

**TOWNSHIP OF LOWER FREDERICK
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2021-06

AN ORDINANCE OF THE TOWNSHIP OF LOWER FREDERICK, MONTGOMERY COUNTY, PENNSYLVANIA; AMENDING CHAPTERS 145, SUBDIVISION AND LAND DEVELOPMENT, AND 170, ZONING, OF THE TOWNSHIP CODE TO ESTABLISH REQUIREMENTS FOR AFFORESTATION AND REFORESTATION; REVISE EXISTING AND CREATE NEW DEFINITIONS; AND SET FORTH NATURAL RESOURCE PROTECTION STANDARDS.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of the Township of Lower Frederick, Montgomery County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

ARTICLE I. Definitions

Section 145-8, Definitions, of Chapter 145, Subdivision and Land Development, of the Lower Frederick Township Code is hereby amended by adding the following new definitions which shall read as follows:

AFFORESTATION

The act or process of establishing new forest/woodlands upon a site.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree 4½ feet above ground on the uphill side of the tree ("breast height"). If a tree forks below breast height, each trunk is treated as a separate tree.

INVASIVE PLANTS

Those plants defined and listed by the Pennsylvania Department of Conservation and Natural Resources (DCNR) as those species that are not native to the state, grow aggressively, spread quickly, and displace native vegetation. Invasive plants are generally undesirable because they are difficult and costly to control and can dominate entire habitats, making them environmentally destructive in certain situations. New species cross state borders and some plants that have been in the state for decades may suddenly become invasive due to changing land uses, changes in weather or climate, or genetic reasons, so the list of plants meeting this definition may change over time and will be updated periodically.

REFORESTATION

The act or process of replacing existing forest/woodlands proposed to be removed as a part of a land development upon a site.

TREE PROTECTION ZONE (TPZ)

An area that is radial to the trunk of a tree in which no construction activity, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or one (1) foot outside of the drip line for the tree, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

ARTICLE II. Reforestation/Afforestation

Chapter 145, Subdivision and Land Development, of the Lower Frederick Township Code is hereby amended by adding a new Section 145-43.1, Reforestation/Afforestation, which shall read as follows:

Section 145-43.1 – Reforestation/Afforestation.

- A. All proposed subdivisions or land developments, except for those which qualify as minor plans, shall comply with the following:
- (1) Conduct afforestation on the site in accordance with the following:
 - (a) A site located in the R-1 or R-2 Zoning Districts and having less than twenty-five percent (25%) of its base site area covered by woodlands shall be afforested up to at least twenty-five percent (25%) of the base site area.
 - (b) A site located in the VMU, OI, or LI Zoning Districts and having less than fifteen percent (15%) of its base site area covered by woodlands shall be afforested up to at least fifteen percent (15%) of the base site area.
 - (c) An landowner/developer of a site containing floodplains, floodplain soils, riparian buffers, wetland margins, and steep slopes, as such natural resources are defined and protected under Chapter 170, Zoning, shall entirely afforest such natural resources that are not covered by woodlands.

(2) Conduct reforestation on the site in accordance with the reforestation requirements set forth in Chapter 170, Zoning. In addition, the following shall be complied with:

(a) When afforestation is required on a site under Subsection 145-43.1A(1) above, any existing woodlands removed from the site by the landowner/developer shall be reforested upon the site on a two to one (2:1) ratio based upon square footage (i.e., if one thousand (1,000) square feet of woodlands are removed/cut down, the site must be reforested with two thousand (2,000) square feet of new woodlands). Any reforestation of removed pre-existing woodlands shall be in addition to any trees planted to meet the afforestation requirements of Subsection 145-43.1A(1) above.

B. Priorities and methods for afforestation and/or reforestation.

(1) Any proposed afforestation or reforestation shall be designed to best serve the priorities listed below. Any afforestation or reforestation area establishing a new woodlands shall be at least one hundred (100) feet in length, width, or any other dimensional standard. All afforestation and reforestation areas shall be protected and preserved by the placement of a conservation easement upon them, granted to the Township. The following are considered a priority for afforestation and/or reforestation:

(a) The establishment or enhancement of woodlands within or adjacent to riparian buffers.

(b) The establishment or enhancement of woodlands on 100-year floodplains, when appropriate as determined by the Township.

(c) The establishment or enhancement of forested corridors to connect existing woodlands within or adjacent to the site. Where practical, forested corridors should be a minimum of three hundred (300) feet in width to facilitate wildlife movement.

(d) The establishment or enhancement of forested buffers adjacent to critical habitats, where appropriate as determined by the Township.

(e) The establishment or enhancement of woodlands on slopes of eight percent (8%) or greater.

(f) The establishment of forested areas adjacent to existing woodlands to increase the overall area of contiguous woodlands cover.

(2) All afforestation shall be completed using whip stock of mixed hardwoods with a minimum height of two (2) feet. At least six (6) different species of

trees shall be planted; with no one species comprising of more than twenty (20) percent of the total trees planted. One (1) tree shall be planted for every one hundred (100) square feet, or part thereof, of afforestation proposed/required. Bare root whips shall be planted between October 15th and December 1st, and potted whips shall be planted between March 15th and May 1st. Planted whips shall be mulched and protected from browsing animals.

