

**EASTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 465-24

AN ORDINANCE OF EASTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF EASTTOWN, AT CHAPTER 118, "ANIMALS," AT ARTICLE II, "DOGS RUNNING AT LARGE; CONTROL OF DOGS," BY DELETING IN ITS ENTIRETY THE CURRENT § 118-14 "ENFORCEMENT; VIOLATIONS AND PENALTIES," AND BY ADDING A REPLACEMENT § 118-14 ENTITLED "ISSUANCE OF WARNINGS," AND BY ADDING A NEW § 118-15 ENTITLED "ENFORCEMENT; VIOLATIONS AND PENALTIES;

ADDING FENCING STANDARDS TO CHAPTER 274, "NATURAL RESOURCES PROTECTION," AT ARTICLE V, "RIPARIAN BUFFER ZONE (RBZ)," BY ADDING SUBSECTION H. TO § 274-18, "DELINEATION"; AMENDING CHAPTER 388, "STORMWATER MANAGEMENT," AT ATTACHMENT 1 / APPENDIX "A" TO INCLUDE A NEW APPENDIX A.3 WITH SPECIFIC OPTIONS AND ASSOCIATED DESCRIPTIONS FOR THE SIMPLIFIED APPROACH TO STORMWATER MANAGEMENT FOR SMALL PROJECTS; AMENDING CHAPTER 400, "SUBDIVISION AND LAND DEVELOPMENT," AT ARTICLE V, "PROCEDURAL REQUIREMENTS," TO REDUCE HARD COPY SUBMISSION REQUIREMENTS AT § 400-14.B. AND § 400-16.B.; AMENDING CHAPTER 455, "ZONING," ARTICLE XIII, "ADMINISTRATION AND ENFORCEMENT," AT § 455-95.B UNDER "PERMIT REQUIREMENTS," TO CLARIFY AN APPLICANT'S SEPARATE REQUIREMENTS REGARDING A HOMEOWNER ASSOCIATION AND/OR UNDER LOCAL PLANNED COMMUNITY RULES IF APPLICABLE; AMENDING CHAPTER 455, "ZONING," AT ARTICLE XIV, "CONDITIONAL USES," TO REDUCE HARD COPY SUBMISSION REQUIREMENTS AT § 455-103.A; AMENDING CHAPTER A490, "STANDARD CONSTRUCTION AND MATERIAL SPECIFICATIONS FOR PUBLIC IMPROVEMENTS," ARTICLE IV, "DRIVEWAYS," AT § A490-36.G, UNDER "CONSTRUCTION STANDARDS," TO REMOVE REFERENCE TO TOWNSHIP ROAD RIGHT OF WAY LINE; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Easttown Township, Chester County, Pennsylvania that the Easttown Township Code, as amended, shall be further amended as follows:

SECTION 1. Chapter 118, "Animals," at Article II, "Dogs Running at Large; Control of Dogs," shall hereby be amended, by deleting in its entirety the Current § 118-14 "Enforcement; Violations and Penalties," and by adding a replacement § 118-14 "Issuance of Warnings" and by adding a new § 118-15 "Enforcement; Violations and Penalties," to read as follows:

§ 118-14 Issuance of Warnings.

Upon notification that a person is violating this Article, an Easttown Township Police Officer, Easttown Township Code Enforcement Officer and/or Animal Warden of Easttown Township may issue an initial warning to the owner of the dog, depending on the severity of the offense. The warning shall be hand-delivered to the owner or sent by certified mail, return receipt requested, to the owner at his/her last known address and shall include a copy of this Article and the Section violated, and a notice that a fine will be imposed for all subsequent violations in accordance with Section 118-15. The notice shall specify the license number of the dog, if known, a general description of the dog, and the date, time, place and nature of the violation.

§ 118-15 Enforcement; Violations and Penalties.

