

Chapter 94

LAND DISTURBANCE

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[HISTORY: Adopted by the Board of Supervisors of the Township of Pennsbury 12-20-1982. Amendments noted where applicable.]

§ 94-1. Short title; effective date.

This chapter shall be known and may be cited as the "Pennsbury Township Land Disturbance Ordinance of 1982." This chapter shall become effective five days after its enactment.

§ 94-2. Purpose.

- A. Land disturbance is any activity which causes land to be exposed to the danger of erosion, including clearing, grading, filling, plowing, discing and transporting.
- B. The primary goal of the township is to have all land disturbance activities conducted in such a way as to prevent accelerated erosion and resulting sedimentation. To accomplish this all persons engaged in land disturbance activities shall design, implement and maintain erosion/sedimentation and stormwater control measures which effectively prevent accelerated erosion, sedimentation and increased runoff.
- C. All land disturbance activities, not exempted in § 94-6, shall be required to submit a stormwater management plan. Satisfactory township review of the required stormwater management plan will be followed by the issuance of the land disturbance permit, in accordance with § 94-5. Land disturbance activities listed in § 94-6 are felt to have a minimal township-wide impact and are thus exempted from the permit requirement.

§ 94-3. Definitions.

Terms used in this chapter are defined in Chapter 138, Subdivision and Land Development, and Chapter 162, Zoning. Additional definitions are as follows:

ACCELERATED EROSION — The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

AGRICULTURE/AGRICULTURAL OPERATIONS — The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry, and animal husbandry.

CISTERN — A reservoir or tank for storing water.

DRAINAGE EASEMENT — A right-of-way granted to use private land to facilitate the flow of water, within which the owner shall erect no permanent structures, but may use the land in any other way not inconsistent with the grantee's rights.

EARTHMOVING ACTIVITIES — Activity resulting in the movement of earth or stripping of vegetative cover from the land.

EROSION — The movement of soil by the action of wind or water.

GROUNDWATER RECHARGE — Replenishment of geologic structures and rock or soil interstices which have the capacity to store water.

IMPERVIOUS SURFACE — Materials such as buildings, structures, and paved areas which are impenetrable and thus unable to absorb stormwater or other liquids. Areas such as buildings, structure and paved areas.¹

INFILTRATION STRUCTURES — A structure designed to direct the flow of stormwater into storage in geologic structures, e.g., French drains, Dutch drains, seepage pits.

LAND DISTURBANCE — Any activity which causes land to be exposed to the danger of erosion, including clearing, grading, filling, plowing, discing, and transporting.

LOGGING AND WOODCUTTING — The felling of trees within a concentrated area, and/or the removal of trees or logs from a site by means of heavy vehicles.

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by water.

SEEPAGE PIT — An area of excavated earth, filled with loose stone or similar materials, to which surface water is directed for infiltration to geologic storage.

SEMI-PERVIOUS MATERIAL — Stone, rock, concrete or other materials which permit some vertical transmission of water.

SLDO — The Pennsbury Township Subdivision and Land Development Ordinance, as amended.²

STORMWATER — Water which surfaces, flows or collects during and subsequent to rain or snowfall.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: See Ch. 138, Subdivision and Land Development.

SWALES (DRAINAGE) — A low-lying stretch of land which collects and carries surface water runoff.

§ 94-4. Land disturbance permit procedures.

All land disturbance activities, except those exempted from permit requirements by § 94-6, shall be conducted only pursuant to and after the issuance of a land disturbance permit. All applications for land disturbance permits shall be submitted to the Township Secretary who will then forward the application to the appropriate township official for review. In all land disturbance involving land development or the expansion or construction of buildings or other improvements which will create impervious surfaces, an application shall be submitted and processed in accordance with Subsections A and B below. Applications for permits for land disturbance activities related to a subdivision or land development, and/or construction for which a building permit is required, shall be submitted to be processed concurrently with said applications. All other applications for a land disturbance permit shall be submitted and processed in accordance with Subsection C.

