

CHESTER TOWNSHIP LAND USE ORDINANCE  
§ 113-202. Drainage and conservation easement.

A. Where a subdivision contains wetlands or is traversed by a watercourse, drainage way, channel or stream or where it is desirable to preserve other areas within a subdivision because of soil conditions, rock outcroppings, tree masses, wildlife habitat, vistas or other significant horticultural, environmental or natural features, there shall be provided a drainage and/or conservation easement of sufficient area and width to protect and preserve the aforementioned features. Such easements shall be deeded to the Township prior to final subdivision approval and shall carry the following limitations as determined by the Planning Board:

(1) There shall be no activity within the area detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation.

(2) No trees or shrubs shall be removed or destroyed on lands in the easement, except in accordance with approved forest management practices.

(3) No topsoil, sand, gravel or minerals shall be excavated or removed, except as may be required to build a pond, and then only if the Township Engineer approves the design and structure of the pond, it being the intent to preserve the natural function of the floodplain.

(4) No buildings of any description shall be erected.

(5) No fill of any kind shall be permitted, except as may be required to build a road, and then only after the Township Engineer approves the design.

All conservation easements shall be identified with concrete monuments conforming to the Map Filing Law and identified with the letter "C." Monuments shall be installed at all angle points and where the easement intersects lot lines. The location of these monuments are to be shown on the preliminary and final plans. [Added 6-20-1989 by Ord. No. 2:19B-89]

C. If conservation easements are required in connection with minor subdivision or site plans, the monuments shall be installed prior to the issuance of any building permit. If the property is actively devoted to crop farming so that the installation of such monuments is impractical, the applicant shall post a cash deposit with the Township in an amount determined by the Township Engineer to insure the installation of the monuments. The monuments shall be installed not more than three years from the date of approval of the minor subdivision or site plan. The Zoning Official may grant an additional period or periods of time for such installation. The Zoning Official may also require additional cash to be deposited in accordance with any increase in the cost of survey and setting of the monuments. [Added 11-4-1991 by Ord. No. 2:19B1-91]

D. Violations and penalties. [Added 3-21-1995 by Ord. No. 2:19J1-95]

(1) Violation of the terms and conditions of a drainage or conservation easement established pursuant to this § 113-202 shall be punishable by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 30 days. If a violation is not corrected or abated within 10 days after service of a stop-work order by the Township Zoning Officer, it shall be deemed a separate and additional violation. Each successive ten-day period during which the violation remains uncorrected or unabated shall constitute a separate and additional violation.

(2) Any activity which constitutes a violation of the terms or conditions of such drainage or conservation easement initiated after service of a stop-work order by the Zoning Officer shall be deemed a willful violation and shall be punishable by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not more than 30 days. If such willful violation is not corrected or abated, each successive ten-day period during which the violation remains uncorrected or unabated shall constitute a separate and additional violation.