- (3) The trees used in afforestation or reforestation shall be native to the Township or appropriate related cultivars of trees native to the Township. All such trees must be approved by the Township and, where appropriate, preference will be given to replacement trees of the same species as the trees removed from the site.
- (4) Prior to any planting of trees, all invasive plants shall be removed and permanently eliminated from the afforestation and reforestation areas. Invasive plants include, but are not limited to the following:
 - *Cirsium arvense*, commonly known as Canadian Thistle
 - *Rosa multiflora*, commonly known as Multiflora Rose
 - *Sorghum halepense*, commonly known as Johnson Grass
 - *Polygonum perfoliatum*, commonly known as Mile-a-Minute
 - *Pueraria lobata*, commonly known as Kudzu-Vine
 - *Cirsium vulgare*, commonly known as Bull or Spear Thistle
 - *Carduus nutans*, commonly known as Musk or Nodding Thistle
 - *Sorghum bicolor*, commonly known as Shattercane
 - *Datura stramonium*, commonly known as Jimsonweed
 - *Lythrum salicaria*, commonly known as Purple Loosestrife, including all cultivars
 - *Heracleum mantegazzianum*, commonly known as Giant Hogweed
 - *Galega officinalis*, commonly known as Goatsrue
 - *Conium maculatum*, commonly known as Poison Hemlock
 - *Acer platanoides*, commonly known as Norway Maple
 - *Pyrus calleryana*, commonly known as Callery Pear
 - *Elaeagnus umbellata*, commonly known as Autumn Olive
 - *Berberis thunbergia*, commonly known as Japanese Barberry
 - *Ailanthus altissima*, commonly known as Tree-of-Heaven
 - *Fallopia japonica*, commonly known as Japanese knotweed
- (5) All afforestation and reforestation shall occur upon non-buildable areas of the site, including open space, recreation lands, buffers (but shall be in addition to any buffer requirements), stormwater management facilities, and other such areas, so long as the afforestation/reforestation does not adversely affect their function and/or capacity. No afforestation/

reforestation shall occur upon residential building lots smaller than five (5) acres.

- (6) All afforestation and reforestation shall be completed prior to the recordation of the approved subdivision or land development plan or be guaranteed to be completed pursuant to the development/financial security agreements required under this Chapter.
 - (7) All afforestation and reforestation areas shall be maintained until eighteen (18) months after the completion of construction upon the site and acceptance of the public improvements by the Township. Such maintenance shall include, but not be limited to, the replacement of any dead, dying, damaged, or diseased trees; installation and maintenance of fencing and other types of protection against animal browsing; and removal of any and all invasive plants.
 - (8) All afforestation and reforestation shall be conducted in conformance with state and federal Best Management Practices.
- C. Forest Conservation Fund. The Township hereby establishes a Forest Conservation Fund. If an applicant subject to this Section demonstrates to the satisfaction of the Board of Supervisors that the requirements for reforestation or afforestation cannot be reasonably accomplished onsite, the applicant shall contribute a fee-in-lieu of the actual cost of the reforestation or afforestation, as approved by the Board of Supervisors, into the Township's Forest Conservation Fund. At its discretion, the Board of Supervisors may permit an applicant to meet all or part of this fee-in-lieu of requirement by enhancing existing woodlands or other natural areas on the site through the removal of invasive plants, the planting of native plants, undertaking required planting off-site, or other means, as request by an applicant.
- D. Preservation. The following trees, shrubs, plants, and specific areas shall be granted priority for preservation and protection and shall be left in an undisturbed condition unless an applicant has demonstrated, to the satisfaction of the Board of Supervisors, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:
- (1) Trees, shrubs and plants located in the following sensitive ecological areas, as defined in Chapter 170, Zoning, of this Code: floodplains, floodplain soils, lakes, ponds, watercourses, riparian buffers, steep slopes, wetlands, and wetland margins.
 - (2) Any part of a contiguous woodlands that is ten (10) acres or larger.
 - (3) Trees, shrubs or plants determined to be rare, threatened, or endangered under the Federal Endangered Species Act of 1973 (16 U.S.C. §§1531-

1544 and 50 CFR Part 17) or placed upon the Pennsylvania Threatened Species List or the Pennsylvania Endangered Species List (34 Pa.C.S.A. §2101 *et seq.*).

- (4) Trees that are part of a historic site; associated with a historic structure; or have been designated as a national, state, or county champion tree.
 - (5) A heritage tree as defined in Chapter 170, Zoning; or any tree having a DBH of thirty (30) inches or more, or least seventy-five percent (75%) of the DBH of a designated national, state, or county champion tree of that species.
- E. Exemptions. The following shall be exempt from the requirements of this Section, however, exempt trees still must be replaced pursuant to this Section (but are not subject to the penalty listed under Subsections 145-43.1.A.(2)(a) or 145-43.1.F):
- (1) Removal of trees that are diseased or have suffered severe damage.
 - (2) Removal of dead or dying trees that pose a hazard to structures or human life or any tree whose angle or growth makes it a hazard to structures or human life.
 - (3) Removal of any and all trees that are considered invasive plants.
- F. Future Applicability.
- (1) If within five (5) years prior to applying for subdivision and/or land development approval or after applying for such approval, woodlands or trees are removed from areas on a parcel of land which would be granted priority for preservation and protection under Subsections 145-43.1.D(1) or (2) above, then the removed forest/trees shall be replaced on a five-to-one (5:1) ratio based upon square footage [i.e., if one thousand (1,000) square feet was removed, it must be reforested with five thousand (5,000) square feet of forest].
 - (2) If within five (5) years prior to applying for subdivision and/or land development approval or after applying for such approval, woodlands or trees are removed from areas on a parcel of land which would be granted priority for preservation and protection under Subsections 145-43.1.D(3), (4), or (5) above, then the removed forest/trees shall be replaced on a twenty to one (20:1) ratio based upon square footage [i.e., if one thousand (1,000) square feet was removed, it must be reforested with twenty thousand (20,000) square feet of forest] or individual trees [i.e., if ten (10) trees were removed, they must be replaced with two hundred (200) trees], whichever results in a larger area being reforested.

- (3) Replacement trees necessary to meet the requirements of this Subsection F shall be transplanted or nursery stock with a caliper greater than three and one half (3½) inches at DBH. These trees shall be located not less than thirty (30) feet on center and shall be chosen and planted pursuant to requirements of this Section.

