

# PROCESS TO CONSTRUCT AN ADDITION IN LEHIGH TOWNSHIP

**Letter of Approval from the Township Sewage Enforcement Officer:** For the installation of all new on-lot sewage disposal systems and including but not limited to repairs, replacements, expansions, or the continuation of an existing system for the replacement of a home, an approval is required by the Township Sewage Enforcement Officer (SEO). Contact Chris Noll, Keystone Consulting Engineers, Inc. (KCE) directly at 610-865-4555.

**Grading Plan:** A grading plan is required in accordance with Ordinance 2009-5. You will need to contract with a licensed professional to prepare a grading plan. The Township fee is four hundred (\$400.00) dollars. This covers the cost for the Township Engineer's review of the grading plan. In the event additional reviews and submissions are required by the Township Engineer or subsequent site visits are required, a fee of two hundred fifty (\$250.00) dollars for each resubmission/observation per request will be charged.

**Zoning Application:** Zoning approval is necessary for permitted use and setback requirements.

**Site Drawing/Plot Plan:** A site drawing for zoning purposes indicating all proposed structures, i.e., single family dwelling and driveway. If replacing a home, indicate all existing structures as well to remain on the property. Please include the dimensions of all structures and driveway. Indicate the setback information from all property lines for both the home and driveway. Prior to issuing a building permit, both of these items need to be staked on the property indicating the setback requirements are being met and will be verified by the Zoning Officer at a site inspection.

**Building Inspections:** Plan review is required for the construction of your home for code compliance under state law known as the Uniform Construction Code, Act 45. All applications are on file at the Township Office or on the Township web site, [www.lehightownship.com](http://www.lehightownship.com), under the forms and documents tab.

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All of the reviews: building, zoning, sewage, and grading can be reviewed concurrently.

The sewage permit is a separate fee, if applicable.

The grading review is a fee of \$400.00 (check payable to Lehigh Township), plus \$250.00 if applicable for re-review fee(s).



# ZONING PERMIT APPLICATION

1069 MUNICIPAL ROAD, WALNUTPORT, PA 18088  
PHONE (610) 767-6771 FAX (610) 767-1452

TAX MAP: \_\_\_\_\_

DATE: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_

Signature grants permission for Township staff to access property to check setbacks.

## Home Improvement Consumer Protection Act

Effective July 1, 2009, contractors must register with the Office Of Attorney General. To verify contractor registration, contact the Attorney General's office directly at 1-888-520-6680 or [www.attorneygeneral.gov](http://www.attorneygeneral.gov)

CONTRACTOR NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

### APPLICATION FOR:

### LOT INFORMATION:

### GENERAL INFORMATION:

#### Check all that apply:

- |  |  |
|--|--|
| <input type="checkbox"/> Electrical          | <input type="checkbox"/> New Building          |
| <input type="checkbox"/> Plumbing            | <input type="checkbox"/> Addition to Building  |
| <input type="checkbox"/> HVAC                | <input type="checkbox"/> Accessory Structure   |
| <input type="checkbox"/> Change of Use       | <input type="checkbox"/> Exterior Alteration   |
| <input type="checkbox"/> Change of Occupancy | <input type="checkbox"/> Interior Alteration   |
|  | <input type="checkbox"/> Razing / Demolition   |
|  | <input type="checkbox"/> New Commercial Tenant |

Lot Area: \_\_\_\_\_

#### SETBACKS:

Front Yard Setback: \_\_\_\_\_  
Rear Yard Setback: \_\_\_\_\_  
Right Yard Setback: \_\_\_\_\_  
Left Yard Setback: \_\_\_\_\_

#### Check all that apply:

- ☐ Public Water  
☐ Public Sewer  
☐ Private Well  
☐ On-Lot Septic  
☐ Corner Lot  
☐ Interior Lot

- ☐ In Flood Plain - Y or N  
If yes, signed & sealed  
info by licensed  
professional required.

