

PENN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2010- 02

**AN AMENDMENT TO THE PENN TOWNSHIP SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE OF 2000, AS AMENDED,
ARTICLE IV DESIGN STANDARDS SECTION 414 STORMWATER MANAGEMENT
AND ARTICLE VIII DEFINITIONS SECTION 802**

Add the following to Article IV Design Standards Section 414.1 Application and General Standards

- P. To implement an illegal discharge detection and elimination program that addresses non-stormwater discharges into the Municipality's separate storm sewer system.

Delete from Section 414 Stormwater Management current Sections 414.20 thru 414.29. and replace with the following Sections 414.20 thru 414.28:

SECTION 414.20 PROHIBITIONS

A. Prohibited Discharges

- 1) No person in the Municipality shall allow, or cause to allow, stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater, except 1) as provided in subsection B below, and 2) discharges allowed under a state or federal permit.
- 2) Discharges that may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
 - a) Discharges from fire fighting activities;
 - b) Potable water sources including dechlorinated water line and fire hydrant flushings;
 - c) Irrigation drainage;
 - d) Routine external building washdown (which does not use detergents or other compounds);
 - e) Air conditioning condensate;
 - f) Water from individual residential car washing;
 - g) Spring water from crawl space pumps;
 - h) Uncontaminated water from foundation or from footing drains;
 - i) Flows from riparian habitats and wetlands;
 - j) Lawn watering;
 - k) Pavement washwaters where spills or leaks of toxic or hazardous material have not occurred (unless all spill material has been removed) and where detergents are not used;
 - l) Dechlorinated swimming pool discharges; and
 - m) Uncontaminated groundwater.

3. In the event that the Municipality determines that any of the discharges identified in Section 414.27.A.2. significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease discharge.
4. Upon notice provided by the Municipality under Section 414.25, the discharger will have a reasonable time, as determined by the Municipality, to cease and/or change the discharge, as directed by the Municipality to achieve the purposes of this Ordinance.
5. Nothing in this section shall affect a discharger's responsibility under state law.

B. Prohibited Connections

1. The following connections and conveyances are prohibited, except as provided in Section 414.27.A.2.
 - a. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and/or wash water to enter the separate storm sewer system, and any connections of indoor drains and sinks to the separate storm sewer system; and
 - b. Any drain or conveyance from a commercial or industrial land use to the separate storm sewer system which connection or conveyance has not been documented clearly in plans, maps, or equivalent Township records, and approved in writing by the Municipality.

C. Roof Drains

1. Roof drains shall not be connected to sanitary or storm sewers or used to convey stormwater to streets or roadside ditches, except to the extent that the Municipality determines that such connection or conveyance is the only practical method to manage the stormwater in question.
2. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

D. Alteration of BMP's and Drainage Easements

1. No person shall modify, remove, fill, landscape, or alter any existing stormwater BMP, without the Municipality's prior written approval, unless such action is part of an approved maintenance program.
2. No person, without the Municipality's prior written approval, shall place any structure, fill, landscaping, vegetation or waste material into or onto a BMP or within a drainage easement, to the extent that such placement would limit or alter the functioning of the BMP.

414.21 NEED FOR CORRECTIVE MEASURES.

If the Township determines at any time that stipulated permanent stormwater management facilities have been eliminated, altered, or improperly maintained, the owner shall be advised of corrective measures required within a period of time set by the Township Engineer. If such measures are not taken by the owner, the Township may cause the work to be done and lien all costs against the property.

414.22 INSPECTIONS OF LAND DISTURBANCES RELATED TO SUBDIVISION OR LAND DEVELOPMENT

All land disturbance work shall be performed in accordance with an inspection and construction control schedule (the Inspection Plan Report, as defined above), approved by the Township Engineer as part of the Comprehensive Stormwater Management Plan. The Township Engineer should be consulted for guidance regarding the timing and other details of necessary inspections. No work shall proceed to a subsequent phase, including the issuance of the Certificate of Occupancy, until inspected and approved by the Township

Engineer or his designee. Township Engineer approval of the During Construction element must be acquired before a proposed development project is issued a building permit and able to proceed to construction. Township Engineer approval of the Post Construction element must be acquired before required performance guarantees are released to the applicant.

414.23 FEES ASSOCIATED WITH SUBMISSIONS AND INSPECTIONS.

All fees required under this Ordinance shall be adopted by resolution by the Board of Supervisors, and paid by the applicant and owner prior to approval of any plans.

414.24 COMPREHENSIVE STORMWATER MANAGEMENT PLAN APPROVAL FEES.

A. Land Disturbance Related to Subdivision or Land Development.

All fees and escrow deposits incident to approval of a Comprehensive Stormwater Management Plan and conduct of the work approved thereunder, where the land disturbance activities are to be undertaken as part of a subdivision or land development, shall be established and submitted in accordance with the Township Subdivision and Land Development Ordinance, and the developers' agreement, which the applicant and owner must sign at the time of the submission of any plans.