G. Preservation and Protection and Existing Vegetation.

- (1) All subdivisions and/or land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. If required by the Township, the applicant shall produce evidence from a qualified professional that no alternative layouts are possible that would reduce the loss of individual trees, vegetated areas, and woodlands.
- (2) Alteration of existing drainage patterns and water supply for the protected trees and vegetation shall be minimized.
- (3) If a landowner/developer or their agents/employees encroach into a designated tree protection zone resulting in the damage or destruction of existing trees and/or vegetation designated to remain, the landowner/developer shall be responsible for replacing the damaged or destroyed vegetation on a ten to one (10:1) ratio based upon square footage [i.e., if one thousand (1,000) square feet was removed, it must be reforested with ten thousand (10,000) square feet of forest] or individual trees [i.e., if ten (10) trees were removed, they must be replaced with one hundred (100) trees], whichever results in a larger area being replaced. Such replacement trees shall be transplanted or nursery stock with a caliper greater than three and one half (3½) inches at DBH. These trees shall be installed not less than thirty (30) feet on center and shall be chosen and planted pursuant to requirements of this Section. In addition, the applicant shall be required to replace any damaged or destroyed shrubs or ground cover, with plant material of equivalent type, size and shape. Any new replacement trees or plant material shall be guaranteed for one (1) year or until the end of the eighteen (18) month maintenance period for the project, whichever is greater.

H. An Afforestation/Reforestation Plan shall be submitted with all subdivisions and land developments, except for those which qualify as minor plans. This Plan shall be prepared by a registered landscape architect, registered/certified arborist, or forester and shall address the following:

- (1) The location on the site or within two hundred (200) feet of the property boundaries of the site of existing woodlands, steep slopes equal to or greater than eight percent (8%), riparian buffers, one-hundred year floodplains, floodplain soils, lakes, ponds, watercourses, wetlands, and wetland margins.

- (2) The location(s) where woodlands removal is to take place, as well as the species, size, location, and number of trees proposed to be removed.
- (3) The total acreage of the site, and the total amount of woodlands permitted to be developed on the site.
- (4) The total amount of afforestation and/or reforestation required and proposed.
- (5) The location(s) of afforestation and/or reforestation, as well as the species, size, location, and number of trees proposed to be planted.
- (6) A plan for the control of invasive plants within the areas of afforestation and reforestation. This plan shall state the method(s) proposed to control these weeds and plants, such as: periodic cutting, grubbing, foliar spray, basal bark herbicide application, and soil application. The type of method(s) used must be approved by the Township and shall depend upon the following: type of weed or plant to be controlled, extent of infestation, quality of native vegetation on the site, natural resources existing on or near the site, and possible disturbance to natural habitats.

ARTICLE III. Definitions

Section 170-8 of Chapter 170, Zoning, of the Lower Frederick Township Code is hereby amended by adding the following new definitions:

BANKFULL FLOW OR LEVEL

The discharge that just fills the water channel to the top of its banks and at a point where the water begins to overflow onto a floodplain. Bankfull discharge is a relatively frequent event with a return rate of two (2) years.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree 4½ feet above ground on the uphill side of the tree ("breast height"). If a tree forks below breast height, each trunk is treated as a separate tree.

DRIP LINE

An imaginary line on the ground corresponding to the location of the outer-most edges of the branches of a tree that defines the limits of the tree's canopy. The drip line may be determined for a single tree or measured collectively for a larger grouping of trees or woodland.

GROUNDWATER

The water that lies beneath the ground surface, filling the cracks, crevices, and pore space of rocks and soil.

HERITAGE TREE

Any tree greater than thirty (30) inches DBH shall be considered a Heritage Tree regardless of species, except that any tree of the species specified below shall be considered a Heritage Tree where greater than twenty-four (24) inches DBH.

TREE

<u>Botanical Name</u>	<u>Common Name</u>
Aesculus hippocastanum	Common Horsechestnut
Betula pendula	White Birch
Betula lenta	Black Birch
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockernut Hickory
Juglans cinerea	Butternut Walnut
Liquidambar styraciflua	Sweetgum
Quercus montana	Chestnut Oak
Quercus prinoides	Chinquapin Oak

In the context of a subdivision or land development review or in consideration of any application for approval of a special exception, variance, or conditional use, and upon the recommendation of a qualified forester or equivalent professional, the Township may designate as additional Heritage Trees, any tree or other plant selected as uniquely representative of a class or group in terms of size, shape, form, age, historical importance, scenic qualities, visual prominence or other characteristics. Trees or other plants determined to be dead or diseased or in any manner constituting a safety hazard shall not be considered Heritage Trees.

HYDRIC SOILS

A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation as listed in the most current soil survey of Montgomery County and Philadelphia, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service. Wetlands vegetation are those plant species that have adapted to the saturated soils and periodic inundations occurring in wetlands.

INVASIVE PLANTS

Those plants defined and listed by the Pennsylvania Department of Conservation and Natural Resources (DCNR) as those species that are not native to the state, grow aggressively, spread quickly, and displace native vegetation. Invasive plants are generally undesirable because they are difficult and costly to control and can dominate entire habitats, making them environmentally destructive in certain

situations. New species cross state borders and some plants that have been in the state for decades may suddenly become invasive due to changing land uses, changes in weather or climate, or genetic reasons, so the list of plants meeting this definition may change over time and will be updated periodically.

LAKES AND PONDS

Natural or artificial bodies of water 1/4 acre or larger (at their largest extent) which retain water year-round. Artificial lakes or ponds may be created by dams, or result from excavation.

