

ORDINANCE NO. 805-2019

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 779-2013 OF THE CODIFIED CODE OF ORDINANCES 757-2009 CHAPTER 22, LAND DEVELOPMENT ORDINANCE OF EAST PENNSBORO TOWNSHIP BY AMENDING PART 7 STORMWATER MANAGEMENT § 22-712.1 EXEMPTIONS TO INCREASE REGULATED ACTIVITIES FROM 1,000 TO 5,000 SQUARE FEET OF NEW IMPERVIOUS SURFACES FROM THE STORMWATER MANAGEMENT SITE PLAN PREPARATION REQUIREMENTS; DELETING SECTION 2 REGULATED ACTIVITIES THAT CREATE NEW DISCONNECTED IMPERVIOUS AREAS; DELETING SECTION 3 REGULATED ACTIVITIES BASED UPON PARCEL SIZE AND TABLE; AND RENUMBERING SECTION 4 AGRICULTURAL PLOWING AND TILLING TO SECTION 2; AND SECTION 5 FOREST MANAGEMENT ACTIVITIES TO SECTION 3.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Township of East Pennsboro, Cumberland County, Pennsylvania, and it is at this moment enacted and ordained by the authority of the same as follows:

**SECTION 1.** Section 22-712 Part 7 [Stormwater Management] of Chapter 22 [Land Development] of the Code of Ordinances of the Township of East Pennsboro is hereby repealed, revised and amended to read in its entirety as follows:

**§22-712 Exemptions.**

1. Regulated activities resulting in less than or equal to 5,000 square feet of new impervious surface are exempt from the SWM site plan preparation requirements in Subpart D, including §§ 22-713 and 22-714 of this Part. The criteria in this Part shall apply to the total proposed development even if development is to take place in phases. January 2, 2013 shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.\*

2. Agricultural plowing and tilling are exempt from the SWM site plan requirements, including §§ 22-713 and 22-714, of this Part, provided the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.
3. Forest management and timber operations are exempt from the rate control and SWM site plan preparation requirements of this Part, provided the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.

\* The municipality has, at its discretion, the ability to deny exemption from any requirements of this Part. Exemption from any requirements of this Part does not convey exemption from any requirements of any other applicable local codes or ordinances (i.e., local building permit requirements).

**SECTION 3.** If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

**SECTION 4.** All ordinances or parts of ordinances or tables inconsistent herewith are hereby repealed.

**SECTION 5.** In all other respects, Chapter 22 [Land Development] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

**SECTION 6.** This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ORDAINED this 6<sup>th</sup> day of February, 2019

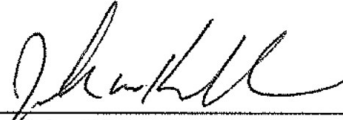
**BOARD OF COMMISSIONERS  
EAST PENNSBORO TOWNSHIP**

Attest:



\_\_\_\_\_  
A. John Pietropaoli, Secretary

By:



\_\_\_\_\_  
John W. Kuntzelman, President