

WRIGHTSTOWN TOWNSHIP

ORDINANCE # 325

AN ORDINANCE AMENDING CHAPTER 2 [ANIMALS] OF WRIGHTSTOWN CODE OF ORDINANCES TO ADD SECTION 2-107 TO COMPLY WITH THE REQUIREMENTS OF THE TOWNSHIP'S NPDES PERMIT FOR STORMWATER DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AND AMENDING CHAPTER 157 [STORMWATER MANAGEMENT) OF WRIGHTSTOWN TOWNSHIP'S CODE OF ORDINANCE TO AMEND SECTION 25-111, ADD A NEW SECTION 25-112, AMEND SECTIONS 25-704, 801.3, 902 AND ADD A NEW SECTION 25-903.2

NOW THEREFORE IT IS HEREBY ENACTED AND ORDAINED by the Wrightstown Township Board of Supervisors that the Wrightstown Township Code shall be amended as follows:

SECTION 1. Addition of Section 2-107

Chapter 2 of the Wrightstown Codified Ordinances shall be amended by adding a new Section 2-107 as follows:

2-107 Animal Waste

1. It shall be unlawful for the owner or person in custody or control of any dog to allow such dog to defecate upon the public property of the Township and the private property of another other than the owner or keeper of said dog.
2. If such dog shall defecate upon property other than that of the owner or keeper of the dog, the owner or keeper must immediately clean up the feces and make proper disposition of it so as not to endanger the health and safety of the public.

SECTION 2. Alteration of Section 25-111 Modifications (Waivers)

Chapter 25 shall be amended by deleting Section 25-111 and replacing it with the following:

Section 25-111 Modifications (Waivers)

1. If the Township determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Township may,

after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to the paragraphs below.

2. Waivers or modifications of the requirements of this Chapter may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Chapter is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Chapter.
3. All requests for modification shall be writing, signed by the property owner, and accompany the Stormwater Management Site Plan submission. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved, and the minimum modification necessary.
4. In granting a modification, the Township may impose such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so modified and will not be contrary to the public interests.
5. The Township shall keep a written record of all action taken on all requests for modifications.
6. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Municipality unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.

SECTION 3. Addition of Section 25-112

Chapter 25 shall be amended by inserting a new Section 25-112 Erroneous Permit as follows:

Section 25-112 Erroneous Permit

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.

SECTION 4. Alteration of Section 25-704 Operations and Maintenance (O&M) Agreement for Privately Owned Stormwater Facilities and BMPs

Chapter 25 is amended by deleting Section 25-704 and replacing it with the following:

Section 25-704 Operations and Maintenance (O&M) Agreement for Privately Owned Stormwater Facilities and BMPs

1. The owner shall sign an O&M agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned. The O&M agreement shall be transferred with transfer of ownership. The agreement shall be substantially the same as the agreement in Appendix A.
2. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Agreement.
3. The owner shall convey to the Municipality stormwater easements to assure access for periodic inspections by the Municipality and maintenance, as necessary.
4. Other items may be included in the O&M agreement where determined necessary to guarantee the satisfactory O&M of all stormwater controls and BMPs. The O&M agreement shall be subject to the review and approval of the municipality.
5. The owner is responsible for the O&M of the SWM BMPs. If the owner fails to adhere to the O&M agreement, the municipality may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
4. The owner shall keep on file with the Municipality the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Municipality within ten (10) working days of the change.

SECTION 5. Amendment of Section 25-801.3

Chapter 25 is amended by deleting Section 25-801.3 and replacing it with the following:

3. The following discharges are authorized unless they are determined to be significant contributors to pollution to the water of the Commonwealth.
 - A. Discharges or flows from firefighting activities.

- B. Discharges from potable water sources including waterline flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
- C. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
- D. Diverted stream flows and springs.
- E. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
- F. Non-contaminated HVAC condensation and water from geothermal systems.
- G. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
- H. Non-contaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC.

SECTION 6. Alteration of Section 25-902 Inspections

Chapter 25 is amended by deleting Section 25-902 and replacing it with the following:

25-902 Inspections

1. Stormwater management (SWM) best management practices (BMPs) should be inspected for proper operation by the landowner, or the owner's designee (including the municipality for dedicated and owned facilities), according to the following list of minimum frequencies:
 - a. Annually for the first 5 years.
 - b. Once every 3 years thereafter.
 - c. During or immediately after the cessation of a 10-year or greater storm.
 - d. As specified in the operations and maintenance (O&M) agreement.
2. Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on

performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.

SECTION 7. Addition of Section 25-903.2

Chapter 25 is amended by adding a new Section 25-903.2 as follows:

2. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in section 25-106 or 25-107.

SECTION 8. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 9. Severability.

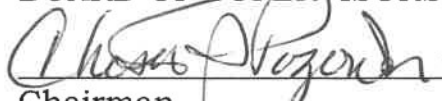
Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 10. Effective Date.

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


DULY ENACTED AND ORDAINED this 19th day of December, 2022, by the Board of Supervisors of Wrightstown Township, Bucks County, Pennsylvania, in lawful session duly assembled.

WRIGHTSTOWN TOWNSHIP
BOARD OF SUPERVISORS


Chairman

(Township Seal)

Attest:


Secretary