**NOTE: A site drawing shall be provided with the zoning application. \*\*Please see second page for requirements**

### DESCRIPTION OF WORK:

☐ COST OF PROPOSED WORK:

FOR OFFICE USE ONLY:

Approved  
By: \_\_\_\_\_

APPROVAL  
DATE \_\_\_\_\_

DENIAL  
DATE \_\_\_\_\_

Comments: \_\_\_\_\_

### FEES:

Township Fee \$ \_\_\_\_\_  
3rd Party Fee \$ \_\_\_\_\_  
**(Less Any Deposits)**

- ☐ Township Deposit ( - ) \_\_\_\_\_  
☐ 3rd Party Deposit ( - ) \_\_\_\_\_

#### BALANCE DUE:

- ☐ Township  
☐ 3rd Party

Ins. Co. \_\_\_\_\_

☐ CHECK # \_\_\_\_\_

☐ CASH

### ZONING DISTRICT:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Agriculture/Rural Res. | <input type="checkbox"/> Neighborhood Comm.  | <input type="checkbox"/> RESIDENTIAL USE |
| <input type="checkbox"/> Blue Mountain Conserv. | <input type="checkbox"/> Office/Business     | <input type="checkbox"/> COMMERCIAL USE  |
| <input type="checkbox"/> General Commercial     | <input type="checkbox"/> Resort Commercial   |  |
| <input type="checkbox"/> Industrial             | <input type="checkbox"/> Village Residential |  |

ZONING PERMIT NUMBER: \_\_\_\_\_

BUILDING PERMIT NUMBER: \_\_\_\_\_

\*\*\*A \$25.00 non-refundable deposit, to Lehigh Township, is required with the submission of this application. Permit fees are non-refundable after the permit is issued by the Township.

LEHIGH TOWNSHIP  
LIST OF  
THIRD PARTY BUILDING INSPECTION AGENCIES

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COMPANY

PHONE NUMBER

**Commercial & Residential Projects**

Keller Zoning & Inspection Service  
115 S. Broad Street  
Nazareth, PA 18064

Office  
610-759-8227

Keycodes Inspection Agency  
1307 West Lehigh Street  
Bethlehem, PA 18018

Office  
610-866-9663

**Mailing**

PO Box 391  
Bethlehem, PA 18016

Lehigh Valley Inspection Service  
P. O. Box 423  
Orefield, PA 18069

Office  
610-395-3827

***PROCEDURE AS FOLLOWS:***

The Township's procedure is such that the Applicant/Resident will obtain all applications at the Township Building **prior** to start of any work. This ensures the Applicant/Resident has acquired zoning approval and meets all zoning requirements. The basic steps for the building permit process are as follows:

***THE PROPERTY OWNER MUST OBTAIN ZONING APPROVAL PRIOR TO ISSUANCE OF A UCC BUILDING PERMIT.***

1. A completed zoning application & third-party inspection form shall be submitted.
2. A site drawing showing the location of the proposed construction; along with providing the property setbacks shall be submitted.
3. Three (3) sets of construction drawings shall be submitted.
4. The required Township deposit & third-party deposits shall be submitted to the Township at the time of submittal of the zoning & building application forms. (2 separate checks)
5. Upon approval of the construction documents, the third-party agency will return the documents to the Township with inspection requirements & balance due(s), if any.
6. Township personnel will administer all paperwork, collect all permit fees & issue the zoning & building permits.
7. Township personnel will notify the Applicant when the permit is ready for pick up. Please provide an email address on all applications. Permits will not be issued until balances are paid in full.
8. It is the responsibility of the Applicant to schedule the required inspections with the appropriate third-party agency.
9. A Certificate of Occupancy will not be issued until the final inspection report is received from the third-party agency.

## 6 ORDINANCE 2009-5 CHECKLIST

- Plan size - minimum 8-1/2" x 11"
- Scale not less than 1" = 50'
- Subdivision name and lot number
- Tax Map Parcel # and ID #
- Zoning District
- Date of plan and all revisions, north arrow, graphic scale, legend
- Lot size in acres and square feet
- Name, address, phone number and license number of Professional Engineer (P.E.) or Land Surveyor (P.L.S.)
- Property-line metes and bounds
- Existing and proposed rights-of-ways/easements/restricted areas
- Building setback dimensions

