



## TOWNSHIP OF NEWTOWN ORDINANCE 2017-01

AN ORDINANCE OF THE TOWNSHIP OF NEWTOWN, DELAWARE COUNTY, PENNSYLVANIA, AMENDING the Codified Ordinances of Newtown Township, Chapter 134, Slope Conservation, Sections 134-5 The Conservation District, 134-7 Permitted Uses, and 134-9 Grading; earthmoving.

The Board of Supervisors of the Township of Newtown does hereby ordain that the codified Ordinances of the Township of Newtown, Chapter 134, Slope Conservation, are hereby amended as follows:

### Section 134-5. The Conservation District

Paragraph A is amended to read as follows: An accurate topographic survey using elevation and distance based on an actual field survey by a registered engineer or surveyor and presented on a plan showing two-foot contour intervals with a horizontal scale of no more than 50 feet per inch shall be required of the applicant to more accurately define the district as specified in § 134-6. Slope classifications and their mapping in the soil survey shall be used to determine when the more accurate topographic survey shall be required as part of a subdivision, land development or conditional use plan; and

Paragraph E, is added as follows: If any area of steep or very steep slopes shall have been determined to be created by a prior earthmoving activity, including construction, development, agricultural or industrial operation, such man-made steep or very steep slope shall not be subject to compliance with the provisions of 134-7 of these General Laws, nor the disturbance limitations provided in 134-8. The applicant and/or property owner shall carry the burden of establishing that the steep or very steep slopes were man-made and must submit historic documentation or soil report in support. Such a determination shall be made by the Township Engineer. Slopes will be considered to be man-made if documentation meeting one of the following criteria can be provided:

(1) A plan of sufficient detail which clearly depicts the construction of the steep or very steep slope which currently exists.

(2) Sufficient documentation that the steep or very steep slope was constructed for the purpose of supporting an existing or previously existing structure.

(3) A report from an independent certified soil scientist or professional geotechnical engineer that indicates that at least 70 percent of the in-situ soil within the proposed limit of disturbance and to a depth of 3 feet below the lowest proposed elevation has a soil classification of "made land" as defined by the United States Department of Agriculture, Soil Conservation Service in the Soil Survey of Chester and Delaware Counties, and has not be naturally deposited.

(4) The final determination regarding the existence of man-made slopes will be made by the Township Engineer.

Section 134-7. Permitted Uses.

Paragraph A (1) (c) is amended to read as follows: Utility easements and rights-of-way including the installation of underground utilities.

Section 134-9. Grading; earthmoving.

- A. Paragraph C is added as follows: Prior to construction, suitable fencing must be in place at the limits of disturbance.

**Effective Date.** This Ordinance shall be effective upon its adoption by Newtown Township Board of Supervisors.

**Repealer.** All ordinances, resolutions or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled to the extent of such inconsistency.

**ORDAINED AND ENACTED THIS 13<sup>th</sup> day of November, 2017**

**BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF NEWTOWN**

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

John A. Nawn, P.E., Chairman

**Attest:**

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*Stephen M Nease*

Stephen M. Nease, Secretary/Township Manager

