

**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 place 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.

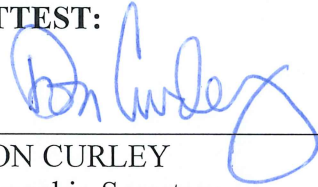
ENACTED AND ORDAINED this 7th day of OCTOBER, 2024 by the Board of Supervisors of Easttown Township.

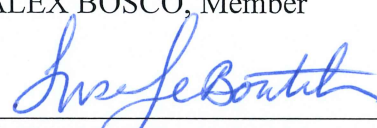
**EASTTOWN TOWNSHIP
BOARD OF SUPERVISORS**


ERIK UNGER, Chair


MICHAEL WACEY, Vice Chair


SEAN AXEL, Member

ATTEST:

DON CURLEY
Township Secretary

ALEX BOSCO, Member

SUSAN LeBOUTILLIER, Member



STORMWATER MANAGEMENT

Chapter 388, Attachment 1

Appendix A
Simplified Approach to
Stormwater Management
For Small Projects

APPENDIX A.3

BMP Options and Descriptions

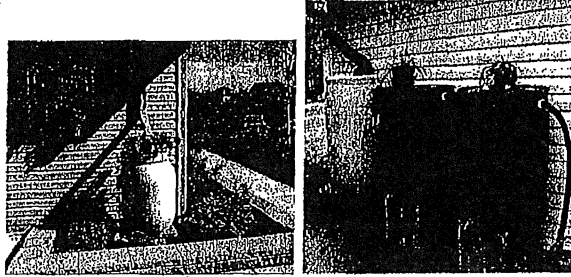
3. Description of BMPs

The following is a description of several types of BMPs that could be implemented. The requirements of each BMP as described below are taken directly from the PA Stormwater BMP Manual (December, 2006). Refer to the PA BMP Manual (latest version) which can be found on the PA Department of Environmental Protection's website.

Rain Barrels/Cisterns

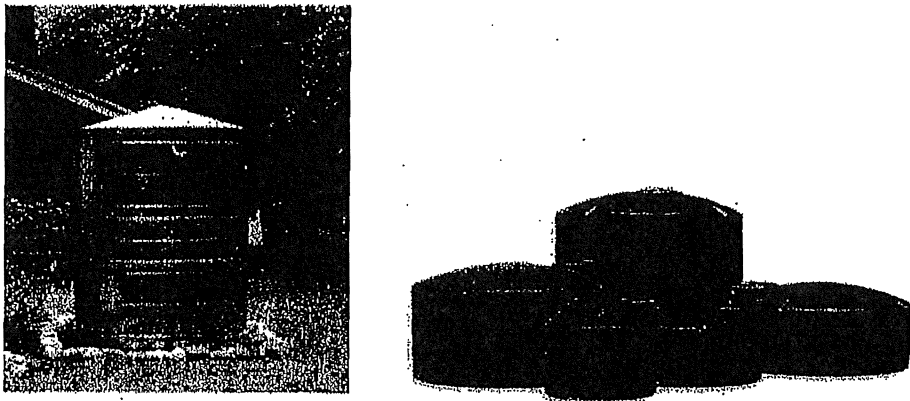
Rain Barrels are large containers that collect drainage from roof leaders and temporarily store water to be released to lawns, gardens, and other landscaped areas after the rainfall has ended. Rain Barrels are typically between 50 to 200 gallons in size. The stored water can also be used as a non-potable water supply. Cisterns are larger than rain barrels having volumes of 200 gallons or more, and can be placed either on the surface or underground. Figures 1 and 2 show examples of rain barrels and cisterns, respectively, that could be used to manage stormwater from a project. Rain barrels and cisterns are manufactured in a variety of shapes and sizes. All of these facilities must make provisions for the following items:

- There must be a means to release the water stored in the container between storm events in order for the necessary storage volume to be available for the next storm.
- Stormwater must be kept from entering other potable systems, and pipes and storage units must be clearly marked "Do Not Drink".
- An overflow outlet should be placed a few inches below the top of the storage container with an overflow pipe to divert flow away from structures once the storage containers are filled.
- Use screens to filter debris, and covers (lids) placed over the containers to prevent insects and debris from entering the storage chamber.
- Make sure cisterns are watertight and do not leak.
- Rain barrels are typically assumed to be 25% full to calculate volume since they are not always emptied before each storm. The tables contained in this Handbook were developed to account for the 25% increase in the required storage of a rain barrel or a cistern.