**Grading/Erosion and Sediment Control Plan:** For purposes of obtaining a Building Permit, the applicant shall provide a plan including but not limited to the following additional requirements:

General Information:	Contour interval not more than 2' Time schedule of anticipated starting and completion dates of development sequence Chapter 102, 60 day Stabilization, Foundation Location and Elevation, and "As-Built"
Existing Features:	Topography Vegetation/Major trees Water Courses/Flood limits and elevations/wetlands/stream buffers Manmade Features Soil Types/carbonate geology features Average lot slope
Proposed Features:	Structure location with building dimensions, stake locations, driveway and patios and/or decks Building offsets and floor elevations Proposed finished contours and surface water flow arrows Spot elevations at building corners Waste disposal systems and reserved waste disposal system areas or septic lateral Wells or water lateral and valve Soil erosion and sedimentation control measures to be established prior to construction and including temporary topsoil stockpile locations Stormwater management facilities with supporting calculations (if applicable)

**Foundation Location/Elevation Plan:** For purposes of obtaining authorization to proceed with framing, the applicant shall provide a plan including but not limited to the following additional requirements:

Constructed Improvements:	Structure location with footprint dimensions Building offset dimensions Top of foundation and garage elevations Date of field survey work
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**Certificate of Occupancy:** For purposes of obtaining a Certificate of Occupancy, the applicant shall provide all sign-offs, application forms and final site inspection request at least one week prior to the anticipated need of the permit. In the event it is determined by the Township that improvements have deviated from the proposed plan, an As-built plot plan/grading plan may be required. **NOTE:** Any changes from the approved Grading Permit Plan and application requiring as-built information may incur additional delay in processing your Certificate of Occupancy.

Constructed Improvements:	All physical improvements including but not limited to structure location with dimensions, decks, walks, driveways, inlets Building dimensions, offsets, finished floor and garage elevations Date of survey field work
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See ordinance for complete requirements.

LEHIGH TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2009-5

**AN ORDINANCE OF THE TOWNSHIP OF LEHIGH, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING REGULATIONS AND STANDARDS TO GOVERN AND REGULATE THE GRADING OF LAND, THE MODIFICATION OF NATURAL TERRAIN, THE ALTERATION OF DRAINAGE, THE MAINTENANCE OF DRAINAGE NECESSARY TO CONTROL SOIL EROSION, THE ISSUANCE OF GRADING PERMITS, PROVIDING FOR THE ENFORCEMENT THEREOF AND PROVIDING FOR PENALTIES IN THE EVENT OF VIOLATION THEREOF.**

**WHEREAS**, the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, (hereinafter referred to as "Township") has determined that the public health, safety, and welfare will be advanced by regulating the modification of natural terrain and the alteration of drainage by providing for regulations related to runoff, grading, erosion and sedimentation control; and

**WHEREAS**, this Ordinance is authorized by the provisions of the Second Class Township Code and this Ordinance implements Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control, and it is also in support of the efforts of the Northampton County Conservation District.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Lehigh Township Board of Supervisors of Northampton County, Pennsylvania as follows:

**SECTION 1: TITLE.**

The name of the Ordinance shall be the Lehigh Township Earth Disturbance Ordinance.

**SECTION 2: REGULATED ACTIVITIES.**

Earth moving and grading including, but not limited to, removal of vegetation and/or changes in topography are activities regulated by this Ordinance.

Earth moving and grading activities shall be subject to the requirement of State Soil Erosion and Sediment Pollution Control Regulations, the Township Zoning Ordinance (Chapter 180), the Township Subdivision and Land Development Ordinance (Chapter 147), the Township Flood Plain Ordinance (Chapter 93), the Township Stormwater Management Ordinance (Chapter 138), and the Act 167 Ordinance (Ordinance 2007-4) whether or not it is regulated by the Ordinance.