LAND DISTURBANCE

Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

RIPARIAN BUFFER

An area adjoining lakes, ponds, and watercourses. These areas intercept surface runoff, subsurface flow, and deeper groundwater flows from upland sources and remove and buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters or groundwater recharge areas.

SLOPE

The deviation of a surface from the horizontal, usually expressed in percent or degrees.

SWALE

A depression in the ground that channels runoff.

TREE PROTECTION ZONE (TPZ)

An area that is radial to the trunk of a tree in which no construction activity, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or one (1) foot outside of the drip line for the tree, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

WETLANDS MARGIN

A transitional area extending from the outer limits of the wetlands, as defined in this Chapter. Wetlands margins serve to filter pollutants, reduce stormwater velocities, provide for flood water storage, provide wildlife habitat (which may include endangered and threatened species), facilitate ground water recharge and allow for slight variations of the wetlands boundary seasonally or over time. For the purpose of this Chapter, the wetlands margin shall extend twenty-five (25) feet from the outer boundary of any wetland.

ARTICLE IV. Definitions

Section 170-8, Definitions, of Chapter 170, Zoning, of the Lower Frederick Township Code is hereby amended by revising the current definitions of “Watercourse”, “Wetlands”, and “Woodlands” to read as follows:

WATERCOURSE

Any natural or artificial river, stream, creek, brook, canal, channel, ditch, swale, or similar place intended or used for the directed surface flow of water, in which water flows in a definite direction or course, either perennially, intermittently, or ephemeral, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

A. EPHEMERAL WATERCOURSE

A watercourse which has flowing water only during, and for a short duration after, precipitation events in a typical year. The beds of ephemeral watercourses are located above the water table year-round, and groundwater is not a source of water for the watercourse. Runoff from rainfall is the primary source of water for this type of watercourse.

B. INTERMITTENT WATERCOURSE

A watercourse which has flowing water during certain times of the year, when groundwater provides water for flow. During dry periods, intermittent watercourses may not have flowing water. Runoff from rainfall is a supplemental source of water for this type of watercourse.

C. PERENNIAL WATERCOURSE

A watercourse which has flowing water year-round during a typical year. The water table is located above the bed of the watercourse for most of the year. Groundwater is the primary source of water for flow. Runoff from rainfall is a supplemental source of water for this type of watercourse.

WETLANDS

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions; includes swamps, marshes, bogs, and similar areas. (The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission.) Development in wetlands is regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. Wetlands shall be delineated by a professional soil scientist/engineer and shall be determined by current standards established by the U.S. Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection. Identification of wetlands should be based upon wetland delineation

methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the Eastern Mountains and Piedmont Regional Supplement (USACE 2012b)..

WOODLANDS

Land containing areas, groves, or stands of mature or largely mature trees (trees with a caliper of six (6) inches or greater) that form a continuous canopy covering an area of 1/4 of an acre or more, as measured from the drip line of the outer trees; or groves or stands of mature trees (trees with a caliper of twelve (12) inches or greater) consisting of ten (10) or more individual specimens forming a continuous canopy.

ARTICLE V. Natural Resource Protection Standards

A new Section 170-41.1, Natural Resource Protection Standards, is hereby added to Chapter 170, Zoning, of the Lower Frederick Township Code and shall read as follows:

§170-41.1 Natural Resource Protection Standards

All structures, uses, and activities, including subdivisions and land developments, established, moved, or expanded after the effective date of this Section, shall comply with the following standards or shall constitute a violation of this Chapter. Site alterations, regrading, filling, clearing, disturbing, impacting, or other alteration of any natural resources must be done in full compliance with the following provisions or shall constitute a violation of this Chapter. The natural resources protected under this Section and the extent of such protections are as follows:

- A. Floodplains and Floodplain (Alluvial) Soils. See Article XV - FP Floodplain Conservation District of this Chapter.
- B. Heritage Trees.
 - (1) Heritage Trees shall be preserved and protected to the greatest extent feasible, as determined by the Township Engineer.
 - (2) Where any land disturbance is proposed as part of any subdivision or land development application, removal of Heritage Trees shall not be permitted except where the landowner/developer demonstrates to the satisfaction of the Township that such removal is essential to eliminate hazardous condition(s). In consideration of any need for tree removal, the Township may engage the services of an arborist, reasonable costs therefore to be borne by the landowner/developer.

- (3) Where any applicant for building, zoning, subdivision, or land development approval establishes conservation restrictions acceptable to the Township which shall result in the conservation of Heritage Trees, all such Heritage Trees to be retained shall be credited toward any tree replacement required under this Chapter, at the ratio of five (5) trees credited for each Heritage Tree retained.
- C. Lakes, Ponds, and Watercourses. The entire extent of such areas shall not be altered, regraded, developed, filled, piped, diverted, or built upon; except that roads and trails may cross watercourses where design approval is obtained from the Township and, if required, the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers.
- D. Riparian Buffer. No land disturbance shall be authorized within any riparian buffer except as permitted below. The measurement of the riparian buffer shall extend a minimum of seventy-five (75) feet from each defined edge, at bankfull flow or level, of a lake, pond, or watercourse, or shall equal the extent of the 100-year floodplain, whichever is greater. The buffer area will consist of two (2) distinct protection zones.
- (1) Zone 1. This buffer area will begin at the edge of the lake, pond, or watercourse and occupy a margin of land with a minimum width of thirty-five (35) feet measured horizontally on a line perpendicular to the edge of water at bankfull flow or level. Only the following activities are permitted in Zone 1:
 - (a) Open space uses such as wildlife sanctuaries; nature preserves; forest preserves; arboretums; naturized fishing areas; unpaved hiking, biking, or bridle trails; and other passive areas for public or private parklands.
 - (b) Customary agricultural practices in accordance with a soil conservation plan approved by the Montgomery County Conservation District and a nutrient management plan in accordance with State requirements, if applicable.
 - (c) Pruning and removal of trees and other vegetation which are dead, diseased or in such a condition or physical position as to constitute (a) a danger to the structures or occupants of property or a public right-of-way, or (b) a threat to the well-being of other viable trees and shrubs or the stream channel, provided that any such activities are performed by hand or with the aid only of tools or power equipment which are hand-held.

- (d) Afforestation, reforestation, streambank stabilization, and vegetation management in accordance with an approved Riparian Buffer Management Plan.
 - (e) Routine maintenance and cleaning of streams and stream channels pursuant to all applicable federal, state, and county laws and regulations.
 - (f) Regulated activities permitted by the Commonwealth and the Township for watercourse crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian buffer improvements and remediation as approved by the Township and such activity is approved by conditional use.
- (2) Zone 2. This buffer zone will begin at the outer edge of Zone 1 and occupy a minimum width of forty (40) feet in addition to Zone 1. However, where the width of the 100-year floodplain extends greater than seventy-five (75) feet from the waterway, Zone 1 shall remain a minimum of thirty-five (35) feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the 100-year floodplain. Only the following activities/uses are permitted in Zone 2:
- (a) All uses and activities allowed in Zone 1.
 - (b) Recreational activities or uses not involving impervious surfaces such as playing fields or golf courses, provided these uses are designed in a manner that will not create or permit the concentrated flow of stormwater.
 - (c) Passive use areas such as camps, campgrounds, and picnic areas, provided these uses are designed in a manner that will not create or permit the concentrated flow of stormwater.
 - (d) Naturalized stormwater basins provided the entire basin is located a minimum of fifty (50) feet from the defined edge of the identified lake, pond, or water course and situated outside the 100-year floodplain.
 - (e) Up to fifty percent (50%) of the depth of a required front, side, or rear yard of a lot, so long as the activities conducted upon and the way this area is maintained conforms with the requirements of this Section.
- (3) Prohibited Uses. Any use or activity not authorized in Subsection 1 or 2 above shall be prohibited within the riparian buffer. The following activities and facilities are specifically prohibited:

- (a) Clear cutting of trees and other vegetation, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a Township approved reforestation project. Removal is subject to revegetation by native plants that are most suited to the riparian buffer.
- (b) Selective cutting of trees and/or the clearing of other vegetation, except where such clearing is necessary to prepare land for a use permitted under Subsection 1 or 2 above, or where removal is necessary as a means to eliminate dead, diseased or hazardous trees. Removal is subject to revegetation by native plants that are most suited to the riparian buffer.
- (c) Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and protection of the riparian buffer and the associated lake, pond, or watercourse.
- (d) Sod farming and/or topsoil removal.
- (e) Any type of permanent structure, including fences, except structures needed for a use permitted herein.
- (f) Roads, access drives, or driveways, except as permitted as corridor crossings by the Pennsylvania Department of Environmental Protection and Township.
- (g) Parking lots.
- (h) Subsurface and elevated sewage disposal areas and other wastewater disposal systems.
- (i) Storage of any toxic, hazardous, or noxious materials.
- (j) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
- (k) Any off-road motor vehicle traffic.
- (l) Any activity or use that creates within the riparian buffer or permits into the riparian buffer the concentrated flow of surface water. Runoff, stormwater, or other types of wastewater to be buffered or filtered by the riparian buffer shall be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to

sheet flow or subsurface flows prior to entering the riparian buffer and/or other measures necessary to mitigate the potential for erosion and or pollution by such flows must be undertaken, as solely determined by the Township Engineer.

- (4) A riparian buffer for an ephemeral or intermittent watercourse with an upstream drainage area of less than seventy-five (75) acres shall only have a Zone 1 as described and regulated in Subsection C.1 above. A Zone 2 shall not be required for a riparian buffer along such a watercourse.
- (5) **Revegetation of Riparian Buffer.** In cases where a subdivision or land development is proposed (except for those which qualify as minor plans), replanting of the riparian buffer shall be required where there is little or no existing streamside native vegetation. Native vegetation approved by the Township must be used in replanting efforts. Three (3) layers of vegetation are required when replanting the riparian buffer. These layers include herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. The revegetation plan shall be prepared by a qualified professional who has specific experience in the delineation of riparian buffer areas, such as a landscape architect or engineer, and shall comply with the following minimum requirements, unless modified by the Board of Supervisors:
 - (a) **Ground Cover.** Ground cover consisting of a native seed mix extending a minimum of thirty-five (35) feet in width from the edge of the stream bank or shoreline must be provided along the portion(s) of the riparian buffer where little or no riparian vegetation exists. Appropriate ground cover includes native plant material exclusive of noxious weeds as defined by the Pennsylvania state Department of Agriculture. This thirty-five (35) foot wide planted area shall be designated on the plan as a "no mow zone" and shall be left as natural cover except in accordance with the maintenance instructions stated on the plan.
 - (b) **Trees and Shrubs.** These planting layers include trees that form an overhead canopy and understory shrubs. Overstory trees are deciduous or evergreen trees that include oak, hickory, maple gum, beech, sycamore, hemlock, pine, fir, and other similar native trees that thrive in riparian areas. Evergreen and deciduous shrubs should consist of elderberry, viburnum, azalea, rhododendron, holly, laurel, alders, and other similar native understory shrubs that thrive in riparian areas. These plants shall be planted in an informal manner clustered within Zone 1 of the riparian buffer as indicated in Subsection a. above, with an emphasis on streambank and shoreline stabilization. These plants shall be provided at a rate of at least one

(1) overstory tree and three (3) understory shrubs for every twenty (20) linear feet of each streambank/shoreline.

