

BOROUGH OF TRAPPE
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 432

**AN ORDINANCE AMENDING AND RESTATING
CHAPTER 179 OF THE TRAPPE BOROUGH CODE OF
ORDINANCES TO LIMIT APPLICABILITY THEREOF TO
GRADING AND EROSION AND SEDIMENT CONTROL.**

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1: Chapter 179 of the Trappe Borough Code is hereby revised to read as follows:

[THIS PORTION INTENTIONALLY LEFT BLANK]

Chapter 179

GRADING, EROSION AND SEDIMENT CONTROL

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[HISTORY: Adopted by the Borough Council of the Borough of Trappe 6-1-2004 by Ord. No. 375. Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes – See Ch. 135.
Flood damage prevention – See Ch. 173

Subdivision and land development – See Ch. 295.
Zoning – See Ch. 340.

ARTICLE I
General Provisions

§ 179-1. Short Title.

This chapter shall be known and may be cited as the “Borough of Trappe Grading, Erosion and Sediment Control Ordinance.”

§ 179-2. Purpose.

The purpose of this chapter is to promote health, safety and welfare within the municipality and its watershed through provisions designed to:

- A. Ensure any disturbance of the site does not result in damaging erosion and sedimentation control problems, either on- or off-site, in order to protect the health, safety and welfare of the Borough residents. These objectives will be pursued at the Borough level in conjunction with state requirements for erosion and sedimentation control, as defined in the Department of Environmental Protection Chapter 102 regulations, as amended and defined in the Erosion and Sediment Pollution Control Program Manual.
- B. Ensure that site design and preparation incorporates necessary steps to ensure the successful installation and operation of erosion and sediment control facilities.
- C. Minimize disturbance and removal of topsoil.
- D. Regulate modification of natural terrain and alteration of drainage by providing for erosion and sediment control measures, as well as to regulate the maintenance of grading activities, and fill that effect the same.
- E. Provide review procedures and performance standards for erosion and sediment pollution control.

§ 179-3. Statutory Authority.

- A. The municipality is empowered to regulate land use activities that affect grading, erosion and sediment pollution control by the authority of the Borough Code,¹ the Pennsylvania Municipalities Planning Code² and other county, state and federal statutes.
- B. Earth disturbance activities are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements. The requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.

¹ Editor’s Note: See 53 P.S. §45101 et seq.

² Editor’s Note: See 53 P.S. §10101 et seq.

- C. Borough Council may, upon cause shown, waive the requirement if the aggregate earth disturbance activity is less than 5,000 square feet and no single area (“project site”) within a development site is greater than 2,000 square feet.

§ 179.4. Compatibility with Other Requirements.

- A. Approvals issued and actions taken under this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this chapter imposes more rigorous or stringent requirements for grading, erosion and sediment pollution control, the specific requirements contained in this chapter shall be followed.
- B. Nothing in this chapter shall be construed to affect any of the municipality’s requirements regarding grading, erosion and sediment pollution control which do not conflict with the provisions of this chapter. Conflicting provisions in other municipal ordinances, regulations or other applicable law shall be constructed to impose the more rigorous or stringent requirements.

**ARTICLE II
Terminology**

§ 179-5. Word Usage.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number include the plural, and the plural number includes the singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

§ 179-6. Definitions.

As used in this chapter, the following terms shall have the following meanings indicated:

ACCELERATED EROSION – The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

AGRICULTURAL OPERATION – The cultivating of soil, the raising of livestock or poultry, and the harvesting of products of the soil including, but not limited to, nurseries, horticulture and forestry.

APPLICANT – A landowner, developer or other person who has filed an application for approval to engage in any earth disturbance activity at a project site in the municipality.

BOROUGH – the Borough of Trappe, Montgomery County, Pennsylvania.

BOROUGH DESIGNATED OFFICIAL – Person or persons designated by the Borough Council to carry out the responsibilities of this chapter.

CONSERVATION DISTRICT – The Montgomery County Conservation district.

DEVELOPER – A person that seeks to undertake any earth disturbance activities at a project site in the municipality.

