

TOWAMENCIN TOWNSHIP

ORDINANCE NO. 23- 01

AN ORDINANCE AMENDING THE TOWNSHIP'S CODE BY AMENDING (1) CHAPTER 153 [ZONING], ARTICLE XIII, SECTION 1301 [DEFINITIONS] TO PROVIDE A NEW DEFINITION OF "GRADING"; AND (2) CHAPTER 84 [GRADING AND EXCAVATING], SECTION 87-3 [PERMIT REQUIRED] REVISING WHEN A GRADING PERMIT IS NOT REQUIRED

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board that the Township's Code shall be amended as follows:

SECTION 1. AMENDMENT TO CHAPTER 153 [ZONING], ARTICLE XIII, SECTION 1301 [DEFINITIONS] TO PROVIDE A NEW DEFINITION OF "GRADING".

Chapter 153 [Zoning], Article XIII, Section 1301 [Definitions] is amended to provide the following revised definition of "Grading":

GRADING

The changing of the natural topography through cutting or filling an area exceeding 1,500 square feet, or in which the natural drainage pattern of a lot is altered.

SECTION 2. AMENDMENT TO CHAPTER 87 [GRADING AND EXCAVATING], SECTION 87-3 [PERMIT REQUIRED] REVISING WHEN A GRADING PERMIT IS NOT REQUIRED.

Chapter 87 [Grading and Excavating], Section 87-3 [Permit Required] is amended to provide when a grading permit is not required, and shall read as follows:

§87-3 Permit required.

No person shall commence or perform any grading, excavation, fill, topsoil removal or removal of vegetative cover within the Township of Towamencin without first having obtained a grading permit from the

Township Zoning Officer upon the recommendation of the Township Engineer. A separate grading permit shall be required for each site. One permit may cover both an excavation and any fill made on the same site. A grading permit will not be required for any earth disturbance of 1,500 square feet or less.

SECTION 3. SEVERABILITY.

This Ordinance's provisions are intended to be severable. If any section, sentence, clause, part, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair this Ordinance's remaining sections, sentences, clauses, parts, or provisions.

Furthermore, it is hereby declared to be this Board's express intent that this Ordinance still be adopted even if such an illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect five days from this Board's approval of it as required by the Pennsylvania law.

SECTION 5. REPEALER.

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and **ENACTED** at the Board's February 8, 2023 meeting.

TOWAMENCIN TOWNSHIP
BOARD OF SUPERVISORS



H. Charles Wilson III, *Chairman*

Attest:


Laura C. Smith, *Secretary*