- (c) Exceptions. These planting requirements shall not apply to existing farm fields located within the riparian buffer, if farming operations are to be continued and the required state nutrient management plan is met.

(6) Crossing Standards

- (a) All crossings permitted under this Section shall incorporate, as required, the following design standards.

[1] The width of the right-of-way should not be greater than the minimum right-of-way width required by Chapter 145, Subdivision and Land Development.

[2] Crossings should be designed to cross the riparian buffer at right angles to the greatest extent possible in order to minimize disturbance of the buffer and the length of the crossing.

[3] Crossings shall be separated by a minimum of one thousand (1,000) feet of buffer length, unless otherwise approved by the Board of Supervisors.

[4] Bridges should be used in place of culverts when crossings would require a 72-inch or greater diameter pipe. When culverts are installed, they should consist of slab, arch, or box culverts and not corrugated metal pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

- (b) Uses permitted in either Zone of a riparian buffer involving corridor crossings or other encroachment within the riparian buffer shall be mitigated by increasing the width of the buffer as replacement for the area lost due to the encroachment or disturbance, so that the total buffer area (land area within Zone One and Zone Two) for each applicable side of the lake, pond, or watercourse is equal to what would exist without such encroachment or disturbance. The buffer area is the product of the buffer width required by Subsections C.1 and C.2 above and the total length for each applicable side of the watercourse for which a riparian buffer is being established. Perimeter shall be used in place of length for determining a lake or pond buffer area. The increased width shall be spread throughout the buffer to the maximum extent possible. For watercourses, the

increased width shall be applied along the length of the watercourse in blocks of one thousand (1,000) feet or more, or the full length of the buffer on the affected property, whichever is less.

(7) Riparian Buffer Management Plan.

(a) Within any riparian buffer, no construction, development, use, activity, or encroachment in connection with a subdivision or land development shall be permitted unless the effects of such development are addressed and mitigated by the implementation of a Riparian Buffer Management Plan.

(b) The landowner, applicant, or developer shall submit to the Township, a Riparian Buffer Management Plan prepared by a landscape architect, engineer, or other qualified professional, which fully evaluates the effects of any proposed uses on the riparian buffer when a subdivision or land development is proposed for a site. The Riparian Buffer Management Plan shall identify the existing conditions (vegetation, one hundred (100) year floodplain, soils, slopes, etc.), all proposed activities, all proposed revegetation, and all proposed management techniques, including any measures necessary to offset disturbances to the riparian buffer. The plan shall be approved by the Board of Supervisors as part of the subdivision and land development review and approval process.

(8) The landowner/developer shall demarcate any riparian buffer on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing around the entire perimeter of the buffer, except where the buffer is being crossed or encroached upon in accordance with the requirement of this Chapter or where the buffer is more than one hundred (100) feet away from any area of disturbance. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this protection zone, except activities undertaken in accordance with the approved Riparian Buffer Management Plan. Said fencing shall be erected prior to any work on the site or lot commencing and shall be maintained until the work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every corner/change of direction and no fence post is more the ten (10) away from another post.

E. Soils. Concerning soils, the following shall apply:

(1) Hydric Soils. No land disturbance shall be permitted within any Hydric soils, except in compliance with the following:

- (a) The landowner/developer shall demarcate any hydric soils on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing around the perimeter of such soils, except where the soils are being crossed in accordance with the requirement of this Chapter or where the soils are more than one hundred (100) feet away from any area of disturbance. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this protection zone. Said fencing shall be erected prior to any work on the site or lot commencing and shall be maintained until the work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every corner/change of direction and no fence post is more the ten (10) away from another post.
- (b) Regulated activities permitted by the Commonwealth and the Township for the crossing of hydric soils (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) are permitted, provided that any disturbance is offset by mitigation and remediation improvements as approved by the Township; such activity is approved by conditional use; and the crossing meets the following standards:
 - [1] The width of the right-of way should not be greater than the minimum right-of-way width required by Chapter 145, Subdivision and Land Development.
 - [2] Crossings should be designed to cross the area of hydric soils at right angles to the greatest extent possible in order to minimize disturbance of the soils and the length of the crossing.
 - [3] Crossings shall be separated by a minimum of one thousand (1,000) feet, unless otherwise approved by the Board of Supervisors.
- (2) Sub-Surface Soil. The permanent removal of sub-surface soils, whether soil, clay, or mineral in nature, for other than the on-site construction or grading purposes shall be prohibited, except in permitted extraction operations.
- (3) Topsoil. The permanent removal of topsoil from any parcel of land shall comply with the following:

- (a) Removal of topsoil in conjunction with grading activities shall comply with the applicable provisions of Chapter 77, Grading and Excavations, of this Code, and any proposed removal of topsoil must be approved by the Board of Supervisors, at the Board's sole discretion.
 - (b) Removal of topsoil in conjunction with a land development or subdivision shall comply with the applicable provisions of Chapter 145, Subdivision and Land Development, of this Code, and any proposed removal of topsoil must be approved by the Board of Supervisors, at the Board's sole discretion.
- F. Steep Slopes. See Article XVI - SSC Steep Slope Conservation District of this chapter
- G. Wetlands. In areas of wetlands, the following standards shall apply:
 - (1) The entire extent of wetland areas shall not be altered, regraded, filled, piped, diverted, or built upon.
 - (2) Wetlands shall be defined in accordance with the standards specified in the definition of wetlands. Wetland boundaries shall be delineated through an on-site assessment conducted by a professional soil scientist. Such person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, floodplain soils and/or hydrologic indicators. In the event the standard for determination of a wetland accepted by the U.S. Army Corps of Engineers conflicts with that accepted by the Pennsylvania Department of Environmental Protection, or the Environmental Protection Agency, the more restrictive standard shall be used in delineating wetland areas.
 - (3) If, after examination of the site by a wetlands specialist, wetlands are found to exist, a wetlands delineation study shall be prepared by a wetlands specialist, and copies of this study (including reports, maps, and field logs) shall be submitted by the landowner/developer to the U.S. Army Corps of Engineers for certification and to the Township for review. The study shall be submitted with sufficient detail to allow a thorough review by the Township Engineer prior to approval by the Board of Supervisors. The Township shall have the right to inspect the site as part of its review of the study, and the Township reserves the right to verify the presence and/or extent of wetlands through the retention of its own professional soil scientist. If, after examination of the site, it is determined that wetlands are not located on the site, all subdivision, and land development plans, submitted to the Township must contain the following note, signed and sealed by a wetlands specialist: "I hereby certify that no wetlands exist on this site."

