

MARION TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022 - 4

AN ORDINANCE OF MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE MARION TOWNSHIP STORMWATER MANAGEMENT ORDINANCE NO. 2002-2, BY AMENDING ARTICLE II ENTITLED "DEFINITIONS", TO ADD DEFINITIONS FOR "EXCEPTIONAL VALUE WATERS", "HIGH QUALITY WATERS" AND "SOURCE WATER PROTECTION AREAS (SWPA)"; AND AMENDING ARTICLE IV ENTITLED "DRAINAGE PLAN REQUIREMENTS", SECTION 402 ENTITLED "EXEMPTIONS", TO ESTABLISH CERTAIN EXEMPTIONS FROM THE DRAINAGE PLAN SUBMISSION REQUIREMENT.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Marion Township, Berks County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

**SECTION 1.** Article II entitled "Definitions", of the Marion Township Stormwater Management Ordinance No. 2002-2, is hereby amended to add definitions for "Exceptional Value Waters", "High Quality Waters", and "Source Water Protection Areas (SWPA)", as follows:

Exceptional Value Waters - Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, §93.4b(b) (relating to anti-degradation).

High Quality Waters - Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards, §93.4b(a).

Source Water Protection Areas (SWPA) - The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

**SECTION 2.** The Section 402 entitled "Exemptions", of the Marion Township Stormwater Management Ordinance No. 2002-2, is amended and restated in its entirety, as follows:

**ARTICLE IV. DRAINAGE PLAN REQUIREMENTS**

***Section 402 Exemptions***

Exemptions shall be requested and acted upon by the Township upon recommendation of the Township Engineer.

A. General Exemptions. The following land use activities are exempt from the Drainage Plan submission requirements of this Ordinance:

- (1) Use of land for gardening for home consumption.
- (2) Agricultural plowing and tilling are exempt from the rate control and Drainage Plan preparation requirements of this Ordinance,

provided the activities are performed according to the requirements of 25 PA Code, Chapter 102.

(3) Forest Management / Timber Operations are exempt from the rate control and Drainage Plan preparation requirements of this Ordinance, provided the activities are performed according to the requirements of 25 PA Code, Chapter 102, and any applicable provisions of the North Heidelberg - Heidelberg - Marion - Robesonia - Womelsdorf Joint Zoning Ordinance of 2004, as amended.

(4) Regulated Activities that created cumulative Impervious Surface areas smaller than 500 sq. ft. since January 1, 2001 are exempt from the Peak Discharge and the Drainage Plan preparation requirements of this Ordinance.

B. Stormwater Quantity Control Exemption. Any Regulated Activities that meet the Impervious Surface area exemption criteria in Table 402-1 shall not be required to implement the stormwater quantity controls specified in this Ordinance. These criteria shall apply to the total development even if development is to take place in phases. January 1, 2001 shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective Impervious Surface area computations shall be cumulatively considered. Impervious Surface areas existing on the "parent tract" prior to January 1, 2001 shall not be considered in cumulative Impervious Surface area calculations for exemption purposes.

**TABLE 402-1  
Impervious Area Exemption Criteria**

Total Parcel Size	Impervious Surface Area Exemption (Total existing and proposed Impervious Surface area on property)
0 to < 0.125 ac	60%
0.125 to < 0.5 ac	50%
0.5 to < 1 ac	40%
1 to < 2 ac	30%
2 to < 3 ac	25%
3 to < 4 ac	15%
≥ 4 ac	10%

Submissions for projects that utilize the exemption under Section 402(b) shall still be required to meet any Groundwater Recharge, water quality, and streambank erosion controls of this Ordinance. Any exemption must first be approved by the Township Engineer.

C. Additional Exemption Requirements.

(1) Exemption Responsibilities - An exemption shall not relieve the Applicant from implementing such measures as are necessary to protect the public health, safety, and property. An exemption shall not relieve the

Applicant from providing adequate stormwater management for Regulated Activities to meet the requirements of this Ordinance.

(2) Adverse Impacts - An Applicant who has obtained an exemption has the sole obligation to continually ensure that downstream properties are not adversely impacted. If the Township Engineer determines that a downstream property owner was adversely impacted after the granting of an exemption then he may require a Drainage Plan submittal.

(3) High Quality Waters and Exceptional Value Waters streams - This exemption shall not relieve the Applicant from meeting any special requirements for watersheds draining to High Quality Waters or Exceptional Value Waters, identified and Source Water Protection Areas (SWPA) and requirements for nonstructural project design sequencing, Groundwater Recharge, water quality, and streambank erosion.

(4) Drainage Problems - If a drainage problem is documented or known to exist downstream of, or expected from the proposed activity, then the Township Engineer may require a Drainage Plan submittal.

All Regulated Activities occurring in drainage areas tributary to waters designated High Quality Waters / Exceptional Value Waters pursuant to 25 PA Code, Chapter 93, shall not change any biological, chemical, or physical characteristics, including volume, rate, velocity, course, current, cross section, or temperature of the waters, unless the activity is specifically permitted in accordance with the environmental laws of the Commonwealth.

D. The Township Board of Supervisors may upon recommendation of the Township Engineer deny or revoke any exemption pursuant to this Section at any time for any project that the Township believes may pose a threat to public health, safety, property or the environment.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, paragraph, subsection, 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 whole, or any other part thereof.

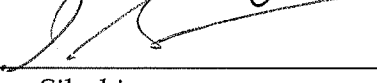
**SECTION 5.** This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

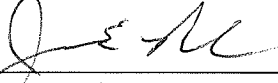
**INTESTINALLY LEFT BLANK - SIGNATURES APPEAR ON NEXT PAGE**

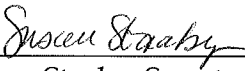
ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, in lawful session, duly assembled, this 27 day of October, 2022.

**BOARD OF SUPERVISORS  
MARION TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

  
\_\_\_\_\_  
Peter McCarthy, Chairman

  
\_\_\_\_\_  
Irene Sileski

  
\_\_\_\_\_  
James Brooks

Attest:   
\_\_\_\_\_  
Susan Staaby, Secretary

MUNICIPAL CERTIFICATION

I, Susan M. Staaby, Secretary of Marion Township, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 2022-4 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Marion Township on October 18, 2022 and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on 10/27, 2022.

[SEAL]

Susan M. Staaby  
Susan M. Staaby, Secretary