DEVELOPMENT – See “earth disturbance activity.” The term includes redevelopment.

DEVELOPMENT SITE – The specific tract of land where any earth disturbance activities in the municipality are planned, conducted or maintained.

EARTH DISTURBANCE ACTIVITY – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavation, fill, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

EROSION – The natural process by which the surface of the land, including channels, is worn away by water, wind or chemical action.

EROSION AND SEDIMENT CONTROL PLAN – A plan for a project site which identifies the activities, facilities, designs, measures or procedures to be employed that minimize erosion and sedimentation resulting in negative environmental impacts.

GRUBBING – To clear by digging up roots and stumps.

MUNICIPALITY – Borough of Trappe, Montgomery County, Pennsylvania.

PADEP – The Pennsylvania Department of Environmental Protection.

PERSON – An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PROJECT SITE – The specific area of land within a development site where any earth

disturbance activities in the municipality are planned, conducted or maintained.

REDEVELOPMENT – Earth disturbance activity on land which has previously been disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY – Earth disturbance activity of 2,000 square feet or more with a point source discharge to surface waters of the municipality's storm sewer system, or one acre or more regardless of the planned runoff. Regulated earth disturbance activity includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development.

ROAD (STREET) RIGHT-OF-WAY – The legal cross section of land with which state or municipal access exists for conveyance of public vehicular traffic. Roads/streets may be asphalt paved, gravel or as yet undeveloped such as paper streets.

ROAD MAINTENANCE – Earth disturbance activity within the existing right-of-way cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities. Where the road maintenance activity maintains the original configuration and topography of the road and does not disturb the surface of the land, such activity shall not constitute earth disturbance activity.

SCOUR – To clear, dig or remove by a powerful current of water.

WATERCOURSE – A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

ARTICLE III Grading Permits

§ 179-7. Permits Required.

No person or company or other entity shall commence or perform any grading, excavation or fill without first having obtained a grading permit from the Borough. A separate grading permit shall be required for each development site.

- A. It shall be unlawful for any person, firm or corporation to commence any earth disturbance activity, pave, fill, strip or change the existing grade of any land within the Borough without first securing a permit from the Borough.
- B. It shall be unlawful for any person, firm or corporation to disturb, modify, block, divert or affect the natural overland or subsurface flow of stormwater within the Borough without first securing a permit from the Borough.
- C. It shall be unlawful for any person, firm or corporation to construct, erect or install any dam, ditch, culvert, drain pipe, bridge or any other structure or obstruction affecting a

watercourse or the drainage of his or her property or any other property without first securing a permit.

D. Notwithstanding the prior provisions of this section, no permit shall be required hereunder for:

- (1) The conduct of agricultural operations which do not impact a watercourse.
- (2) Any property where all of the following conditions are met:
 - (a) The aggregate area disturbed at one time does not exceed 2,000 square feet.
 - (b) The grade level is not changed to an extent, which substantially alters the direction or increases the rate of runoff in such area.
 - (c) All bare earth is promptly seed, sodded or otherwise effectively protected from erosion within three calendar days.
 - (d) The project does not affect a watercourse, wetlands or waterway.

§ 179-8. Application for Permit.

- A. Any person, firm or corporation proposing to engage in activity requiring a permit hereunder shall apply for a permit by written application to the Borough designated official, which shall include the applicant's agreement to comply with the regulations in § 179-13 hereof upon issuance of the permit.
- B. The applicant should consult Chapter 340, Zoning and Chapter 295, Subdivision and Land Development, which regulate the development of land within the Borough. The applicant is encouraged to consult with surrounding municipalities that can be affected by, or can affect, the proposed land development.
- C. A separate application shall be required for each earth disturbance activity on a development site. Three copies of all the documents referred to in § 179-11 hereof shall be submitted with each application, one of which, at the discretion of the Borough designated official, shall be submitted at the applicant's expense to the Montgomery County Conservation district for review and comment.

§ 179-9. Data Required for Permit.

The application for a permit shall be accompanied by the following:

- A. A written statement defining the purpose of the earth disturbance activity. An area plan, or plans, describing existing and proposed features of the area surrounding the site of the

work, including topography, existing vegetation, watercourses, wetlands, man-made features and other pertinent natural features. This may be in the form of a recent USGS map with the property and required features location thereon.