B. Other Land Disturbance Activities.

1. All parties submitting a Comprehensive Stormwater Management Plan for land disturbances not related to Subdivision and Land Development shall agree, in writing, to reimburse the Township for all costs of administration and review of the Plan by the Township staff, Engineer, Solicitor, and/or professional consultants retained by the Township. The applicant shall provide an escrow fund, deposited with the Township Secretary in an amount as specified by resolution of the Board of Supervisors. The Township may require periodic payments to assure prompt payments to such professional consultants during the review of any plans.
2. The Township will use this escrow fund only for the reasonable payment of the professional consultants it retains for the review of these plans, and a reasonable administrative fee. The unexpended balance of the deposit shall be returned to the applicant following approval of the Plan.
3. If the payment for these fees and costs exceed the then balance of the applicant's escrow account, the applicant and owner will deposit such additional funds to pay such fees and costs, together with an amount the Township determines reasonably necessary, by resolution to assure the continued payment of such fees and costs, until the review of all plans are complete. Such required additional amounts must be deposited with the Township Secretary prior to approval of the Plan.

414.25 PERFORMANCE GUARANTEES.

Where proposed land disturbance activities are related to a subdivision or land development, the applicant shall be subject to the requirements for a performance guarantee that are specified in the Township Subdivision and Land Development Ordinance. A long-term maintenance bond and other requirements are imposed if the Township accepts an offer for public dedication of stormwater management facilities, in the amount the Township determines necessary under the terms of this Ordinance.

414.26 NOTIFICATION OF NON-COMPLIANCE WITH COMPREHENSIVE STORMWATER MANAGEMENT PLAN.

Any activity conducted pursuant to a Comprehensive Stormwater Management Plan approved by Township shall be performed in strict compliance with the provisions of the Plan. Violations shall be treated in the following manner:

- A. Any non-compliance with the provisions of the Plan that is identified by the Township Engineer or his designee in the course of inspections as specified in this Ordinance shall be remedied by the applicant/owner according to the terms in this Ordinance.
- B. If at any time work does not conform to the Plan, including all conditions and specifications and modifications thereof, a written notice to comply shall be given to the applicant/owner. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made. Upon failure to comply within the time specified, the applicant/owner shall be considered in violation of this Ordinance, and the Township shall issue a cease and desist order on all work on the site, including any building or other construction, until corrections are made. If corrections are not undertaken within a specified time or the applicant/owner violates the cease and desist order: (1) penalties shall be imposed and/or (2) the work shall be completed by the Township and the costs charged to the applicant/owner.

414.27 PENALTIES.

The penalties for violation of any of these sections shall be controlled by Section 709 of the Penn Township Subdivision and Land Development Ordinance.

414.28 CREATION OF A PENN TOWNSHIP STORMWATER MANUAL

The Board of Supervisors hereby authorizes the Township Engineer to create a Stormwater Manual which will include various protocols and procedures for compliance with this Ordinance. This manual shall be used as a reference source to assist an applicant with the compliance procedures required in Section 414. The terms of the manual may be adopted and amended from time to time by resolution at a public meeting. A copy of the first proposed manual is available for inspection at the Township Building.

Add the following definition to Article VIII Definitions Section 802:

Separate Storm Sewer System. Any and all stormwater management and/or conveyance structures, facilities, physical conditions and/or systems (e.g., roadways, streets, road drainage facilities, curbs, gutters, ditches, swales, natural and/or manmade channels, storm sewers, inlets, drains and basins) designed, used and/or intended to be used to or which do collect and/or convey stormwater runoff across property boundaries and/or to or into waters of the Commonwealth.

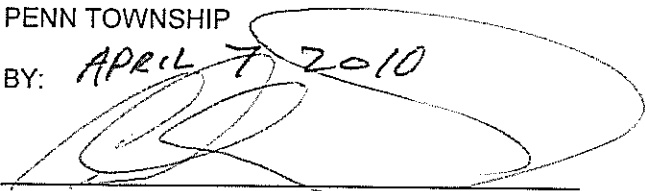
This Ordinance shall be effective five days from the date of enactment by the Board of Supervisors.

Enacted and Ordained this 7th day of April 2010 by the Board of Supervisors of the Township of Penn, Chester County, Pennsylvania, in lawful sessions duly assembled.

BOARD OF SUPERVISORS
PENN TOWNSHIP

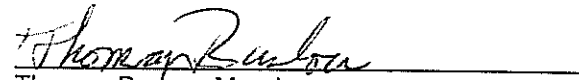
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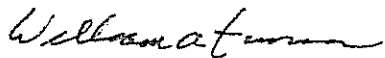

Curtis A. Mason, Sr., Chairman

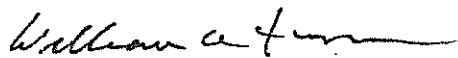

Robin Marcello, Vice-Chairman


Victor Mantegna, Member


Thomas Barlow, Member

ATTEST:


William A. Finnen, Secretary


William A. Finnen, Member