- (4) Wetland delineations shall be performed by wetlands specialists to include those persons being certified professional soil scientists as registered with the Soil Science Society of America Certification Board (SSSA); or as contained on consultant's list of Pennsylvania Association of Professional Soil Scientists (PAPSS); or as certified by state and/or federal certification programs; or by a qualified biologist/ecologist.
- (5) The landowner/developer shall demarcate any wetlands on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing around the perimeter of the wetlands, except where the wetlands are being crossed in accordance with the requirement of this Chapter or where the wetlands are more than one hundred (100) feet away from any area of disturbance. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this protection zone. Said fencing shall be erected prior to any work on the site or lot commencing and shall be maintained until the work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every corner/change of direction and no fence post is more the ten (10) away from another post.
- (6) Where the landowner/developer demonstrates to the Township's satisfaction that there is no reasonable alternative, minor road crossings, utility line crossings, streambank/shoreline rehabilitation, and endwalls may be permitted within wetlands, so long as: state and federal permits have been obtained for such work; any disturbance is offset by mitigation and remediation improvements as approved by the Township; such activity is approved by conditional use; and the crossing meets the following standards:
 - (a) The width of the right-of way should not be greater than the minimum right-of-way width required by Chapter 145, Subdivision and Land Development.
 - (b) Crossings should be designed to cross the wetlands at right angles to the greatest extent possible in order to minimize disturbance of the wetlands and the length of the crossing.
 - (c) Crossings shall be separated by a minimum of one thousand (1,000) feet, unless otherwise approved by the Board of Supervisors.
- (7) Any activity or use that creates or permits the concentrated flow of surface water within or into a wetland is strictly prohibited. Runoff, stormwater, or

other types of wastewater to be buffered or filtered by the wetlands shall be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows prior to entering the wetlands and/or other measures necessary to mitigate the potential for erosion and or pollution by such flows must be undertaken, as solely determined by the Township Engineer.

- (8) When done in compliance with all state and federal laws and regulations, the removal and replacement of invasive plants with appropriate native vegetation is permitted in wetlands; provided that any such activities are only performed by hand or with the aid of hand-held tools or power equipment.

H. Wetlands Margin. In areas of wetlands margins, the following standards shall apply:

- (1) In order to minimize the adverse impacts of human activity; to prevent groundwater contamination; to reduce surface run-off and sedimentation; to protect the hydrology of the wetland; and to protect wildlife habitats, a wetlands margin shall be established. For the purpose of this Ordinance, the wetlands margin shall extend fifty (50) feet from the wetland boundary.
- (2) Except for the following activities, the entire extent of a wetlands margin shall not be altered, regraded, filled, or built upon.
 - (a) Open space uses such as wildlife sanctuaries; nature preserves; forest preserves; arboretums; naturized fishing areas; paved/unpaved hiking, biking, or bridle trails; and other passive areas for public or private parklands.
 - (b) Customary agricultural practices in accordance with a soil conservation plan approved by the Montgomery County Conservation District and a nutrient management plan in accordance with State requirements, if applicable.
 - (c) Recreational activities or uses not involving impervious surfaces such as playing fields or golf courses.
 - (d) Passive use areas such as camps, campgrounds, and picnic areas.
 - (e) Normal property maintenance such as mowing, pruning, removal of invasive plants, and planting of native vegetation, subject to compliance with the restrictions listed in Subsection G.3 below; provided that any such activities are only performed by hand or with the aid of tools or power equipment which are size of or smaller than a riding lawnmower.

- (f) Street and driveway crossings, if no feasible alternative alignments are available, and the crossing does not disturb more than 0.1 acre (1/10 of an acre) of the margin within the tract or parcel and does not come within twenty-five (25) feet of a wetlands. Where wetlands are being crossed in accordance with this Section, the abutting wetland margin shall only be crossed if this Section's standards for a wetland crossing are met for the associated crossing of the wetland margin.
 - (g) Underground utilities, if no feasible alternative alignments are available.
- (3) In all cases, any Pennsylvania Department of Environmental Protection regulations under Title 25 of the Pennsylvania Code concerning activities in wetlands margins shall be met.
- (4) The following activities are specifically prohibited in wetland margins:
- (a) Removal, dumping, filling, excavation, or disturbance of the soil, other than in association with any activities identified in Subsection H.2 above.
 - (b) Erection of structures or paving, other than in association with any activities identified in Subsection H.2 above.
 - (c) Destruction of plant life which would alter vegetation patterns.
 - (d) Any activity or use that creates or permits the concentrated flow of surface waters within or into the wetlands margin. Runoff, stormwater, or other types of wastewater to be buffered or filtered by the wetlands margin shall be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows prior to entering the wetlands margin and/or other measures necessary to mitigate the potential for erosion and or pollution by such flows must be undertaken, as solely determined by the Township Engineer.
- (5) The landowner/developer shall demarcate any wetlands margins on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing around the entire perimeter of the margin, except where such margin is being crossed or encroached upon in accordance with this Chapter. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this protection zone. Said fencing shall be erected prior to any work on the site or lot commencing and shall be

maintained until the work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every corner/change of direction and no fence post is more the ten (10) away from another post.