- B. A topographical survey, performed within three years of the application date, of the site at a suitable scale of no less than one inch equals 50 feet and contour interval of no more than two feet, prepared by a registered surveyor or registered engineer, including also a boundary line survey, the location and description of vegetative cover, existing features, wetlands and any other pertinent existing natural or man-made features, including land, at least 20 feet beyond the property line of the development site where earth disturbance activity will be performed.
- C. An improvements plan at the same scale as Subsection B showing and describing all changes to the site including cuts, fills, structures, paving and utilities. (This may be combined with Subsection B on simple projects).
- D. An erosion and sediment control plan including all information required by Article IV. A written description of soil erosion and sediment control measures (with appropriate plans and specifications), in accordance with standards and specifications of the Pennsylvania Department of Environmental Protection, Montgomery County Conservation district and Borough ordinances, including, without limitation, retention basins or other control measures necessary to limit the rate and volume of stormwater runoff to comply with the requirements hereof.
- E. A time schedule indicating anticipated starting and completion dates of the development sequence, the expected date of completion of construction of each of the measures referred to in Subsection D of this section and the time of exposure of each area prior to the completion of such measures.
- F. If load-bearing fill is proposed, a soils investigation report shall be submitted which shall consist of test borings, laboratory testings and engineering analysis to correlate surface and subsurface conditions with the proposed grading plan. The results of the investigation shall include data regarding the nature, distribution and supporting ability of existing soils and rocks on the site and conclusions and recommendations to ensure stable soil conditions and groundwater control, as applicable. The Borough may require such supplemental reports and data as is deemed necessary by the Borough or the Borough designated official.
 - (1) Fills toeing out on natural slopes steeper than three horizontal to one vertical shall not be made unless approved by the Borough Engineer after receipt of a report by a registered professional engineer or geologist qualified in soils analysis, certifying that he has investigated the property, made soil tests and that, in his opinion, such steeper slopes will safely support the proposed fill. The Borough Engineer need not approve such fills if there is reason to believe, e.g., due to a report from a similarly qualified registered professional engineer, that such

steeper slopes will not safely support the proposed fill.

- (2) Natural and/or existing slopes steeper than five horizontal to one vertical shall be benched or continuously stepped into competent materials, as determined by the Borough Engineer, prior to placing all classes of fill.
- G. If import fill is to be placed, such fill shall be "clean fill" as defined by PADEP and documentation shall be supplied supporting the classification as clean fill or regulated fill. If said import fill is designated other than clean fill, the applicant must describe the methods used to comply with the fill used as maintained and specified by PADEP.

§ 179-10. Expiration of Permit.

Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within six months or is not completed within one year from the date of issue, provided that the Borough designated official may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specific time limits, grant a reasonable extension of time, and provided, further, that the application for the extension of time is made before the date of expiration of the permit.

§ 179-11. Regulations for Permit Holders and Others.

- A. The permit holder is responsible for any on-site or off-site property damage or personal injury caused by his activity authorized by the permit.
- B. No person, firm or corporation shall modify, fill, excavate, pave, grade or regrade land in any manner as to endanger or damage public or private property or to cause physical damage or personal injury. All precautions will be taken to prevent any damage to adjoining streets, sidewalks, buildings, structures and other on-site or off-site property, which could be caused by settling, cracking, erosion or sediment.
- C. No person, firm or corporation shall fail to adequately maintain in good operating order any drainage facility on his premises. All watercourses, drainage ditches, culverts, drain pipes and drainage structures shall be kept open and free flowing at all times.
- D. No person, firm or corporation shall deposit or place any debris or other material in any watercourses, drainage ditch or structure in such a manner as to obstruct free flow unless specifically intended to reduce erosion and approved by the Montgomery County Conservation District and proper permits from the Pennsylvania DEP, if required, are obtained.
- E. The owner of any property on which any work has been done pursuant to a permit granted under this chapter shall continually maintain and repair all graded surfaces and antierosion devices such as retaining walls, drainage structures or means, plantings and

ground cover, installed or completed. Each permit holder shall advise transferees of property covered by a permit, in writing, of the requirements of this section prior to entry of a binding agreement of sale for such property.