- A. Any person who violates or permits the violation of any provision of this Article, except as to Section 118-10 “Noise Restrictions,” shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$50 and not more than \$200, plus all court costs, including reasonable attorney fees, incurred by the Township. Each day that a violation of this Article continues or each section of this Article that shall be found to have been violated shall constitute a separate offense. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of Pennsylvania Civil Procedure.
- B. Any person who is found liable for any subsequent offense for a violation of any provision of this Article, except as to Section 118-10, “Noise Restrictions,” shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$200 and not more than \$400, plus all court costs, including reasonable attorney fees, incurred by the Township. Each day that a violation of this Article continues or each section of this Article that shall be found to have been violated shall constitute a separate offense. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of Pennsylvania Civil Procedure.
- C. Violation of Section 118-10, “Noise Restrictions.”
 - (1) Any person who violates or permits the violation of Section 118-10, “Noise Restrictions,” of this Article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine in the following amounts, plus all court costs, including reasonable attorney's fees, incurred by the Township:
 - (a) First violation: warning issued or fine of \$50.

- (b) Second violation in any calendar year: fine of \$50.
 - (c) Third violation in any calendar year: fine of \$100.
 - (d) Fourth and subsequent violations in any calendar year: fine of no less than \$200 and no more than \$400.
- (2) Each day that a violation of § 118-10, “Noise Restrictions” continues shall constitute a separate offense. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of Pennsylvania Civil Procedure.
- D. In addition to any other remedies set forth herein, a violation of this Article may be abated in any other manner provided for at law or equity.
 - E. Any officer of the Easttown Township Police Department, on Easttown Township Code Enforcement Officer is hereby authorized to commence a proceeding under this Article.
 - F. Nothing contained in this Article prohibits Township initiation of enforcement proceedings pursuant to the Pennsylvania Dog Law, 3 P.S. § 459-101 et seq.

SECTION 2. Chapter 274, “Natural Resources Protection,” at Article V, “Riparian Buffer Zone (RBZ),” shall hereby be amended, by adding a new subsection H. to § 274-18, “Delineation,” to read as follows:

§ 274-18. Delineation.

...

- H. Notwithstanding any other provision of this Chapter, minimal disturbance fencing (meaning fencing with no concrete footings) may be placed inside of a 50 foot riparian buffer zone, provided that such minimal disturbance fencing be placed not closer than 25 feet from the outward from the edge of a protected wetland, floodplain, or watercourse being protected, and shall be of an environmentally conscious design and material as approved by the Township landscape architect.

SECTION 3. Chapter 388, “Stormwater Management,” at Attachment 1 - Appendix A, “Simplified Approach to Stormwater Management for Small Projects,” shall hereby be amended to include a new Sub-Appendix A.3, providing for specific options and associated descriptions for the simplified approach to stormwater management for small projects, as set forth in the document attached hereto and incorporated herein as though fully set forth, and designated as Appendix A.3, “BMP Options and Descriptions.”

SECTION 4. Chapter 400, “Subdivision and Land Development,” at Article V, “Procedural Requirements,” shall hereby be amended at § 400-14.B., under “Submission of Preliminary Plan,”

and at §400-16.B., under “Submission of Final Plan,” as set forth in the following strikeout and interlineation edits, with strikeout indicating removal of text, and interlineation indicating addition of text:

§ 400-14. Submission of Preliminary Plan.

...

B. Official submission of a preliminary plan shall consist of:

(1) ~~Thirteen~~ Eight copies of the application for preliminary plan review, including an electronic copy submitted electronically in a PDF format.

(2) ~~Thirteen~~ Eight copies of the preliminary plan, including an electronic copy submitted electronically in a PDF format.

(3) Four completed copies of the "Planning Modules for Land Development," including an electronic copy submitted electronically in a PDF format.

(4) ~~Thirteen~~ Eight copies of any other document, report or other supplementary data and plans required by any provision of this chapter, including an electronic copy submitted electronically in a PDF format.

