

**ORDINANCE NO. 2026-3
NORTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE NORTH WHITEHALL TOWNSHIP
STORMWATER MANAGEMENT ORDINANCE, AS CODIFIED, TO PROVIDE FOR
INSPECTION OF STORMWATER MANAGEMENT FACILITIES BY TOWNSHIP
REPRESENTATIVES, AGENTS, INDEPENDENT CONTRACTORS, AND/OR
CONSULTANTS**

SECTION 1 – STATEMENT OF LEGISLATIVE FINDINGS.

WHEREAS, North Whitehall Township, Lehigh County, Pennsylvania (the “Township”) is a Pennsylvania township of the second class organized and existing under and pursuant to the Second Class Township Code and various other laws of the Commonwealth of Pennsylvania and is governed by a three (3) member Board of Supervisors (the “Supervisors”); and

WHEREAS, Section 2704 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, § 2704, as reenacted and amended, 53 P.S. § 67704, and the Storm Water Management Act, Act of Oct. 4, 1978, P.L. 864, No. 167, as amended and codified, 32 P.S. § 680.1 *et seq.*, authorize the Supervisors to enact ordinances to govern and regulate the planning, management, implementation, construction, and maintenance of storm water facilities; and

WHEREAS, on September 12, 2022, the Supervisors enacted Township Ordinance No. 2022-5, known as the “Stormwater Management Ordinance,” (as codified, the “SMO”) and the same has been codified in the Code of the Township of North Whitehall at Chapter 363;¹ and

WHEREAS, the SMO governs and regulates the planning, management, implementation, construction, and maintenance of storm water management facilities, including storm water best management practices (“BMPs”); and

WHEREAS, Section 363-51 of the SMO presently requires that landowners or their designee(s) inspect BMPs located on their land or otherwise under their control, prepare written reports of said inspections, and submit said reports to the Township within thirty (30) days of the inspection; and

WHEREAS, the Supervisors desire to amend Section 363-51 of the SMO to instead require that inspection of storm water management facilities, including BMPs, be performed by the Township’s representatives, agents, independent contractors, and/or consultants to ensure the adequate functioning of said storm water management facilities to ensure proper handling and appropriate dissipation of storm water to prevent pooling and flooding, all for the purpose of protecting the health, safety, and welfare of Township residents.

WHEREAS, the purpose of this Ordinance is to amend Section 363-51 of the SMO to effectuate the above-described desire of the Supervisors.

¹ Presently accessible online at the following Uniform Resource Locator (URL): <https://ecode360.com/35644023>.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of North Whitehall Township, as follows:

SECTION 2 – STORMWATER MANAGEMENT ORDINANCE TEXT AMENDMENT.

The North Whitehall Township Stormwater Management Ordinance, as codified in Chapter 363 of the Code of the Township of North Whitehall, is amended to delete Section 363-51, titled, “Inspections,” in its entirety and substitute the following therefor:

“§ 363-51. Inspection.

A. Inspection by Township; Frequency of Inspections. All SWM BMPs, facilities, and/or structures installed under this chapter may be inspected by the Township’s representatives, agents, independent contractors, and/or consultants, at minimum, at the following frequencies to ensure the SWM BMPs, facilities, and/or structures continue to function as intended:

- (1) Annually for the first five (5) years after installation;
- (2) Once every three (3) years thereafter;
- (3) During or immediately after the cessation of a ten-year (10-year) or greater storm event; and
- (4) At any such time that the Township determines, in its reasonable discretion, necessary to verify the proper, intended functioning of SWM BMPs, facilities, and/or structures.

B. Reimbursement for Inspections.

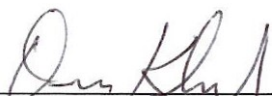
- (1) An owner of land containing a SWM BMP, facility, and/or structure, or a person who otherwise owns or is legally responsible for the maintenance of a SWM BMP, facility, and/or structure pursuant to a Stormwater BMP Operations and Maintenance Agreement with the Township, shall be responsible for reimbursing the Township for the Township’s cost in performing the inspections described in Section 363-51A in accordance with the Township’s duly adopted fee schedule, which may be amended by the Supervisors from time to time.
- (2) Reimbursement must be made within ten (10) days of receipt of an invoice from the Township for same, and if not timely paid, a municipal lien may be placed upon the premises containing the SWM BMP, facility, and/or structure that was the subject of the inspection for which reimbursement is owed.

SECTION 3 – SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts thereof. It is hereby declared as the intent of the North Whitehall Township 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.

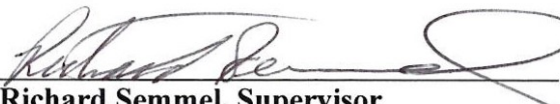
SECTION 4 – EFFECTIVE DATE. In accordance with Subsection 1601(a.1) of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, § 1601(a.1), as reenacted and amended, 53 P.S. § 66601(a.1), this Ordinance shall take effect immediately after enactment by the Board of Supervisors of North Whitehall Township.

DULY ENACTED AND ORDAINED, this 9th day of March, 2026, by the Board of Supervisors of North Whitehall Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

**BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP**

By: 
Dennis Klusaritz, Chairman

By: 
Alfred Geosits, Vice Chairman

By: 
Richard Semmel, Supervisor

ATTEST:

By: 
Jessica Koenig, Secretary