- F. All graded surfaces upon which grading activity is completed, shall be seeded, sodded, planted or otherwise protected from erosion within three days of the initial ground breaking, weather permitting, and shall be watered, tended and maintained until growth is well established.
- G. Precautions shall be taken to prevent the unnecessary removal of trees and provide for their protection by suitable tree wells, as determined by the Borough designated official.
- H. When required, adequate provisions shall be made of dust control measures as determined by the Borough designated official.
- I. All plans and specifications accompanying applications for permits shall include provisions for both temporary and permanent erosion and sediment control.
- J. The design, installation and maintenance of erosion and sediment control measures shall be accomplished in accordance with standards and specifications established by this chapter and the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- K. Wherever load bearing fill matter is to be used, each layer of compacted fill shall be tested to determine its dry density per ASTM D 1556. The density of such layer shall be not less than 95% of maximum dry density as determined by ASTM D 1557.
- L. Inspections shall be conducted according to procedures established by the Borough Engineer.³
- M. Compaction test reports shall be kept on file at the site and be subject to review at all times by the borough Designated Officer.

§ 179-12. Fees and Expenses.

A fee, in an amount as established from time to time by resolution, is required upon initial submission of an application. Cost of all inspections (other than the initial inspection and the final inspection) will be billed to the applicant as inspections are completed at a rate, in an amount as established from time to time by resolution, per inspection. Payments shall be made within 30 days, and no occupancy permit will be issued until all payments have been made. If the applicant has paid a fee under another Borough ordinance which is applicable to the requirements of this chapter, such as Chapter 395, Subdivision and Land Development, the Borough may waive any or all of the fees under this chapter as it determines to be equitable.

³ Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

Additionally, the applicant shall be responsible for all legal fees for review of the plan, agreement and/or easement, as well as for any legal services rendered with respect to a plan, the review of the same, including interpretation, enforcement or legal services and any related legal costs concerning the imposition, execution and enforcement of the plan, agreement or any easements arising therefrom. The applicant shall also be responsible for all fees and costs with respect to any consultant engaged by the municipality. The applicant shall also be responsible for additional work required to monitor and enforce any provisions of this chapter, correct violations and assure proper completion of stipulated remedial action.

§ 179-13. Performance Bond.

- A. The Borough designed official, before issuing a permit for a project, may require a cash bond or corporation surety bond in a form satisfactory to the Borough conditioned upon the faithful performance of the control measures and other conditions specified in the permit within the time specified, or within any extension thereof granted by the Borough in the amount of the total estimated cost of all control measures and safeguards for adjoining properties plus 15% for inspection, engineering, legal and contingencies. Said bond may be combined with a bond filed under Chapter 295, Subdivision and Land Development. Each bond shall be maintained and renewed annually and shall be executed by a surety or guaranty company qualified to transact business in the state.
- B. Borough reserves the right given to it by the Pennsylvania Municipalities Planning Code to have developer increase the amount of the financial security established hereunder at any time that, in the sole opinion of the Borough, the funds remaining in the account are insufficient either to complete the improvements required or to provide the maintenance bond necessary under the Pennsylvania Municipalities Planning Code or any Borough ordinances, either as a result of requirements required by the Borough Engineer and which may be legally imposed on developer by the Borough, interruptions in construction, inflationary increases in costs, remedial action that is necessary by the developer or any other foreseen or unforeseen factor that may arise at any time in the completion of said improvements. Any such request to increase the amount of the financial security shall be made, in writing, by Borough to developer after the approval by the Borough at a regular meeting of the Borough, and said written request, in the event that developer fails to post the additional security in the time period provided herein, and failure shall be tantamount to a failure to complete and Borough shall be entitled to all remedies provided by law, including all remedies set forth in Borough ordinances.

**Article IV
Erosion and Sediment Control**

§ 179-14. General Requirements.