- I. Woodlands. In areas of woodlands, the following standards shall apply:
 - (1) Woodlands in Environmentally Sensitive Areas. No more than twenty (20) percent of woodlands located in environmentally sensitive areas shall be altered, regraded, cleared, or built upon. Environmentally sensitive areas shall include floodplains, floodplain soils, hydric soils, riparian buffers, steep slopes, wetlands, and wetland margins.
 - (2) Other Woodland Areas. No more than fifty (50) percent of woodlands which are not located in environmentally sensitive areas (as defined in Subsection a. above) shall be altered, regraded, cleared, or built upon, provided the following requirements are met:
 - (a) Where more than twenty (20) percent of the woodlands are being disturbed, all disturbed woodlands exceeding this twenty (20) percent limit shall be replaced on an acre-for-acre basis through the planting of replacement trees (reforestation). The actual number of replacement trees shall be calculated by multiplying the acreage of disturbance exceeding twenty (20) percent by two hundred (200) trees per acre. All replacement trees shall have a minimum tree caliper of three and one half (3½) inches at DBH.
 - (b) The planting of replacement trees shall be done in accordance with a woodlands management plan prepared by a licensed forester and shall comply with the provisions of Sections 145-43.1.B – E of the Township Code, except where the tree replacement only involves a single residential or nonresidential lot and no subdivision or land development, the reforestation may take place upon the buildable portion of the lot.
 - (c) The planting of replacement trees shall occur onsite. If all the replacements trees cannot be planted onsite, the landowner/developer can plant them elsewhere within the Township with the approval of the Board of Supervisors or can pay a fee in lieu of the required replacement to the Township's Forest Conservation Fund, as opted by the landowner/developer.
 - (3) The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree, where any part of the area within the drip line of said tree is subject to woodland disturbance.

- (4) Except where a timber harvesting operation has been approved by the Township, clearcutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this Section.
- (5) The landowner/developer shall demarcate and protect the remaining trees on a site or lot being developed, constructed upon, or graded by the placement of four (4) foot high safety fencing ten along the tree protection zone for these remaining trees. No construction activities, grading or other soil disturbance, dumping or storage of materials/soil/rock, driving or parking of vehicles, nor any other activity that could harm this natural resource shall occur within this tree protection zone. Said fencing shall be erected prior to any work on the site or lot commencing and shall be maintained until the work is fully completed and all equipment and materials have been removed. The safety fence shall be erected pursuant the manufacturer's recommendations, so long as a fence post is placed at every corner/change of direction and no fence post is more the ten (10) away from another post.

J. Protections and Demarcations

- (1) Any plan being submitted to the Township in conjunction with an application for a permit or other approval requiring compliance with this Section shall show all the natural resources on the site or lot and demarcate all of the resources being protected in compliance with this Section, including the boundary of any protection zone and the method by which protection will occur.
- (2) Once an amount of allowed disturbance for a natural resource is determined for a specific site or lot, that determination shall run with the land and shall be applicable to and limit any future disturbance of that resource on that site or lot or upon lots created out of that site or lot. The amount of allowed disturbance is specific to the land itself and not to the landowner or developer of that land. Likewise, the protections of areas of sites and lots demarcated as protected shall also run with the land and be applicable to all future landowners of and activities upon such areas.
- (3) Any property, lot, or parcel undergoing subdivision, development, grading, or other activity requiring the demarcation and protection of any natural resource shall have a covenant, easement, and/or restriction recorded with the Montgomery County Recorder of Deeds requiring that the protected natural resource area(s) depicted on the approved plot, site, subdivision, and/or land development plan be protected and preserved in accordance with this Section. The language of such covenant, easement, or restriction shall be to the satisfaction of the Township Solicitor.

- (4) An applicant, landowner, or developer shall determine the presence on a site or lot of the natural resources listed in this Section and shall meet the standards for environmental protection listed in this Section prior to and in conjunction with applying for any permit, or approval. In the event that two (2) or more resources overlap, the resource with the greatest protection shall apply to the area of overlap.

K. The primary purposes of this Section are as follows:

- (1) To recognize that many undeveloped parcels in the Township contain significant amounts of environmentally sensitive resources including floodplains, slopes, wetlands, streams, and woodlands.
- (2) To recognize that disturbance of these environmentally sensitive resources results in negative impacts to the public health, safety, and welfare by causing greater erosion, siltation and sedimentation, flooding, degradation of water quality, and other adverse effects on the environment
- (3) To reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies.
- (4) To promote, protect and facilitate proper density of land use based on a site's capacity; the provisions of adequate light and air; the provision of a safe, reliable and adequate water supply for domestic, commercial agricultural or industrial use; the preservation of the natural, scenic, and historic values in the environment; and the preservation of forests, wetlands, aquifers, and floodplains.
- (5) To require protection of environmentally sensitive features to the greatest extent possible by minimizing disturbance of these areas.
- (6) To conserve natural features important to protect natural resources; recognizing that headwater areas are highly sensitive to disturbance from the impact of human activity.

ARTICLE VI. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**LOWER FREDERICK TOWNSHIP
NATURAL RESOURCES PROTECTION STANDARDS**

Ordinance No. 2021-06

ARTICLE VII. Severability

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE VIII. Effective Date

This Ordinance shall become effective five (5) days after final enactment.

ENACTED and *ORDAINED* this 7 day of December, 2021.

**LOWER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS**




Charles W. Yeiser, Chair



Marla Hexter, Vice Chair



Terry Bird



Noelle Halter



Dan Orfe

ATTEST:



Mark Hudson, Manager