A. Land disturbance activities related to a subdivision or land development.

- (1) As part of any submission of an application for preliminary approval of a subdivision or land development plan involving any non-exempt land disturbance activities, the applicant shall submit a stormwater management plan [as required by § 138-21F(5) of Chapter 138, Subdivision and Land Development]. The stormwater management plan shall demonstrate that all land disturbance activities related to the subdivision or land development comply with the performance standards for erosion and sedimentation control set forth in § 138-42A and for permanent stormwater management set forth in § 138-42B and the design requirements set forth in Appendices A and C of Chapter 138, Subdivision and Land Development. [Amended 2-8-1997]
- (2) The stormwater management plan shall contain all of the information required by § 138-21F(5) of Chapter 138, Subdivision and Land Development. The applicant and/or his engineer should confer with the Township Engineer prior to the preparation of a stormwater management plan. [Amended 2-8-1997]
- (3) The stormwater management plan shall be reviewed by the Township Engineer, who shall submit a report thereon to the Township Planning Commission within 30 days of the submission of the plan.
- (4) If, in the Township Engineer's view, the stormwater management plan as submitted satisfies all requirements of this chapter and the SLDO, he shall recommend its approval to the Planning Commission. That recommendation shall be considered by the Planning Commission and Board of Supervisors, together with the results of their own reviews, and the comments of any other reviewing body.
- (5) If, in the Township Engineer's view, the stormwater management plan as submitted fails to satisfy all requirements of this chapter or the SLDO, he shall so indicate in his report to the Planning Commission and Board of Supervisors, and shall specify those items not in compliance with the ordinance.
- (6) As part of any final subdivision or land development plan, the applicant shall submit:

- (a) All construction specifications for stormwater management facilities as outlined in this chapter;
 - (b) Proof of liability insurance over the term of the project if required under § 94-9 of this chapter;
 - (c) A performance guaranty as outlined in § 138-18 of Chapter 138, Subdivision and Land Development;
 - (d) Detailed documents necessary to comply with the maintenance requirements of the SLDO.
- (7) The applicant may request in writing the approval of the final subdivision or land development plan conditioned upon satisfactory submission of § 94-4A(6). If so, the land disturbance permit will not be issued at the time of final approval, but shall await satisfaction of conditions. No site work shall begin until all conditions are met.
- (8) Where the final stormwater management plan submission does not comply with the performance standards set forth in § 138-42A and B, the design requirements of Appendices A and C of Chapter 138, Subdivision and Land Development, or other application requirements of this chapter, such failure to comply shall be considered grounds for denial of the final subdivision or land development application. **[Amended 2-8-1997]**
- B. Land disturbance activities related to building construction.
- (1) Where individual on-lot land disturbance activities have been addressed, approved, and noted as such in an applicant's stormwater management plan related to a subdivision or land development, applicants for building permits for each individual lot shall refer to such approval. In these cases it shall not be necessary for the applicant to resubmit a stormwater management plan concurrent with applications for building permits, provided the proposed grading of the lot and the locations of houses, driveways, and drainage or seepage bed facilities are not changed.
 - (2) In all other cases, or in cases where an applicant in A, above, wishes to alter grading, building locations, or the on-lot stormwater management system, the applicant shall submit a stormwater management plan. This plan shall accompany an application for building permit involving any nonexempt land disturbance activities, and shall demonstrate that all land disturbance activities related to the building construction shall comply with the performance standards in § 138-42A and B of Chapter 138, Subdivision and Land Development.
 - (3) The township may require that the stormwater management plan contain all of the information mandated by § 138-21F(5) of Chapter 138, Subdivision and Land Development. The applicant and/or his engineer, however, is strongly encouraged to confer with the Township Engineer prior to the preparation of a stormwater management plan to determine the scope and detail of the submission. **[Amended 2-8-1997]**
 - (4) The applicant's stormwater management plan shall be reviewed by the Township Engineer, who shall submit a report thereon to the applicant and the Zoning Officer within 30 days of submission of the plan. Where revisions to the plan are necessary in

order to meet the performance standards set forth in §§ 138-42A and/or B of Chapter 138, Subdivision and Land Development, the applicant is urged to discuss the contents of the report with the Township Engineer. All necessary revisions shall be effected and submitted within 20 days after issuance of the Township Engineer's report.

