

§ 170-403. Wetlands; soils with seasonally high water table.

- A. Soils with seasonally high water table. No on-site sewer system, or any portion thereof, shall be constructed or located on or within any soil area where the seasonal high water table, according to the Soil Survey of Chester and Delaware Counties (Soil Conservation Service, 1063), is within one foot of the ground surface.
- B. Wetlands. **[Amended 3-3-2003 by Ord. No. 2003-2]**
 - (1) Wetlands shall be determined to exist when indicated by one or more of the following:
 - (a) The National Wetlands Inventory Maps, as prepared by the U.S. Fish and Wildlife Service;
 - (b) Hydric soils, as depicted in the Soil Survey of Chester and Delaware Counties; and
 - (c) The existence of hydrophytic vegetation or hydrologic conditions, as determined by on-site investigations.
- C. Should the existence of wetlands be indicated as per the requirements of § 170-403B(1) above, a wetlands delineation shall be performed by a licensed professional engineer, hydrogeologist, soil scientist, or similarly qualified professional experienced in wetlands ecology, the selection of such at the discretion of the applicant. Plans shall be submitted to the Township for review which show the delineation and indicate any disturbance of wetlands anticipated. The qualifications of the consultant performing the delineation shall be submitted with such plans. Further, unless it is clearly evident in such plans that no disturbance to the designated wetlands is anticipated, the delineation performed shall be submitted to the appropriate regulatory agencies, including but not limited to the US Army Corps of Engineers and the Pennsylvania Department of Environmental Protection (PADEP) for boundary confirmation and/or requisite wetlands permits. All potential impacts on wetlands shall conform to applicable regulations, as amended. **[Amended 3-3-2003 by Ord. No. 2003-2]**
- D. Should the Township conclude per the requirements of § 170-403B(1) that wetlands exist on the site, contrary to the applicant's findings, the Township shall, at its discretion, request that either the Corps of Engineers or PADEP verify the Township's findings and perform a delineation. In the event such agencies verify the Township's findings, the applicant will be required to secure any required wetlands permits, unless the applicant's activity clearly will not impact existing wetlands. **[Amended 3-3-2003 by Ord. No. 2003-2]**
- E. Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary permits from the PADEP. **[Amended 3-3-2003 by Ord. No. 2003-2]**