed Earth Disturbance

SECTION 3. Section 106(D), *Modified Requirements for Small Projects*, is hereby amended to change the square footage thresholds as follows:

Section 106(D). Modified Requirements for Small Projects

Regulated Activities that involve 1,000 to 2,000 square feet of Regulated Impervious Surfaces and 5,000 to 10,000 square feet of proposed Earth Disturbance may apply the modified requirements presented in the “Simplified Approach to Stormwater Management for Small Projects” (Simplified Approach) (Appendix A) to comply with the requirements of Sections 301, 304, 305, 306, 307, 308, 309, and 310, and Article IV, Article V, Article VI and Article VII of this Ordinance (as shown in Table 106.2).

SECTION 4. Section 902(A), *Right of Entry*, is hereby amended to read as follows:

A. Upon presentation of proper credentials, duly authorized officers or agents of the Municipality may request to enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of all erosion and sediment controls and permanent stormwater BMPs, Conveyances, or other Stormwater Management Facilities both during and after completion of a Regulated Activity, or for compliance with any requirement of this Ordinance.

SECTION 5. Section 902(C), *Right of Entry*, providing that failure to grant the Township access to the property within twenty-four (24) hours of notification is a violation of this ordinance, is hereby deleted in its entirety.

SECTION 6. Appendix A.1, *Applicability, Submittal and Approval Requirements*, Subsection *Applicability*, the first and third bullet points, are hereby amended as follows:

Applicability:

- Small projects with less than 2,000 square feet of Regulated Impervious Surfaces (as defined in the Municipality’s Stormwater Management Ordinance) and with less than 10,000 square feet of proposed Earth Disturbance (as defined in the Municipality’s Ordinance) may apply the “Simplified Approach to Stormwater Management for Small Projects” (Simplified Approach).
- Any project with more than 2,000 square feet of Regulated Impervious Surface or more than 10,000 square feet of proposed Earth Disturbance can NOT apply this Simplified Approach.

SECTION 7. Appendix A.2, *Simplified Approach to Stormwater Management for Small Projects – Handbook*, Section 2.0, *Project Eligibility for the Simplified Approach*, is hereby amended to change the square footage thresholds as follows:

Threshold

Small projects with 1,000 to 2,000 square feet of Regulated Impervious Surface (as defined in the Municipality's Stormwater Management Ordinance) and/or with 5,000 to 10,000 square feet of proposed Earth Disturbance (as defined in the Municipality's Stormwater Management Ordinance) may apply the Simplified Approach.

Any project with more than 2,000 square feet of Regulated Impervious Surface or more than 10,000 square feet of proposed Earth Disturbance **cannot** apply this Simplified Approach.

SECTION 8. Appendix A.2, *Simplified Approach to Stormwater Management for Small Projects – Handbook*, Section 3.0, *Simplified Approach Design Procedure*, is hereby amended to add Table 1.3 – Underground Infiltration Trench Sizing Table for 1,000-2,000 ft² of Regulated Impervious Surface.

SECTION 9. Appendix A.2, *Simplified Approach to Stormwater Management for Small Projects – Handbook*, Section 4.3, *Frequently Asked Questions: How does the Municipality determine if a stormwater permit is required?*, is hereby amended to change the square footage requirements as follows:

If the project, or combination of projects since December 19, 2013, will result in 1,000 square feet of total Regulated Impervious Surface, including Proposed Impervious Surface(s) and existing Impervious Surface(s) installed after the above referenced date, or disturbs 5,000 square feet, a stormwater permit and fully engineered Stormwater Management Plan will be required.

SECTION 10. All other provisions of the Stormwater Management Ordinance remain in full force and effect.

SECTION 11. Any ordinances or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.


SECTION 12. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of East Fallowfield Township, Chester County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 13. The Code of Ordinances of East Fallowfield Township, Chester County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, codified, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of East Fallowfield Township, Chester County, Pennsylvania, as amended, upon adoption.


SECTION 14. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ORDAINED and ENACTED as an Ordinance this ^{23rd} day of May, 2023.


**BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP**




Wilson T. Lambert, Jr.
Chairman




Joe Heffern
Vice Chairman



Katja DiRado
Member



John Nielson
Member



Al Wright
Member

Attest:


Township Secretary