- (5) If the final stormwater management plan is not in compliance with the performance standards set forth in §§ 138-42A and B of Chapter 138, Subdivision and Land Development, failure to so comply shall be considered grounds for denial of the building permit.

C. Other land disturbance activities.

- (1) Whenever any person engages in non-exempt land disturbance activities that are not related to a subdivision or land development or to building construction, he shall first submit a stormwater management plan demonstrating that all proposed land disturbance activities shall comply with the performance standards for erosion and sedimentation set forth in § 138-42A of Chapter 138, Subdivision and Land Development, and with applicable regulations for the Commonwealth of Pennsylvania. **[Amended 2-8-1997]**
- (2) The township may require that the stormwater management plan contain all of the information mandated by § 138-21F(5) of Chapter 138, Subdivision and Land Development, particularly when impervious surfaces are to be constructed, the amount of earth-moving is significant, or the topography, soils, geology, or drainage patterns necessitates special attention. The applicant and/or his engineer shall confer with the Township Engineer to determine the scope and detail required in his submission. If the proposed land disturbance is to consist of non-exempt farming activities, the Chester County Conservation District should be consulted for possible assistance with the preparation of the stormwater management plan. **[Amended 2-8-1997]**
- (3) The stormwater management plan shall be reviewed by the Township Engineer, who shall submit a report thereon to the applicant, the Zoning Officer, and Board of Supervisors within 30 days of submission of the plan.

§ 94-5. Permits.

A. Land disturbance permit.

- (1) Conditions of issuance and subsequent requirements.
 - (a) In approving a stormwater management plan and granting a land disturbance permit, the township may impose such conditions as it may deem necessary to insure the health, safety and welfare of the community and other property owners.
 - (b) No permit shall be issued until the applicant owner, builder, or developer of the site certifies in writing that all site work shall be performed in accordance with

the plan. The plan shall be a condition of the permit and no person shall violate any such condition so imposed.

- (c) Those elements of the overall stormwater management system designed to retain stormwater and sediment on an individual lot shall be specifically located on any approved final subdivision or land development plan that is to be recorded with the Chester County Recorder of Deeds. These elements may include:
 - [1] Maintenance of existing surface drainage systems, swales, etc.,
 - [2] Utilization of ground water recharge areas, seepage pits, basins, etc.,
 - [3] Limitations on grading of the lot so as to retain the absorption capacity of the soil.
 - [4] Establishment of drainage easements, granted to the township (as specified in Appendix A of Chapter 138, Subdivision and Land Development) for the protection of existing drainage patterns.
- (d) No certificate of occupancy shall be granted until all stormwater management facilities have been satisfactorily installed. As a condition of issuance of a certificate of occupancy, the township may require of prospective occupants of lots containing individual stormwater management systems:
 - [1] An agreement (as outlined in § 94-8E) reflecting the stipulations recorded on the final approved subdivision plan;
 - [2] "As-built" plans (as required by § 94-8D);
 - [3] Assurance that no action will be taken by the occupant to disrupt or in any way impair the effectiveness of the system; and
 - [4] Assurance that routine maintenance will be undertaken as necessary to permit the system's continued functioning.
- (2) Expiration and renewal.
 - (a) Every permit issued hereunder shall expire at the end of the period of time set out in the permit. The permittee shall fully perform and complete all of the required work within the time limit specified in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, within 30 days prior to the expiration of the permit, present in writing to the Board of Supervisors a request for an extension of time, setting forth therein the reasons for requested extension.
- (3) Modification of plans.
 - (a) Major modifications of the approved application and plans, as determined by the township, shall be submitted to the Township Engineer and reprocessed in the same manner as the original application and plans.
 - (b) All development and land disturbance must be suspended pending the approval of modified plans. Field modifications of a minor nature may be authorized by

the Township Engineer in the form of written authorization given to the person performing work pursuant to the permit.

