

WILLIAMS TOWNSHIP ZONING OFFICE
WILLIAMS TWSP. MUNICIPAL BLDG
655 CIDER PRESS ROAD, EASTON, PA. 18042
PHONE 610-258-0522 FAX 610-258-6080 E mail radams@williamstwp.org
OFFICE HOURS: MONDAY thru FRIDAY 8:00 AM to 4:30 PM
Zoning Officer/Building Code Administrator: Rich Adams

Amended February 14, 2011

GRADING ORDINANCE 2011-01

SUMMARY

FEE: \$ 100.00 PROFESSIONAL SERVICES/ESCROW: \$ 1,000.00

REGULATED ACTIVITIES

Section 4 DEFINITIONS.

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted to have common English usage, to give effect to the purposes set forth in Section 2 above, and to provide reasonable application of this Ordinance. As used in this Ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context.

BMP (Best Management Practice) Activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, to including, but not limited to, infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters, and detention basins.

Development Any man-made change to improved or unimproved real estate including, but not limited to, the construction or placement of buildings or other structures, mobile homes, streets and other paving utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

Earth Disturbance A construction or other human activity which disturbs and destabilizes the surface of the land including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

Erosion Process by which the surface of land, including channels, is worn away by water, wind or chemical action.

Erosion and Sediment Pollution Control (E&S) Plan A site-specific plan identifying the BMPs to minimize accelerated erosion and sedimentation, pursuant to 25 Pa Code Chapter 102.

Existing Grade Vertical elevation of the ground surface prior to earthmoving.

Finished Grade Final vertical elevation of the ground after development.

Grade Slope of a street, other public way, land area, drainage facility, or pipe specified in percent.

Grading Permit The permit required to be obtained prior to earth disturbance in connection with the conduct of activities regulated by this Ordinance.

Limit of Disturbance The perimeter of earth disturbance on site.

NCCD Northampton County Conservation District.

NPDES National Pollution Discharge Elimination System.

Natural Ground Surface Ground surface in its original state before any earth disturbance.

On Lot Sewage System A sewage system which uses a system of piping, tanks, or other facilities for collecting, treating or disposing sewage into a soil absorption area or spray field or by retention in a retaining tank within or in close proximity to the lot it serves.

On Lot Water A water source and conveyance method within or in close proximity to the lot it serves.

Parcel All contiguous land under single and separate ownership.

Permanent Vegetation Ground cover establishing a 75% vegetated cover to control soil erosion and to survive severe weather conditions.

Permit A Grading Permit.

Permittee Any person to whom a Grading Permit is issued.

Person Any individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, person includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other form of entity.

PUC Public Utilities Commission

Site A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into two or more lots.

Slope The face of embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed in a percentage based upon vertical distance in feet per 100 feet of horizontal distance.

Stormwater Management Ordinance An ordinance initially adopted by Williams Township, in 1990 and subsequently amended.

Stripping Any activity which removes the vegetative surface cover, including tree removal; and the clearing and storage or removal of topsoil.

Watercourse An ephemeral, intermittent or perennial stream of water, river, brook, creek, or swale identified on USGS or SCS mapping; and/or delineated Waters of the Commonwealth.

Section 5 GRADING PERMIT.

A. The following activities require a Grading Permit:

- 1. Modifying, disturbing, blocking, diverting or otherwise adversely affecting the natural flow of surface water within an ephemeral, intermittent, or perennial stream or, in a manner to impact an adjoining parcel.**
- 2. Construction, erection, or installation of any drainage dam or obstruction affecting the drainage of any parcel.**
- 3. Earth disturbance in excess of 2,000 square feet, cumulatively in one year.**

B. The following activities do not require a Grading Permit:

1. Use of land for gardening for home consumption.
2. Agriculture when operated in accordance with a conservation plan, nutrient management plan, or erosion and sedimentation control plan approved by the Northampton County Conservation District, including activities such as growing crops, rotating crops, tilling of soil, and grazing animals.

3. Forest Management operations following the Department of Environmental Protection's management practices contained in its publication Soil Erosion and Sedimentation Control Guidelines for Forestry and operating under an E&S Plan approved by the Northampton County Conservation District which have a Zoning Permit approval by Williams Township.
4. Public road replacement paving, repaving and/or maintenance.
5. Any emergency activity immediately necessary for the protection of life, property, or natural resources.
6. Repair of an on-lot sewage system
7. Maintenance and repair of a PUC regulated utility in a public right-of-way.