A Grading Permit shall be required pursuant to this Ordinance except in the following circumstances

- A. Earth disturbance for the purposes of normally recurring agricultural operations,

gardening and topsoil preparation for planting of grass or other vegetative groundcover; or

- B. Earth disturbance for the purposes of residential accessory structures or residential accessory uses where the aggregate area to be stripped of vegetation at any one time does not exceed the following criteria:
1. 1,000 square feet, or
  2. 1,500 square feet for lots smaller than one (1) acre in size when the earth disturbance is no closer than twenty (20) feet to a lot line, top of bank of any stream or watercourse, wetland, riparian corridor, slope greater than 15%.
  3. 2,000 square feet for lots of one (1) acre in size or larger, but smaller than three (3) acres in size when the earth disturbance is no closer than fifty (50) feet to lot line, top of bank of any stream or watercourse, wetland, riparian corridor, or slope greater than 15%.
  4. 4,000 square feet for lots of three (3) acres in size or larger, but smaller than five (5) acres when the earth disturbance is no closer than fifty (50) feet to a lot line, top of bank of any stream or watercourse, wetland, riparian corridor, or slope greater than 15%.
- C. Earth disturbance, up to a limit of one (1) acre (43,560 square feet), for any purpose, no closer than one hundred (100) feet to a lot line top of bank of any stream or watercourse, wetland, riparian corridor, or slope that is greater than 15% regardless of the size of the lot.
- D. Earth disturbance for Single Family dwellings on lots over one (1) acre in size, but less than five (5) acres, provided that no part of the lot exceeds 10% slope and the aggregate area of disturbance is less an 3,000 square feet, and provided that the earth disturbance is no closer than fifty (50) feet to a lot line, top of bank of any stream or watercourse, wetland, or riparian corridor.
- E. Earth disturbance necessary for the construction or repair of public utilities, public facilities, and/or roads by public agencies and/or Public Utility Commission regulated utility companies.
- F. General site grading being performed in accordance with the approved grading plan for a subdivision or land development. Any variation of the approved Grading Plan, and/or the development of individual lots, not excepted by Section 2 of this Ordinance, shall require the review and approval of a revised Grading Plan and/or an approved Grading Plan for each individual lot.
- G. Earth disturbance necessary for the construction of aboveground swimming pools.
- H. The discharge of stormwater roof drains, sump pump drains, and any other stormwater outlet pipe or structure to the surface of the ground provided that the outlet is located at least twenty-five (25) feet from the property line and a standard

splash pad or apron shall be provided to disperse the flow.

### **SECTION 3: UNLAWFUL ACTS.**

Except as provided in Section 2, it shall be unlawful for any person, firm, or corporation to undertake any of the following activities without first securing a permit.

- A. To remove vegetated ground cover or improved ground cover;
- B. To cut, fill, or change the existing grade of any land,
- C. To disturb, modify, block, divert or affect the existing overland or subsurface flow of stormwater; or
- D. To construct, erect or install any dam, ditch, culvert, drainpipe, bridge or any other obstruction affecting the drainage of any property, or portion thereof.

### **SECTION 4: EFFECT ON OTHER PERMITS AND DEFINITIONS.**

Whenever any proposed activity requires a building and/or driveway permit, no such Building Permit or Driveway Permit shall be issued unless the permit required hereunder has been issued. The plans and applications required herein may be combined, when applicable, with plans and application materials submitted for building and/or driveway permits.

The definition of terms used shall be the definition used by the Township in the:

Township Zoning Ordinance  
Township Stormwater Management Ordinance  
Township Subdivision and Land Development Ordinance  
Township Floodplain Management Ordinance

Except as specifically defined or described herein.

### **SECTION 5: APPLICATION FOR A PERMIT.**

- A. Any person, firm, or corporation proposing to engage in activity requiring a permit hereunder shall apply for a permit by written application which shall include the Applicant's agreement to comply with the Applicant's plans and supporting documents and this Ordinance, upon issuance of the permit.
- B. The Applicant shall consult the Lehigh Township Zoning Ordinance (Chapter 180), Subdivision and Land Development Ordinance (Chapter 147), Flood Plain Ordinances (Chapter 83) and Township Stormwater Management Ordinance (Chapter 138) as prepared, and as may be amended, which govern the development of land and land use within the Township prior to making application for a permit under the Ordinance.
- C. A separate application shall be required for each earth disturbance operation. Three (3) copies of all the documents referred to below shall be submitted with each application. The application forms submitted shall consist of the forms

provided by the Township together with the required fees. All applications shall be submitted to the Township Zoning Officer who shall retain one (1) for Township records and forward two (2) copies of all documents to the Township Engineers for initial plan review.