- (4) Revocation or suspension. Any permit issued under this chapter may be revoked or suspended by the Board of Supervisors, after notice, for:
 - (a) Violation of any condition of the permit;
 - (b) Violation of any provision of this chapter or any other applicable law, ordinance, rule, or regulation relating to the permitted activities;
 - (c) Falsification of any drawings, data, or information pertaining to the issuance of a permit.
- B. Subdivision and land development permit. Upon submission to the township of a copy of the Recorder of Deeds receipt for the recording of the final subdivision plan, the appropriate township official shall issue a subdivision and land development permit and land disturbance permit to the applicant. No construction activities (including earthmoving activities, but not including soil or percolation testing, well drilling or similar engineering or surveying activities) shall be commenced by the applicant until the subdivision and land development permit and land disturbance permit have been issued by the appropriate township official.

§ 94-6. Exemptions from permit requirements.

All land disturbance activities within Pennsbury Township must comply with the performance standards set forth in §§ 138-42A and B of Chapter 138, Subdivision and Land Development. Some of these activities will comply with the applicable performance standards without the necessity of specific methods for the control of erosion and sedimentation or the detention of stormwater runoff, and other activities, too minimal to require review, are exempted from formal plan submission and permit requirement. The activities so exempted are as follows:

- A. Increases in impervious and semi-pervious cover on existing development properties when such will not exceed the permissible site coverage provided in Chapter 162, Zoning.
- B. Earthmoving on an existing developed lot, up to 5,000 square feet or 10 of the lot, whichever is less, provided that the changes will not alter drainage patterns, accelerate erosion, or interfere with stormwater control measures previously installed.
- C. Agricultural operations, except where new buildings or other impervious surfaces are to be constructed, provided that:
 - (1) Residences, farm buildings and other impervious surfaces do not exceed seven percent coverage of the total acreage;
 - (2) Unless clearly impractical or unwarranted, plowing will generally conform to the contours of the property;
 - (3) Drainage swales will be maintained with a permanent cover of grasses, plants or trees;

- (4) Diversion terraces or cover crops no less than 10 feet in width shall be provided at a maximum of two-hundred-foot intervals on slopes of 8% to 15% where tillage or sod crops are planted; and
 - (5) A vegetative cover strip extending 10 feet from the edge of the cartway of any road shall be maintained.
 - (6) Notwithstanding the provisions of Subsection C above, the township may require that remedial measures be taken to reduce runoff problems creating a hazard to health and safety.
- D. The following logging and woodcutting activities:
- (1) Logging or woodcutting on slopes not exceeding 10%, provided that logging will not remove more than one-third of the trees exceeding six-inch caliper DBH within any four-year period and that stumps, ground cover, and root mat are left intact.
 - (2) Operations comply with § 138-42A(3)(b) of Chapter 138, Subdivision and Land Development.
 - (3) Logging and woodcutting conducted for proper forestry management per Pennsylvania Department of Conservation and Natural Resources guidelines and Soil Conservation Service regulations.
- E. The construction or maintenance of a seasonal market stand for selling produce, flowers, or other seasonal products, provided impervious parking areas are not constructed, and buildings do not exceed 300 square feet.

§ 94-7. Inspections.

