

- B. For modeling purposes, the Predevelopment ground cover conditions shall be determined using the corresponding ground cover assumptions presented in Subsection 309.D of this Ordinance.
- C. The design of the facility outlet shall provide for protection from clogging and unwanted sedimentation.
- D. BMPs that moderate the temperature of stormwater shall be used to protect the temperature of receiving waters.
- E. Water quality improvement shall be achieved in conjunction with achieving the infiltration requirements of Subsection 306. The infiltration volume required under Subsection 306 may be included as a component of the water quality volume. If the calculated water quality and runoff volume is greater than the volume infiltrated, then the difference between the two (2) volumes shall be managed for water quality and runoff volume control through other techniques or practices but shall not be discharged from the Site.
- F. Runoff from the Disturbed Area shall be treated for water quality prior to entering existing waterways or water bodies. If a stormwater management practice does not provide water quality treatment, then water quality BMPs shall be utilized to provide pre-treatment prior to the runoff entering the stormwater management practice.
- G. The Municipality may require additional water quality and runoff control measures for stormwater discharging to special management areas such as those listed in Subsection 301.P.
- H. When the Regulated Activity contains or is divided by multiple drainage areas, the water quality and runoff volume shall be separately addressed for each drainage area.
- I. Weighted averaging of runoff coefficients shall not be used for manual computations or input data for water quality and runoff volume calculations.
- J. Areas located outside of the Site (i.e., areas outside of the Regulated Activity) may be excluded from the calculation of the water quality and runoff volume requirements.
- K. Water quality and volume control practices shall be selected and designed to meet the criteria of Subsection 304.C that apply to water quality and volume control.

#### **Section 416 306. Infiltration Requirements**

Providing for infiltration consistent with the natural hydrologic regime is required to compensate for the reduction in the recharge that occurs when the ground surface is disturbed or Impervious Surface is created or expanded. The Applicant shall achieve the following infiltration requirements:

- A. Wherever possible, infiltration should be designed to accommodate the entire water quality and runoff volume required in Subsection 305.
- B. For Regulated Activities involving New Development, the volume of a minimum of one (1)-inch of runoff from all Proposed Impervious Surfaces shall be infiltrated.
- C. For Regulated Activities involving Redevelopment, whichever is less of the following volume options shall be infiltrated:
  - 1. The volume of a minimum of one (1)-inch of runoff from all Proposed Impervious Surfaces;
  - OR
  - 2. The total water quality and runoff volume required in Subsection 305 of this Ordinance.
- D. If the requirements of Subsections 306.B or 306.C cannot be physically accomplished, then the Applicant shall be responsible for demonstrating with data or calculations to the satisfaction of the Municipal Engineer why this infiltration volume cannot be physically accomplished on the Site (e.g., shallow depth to bedrock or limiting zone, open voids, steep slopes, etc.) and what alternative volume can be infiltrated; however in all cases at least the first one-half (0.5) inch of runoff volume shall be infiltrated.
- E. Only if a minimum of at least one-half (0.5) inch infiltration requirement cannot be physically accomplished on the Site, shall a waiver from Subsection 306 be considered by the Municipality.
- F. If Site conditions preclude capture of runoff from portions of the Impervious Surfaces, the infiltration volume for the remaining area shall be increased an equivalent amount to offset the loss.
- G. When a project contains or is divided by multiple watersheds, the infiltration volume shall be separately addressed for each watershed.
- H. Existing Impervious Surfaces located in areas outside of the Site (i.e., outside of the Regulated Activity) may be excluded from the calculation of the required infiltration volume.
- I. A detailed soils evaluation of the Site shall be conducted by a qualified professional and at a minimum shall address soil permeability, depth to bedrock, and subgrade stability. The general process for designing the infiltration BMP shall be conducted by a qualified Licensed Professional and shall be consistent with the PA BMP Manual (as amended) (or other guidance acceptable to the Municipal Engineer) and in general shall:

1. Analyze hydrologic soil groups as well as natural and man-made features within the Site to determine general areas of suitability for infiltration practices. In areas where development on fill material is under consideration, conduct geotechnical investigations of sub-grade stability; infiltration may not be ruled out without conducting these tests.
  2. Provide field tests such as double ring infiltrometer or other hydraulic conductivity tests (at the elevation of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Standard septic/sewage percolation tests are not acceptable for design purposes.
  3. Design the Infiltration Facility for the required retention (infiltration) volume based on field-determined infiltration capacity (and apply safety factor as per applicable design guidelines) at the elevation of the proposed infiltration surface.
  4. On-lot infiltration features are encouraged; however, it shall be demonstrated to the Municipal Engineer that the soils are conducive to infiltration on the identified lots.
- J. Infiltration BMPs shall be selected based on suitability of soils and Site conditions and shall be constructed on soils that have the following characteristics:
1. A minimum depth of twenty-four (24) inches between the bottom of the BMP and the top of the Limiting Zone. Additional depth may be required in areas underlain by karst or carbonate geology (see Subsection 306.N).
  2. An infiltration rate sufficient to accept the additional stormwater volume and drain completely as determined by field tests conducted by the Applicant.
  3. The Infiltration Facility shall completely drain the retention (infiltration) volume within three (3) days (seventy-two (72) hours) from the end of the design storm.
- K. All infiltration practices shall:
1. Be selected and designed to meet the criteria of Subsection 304.C that are applicable to infiltration;
  2. Be set back at least fifteen (15) feet from all buildings and features with sub-grade elements (e.g., basements, foundation walls, etc.), and property lines unless otherwise approved by the Municipal Engineer;
  3. An infiltration system that is greater than three (3) feet deep shall be located at least fifty (50) feet from the basement wall of a residential structure or a primary or replacement wastewater treatment system;

4. For any infiltration practice that collects runoff from shared or multiple features and that is located within a minimum of twenty-five (25) feet of a building or feature with sub-grade elements (e.g., basements, foundation walls, etc.), the bottom elevation shall be set below the elevation of the sub-grade element.
  5. A recharge system designed to handle runoff from any commercial or industrial pervious parking or outside storage area shall be a minimum of one-hundred (100) feet from any water supply well and fifty (50) feet from any primary or replacement wastewater treatment system.
- L. Infiltration Facilities shall, to the maximum extent practicable, be located to avoid introducing contaminants to groundwater:
1. When a Hotspot is located in the area draining to a proposed infiltration facility, an evaluation of the potential of groundwater contamination from the proposed infiltration facility shall be performed, including a hydrogeologic investigation (if necessary) by a qualified Licensed Professional to determine what, if any, pre-treatment or additional design considerations are needed to protect groundwater quality.
  2. When located within a “well head protection area” of a public water supply well, infiltration practices shall be in conformance with the applicable approved source water protection assessment or source water protection plan.
  3. The Applicant shall provide appropriate safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill.
- M. During Site construction, all infiltration practice components shall be protected from compaction due to heavy equipment operation or storage of fill or construction material. Infiltration areas shall also be protected from sedimentation. Areas that are accidentally compacted or graded shall be remediated to restore soil composition and porosity. Adequate documentation to this effect shall be submitted to the Municipal Engineer for review. All areas designated for infiltration shall not receive runoff until the contributory drainage area has achieved final stabilization.
- N. Consideration of infiltration BMPs for areas underlain by karst or carbonate geology is encouraged, but only where the design, supporting calculations, results of soils or other Site investigations or other documentation are provided to the Municipality demonstrating that the potential or likelihood of subsidence or sinkholes is minimal. Evaluation of Site conditions and infiltration design shall rely on guidance in the PA BMP Manual (as amended) or other guidance acceptable to the Municipal Engineer.
- O. Groundwater quality of the carbonate aquifer shall be protected from infiltration of pollutants. At a minimum, stormwater runoff from Hotspots (i.e., sources of significant pollutant runoff) shall first be discharged through a water quality BMP(s)

to remove pollutants prior to infiltration. Where soil characteristics are insufficient to provide removal of pollutants from sources other than Hotspots, stormwater runoff shall first be discharged through a water quality BMP(s) to remove pollutants prior to infiltration.