- D. The Board of Supervisors of Lehigh Township shall determine the fees for such permits, from time to time, by Resolution.
- E. Any application for an Earth Disturbance Permit shall be accompanied by a plan showing the following:
  - 1) A Topographic Survey Plan of the site, at a suitable scale of no less than 1" = 50' and contour interval of no more than 2'-0", prepared by a Registered Professional Land Surveyor or Registered Professional Engineer, including a boundary line survey, the location and description of vegetative cover, the general location of all major trees (as defined by the Township Zoning Ordinance) and any other pertinent existing natural or manmade features. Interpolated contours from USGS maps or any other similar source are not acceptable. The plan size shall be a minimum, 8½" x 14".
  - 2) This Topographic Survey Plan shall also show existing rights-of-way and easements.
  - 3) A Site Improvement and Grading Plan of the same size and scale as Subsection (1) hereof, showing and describing all changes to the site including final contours, structures, paving, waste disposal systems, and wells. This improvement and grading information may be combined on the topographic survey when all information can be clearly and legibly shown.

This Site Improvement and Grading Plan shall show (on one or more plans) the following:

- a) Existing and ultimate rights-of-way and easements.
- b) 100-year Floodplain limit and elevation and riparian corridors or buffers.
- c) The limits of Major Trees (as defined by the Township Zoning Ordinance) to be removed. Plans should identify the age and general condition of woodland areas (i.e. successional growth, mixed deciduous, coniferous, etc.)
- d) Portions of the property sloped 15 percent to 20 percent, 20 percent to 30 percent, and steeper than 30 percent.
- e) Watercourses, ponds, lakes, vernal ponds, and wetlands (if any).
- f) Existing and proposed stormwater management facilities. If new



stormwater management facilities are proposed, the engineering calculations used to design those facilities shall also be provided.

- g) The design location and grading associated with any proposed on lot sewage disposal system.
- h) The area reserved for providing a replacement on lot sewage disposal system (if required).
- i) Landscape buffers or screens.
- j) Any upstream watershed draining onto the property, with a clear description of how stormwater runoff from the upstream watershed will be accommodated.
- k) Limits of disturbance and disturbance ratios for areas of steep slopes.
- l) Limits and amounts of existing and proposed impervious cover with coverage ratios.
- m) Existing and Proposed downspouts and sump pump discharge points.

Incidental improvements such as mailboxes, electric, or telephone boxes do not need to be shown.

- 4) A written description of soil erosion and sedimentation control measures (with appropriate plans and specifications), in accordance with Section 44 of Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control, which shall be in conformity with the standards and specifications of the Lehigh Township Ordinances.
- 5) If the proposed activity requires the submission and implementation of a Stormwater Management Plan in accordance with the Township Stormwater Management Ordinance such plan and supporting calculations shall be prepared by a Registered Professional Engineer and shall be submitted with this application for the Earth Disturbance Permit.
- 6) A time schedule stating the 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 (4) herein, and the time of exposure of each area prior to the completion of such measures.

- F. The Site Plans required herein shall also be prepared to demonstrate all salient features of the property and other specific requirements of other Ordinances and regulations of the Township, if applicable, that include but are not limited to:
- 1) Floodplain Regulations
  - 2) On lot Sewage Regulations
  - 3) Zoning Ordinance Requirements
  - 4) Driveway Regulations
  - 5) Stormwater Management Regulations
  - 6) Subdivision and Land Development – Construction Standards

**SECTION 6: NO ASSUMPTION OF LIABILITY.**

- A. It is recognized that earth disturbance creates risks of runoff and soil erosion damage. This Ordinance establishes guidelines for reducing these risks, but in all cases the property owner and their designers, agents, and contractors shall be responsible for any damage directly or indirectly caused by any activity regulated by this Ordinance.
- B. The public is hereby notified that the Township, Township employees, and Township consultants undertake no responsibility for loss of property, loss of life or personal injury due to activities regulated by this Ordinance, even if all regulations and Ordinances of the Township are followed.

