

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010-05

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY REVISING CHAPTER 180 TO INSERT A DEFINITION RELATING TO THE RIPARIAN AREA REGULATIONS, AND BY AMENDING AND ADDING REGULATIONS RELATING TO THE ZONING AND PERMIT REQUIREMENTS FOR CERTAIN ACTIVITIES PROPOSED TO BE CONDUCTED WITHIN THE RIPARIAN AREAS ASSOCIATED WITH A WETLAND, WATERS OF THE UNITED STATES, WATERS OF THE COMMONWEALTH, PERENNIAL OR INTERMITTENT WATERCOURSE, LAKE, OR POND LOCATED IN LOWER SAUCON TOWNSHIP; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance #98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the "Code"); and

WHEREAS, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to revise and add certain regulations relating to the Zoning and permit requirements for activities located within the buffer areas associated with wetlands, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lakes, or ponds.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended as follows:

SECTION 1.

Amendment to Chapter 180 (Zoning), Section 180 - 5 (Definitions; word usage).

Chapter 180, Section 180 - 5 of the Code is amended to add and insert the terms "RIPARIAN AREA PROTECTION AND/OR MANAGEMENT ACTIVITIES" and "RIPARIAN AREA" as follows:

“RIPARIAN AREA PROTECTION AND/OR MANAGEMENT ACTIVITIES – Activities intended to ecologically improve or sustain the current condition of any wetland, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lake, or pond that are associated with a riparian area.”

“RIPARIAN AREA – Land within the required wetland buffer, riparian buffer, or a lake or pond buffer.”

SECTION 2.

Amendment to Chapter 180 (Zoning), Section 180 – 95B (Natural resources and protection rates).

Chapter 180, Sections 180 – 95B (10) through (12) of the Code are hereby deleted in their entirety, and replaced with Sections 180 – 95B (10), (10.1), (11), (12), and (12.1) as follows:

- (10) The following uses are permitted by conditional use within a riparian area or buffer associated with a wetland, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lake, or pond.
 - (a) New agricultural uses in compliance with methods prescribed by Chapter 102.4(b) of Title 25 of the Pennsylvania Administrative Code.
 - (b) Crossing by farm vehicles and livestock, roads, driveways, railroads, centralized sewer and/or water lines, pedestrian trails, and public utility transmission lines.
 - (c) Centralized sewer and/or water lines and public utility transmission lines running along the riparian area.
 - (d) Forestry operations, as regulated by § 180-127.2 of this chapter.
 - (e) Passive use areas such as camps, campgrounds, picnic areas; active recreation areas such as ballfields, playgrounds, and courts; provided these uses are designed in a manner that will not permit concentrated flow.

- (10.1) Erosion Control and Riparian Area Protection and/or Management Activities shall be permitted by-right within a riparian area; provided that all necessary permits have been obtained from the Pennsylvania Department of Environmental Protection and all other applicable governing bodies.

- (11) The following uses are specifically prohibited within a riparian area or buffer associated with a wetland, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lake, or pond.
 - (a) Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and riparian area protection and/or management activities; unless associated with the following:
 - [1] Permitted agricultural uses;
 - [2] Part of preparing land for a use permitted within a riparian area;
 - [3] Associated with an approved reforestation plan; or
 - [4] Part of normal routine maintenance of the buffer area which shall include but not be limited to the following:

- [a] Removal of invasive species;
 - [b] Removal of vegetation when necessary as a means to eliminate dead, diseased, or hazardous stands of vegetation that jeopardize public safety;
or
 - [c] The seasonal mowing of meadow areas in accordance with the seed manufacturers' recommendations.
 - (b) Storage of any hazardous or noxious materials.
 - (c) Use of fertilizers, pesticides, herbicides and/or other chemicals in excess of prescribed industry standards or the recommendation of the Northampton County Conservation District.
 - (d) Motorized traffic from equipment or vehicles in any area unless associated with the following:
 - [1] Permitted riparian area crossings;
 - [2] Permitted agricultural uses;
 - [3] Part of preparing land for a use permitted within a riparian area;
 - [4] Associated with an approved reforestation plan; or
 - [5] Part of normal routine maintenance of the buffer area which shall include but not be limited to the following:
 - [a] Removal of invasive species;
 - [b] Removal of vegetation when necessary as a means to eliminate dead, diseased, or hazardous stands of vegetation that jeopardize public safety;
or
 - [c] The seasonal mowing of meadow areas in accordance with the seed manufacturers' recommendations.
 - (e) Parking lots, the parking or storage of trailers (with a gross weight rating exceeding 1,000 lbs.), and the parking or storage of any motorized vehicles. For purposes of this section, parking or storage shall be defined as the keeping or placing of the above noted trailers and/or motorized vehicles within any portion of a riparian area for greater than six (6) hours; whether in one location or in multiple locations within any riparian area on a property. The time constraints noted above shall not apply to trailers being utilized as part of normal routine maintenance of the riparian area; in which case, such trailers shall not be permitted within the riparian area for more than five (5) consecutive days (120 hours).
 - (f) On-lot sewage disposal, absorption or sprayfield areas.
 - (g) Sod farming.
 - (h) Excavating, grading, filling, piping, diverting, dredging, or building; unless associated with a use permitted within a riparian area and a permit has first been obtained from the Township.
 - (i) Planting of non-native vegetation.
 - (j) The storage or disposal of materials used for snow or ice control including sand, cinders, salt, and other deicing chemicals/materials.
- (12) Any person, partnership, or corporation will be required to restore and stabilize any unauthorized activity in the riparian area to the satisfaction of the Township and in accordance with the planting requirements in ZO Sections 180-95.B(12.1)(a), (b), (c) and (d).

(12.1) Re-vegetation of Riparian Area. In cases where a major subdivision or land development is proposed or an unauthorized activity has occurred, replanting of the riparian area shall be required where there is little or no existing vegetation. Native vegetation approved by the Township shall be used in replanting efforts and shall include herbaceous plants that serve as ground cover, understory trees and shrubs, and trees that form an overhead canopy. The re-vegetation plan shall be prepared by a qualified professional and shall comply with the following minimum requirements, unless modified by Township Council upon recommendation of the Planning Commission:

- (a) Ground Cover. Ground cover consisting of native seed mixes and/or plants must be provided along the portion(s) of the riparian area where little or no riparian vegetation exists. The ground cover plantings shall be planted within the first twenty-five (25) feet from the edge of the wetland, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lake, or pond and shall be designated on the plan as a “no mow zone” that shall be left as natural cover except in accordance with the maintenance instructions stated on the approved plan.
- (b) Trees and Shrubs. These planting layers include trees that form an overhead canopy with understory vegetation. These plants shall be planted in an informal manner clustered within the first twenty-five (25) feet from the edge of the wetland, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lake, or pond. These plants shall be provided at a rate of at least one (1) canopy tree, one (1) understory tree, and three (3) shrubs for every twenty (20) linear feet; as measured along a line twenty five (25) feet from the edge of and parallel to the wetland, waters of the United States, waters of the commonwealth, perennial or intermittent watercourse, lake, or pond.
- (c) Exceptions. These planting requirements shall not apply to existing farm fields located within a riparian area.
- (d) Re-vegetation plans are subject to review by the Township in accordance with the Lower Saucon Township Fee Schedule.

SECTION 3. Violations and Penalties.

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

SECTION 4. Severability.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

06/09/10 Draft
07/21/10 Rev.
09/15/10 Final

SECTION 5. Repealer.

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after adoption.

ENACTED and **ORDAINED** this 15th day of September, 2010.

ATTEST:

LOWER SAUCON TOWNSHIP

Jack Cahalan
Township Manager

Glenn C. Kern
Council President