- A. Schedule of inspections for permitted land disturbance activities resulting from an approved subdivision or land development plan. All land disturbance work shall be performed in accordance with an inspection and construction control schedule approved by the Township Engineer as a precondition to issuance of a land disturbance permit. No work shall proceed to a subsequent phase until inspected and approved by the Township Engineer or his designee, who shall then file a report thereon with the township.
- (1) Times of inspection. After commencement of initial earthmoving operations, the Township Engineer or his designee shall inspect at the following points in the development of the site, or of each stage thereof:
 - (a) Upon completion of stripping, the stockpiling of topsoil, the construction of temporary stormwater management and erosion control facilities, disposal of all unsuitable materials, and preparation of the ground.
 - (b) Upon completion of rough grading, but prior to placing topsoil, installing permanent drainage or other site improvements, or establishing covers.
 - (c) During construction of the permanent facilities, at such time(s) as specified by the Township Engineer.

- (d) Upon completion of permanent stormwater management facilities, including established ground covers and plantings for that purpose.
 - (e) Upon completion of final grading, vegetative control measures, and all other site restoration work undertaken in accordance with the approved plan and permit.
 - (f) The Township Engineer may make random inspections as he deems necessary and appropriate.
- (2) Notice, corrections, and phased approvals.
- (a) The permittee shall notify the Township Engineer 24 hours prior to completion of each phase identified in § 94-7A(1) to schedule the required inspection. Upon receiving such notice, the Township Engineer shall inspect the work and immediately notify the permittee in writing of its acceptability, or in what respect there has been a failure to comply. The Township Engineer shall maintain a permanent file of his inspections.
 - (b) Any portion of the work which does not comply shall be corrected promptly by the permittee.
 - (c) No work shall be initiated on subsequent phases of any subdivision or land development, building construction or other permitted land disturbance activity until the Township Engineer has inspected and approved the work in the present phase.
- (3) Final inspection.
- (a) Upon completion of all work authorized by the land disturbance permit, the permittee shall so notify the Township Engineer and shall request a final inspection.
 - (b) If, upon conducting the final inspection, the Township Engineer determines that full compliance with the terms of the land disturbance permit has not been achieved, he may recommend, and the township may invoke, any or all of the sanctions authorized by § 138-70A through D of Chapter 138, Subdivision and Land Development.
- B. Discretion to waive inspections. In the review of any stormwater management plan, the Township Engineer shall have discretion to modify or waive the otherwise applicable inspection schedule called for in § 138-70A and 138-79. Such modifications or waivers shall be noted on the land disturbance permit. **[Amended 2-8-1997]**
- C. Inspection of land disturbance activities for which exemption status is in question.
- (1) When brought to the attention of the township or its designee that the exemption criteria in § 94-6 of this chapter may not be applicable to an existing land disturbance activity for which a permit was not obtained, the township shall advise the owner of record by certified mail of its intention to inspect the property on a specified date to determine compliance with this chapter. The owner may request a joint inspection on that date, or on a mutual acceptable alternate date.

- (2) If, upon inspection, the township determines that the land disturbance activity does not qualify for exemption under § 94-6, the township shall notify the owner by certified mail that he has 30 days in which to apply for a permit under the terms of § 94-4. Until such permit has been issued, no further land disturbance activities shall be pursued and any stabilizing or drainage measures ordered by the township shall be installed.
- D. Schedule of inspections for land disturbances not part of a subdivision or land development. The timing and frequency of inspections of land disturbance activities governed by §§ 94-4B and C of this chapter shall be as determined by the Township Engineer prior to issuance of a land disturbance permit. The Township Engineer will report to the township each schedule of inspections. Adherence to that schedule shall be a condition of permit compliance.

§ 94-8. Maintenance of permanent stormwater management facilities.