**SECTION 7: SPECIFICATIONS AND REQUIREMENTS.**

The following provisions apply for all activity governed by the provisions of this Ordinance:

- A. All drainage facilities proposed shall be designed in accordance with the Township Stormwater Management Ordinance.
- B. Lots shall be graded to secure proper drainage away from buildings and, to the extent possible, away from street areas, except streets where curbs, storm sewer piping system, or roadside swales exist.
- C. All drainage provisions shall be designed to efficiently carry surface waters to the nearest street (if curbs, adequately sized storm sewer piping system or swales exist), storm drain, or natural watercourse. If the aforementioned facilities do not exist, then in that event, stormwater shall be evenly dispersed over the lot so as to best promote infiltration of stormwater into the ground within the boundaries of the subject lot and to minimize impacts to adjacent properties and roads. The design shall clearly indicate how this will be achieved.
- D. The Permittee shall construct and/or install such drainage structures and/or pipes

which are necessary to prevent erosion damage and to satisfactorily manage surface waters in accordance with Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania Department of Environmental Protection, Sub Part C. Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control. Any drainage system not operating as planned shall be corrected at the expense of the Applicant.

- E. No person, firm, or corporation shall modify, fill, excavate, or re-grade the land in any manner as to endanger or damage any adjoining public street, sidewalk, alley, or any other public or private property without protecting such property from settling, cracking, erosion, sediment, stormwater pooling, or other physical damage or personal injury which might result. Such activity without such protection will constitute a violation punishable by the provisions of this Ordinance.
- F. No person, firm, or corporation shall deposit or place any debris or other material whatsoever, or cause such to be thrown or placed, in any drainage ditch or drainage structure in such a manner as to obstruct free flow.
- G. Stockpiled topsoil shall be protected from erosion.
- H. All disturbed areas shall be seeded, sodded, and/or planted or otherwise protected from erosion within sixty (60) days of ground breaking, and shall be watered, tendered, and maintained until growth is well established. If State regulations require a shorter time, the shorter time shall be required.
- I. All permanent grading shall be designed and undertaken to meet the following criteria:
  - 1) Provide positive surface drainage away from on-site sewage disposal systems; and
  - 2) Provide positive surface drainage away from buildings and structures (except for structures designed for acceptance of that drainage; and
  - 3) Provide that no cutting or filling, either temporarily or permanently, shall be allowed to occur within five feet (5') of any property line, except at locations where specific grading and/or drainage easements exist for the purposes of such grading, and/or is shown on a Grading Plan approved as part of a subdivision of lots.
- J. The Permittee shall limit stormwater runoff rate and concentration from the subject lot to other lands in a manner that will minimize risk of damage to downstream property owners in accordance with the Township Stormwater Management Ordinance.
- K. The existing points of concentrated or sheet flow drainage discharge onto adjacent property receiving stormwater runoff from a watershed of twenty-five hundred (2,500) square feet or more shall not be altered without written approval of the affected property owner(s). If the Developer verifies that they have made

reasonable attempts to secure such approval and verifies that such approval will not be granted by the affected property owner(s), the Township Board of Supervisors may waive this requirement with the receipt of the following documentation:

- 1) Documentation of the Developer's request for affected owner's approval.
- 2) Documentation from the Developer's Engineer certifying that the alterations proposed will not adversely affect the downstream property owner.
- 3) An indemnification and Hold Harmless Agreement from the Developer proposed as a Covenant running with the land.

All such documentation must be provided to the satisfaction of the Township Board of Supervisors.

#### **SECTION 8: APPROVAL OF PERMITS.**

The Township shall review and approve Earth Disturbance Applications and Plans on the form provided by the Township for that purpose. No Earth Disturbance Permit, Building Permit, or Driveway Permit shall be issued by the Township until such time as an Earth Disturbance Application and Plans have been found to be acceptable to the Township. Furthermore, no Certificate of Occupancy Permit shall be issued by the Township until such time as the Township Zoning Officer determines that all earth disturbance has been completed in general conformity with the approved Site Improvement and Grading Plan.

In all cases, the Permittee shall be required to undertake all earth moving and grading activities in accordance with this Ordinance and the approved Site Improvement and Grading Plan, whether or not inspection by the Township is provided and whether or not a Certificate of Occupancy is issued.

#### **SECTION 9: REGULATIONS FOR PERMIT HOLDERS AND OTHERS.**

- A. The Permittee is responsible for any property damage or personal injury caused by activity authorized by the permit.
- B. No person, firm, or corporation shall modify, fill, excavate, pave, or grade 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, building, and other structures 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 stormwater management facility on its premises. All watercourses, drainage ditches, culverts, drainpipes, structures, and other stormwater management facilities shall be kept open and operating at all times.
- D. The Owner, from time to time, of any property on which any work has been done pursuant to a permit issued under this Ordinance shall continuously maintain and

- repair all graded surface and anti-erosion devices such as retaining walls, drainage structures or means, plants and ground cover, installed or completed.
- E. The Permittee shall make adequate provision for dust control.
  - F. All plans and specifications accompanying any permit application shall include provisions for both temporary and permanent grading and stabilization.
  - G. The installation and maintenance of erosion and sediment pollution control measures shall be accomplished in accordance with standards and specifications established by the Northampton County Conservation District and Lehigh Township Zoning Ordinance Section 180-47
  - H. The issuance of an Earth Disturbance Permit shall not negate the Owner and/or Permittee's responsibility for obtaining any other permits or approvals from any agency, including the Lehigh Township, which may have jurisdiction over any aspect of the project.
  - I. Property corners to be set prior to final inspection.

**SECTION 10:      INSPECTIONS.**

- A. Inspections by the Township may be carried out on a random basis at the option of the Township.
- B. If the construction of a building or structure is occurring immediately after the initial earth moving and grading activity; (1) no excavation for footings shall commence until after the building permit approval; (2) immediately following construction of the foundation wall, and prior to the erection of the superstructure of any building, the Permittee shall provide the Township with three (3) copies of a "Foundation Location and Elevation Survey" bearing a certification from the permittee's licensed Engineer or Surveyor indicating compliance with the approved plan; and (3) no further construction above the foundation wall will be permitted until the Township has issued approval of the aforementioned Foundation Plan.
- C. A final inspection may, at the option of the Township, be conducted by the Township to verify compliance with this Ordinance.
- D. If the construction of a building or structure is occurring immediately after the initial earth moving and grading activity; (1) no excavation for footings shall commence until after the building permit approval; (2) immediately following construction of the foundation wall, and prior to the erection of the superstructure of any building, the Permittee shall provide the Township with three (3) copies of a "Foundation Location and Elevation Survey" bearing a certification from the permittee's licensed Engineer or Surveyor indicating compliance with the approved plan; and (3) no further construction above the foundation wall will be permitted until the Township has issued approval of the aforementioned Foundation Plan.

- E. A final inspection may, at the option of the Township, be conducted by the Township to verify compliance with this Ordinance.
- F. In all cases, however, the Permittee shall be required to undertake all earth moving and grading activities in accordance with this Ordinance and the approved Site Improvement and Grading Plan, whether or not inspection by the Township is provided. As-built Plans shall be required prior to the issuance of a Certificate of Occupancy if the Owner or Permittee is seeking any change to the
- G. When weather conditions or time of year prevent the Permittee from completing all earth moving and grading activities prior to a request for an Occupancy Permit, the Township, on a case by case basis, may issue a temporary Occupancy Permit upon satisfaction of all of the following criteria:
  - 1) All final earth moving and soil stabilization that can be completed is completed,
  - 2) Temporary soil erosion and sediment pollution control facilities are properly installed and in good repair,
  - 3) Temporary seeding and mulching of disturbed areas is complete,
  - 4) The Owner provides an agreement to the satisfaction of the Township Solicitor to guarantee completion of the earth disturbance within six (6) months of the date of the agreement.

**SECTION 11: REVOCATION OR SUSPENSION.**

Any permit issued under this Ordinance may be revoked or suspended by the Township after notice by the Township for:

- A. Failure to carry out the soil erosion control or stormwater control measures described in the application documents and/or failure to satisfy the provisions of the earth moving and grading and restoration time schedule described in the application documents or within such reasonable extensions as may be granted by the Township.
- B. Violation of any other condition of the permits.
- C. Violation of any provision of this Ordinance or any other applicable law, Ordinance, rule, or regulation relating to the work; or
- D. Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or the property of others.

**SECTION 12: MODIFICATIONS OF WAIVER PROVISIONS.**

The provisions of this Ordinance are intended as minimum standards for the protection of public health, safety, welfare or the residents and inhabitants of the Township. The Planning

Commission may grant a modification of the requirements of one or more provisions of this Ordinance if the Planning Commission concludes that the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. Financial hardship alone shall not be sufficient justification for granting such modification.

All requests for a modification shall be in writing to the Planning Commission. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions and the minimum modification necessary.

The requested modification shall represent the least modification to address the hardship.

All such modification requests shall be approved or disapproved by the Planning Commission. A written record of the action shall be kept for all modification requests.

### **SECTION 13: REMEDIES.**

If the Township authorities determine that a violation exists, a Notice of Violation shall be issued. Unless the violation is determined by the Township to require immediate correction the property owner shall have thirty (30) days to bring the property into compliance with this Ordinance. During this period of time the property owner shall not conduct any activity on the property until proposed corrective measures have been approved by the appropriate Township authorities. If after thirty (30) days from the date of receipt of the thirty (30) day Notice of Violation the violation has not been corrected the Township may proceed with enforcement of the Ordinance as set forth below.

In the case of any paving, filling, stripping, grading or regrading; any disturbing, modifying, blocking, or diverting the overland or subsurface flow or stormwater; or any construction, erection, and installation of any dam, ditch, culvert, drainpipe, bridge, or any other structure or obstruction affecting the drainage of any premises, in violation of this Ordinance, or any regulations made pursuant hereto, the proper Township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings against the Permittee and/or Owner to prevent such unlawful activities; to restrain correct or abate such violations; to prevent the use of the applicable premises; to prevent any illegal act, conduct of business or use in or about such premises. In addition, upon a violation of this Ordinance without a permit and/or upon the failure of any permit holder to complete the control measures specified in approved application, the Township may, after revoking such permit, proceed to complete such measures itself, and recover the cost thereof from the Permittee and/or Owner.

### **SECTION 14: PENALTIES.**

For any and every violation of the provisions of this Ordinance, 1) the Permittee, Owner, Agent, or Contractor where such violation has been committed or shall exist; (2) the Lessee or Tenant of an entire building or entire premises where such violation has been committed or shall exist; (3) the Permittee, Owner, Agent, Contractor, Lessee or Tenant or any part of a building or premises in which part such violation has been committed or shall exist; and (4) the Permittee, Owner, Agent, Architect, Contractor or any other person who knowingly commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation exists; shall be liable on conviction thereof before a District Justice to pay a fine or

penalty not to exceed One Thousand (\$1,000.00) Dollars for each and every offense. Any such enforcement action shall be brought before a District Justice in the same manner provided for the enforcement of summary offenses under the PA Rules of Criminal Procedure. Whenever such person, or persons, shall have notified by the Township Zoning Officer, Township Engineer, or the Township Board of Supervisors, or the Township Solicitor, by service of a complaint in a prosecution, or by registered mail, that a violation of this Ordinance is being committed, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be collected as like fines or penalties are now collected by law.

**SECTION 15:      VALIDITY.**

If any section, subsection, paragraph, clause, or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or in part as it was the intent of Board of Supervisors to adopt said Ordinance even if said provision was not included.

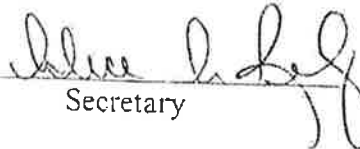
**SECTION 16:      REPEALER.**

All other Ordinances or parts thereof which are contradictory with the provisions hereof, are repealed to the extent of such inconsistencies.


ENACTED and ORDAINED this 8<sup>th</sup> day of Sept, 2009.

ATTEST:

LEHIGH TOWNSHIP

  
Secretary

BY:

  
Chairman, Board of Supervisors