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HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE #149

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF HONEY BROOK BY REVISING AND AMENDING CHAPTER 20, PERMANENT STORMWATER MANAGEMENT CONTROLS, TO ADJUST VARIOUS EXEMPTIONS TO SAID CONTROLS; IDENTIFY AND RECLASSIFY EACH TYPE OF USE AND DEVELOPMENT AS A CATEGORY FOR REGULATORY PURPOSES; AND TO PROVIDE ADDITIONAL APPENDICES FOR THE EFFICIENT CALCULATION OF REQUIRED MEASURES AND TO ADJUST EXISTING LEGAL EXHIBITS SPECIFIC TO HONEY BROOK TOWNSHIP.**

**SECTION 1.** Amend Section 20-203 as follows:

1. Amend Section 20-203.1 to read as follows:

1. Any of the following activities, based on their defined criteria, may be exempt from the stormwater management site plan preparation provisions of this Ordinance. Those activities qualifying for an exemption are classified as a Category I activity as defined by this Ordinance. Although an activity may qualify for an exemption in accordance with this Ordinance, the applicant/owner of the property remains responsible for addressing the control of runoff and erosion and sediment from their property such that it does not create an adverse condition on an adjacent property to meet the intent of this Chapter. All exemption requests must be filed with the Township Engineer for review and approval.

2. Amend Section 20-203.1.D to read as follows:

D. *Agricultural Exemption.* On agricultural lots of 10 acres or greater, installation of new or expansion of existing farmsteads, animal housing (barns), accessory structures, waste storage, and production areas that result in a cumulative net increase of 5,000 square feet or less impervious surface and when operated in accordance with a conservation plan, nutrient management plan or erosion and sedimentation control plan approved by the Chester County Conservation District. The exemption including activities such as growing, rotating, tilling and grazing. Lots of less than 10 acres shall be classified as a residential use, irrespective of zoning district, and area subject to the exemption criterion of subsection .1.F.

3. Amend Section 20-203.1.F, last paragraph, by adding the following to the end of the paragraph.

To demonstrate compliance under this scenario, the Township shall provide the appropriate reduced stormwater management planning worksheet forms as shown in Appendix 20-H for completion by the applicant or their contractor. The applicant is responsible for the installation of a stormwater BMP on the property, which shall be inspected by the Township. This information and subsequent BMP installation shall be classified as a Category II activity as defined in this Chapter.

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4. Delete Section 20-203.1.G in its entirety.

**SECTION 2.** Amend Section 20-301, first paragraph, to read as follows:

For all activities regulated by this Chapter in accordance with §20-202.2.A, the applicant shall submit a stormwater management plan and report, defined as a Category III activity in accordance with this Chapter, prepared by a registered professional engineer licensed in the Commonwealth of Pennsylvania, which shall contain, but not be limited to, the following:

**SECTION 3.** Amend Section 20-803.1 to read as follows:

1. An improvement security (bond or letter of credit) for stormwater related improvements shall be supplied by the applicant in conjunction with the subdivision/land development approval, or in conjunction with the stormwater management plan approval if no subdivision/land development plan is required. This requirement pertains to Category III activity as defined by this Chapter.

**SECTION 4.** Amend Section 20-901, to add the following definitions:

*Category I activity* – Those activities qualifying for an exemption of the stormwater management site plan preparation requirements, as listed in §20-203.1.

*Category II activity* – Those activities meeting the criteria of §20-203.1.F, but where the applicant is required to demonstrate compliance with §20-101.B, .H, and .J. These types of activities shall provide BMPs designed and installed in accordance with the Township “Reduced Stormwater Management Planning” form and the PADEP BMP manual. Such form is incorporated by reference in Appendix 20-H but may be modified from time to time by the Township. This category of activity shall also be required to comply with §20-602, -603, and -604, and §20-801 and -802 of this Chapter.

*Category III activity* – Those activities not meeting any exemption criteria of this Chapter that are required to have a full stormwater management plan prepared in accordance with Part 3 of this Chapter.

**SECTION 5.** Amend the Appendices section of Chapter 20 as follows:

1. Replace Appendix 20-C with the attached Exhibit A.
2. Amend Appendix 20-F by inserting the Act 167 release rates map for the Conestoga Creek watershed, incorporated herein by reference as Exhibit B.
3. Replace Appendix 20-G with the attached Exhibit C.
4. Add new Appendix 20-H, the Reduced Stormwater Management Planning Worksheet, incorporated herein as Exhibit D.

**SECTION 6, 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 of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 7, REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

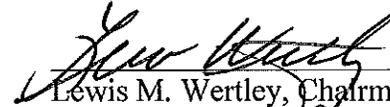
**SECTION 8, EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 19<sup>th</sup> day of May, 2010.

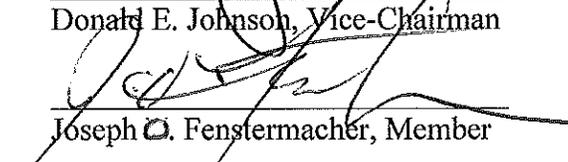
ATTEST:

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

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Secretary

  
Lewis M. Wertley, Chairman

  
Donald E. Johnson, Vice-Chairman

  
Joseph O. Fenstermacher, Member