...

§ 400-16. Submission of Final Plan.

...

B. Official submission of a final plan shall consist of:

(1) ~~Thirteen~~ Eight copies of the application for final plan review, including an electronic copy submitted electronically in a PDF format.

(2) ~~Thirteen~~ Eight copies of the final plan, including an electronic copy submitted electronically in a PDF format.

(3) ~~Thirteen~~ Eight copies of any other document, report or other supplementary data and plans required by any provision of this chapter, including an electronic copy submitted electronically in a PDF format.

...

SECTION 5. Chapter 455, “Zoning,” Article XIII, “Administration and Enforcement,” shall hereby be amended at § 455-95.B under “Permit Requirements,” as set forth in the following strikeout and interlineation edits, with strikeout indicating removal of text, and interlineation indicating addition of text:

§ 455-95. Permit Requirements.

...

- B. Applications. Application for a zoning permit shall be made in writing to the Zoning Officer on a form furnished by the Township and shall contain all information necessary for such officer to ascertain whether the proposed use of land, buildings, or other improvements which are the subject of the application complies with the provisions of this chapter, all other applicable Township ordinances and regulations, and all statutes and regulations of other governmental authorities having jurisdiction. No application is complete, nor shall it be accepted for filing, until all required documents, ~~including but not limited to homeowner association approvals if applicable,~~ have been filed and all fees have been paid. Township review and action relating to a zoning permit application is separate and apart from any authorizations or approvals an applicant may separately need from a homeowner association and/or under local planned community rules, if applicable; the Township does not opine on such non-municipal requirements in action on a zoning permit.

SECTION 6. Chapter 455, “Zoning,” at Article XIV, “Conditional Uses,” shall hereby be amended at § 455-103.A, under “Application Procedure,” as set forth in the following ~~strikeout~~ and ~~interlineation~~ edits, with ~~strikeout~~ indicating removal of text, and ~~interlineation~~ indicating addition of text:

§ 455-103. Application Procedure.

- A. ~~Eighteen~~ Eight hard copies and one electronic copy in PDF format of an application for conditional use approval shall be submitted to the Zoning Officer on a form provided by the Township and shall be accompanied by the application fee, the amount of which shall be established by resolution of the Supervisors.

SECTION 7. Chapter A490, “Standard Construction and Material Specifications for Public Improvements,” Article IV, “Driveways,” shall hereby be amended at § A490-36.G, under “Construction Standards,” as set forth in the following ~~strikeout~~ and ~~interlineation~~ edits, with ~~strikeout~~ indicating removal of text, and ~~interlineation~~ indicating addition of text:

- G. Location and separation. Unless otherwise provided in Chapter 455, Zoning, driveways shall not be located less than 10 feet from a property line. ~~-(as measured at the Township road right-of-way line).~~

SECTION 8. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 9. Repealer. All Ordinances, or parts of Ordinances, conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 10. General Code. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Easttown Township ordinances and/or codification and to bring the Ordinance into conformity with the Easttown Township ordinances/codification.

SECTION 11. Effective Date. This Ordinance shall be effective five days following enactment as by law provided.

ENACTED AND ORDAINED this 7th day of OCTOBER, 2024 by the Board of Supervisors of Easttown Township.

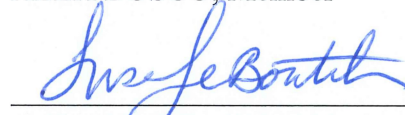
**EASTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

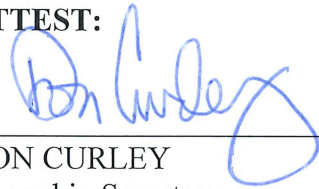

ERIK UNGER, Chair


MICHAEL WACEY, Vice Chair


SEAN AXEL, Member

ALEX BOSCO, Member


SUSAN LeBOUTILLIER, Member

ATTEST:


DON CURLEY
Township Secretary