C. Application for Grading Permit.

1. Grading permits shall be issued in the name of the owner of the property who must apply for, and sign, the permit application.
2. No person, firm, or corporation shall engage in an activity requiring a Grading Permit unless a Grading Permit has been obtained by the owner of the property.
3. The Grading Permit Application shall be accompanied by a fee and review escrow established by Resolution of the Board of Supervisors and included in the Township's Schedule of Fees.
4. All applications must be accompanied by an Erosion and Sedimentation Control Plan in accordance with Section 6 of this Ordinance.
5. Not more than one Grading Permit will be issued for a site at any one time. Active Grading Permits may be amended by the Permittee (property owner) if additional earth disturbance is proposed.
6. Additional improvements or grading not shown on the approved Grading Permit Plan must be identified on a revised Grading Permit Plan approved by the Township **prior** to installation/construction.

**WILLIAMS TOWNSHIP GRADING PERMIT
CONTRACT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT made as of the _____ day of _____, AD, 20__ by and between *WILLIAMS TOWNSHIP*, Northampton County, Pennsylvania, with offices located at 655 Cider Press Road, Easton, PA 18042 (hereinafter referred to as "*Township*") and _____ (hereinafter referred to as "*Developer*").

WITNESSETH:

WHEREAS, the Developer is the legal or equitable owner of certain real estate consisting of Northampton County Tax Map Parcel No. _____, which Developer intends to construct _____, pursuant to proposed plans of subdivision/land development or pursuant to a building permit and/or sketch plan for development; and

WHEREAS, the Developer has filed with the Township a building/zoning permit application or a subdivision/land development/sketch plan; and

WHEREAS, Developer initiates the review process with the Township's professional staff, elected officials, and appointed Board members, and the Township is willing to authorize its professional staff to review said plans and perform such other professional services as are necessary as a result of Developer's plan and upon deposit of an escrow account with the Township.

NOW, THEREFORE, the parties agree as follow:

1. The Developer and Township hereby authorize and direct the Township's consulting engineer, or his designee(s), (hereinafter referred to as "*Engineer*") and/or the Township's Community Planner to review the engineering or site plans and to make such recommendations and specifications as may be necessary with respect to such plans as reasonably required by the Township pursuant to its ordinances or codes which in the Engineer's reasonable opinion are required in accordance with good engineering practices.
2. The Developer and Township acknowledge that the Township will incur additional engineering, legal and other costs and fees relating to the review procedure and/or approval of Developer's proposed plan or project.

3. The Developer shall pay: (a) the Engineer or Planner's reasonable charges and fees for review of and/or preparation of any Plans or development proposals and all subsequent inspections, monitoring or testing performed in order to insure compliance with all applicable ordinances of the Township or other rules, regulations or statutes; and (b) reasonable legal fees for review by the Township Solicitor of any and all plans, documents, correspondence or other materials and matters or issues related to the Developer's Plan or proposal.

4. The Developer hereby agrees to deposit with the Township the sum of \$1,000.00, payable in cash in U.S. Dollars or check as security for the payment of all costs and expenses, charges and fees as set forth in Paragraph 3 above, upon execution of this Agreement, which shall be held in a non-interest bearing account by the Township.

In the event that the above deposited escrow fund shall fall below one-half of the original deposit, the Developer shall immediately, upon receipt of written notice from the Township or its agent(s), deposit sums with the Township necessary to replenish the account to its original balance. In the event that this is insufficient to pay current Township-incurred expenses, Developer agrees to pay the total amount currently due for Township-incurred expenses without delay in addition to reestablishing the base escrow account balance. The Township will use its best effort to advise the Developer of the impending likelihood that its costs have exceeded the required escrow account sums as described above.

Developer and Township agree that upon completion of the proposed development and/or upon completion of Township's review of Developer's plan or proposal, all unused portions of the escrow account as described above shall be returned within to the applicant upon thirty (30) days of receipt of a written request to the Township Manager and in accordance with the instructions, if any, with said written request. No escrow funds shall be returned so long as the application is pending or the development remains uncompleted unless Developer provides Township with another form of financial security acceptable to the Township.

5. The Developer may at any time terminate all further obligations under this Agreement by giving fifteen (15) days written notice to the Township that it does not desire to proceed with the development as set forth on the Plan and upon receipt of such written notice by the Developer to the Township, the Developer shall be liable to the Township for its costs and expenses incurred to the date and time of its receipt of the notice.

6. The Developer and the Township acknowledge that this Agreement represents their full understanding as to the Township's reimbursement for professional or consultant services.

IN WITNESS WHEREOF, and intending to be legally bound, the parties have caused their signatures to be affixed and have affixed their hand and seals the day and year first above written.

TOWNSHIP:

WILLIAMS TOWNSHIP
BOARD OF SUPERVISORS:

Mark Ernst, Chairperson

Jennifer Smethers, Township Manager

DEVELOPER:

