

**BERWICK TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-04

**AN ORDINANCE OF BERWICK TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA
AMENDING ORDINANCE NO. 83, THE BERWICK TOWNSHIP STORMWATER
MANAGEMENT ORDINANCE**

WHEREAS, Berwick Township is empowered by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.*, as amended, and the Pennsylvania Stormwater Management Act, 32 P.S. § 680.1 *et seq.*, as amended, and Section 2704 of the Second-Class Township Code, 53 P.S. Section 67704 to regulate land use activities that affect stormwater runoff; and

WHEREAS, Berwick Township regulates stormwater management performance standards and design criteria for stormwater management facilities within Berwick Township by virtue of Ordinance No. 83, the Berwick Township Stormwater Management Ordinance; and

WHEREAS, the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend Ordinance No. 83 regulating stormwater management.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION I: Article IV, Section 402 A. 7. of the Ordinance, entitled “Plan Requirements”, is hereby amended to read as follows:

7. Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas, inclusive of proposed elevations.

SECTION II: Article IV Section 407 of the Ordinance, entitled “Final Inspection, Completion Certificate, and As-Built Plans” and hereby amended in its entirety to read as follows:

Section 407. Final Inspection, Completion Certificate, and As-Built Plans

A. The stormwater management facilities constructed in accordance with a SWM Site Plan, not submitted as a component of a subdivision and/or land development plan (including any time a structural BMP is proposed), shall be subject to the following process upon the completion of construction of said facilities.

1. The property owner or developer shall contact the Berwick Township Engineer 48 hours prior to the beginning SWM site work to schedule necessary inspections. The Final Inspection shall be conducted by a Berwick Township designee.
2. Berwick Township may inspect the completed improvements to confirm consistency with the approved SWM Site Plan. At the time of the inspection, the property owner or developer shall demonstrate elevation levels for all applicable structures, buildings, streets, driveways, access drives, and parking areas. Following the inspection, Berwick Township may take one of the following two actions.
 - a. Issue a Completion Certificate: The Township Engineer shall issue a Completion Certificate when the stormwater management facilities have been constructed in conformance with the approved SWM Site Plan.
 - b. Issue Correspondence Regarding Discrepancies: If it is determined that the stormwater management facilities have not been constructed in accordance with the approved SWM Site Plan, Berwick Township shall issue correspondence addressed to the property owner or developer summarizing the discrepancies from the approved SWM Site Plan. Such correspondence does not by itself constitute an extension of any applicable SWM Permit.
3. Upon receipt of correspondence summarizing discrepancies in the constructed stormwater facilities, the property owner or developer shall, apply for permit extensions, when necessary, and take one of the following two actions.
 - a. Reconstruct the required stormwater management facilities in a manner that complies with the approved SWM Site Plan. Upon completion of the reconstruction work, the property owner or developer shall contact the municipality for a subsequent Final Inspection in accordance with the process established in Section 407.A.1.
 - b. Submit a revised SWM Site Plan in accordance with the process established in Section 404.A. The revised SWM Site Plan shall be consistent with the improvements as constructed. Upon receipt, Berwick Township may review the revised SWM Site Plan in accordance with the review and approval process of Section 403. If the revised SWM Site Plan is approved Berwick Township shall issue the Completion Certificate. If the revised SWM Site Plan fails to demonstrate that the constructed stormwater

management facilities can comply with the requirements of this Ordinance, Berwick Township may then require the property owner or developer to reconstruct the required stormwater facilities in accordance with the originally approved SWM Site Plan. If the revised SWM Site Plan is approved, Berwick Township shall then issue the Completion Certificate.

4. Where required by the Township, within fifteen (15) days of the Completion Certificate, the property owner or developer shall submit an As-Built Plan depicting the stormwater management facilities as constructed specific requirements of the as built plan shall be as outlined in the Township Subdivision and Land Development Ordinance. If requested by the applicant, the Township may grant an extension of the deadline to submit As-Built Plans.
- B. The stormwater management facilities constructed in accordance with a SWM Site Plan submitted as a component of a subdivision and/or land development plan shall be subject to the completion of improvements requirements of the Berwick Township Subdivision and Land Development Ordinance and Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.
 - C. Conditional Completion Certificate. In all cases, whether or not stormwater management facilities are proposed as a component of a subdivision and/or land development plan, the Township Engineer may issue a conditional Completion Certificate when it is a prerequisite of receipt of a Use and Occupancy Permit or Certificate of Occupancy provided the following conditions are met: (1) The Township Engineer determines that there are no public safety concerns; (2) a time period is set for completion, after which time the Conditional Completion Certificate shall be void; (3) the property owner or developer posts financial security with the Township equal to 110% of the costs of completion as determined by the Township Engineer; and (4) the property owner or developer pays a Conditional Completion Certificate Fee as established by the Township by Resolution.

SECTION III: Repealer. All provisions of previous ordinances of Berwick Township which are contrary to this Ordinance are expressly repealed.

SECTION IV: Savings Clause. In all other respects, the previous ordinances of Berwick Township shall remain as previously enacted and ordained.

SECTION V: Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase,

sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION VIII: Effective Date. This Ordinance shall take effect in accordance with the Second Class Township Code.

ENACTED and ORDAINED this ____ day of _____, 2023.

BERWICK TOWNSHIP

ATTEST:

Secretary

Peter L. Socks, Jr., Chairman