- A. Maintenance of other than on-lot stormwater facilities.
- (1) On or before completion of subdivision or land development improvements, the permanent stormwater management system for a tract shall begin to function in accordance with the approved stormwater management plan. Temporary sediment trapping facilities in detention basins, upon inspection and approval by the Township Engineer, shall be converted into permanent stormwater management basins. Additional facilities designed to serve more than an individual lot shall then begin operation. All such work shall be as specified in the approved plan.
- (2) Continued functioning of these facilities shall be guaranteed and maintenance, as necessary, performed in accordance with § 138-21F(5)(f) and (g) and 138-74B, C and D of Chapter 138, Subdivision and Land Development. **[Amended 2-8-1997]**
- B. Maintenance of individual on-lot stormwater management systems. Stormwater management facilities and systems that are located on an individual lot, and are the responsibility of that landowner to maintain and assure the performance of i.e., those obtaining a permit under §§ 94-4B and C of this chapter and those land developments not involving subdivision, shall be maintained and their performance guaranteed in accordance with §§ 94-5A(1) and 94-8E of this chapter and § 138-21F(5)(f) and (g) and 138-74B, C and D of Chapter 138, Subdivision and Land Development. Obligations shall include the perpetuation of natural drainage and may include perpetuation of infiltration facilities and/or the maintenance of facilities constructed by the individual lot owner under terms of his building or stormwater permit, e.g., cisterns, downspout connections, seepage pits, etc. **[Amended 2-8-1997]**
- C. Need for corrective measures. If the township determines at any time that stipulated permanent stormwater management facilities have been eliminated, altered, or improperly maintained, the owner shall be advised of corrective measures required within the period of time set by the Township Engineer. If such measures are not taken by the owner, the township may cause the work to be done and lien all costs against the property.

- D. Documentation of permanent stormwater management facilities. Prior to final inspection required as part of any approved subdivision or land development, or building permit, the land developer or permit holder shall present an "as-built" plan of sewage and water supply facilities and stormwater management facilities. The plan shall show drainage easements and/or drainage deed restrictions (as specified in Appendix A, Section V, of Chapter 138, Subdivision and Land Development), detention or retention basins, infiltration structures, and the size storage capacity, and cross sections of same for recording in the township's stormwater facilities files.
- E. Recording of maintenance obligations on individual lots. Where the maintenance of stormwater management facilities and systems is the responsibility of an individual lot owner, the terms of that maintenance agreement and a description of the facilities and systems on the lot, as called for in §§ 94-5A(1), 94-8B and D of this chapter, shall be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest.

§ 94-9. Liability insurance.

Liability insurance. If, in the opinion of the Township Engineer, the nature of any land disturbance work is such that may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other public property, then the Township Engineer may, before the land disturbance permit is issued, require that such an applicant file a certificate of insurance showing that he is insured, against claims for damages for personal injury and property damage (including damage to Pennsbury Township by deposit or washing of material onto municipal streets or other public improvements), which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or any person directly or indirectly employed by him. The amount of such insurance shall be prescribed by the township in accordance with its determination of the risks involved in an amount not less than \$25,000 per occurrence. Such insurance shall be written by a company licensed to do business in Pennsylvania and approved by the township. Neither issuance of a permit nor compliance with the provisions hereto or any condition imposed by the township shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor shall it impose any liability upon the township for damages to persons or property.

§ 94-10. Violations and penalties.

- A. Notification of noncompliance with land disturbance permit. Any activity conducted pursuant to a land disturbance permit issued by Pennsbury Township shall be performed in strict compliance with the terms of the permit. Violations shall be treated in the following manner:
- (1) Any noncompliance with the terms of the permit that is identified by the Township Engineer or his designee in the course of inspections as specified in § 94-7 of this chapter shall be remedied by the permittee according to the terms of that section. Failure to comply with those provisions shall be deemed a violation of the ordinance, and the permittee then shall be subject to the procedure of § 94-10A(2).

