

Act 167 – Stormwater Management Ordinance Revisions

Article I – General Provisions

Section 111. Erroneous Permit (Section 111)

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.

Section 112. Waivers (Section 112)

A. If the Municipality determines that a requirement under this Ordinance cannot be achieved for a unique circumstance activity, the Municipality may, after an evaluation of alternatives, approve other measures other than those in this Ordinance, subject to Section 110, paragraphs B and C.

B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality only because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification will only be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance within the limits of the specific circumstance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.

C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Municipality unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.