- A. All earth disturbance activity within the municipality shall be designed, implemented, operated and maintained to meet the purposes of this chapter, through erosion and sediment control during the earth disturbance activity (e.g., during construction),

including operations and maintenance.

- B. No earth disturbance activity within the municipality shall commence until the requirements of this chapter are met.
- C. Erosion and sediment control during earth disturbance activity shall be addressed as required by § 179-16.

§ 179-15. Erosion and Sediment Control During Earth Disturbance Activities.

- A. No earth disturbance activity within the municipality shall commence until approval by the municipality of an erosion and sediment control plan for construction activities.
- B. The Borough Code Enforcement Officer has the authority to waive specific requirements of the erosion and sediment control plan requirements if an earth disturbance activity is small enough in scope to warrant such action.
- C. The erosion and sediment control plan (E&S control plan) shall be prepared and sealed by a Pennsylvania licensed engineer or comparable licensed official experienced in erosion and sediment control methods and techniques, and shall be designed to minimize the potential for accelerated erosion and sedimentation. Where the E&S control plan requires fill placement, import soil, geological interpretation or ground water impact evaluations, the plan must also be sealed by the Pennsylvania licensed geologist or licensed professional equivalent.
- D. A copy of the erosion and sediment control plan and any required permit shall be available at the project site at all times.
- E. DEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, and that require implementation and maintenance of erosion and sedimentation control measures to minimize the potential for those activities which disturb less than 5,000 square feet, under Title 25, Pa. Code 102.4(b).
- F. In addition, under Title 25, Pa. Code Chapter 92, a DEP "NPDES Construction Activities" permit may be required for regulated earth disturbance activities.
- G. Evidence of any necessary permit(s) for regulated earth disturbance activity from the appropriate DEP regional office or County Conservation District must be provided to the municipality.
- H. All grading or earth disturbance upon which grading activity is completed, shall be stabilized, whether temporary or permanent, within three days of the initial ground breaking and, weather permitting, shall be watered, tended and maintained until growth is well established.

- I. Erosion and sediment control plans shall include the minimum limit of disturbance necessary to provide access for grading and to acquire borrow material and necessary to control erosion and sediment pollution. All plans shall adhere to the following maximum area of disturbance criteria. For properties under 10 acres in area, no more than the greater of 30% of the property area or one acre can be disturbed at one time. For properties 10 acres or more in area, no more than five acres shall be disturbed. When the disturbed area has been stabilized either temporarily or permanently, then additional area may be disturbed not exceeding the 30% or five-acre criteria maximums. Site grading (balance cut and fill), road and utility grading, erosion and sediment control measures installation and foundation excavation will cause this limit to be exceeded in most, if not all, cases.
- J. Erosion and sediment control measures must be constructed, stabilized and functional before site disturbance begins within the tributary area of these control measures.
- K. Until the site is stabilized, all erosion and sediment control measures must be maintained properly. Maintenance must include inspections of all erosion and sediment control measures after each runoff event and on a weekly basis. All preventive and remedial work, including cleanout, repair, replacement, regarding, reseeding, remulching and renetting must be performed immediately. If erosion and sediment control measures fail to perform, as expected, replacement control measures or modifications of those installed will be required immediately.

§ 179-16. Permit Requirements by Other Government Entities.

The following permit requirements may apply to certain regulated earth disturbance activity, and must be met prior to commencement of regulated earth disturbance activity, as applicable:

- A. All regulated earth disturbance activity subject to permit requirements by DEP under regulations at Title 25 Pa. Code Chapter 102.
- B. Work within natural drainage ways subject to permit by DEP under Title 25 Pa. Code Chapter 105.
- C. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under Title 25 Pa. Code Chapter 105.

ARTICLE V
Inspections and Right of Entry

§ 179-17. Inspections.

- A. The municipality or its designee may inspect all phases of the construction, operations,

- B. All inspections shall be the responsibility of the Borough designated official or, at their discretion, a qualified person acceptable to the Borough designated official.
- C. Inspections will be carried out on a random basis, at the discretion of the Borough, except for the final inspection as set forth hereinafter. A set of plans shall be on file at the site.
- D. During any stage of the earth disturbance activity, if the municipality or its designee determines that any erosion and sediment control measures are not being implemented in accordance with this chapter, the municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected, as deemed necessary by the Borough designated official.