- (2) If at any time work does not conform to the permit, including conditions thereof, or to the plans and specifications, including modifications thereof, comprising the approved stormwater management plan, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made. Upon failure to comply within the time specified, the permittee shall be considered in violation of this chapter, and the township shall revoke the permit or suspend the permit by issuing a cease and desist order on all work on the site until corrections are made. If corrections are not undertaken within the specified time or the permittee violates the cease-and-desist order: penalties shall be imposed under § 94-10C of this chapter; and/or the work shall be completed by the township and the costs charged to the violator under § 94-8C. Further, when the permit has been issued in accordance with § 94-4A of this chapter, such violation shall be considered a violation of Chapter 138, Subdivision and Land Development, and shall be grounds for the forfeiture of any bond or performance guaranty required under that ordinance.
- B. Misapplication of exemption criteria. Earthmoving and related activities exempt from the need for township approval are identified in § 94-6 of this chapter. Any property owner who anticipates undertaking earthmoving activities, or who intends to authorize such work on his land, is responsible to determine the extent of township approval and permit necessary. Should a misinterpretation of the criteria as applied to his site lead a property owner to conclude erroneously that he is exempt from the requirements of this chapter, he may be notified of his error by the township, as provided in § 94-7C. In such event, all work in progress shall be halted, and the procedures described in § 94-5 of this chapter shall be applied to the conduct of the project from that time forward. Continued violations shall be handled in accordance with § 94-10C of this chapter.
- C. Penalties. Any person, corporation or other entity who violates or permits the violation of any of the terms of this chapter, shall, upon being found liable therefor in a civil proceeding commenced by the township, pay a fine not to exceed \$600 for each and every violation plus all court costs, including reasonable attorney fees, incurred by the township in enforcing this chapter. Each day that the violation continues after proper notification shall be a separate offense. In addition thereto, the township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or mandamus or other appropriate forms of remedy or relief. [Amended 2-8-1997]

§ 94-11. Fees; performance guaranties.

A. Permit application fees.

- (1) Land disturbance as part of a subdivision or land development. All fees and escrow deposits incident to application for a land disturbance permit and conduct of the work approved thereunder, where the land disturbance activities are to be undertaken as part of a subdivision or land development, shall be established and submitted in accordance with § 138-77 of Chapter 138, Subdivision and Land Development.

- (2) Other land disturbance activities.
 - (a) An applicant for a land disturbance permit to conduct any activity covered by § 94-4B or C of this chapter shall agree, in writing, to reimburse the township for all costs of administration and review of the application by township's staff, Engineer, and Solicitor. Funds shall be deposited with the Township Secretary in an amount as specified by resolution of the Board of Supervisors.
 - (b) In addition to the fixed administrative costs, for permit application, the applicant shall be charged for time actually expended and detailed in bills from the Township Engineer and Solicitor for review of the plan and application. Any unexpended balance of the deposit shall be returned to the applicant following certification by the Township Engineer that all work has been completed satisfactorily.
 - (c) If the actual time required of either the Township Engineer or Solicitor will exceed the deposited amount, the township shall render to the applicant a preliminary statement of time expended and require an additional deposit to complete reviews. Such required additional amounts must be deposited with the Township Secretary prior to issuance of the land disturbance permit.
 - (d) Costs incurred by the township in an initial conference with an applicant, as called for in § 94-4 of this chapter, shall not be chargeable to the applicant.
- B. Inspection fees.
- (1) Inspection fees for activities covered by § 94-4A of this chapter shall be paid according to § 138-77 of Chapter 138, Subdivision and Land Development.
 - (2) Inspections of activities covered by § 94-4B or C of this chapter shall occur in accordance with the terms of § 94-7D. Fees covering the cost of such inspections shall be paid by the applicant to the Township Secretary prior to issuance of a land disturbance permit.
 - (3) The amounts of these inspection fees shall be fixed by resolution of the Board of Supervisors.
 - (4) If problems arise requiring more extensive involvement of the Township Engineer, any resulting costs that exceed the initial fee will be assessed the permittee and become a lien against the property if not paid.
- C. Performance guaranties. Where proposed land disturbance activities are related to a subdivision or land development, the applicant, shall be subject to the requirements for a performance guaranty that are specified in § 138-18 of Chapter 138, Subdivision and Land Development.