- P. Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system.
- Q. Where roof drains are designed to discharge to infiltration practices, they shall have appropriate measures to prevent clogging by unwanted debris (for example, silt, leaves and vegetation). Such measures shall include but are not limited to leaf traps, gutter guards and cleanouts.
- R. All infiltration practices shall have appropriate positive overflow controls.
- S. No sand, salt or other particulate matter may be applied to a porous surface material for winter ice conditions.
- T. The following procedures and materials shall be required during the construction of all subsurface facilities:
  - 1. Excavation for the Infiltration Facility shall be performed with equipment that will not compact the bottom of the seepage bed/trench or like facility.
  - 2. The bottom of the bed and/or trench shall be scarified prior to the placement of aggregate.
  - 3. Only clean aggregate with documented porosity, free of fines, shall be allowed.
  - 4. The tops, bottoms and sides of all seepage beds, trenches, or like facilities shall be covered with drainage fabric. Fabric shall be non-woven fabric acceptable to the Municipal Engineer.
  - 5. Stormwater shall be distributed throughout the entire seepage bed/trench or like facility and provisions for the collection of debris shall be provided in all facilities.

### **Section 416 307. Stream Channel Protection Requirements**

For Regulated Activities involving New Development with one (1) or more acres of Earth Disturbance, the Applicant shall comply with the following stream channel protection requirements to minimize stream channel erosion and associated water quality impacts to the receiving waters:

- A. The peak flow rate of the Post-construction two (2)-year, twenty-four (24)-hour design storm shall be reduced to the Predevelopment peak flow rate of the one (1)-year, twenty-four (24)-hour duration precipitation, using the SCS Type II distribution, or in accordance with the methodology contained in Table 309.1.
- B. To the maximum extent practicable, and unless otherwise approved by the Municipal Engineer, the Post-construction one (1)-year, twenty-four (24)-hour storm flow shall be detained for a minimum of twenty-four (24) hours and a maximum not to exceed seventy-two (72) hours from a point in time when the maximum volume of water from the one (1)-year, twenty-four (24)-hour storm is stored in a proposed BMP (i.e., when the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the orifice is at the invert of the proposed BMP).
- C. For modeling purposes, the Predevelopment ground cover conditions shall be determined using the corresponding ground cover assumptions presented in Subsection 309.D of this Ordinance.
- D. The minimum orifice size in the outlet structure to the BMP shall be three (3) inches in diameter unless otherwise approved by the Municipal Engineer, and a trash rack shall be installed to prevent clogging. For Sites with small drainage areas contributing to the BMP that do not provide enough runoff volume to allow a twenty-four (24) hour attenuation with the three (3)-inch orifice, the calculations shall be submitted showing this condition.
- E. When the calculated orifice size is below three (3) inches, gravel filters (or other methods) are recommended to discharge low-flow rates subject to the Municipal Engineer's satisfaction. When filters are utilized, maintenance provisions shall be provided to ensure filters meet the design function.
- F. All proposed stormwater facilities shall make use of measures to extend the flow path and increase the travel time of flows in the facility.
- G. When a Regulated Activity contains or is divided by multiple drainage areas, the peak flow rate control shall be separately addressed for each drainage area.

**Section 416 308. Stormwater Peak Rate Control Requirements**

The Applicant shall comply with the following peak flow rate control requirements for all Regulated Activities including those that involve New Development and Redevelopment.

- A. Post-construction peak flow rates from any Regulated Activity shall not exceed the Predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1.