§ 179-18. Right of Entry.

- A. Upon presentation of proper credentials, any duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition or operations and maintenance of the erosion and sediment control measures in regard to any aspect governed by this chapter.
- B. Owners and operators shall allow persons working on behalf of the municipality ready access to all parts of the project site for the purposes of determining compliance with this chapter.
- C. Unreasonable delays in allowing the municipality access to erosion and sediment control measures shall constitute a violation of this chapter.

**ARTICLE VI
Enforcement, Penalties and Appeals**

§ 179-19. Public Nuisance.

- A. The violation of any provision of this chapter is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

§ 179-20. Enforcement Generally.

- A. Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:
 - (1) The performance of monitoring;
 - (2) Cessation of any violating discharges, practices or operation;

- (3) The abatement or remediation of sediment pollution or contamination hazards and the restoration of any affected property; and
 - (4) Payment of a fine to cover administrative and remediation costs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations. Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the municipality or designee and the expense thereof shall be charged to the violator.
- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies available in law or equity.

§ 179-21. Remedies.

In case of any paving, filling, stripping, grading or regrading and disturbing, modifying, blocking or diverting the natural overland or subsurface flow of stormwater, or any construction, erection and installation of any dam, ditch, culvert, drain pipe, bridge or any other structure or obstruction affecting the drainage of any premises, in violation of this chapter or any regulations made pursuant thereto, the proper Borough authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful activity, to restrain, correct or abate such violation, to prevent the use of the applicable premises or to prevent any illegal act, conduct, business or use in or about such premises. In addition, upon the failure of any permit holder to complete the control measures specified in his application the Borough may, after revoking such permit, proceed to complete such measures itself and recover the cost thereof from the permit holder or his surety.

§ 179-22. Suspension and Revocation of Permits and Approvals.

- A. Any building, land development or other permit or approval issued by the municipality may be suspended or revoked by the municipality for:
- (1) Noncompliance with or failure to implement any provision of the permit;
 - (2) A violation of any provision of this chapter; or
 - (3) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- B. A suspended permit or approval shall be reinstated by the Borough when:

- (1) The Borough Engineer or designee has inspected and approved the corrections or the elimination of the hazard or nuisance; and/or
 - (2) The Borough is satisfied that the violation of the chapter, law or rule and regulation has been corrected.
- C. A permit or approval which has been revoked by the Borough cannot be reinstated. The applicant may apply for a new permit and pay required permit fees under the procedures outlined in this chapter.

§ 179-23. Modification or Waiver of Requirements.

- A. The Borough Council, solely at its discretion, may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question or if an alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.
- B. In granting a modification, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standard or requirements so modified.
- C. Any request for a modification shall be in writing and shall accompany the subdivision or land development application. A modification may, when authorized by the Borough Council, be requested after the application has been submitted. The request shall describe the modification.

§ 179-24. Violations and Penalties.

- A. Any person violating the provisions of this chapter shall be guilty of a summary offense and, upon conviction, shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense.
- B. In addition, the municipality, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

SECTION 2. Severability

The provisions of this Ordinance are intended to be severable, and if any section,

sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 3. Repealer

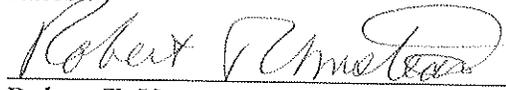
All other Ordinances or parts of Ordinances and any resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Borough Council of the Borough of Trappe, Montgomery County, Pennsylvania, this 1st day of December, 2015.

Attest:



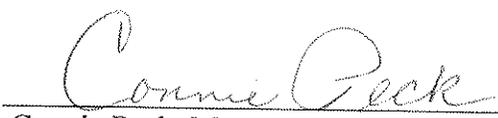
Robert T. Umstead, Municipal Secretary

TRAPPE BOROUGH COUNCIL:



Nevin H. Scholl, President

APPROVED this 1st day of December, 2015.



Connie Peck, Mayor