Source (picture on left): <http://www.rfcity.org/Eng/Stormwater/YourProperty/YourProperty.htm>
 Source (picture on right): <http://www.floridata.com/track/transplantedgardener/Rainbarrels.cfm>

Figure 1: Rain Barrels



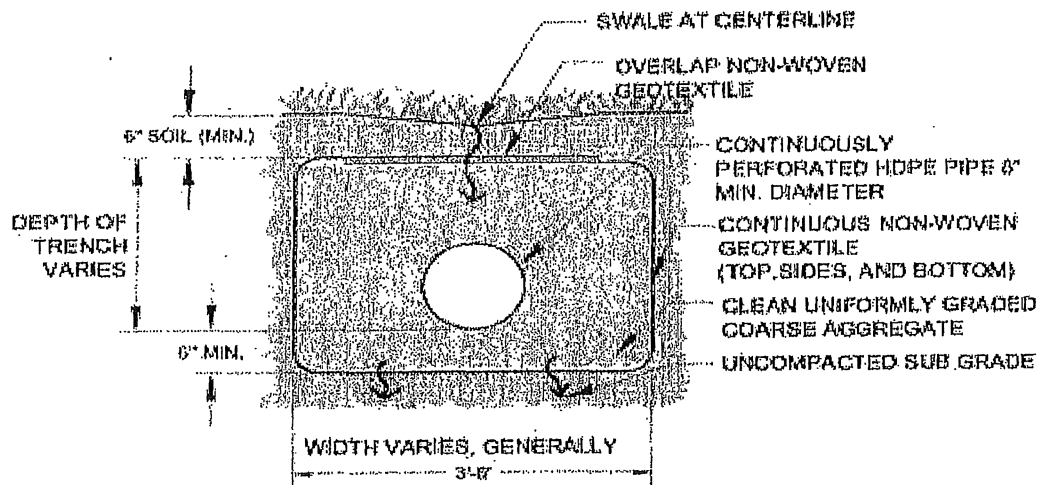
Source (for both pictures): Pennsylvania Stormwater BMP Manual (PADEP, 2006)

Figure 2: Cisterns

Infiltration Trench

An infiltration trench is a long, narrow, rock-filled trench, with or without a perforated pipe placed within the rock to distribute water evenly along the trench, that receives stormwater runoff, and has no outlet. Runoff is stored in the void space between the stones and in the pipe, and infiltrates through the bottom of the trench into the underlying soil matrix. Figure 3 shows a typical cross-section of an infiltration trench configuration. Infiltration trenches shall incorporate or make provisions for the following elements:

- These facilities should be located a minimum of ten (10) feet (or as otherwise required by the Municipality) from the building foundation to avoid foundation seepage problems, and are not recommended if their installation would create a risk of flooding other structures constructed at or below grade.
- Perforated pipe placed within the rock is to be set level.
- The width is limited to between 3 to 8 feet, and the depth ranges from 2 to 5 feet.
- Trench should be wrapped in nonwoven geotextile (top, sides, and bottom).
- There should be a positive overflow that allows stormwater that cannot be stored or infiltrated to be discharged into a nearby vegetated area.
- Roof downspouts may be connected to infiltration trenches, but should contain a cleanout to collect sediment and debris before entering the infiltration area.
- Infiltration testing is recommended to ensure soil is capable of infiltrating stormwater.
- It is recommended that there be a 2 foot clearance above the regularly occurring seasonal high water table, and have a minimum depth to bedrock of 2 feet.
- The infiltration trench should be at least 50 feet from individual water supply wells, 100 feet from community or municipal water supply wells, and 50 feet from any septic system component. It should not be located near stormwater Hotspots (refer to B.2 Definitions).
- The infiltration trench should be located so that it presents no threat to sub-surface structures such as building foundations and basements.
- Protect infiltration areas from compaction by heavy equipment during and after construction.
- Infiltration trenches should be constructed after all earth disturbance associated with a given project or site is stabilized to avoid clogging.
- The ratio of the drainage area which stormwater runoff is collected from to the area of the footprint (bottom area) of the infiltration portion of the facility should be as small as possible with a ratio of less than 5:1 preferred.



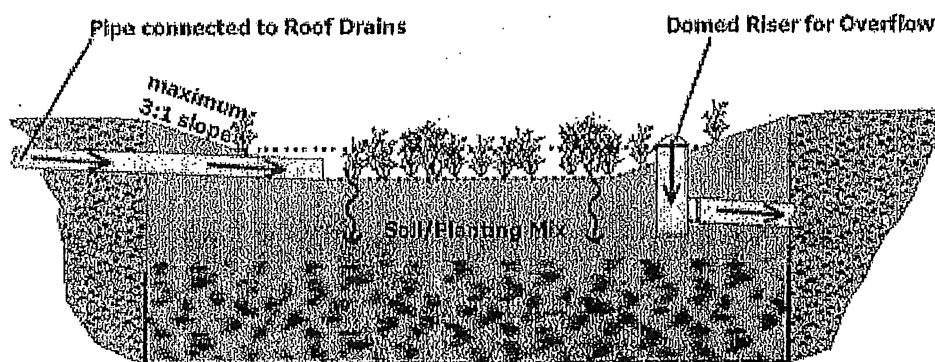
Source: Pennsylvania Stormwater BMP Manual (PADEP, 2006)

Figure 3: Cross-Section of Typical Infiltration Trench

Rain Garden/Bioretention Area

A Rain Garden (Bioretention Area) is an excavated depression area on the surface of the land in which native vegetation is planted to filter and use stormwater runoff. Runoff ponds on top of the surface of the rain garden and then infiltrates into an enhanced soil/planting mix below the surface where plants can use the water to grow. Bioretention improves water quality, with the vegetation planted in the facility filtering the water, and the root systems encouraging or promoting infiltration. Figure 4 shows a cross-section of a typical rain garden. Key elements of a rain garden include:

- Recommended ponding depths not exceeding 1 foot.
- Native vegetation that can tolerate dry and wet weather.
- An overflow area where, if the bioretention area were to overflow, the overflow would flow over pervious surfaces (i.e. grass, meadow), and would not cause harm to property, or;
- An overflow, such as a domed riser, to allow excess flow from large storms to travel to other infiltration areas, pervious areas, or connected storm systems designed to receive the excess runoff.
- For most areas, slopes should be limited to 3:1, maximum; however, where space is limited, 2:1 side slopes may be acceptable with approval from the municipal engineer.
- The soil/planting mix depth should not be less than 1.5 feet deep and typically consist of a mixture of topsoil, sand and compost (i.e. mulch). The topsoil, sand and compost should be uniformly mixed by volume in a 50%, 30%, 20% mixture, respectively.



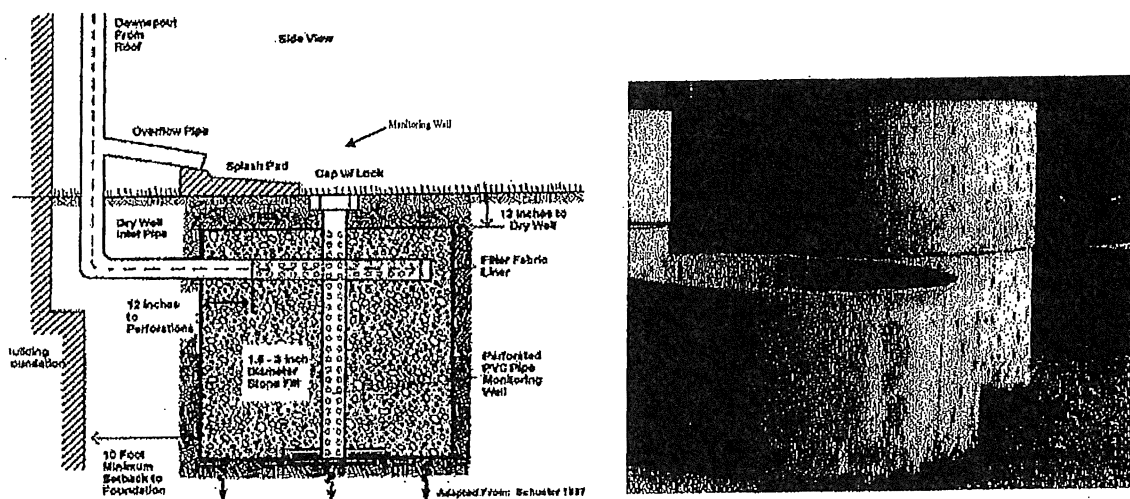
Source: Pennsylvania Stormwater BMP Manual (PADEP, 2006)

Figure 4: Cross-Section of Typical Rain Garden/Bioretention Area

Dry Wells

A dry well, also referred to as a seepage pit, is a subsurface storage facility that temporarily stores and infiltrates runoff from the roofs of buildings or other impervious surfaces. A dry well can be either a structural prefabricated chamber (Dry Well #1) or an excavated pit filled with stone fill (Dry Well #2). Dry Wells discharge the stored runoff via infiltration into the surrounding or underlying soils. Figure 5 shows a typical prefabricated dry well and a typical dry well configuration with stone fill. The following elements shall be incorporated into all dry well designs:

- These facilities should be located a minimum of ten (10) feet (or as otherwise required by the Municipality) from the building foundation to avoid foundation seepage problems, and are not recommended if their installation would create a risk of flooding other structures constructed at or below grade.
- Dry well should be constructed after all earth disturbance associated with a given project or site is stabilized to avoid clogging.
- During construction, compaction of the subgrade soil in the bottom of the dry well should be avoided, and construction should be performed only with light machinery.
- For Dry Well #2 designs, the depth of dry well should be between 1.5 feet to 4 feet. Gravel fill should consist of uniformly graded stone with an average diameter of between one and one half and two (1.5 –2.0) inches with the gravel fill wrapped in a nonwoven geotextile to separate the stone fill from the surrounding soil.
- At least 1 foot of soil must be placed over the top of the dry well.
- Dry wells should be inspected at least four (4) times annually as well as after large storm events.
- Dry wells should have overflow pipes to allow high volumes of runoff to overflow the facility and flow into a connected infiltration area, pervious area, or other connected storm sewer designed to receive the excess runoff.
- Every dry well must have at least one monitoring well to assist in the inspection of the dry well to determine how much water is retained within the well during dry weather periods.
- Infiltration testing is recommended to ensure the underlying soil is capable of infiltrating the needed volume of stormwater.



Source (for picture on left): <http://www.seagrant.sunysb.edu/pages/BMPsForMarinas.htm>

Source (for picture on right): <http://www.copelandconcreteinc.net/1800652.html>

Figure 5: Typical Dry Well Configuration filled with Stone Fill (DRY WELL #2) (Left) and Structural Prefabricated Chamber (DRY WELL #1) (Right)