**TABLE 308.1**  
**Peak Rate Control Standards**

**(Peak Flow Rate of the Post-construction Design Storm  
Shall be Reduced to the Peak Flow Rate of the Corresponding Predevelopment  
Design Storm Shown in the Table)**

POST-CONSTRUCTION DESIGN STORM FREQUENCY (24-Hour Duration)	PREDEVELOPMENT DESIGN STORM	
	New Development Regulated Activities	Redevelopment Regulated Activities
2-Year	1-Year	2-Year
5-Year	2-Year	5-Year
10-Year	2-Year	10-Year
25-Year	10-Year	25-Year
50-Year	25-Year	50-Year
100-Year	100-Year	100-Year

- B. For modeling purposes, the Predevelopment ground cover conditions shall be determined using the corresponding ground cover assumptions presented in Subsection 309.D of this Ordinance.
- C. For Regulated Activities involving only Redevelopment, no peak flow rate controls are required when and **only if** the total Proposed Impervious Surface area is at least twenty percent (20%) less than the total existing Impervious Surface area to be disturbed by the Regulated Activity. In all cases where this requirement is not met, the Redevelopment Regulated Activity shall achieve the peak flow rate controls presented in Table 308.1, using the Redevelopment Ground Cover Assumptions presented in Subsection 309.D.
- D. Only the area of the proposed Regulated Activity shall be subject to the peak flow rate control standards of this Ordinance. Undisturbed areas for which the discharge point has not changed are not subject to the peak flow rate control standards.
- E. Areas located outside of the Site (i.e., areas outside of the Regulated Activity) that drain through a proposed Site are not subject to peak flow rate control requirements. Drainage facilities located on the Site shall be designed to safely convey flows from outside of the Site through the Site.
- F. When a Regulated Activity contains or is divided by multiple drainage areas, the peak flow rate controls shall be separately addressed for each drainage area.
- G. The effect of structural and non-structural stormwater management practices implemented as part of the overall Site design may be taken into consideration when calculating total storage volume and peak flow rates.

**Section 416 309. Calculation Methodology**

A. Stormwater runoff from all Regulated Activity Sites with a drainage area of greater than five (5) acres shall be calculated using a generally accepted calculation technique(s) that is based on the NRCS Soil Cover Complex Method. Table 309.1 summarizes acceptable computation methods. The method selected for use shall be based on the individual limitations and suitability of each method for a particular Site. The use of the Rational Method to estimate peak discharges for drainage areas greater than five (5) acres shall be permitted only upon approval by the Municipal Engineer.

**TABLE 309.1**

**ACCEPTABLE COMPUTATION METHODOLOGIES FOR  
SWM SITE PLAN**

<b>METHOD</b>	<b>DEVELOPED BY</b>	<b>APPLICABILITY</b>
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans where limitations described in TR-55 are met.
HEC-1/ HEC-HMS	US Army Corps of Engineers	Applicable where use of a full hydrologic computer model is desirable or necessary.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For Sites up to five (5) acres, or as approved by the Municipality.
Other Methods	Varies	Other computation methodologies approved by the Municipality.

- B. All calculations using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms consistent with this Ordinance. Rainfall depths used shall be obtained from NOAA Atlas 14 values consistent with a partial duration series. When stormwater calculations are performed for routing procedures or infiltration, water quality and runoff volume functions, the duration of rainfall shall be twenty-four (24) hours.
- C. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration (duration) and storm events with rainfall intensities obtained from NOAA Atlas 14 partial duration series estimates, or the latest version of the PennDOT Drainage Manual (PDM Publication 584). Times-of-concentration shall be calculated based on the methodology recommended in the respective model used. Times of concentration for channel and pipe flow shall be computed using Manning's equation.
- D. The Applicant shall utilize the following ground cover assumptions for all Predevelopment water quality and runoff volume, infiltration volume and peak flow rate calculations:
  - 1. For Regulated Activities involving New Development, the following ground cover assumptions shall be used:
    - a. For areas that are Woods (as defined in Section 416 Article II of this Ordinance), Predevelopment calculations shall assume ground cover of "Woods in good condition".
    - b. For all other areas (including all Impervious Surfaces), Predevelopment calculations shall assume ground cover of "meadow".
  - 2. For Regulated Activities involving Redevelopment, the following ground cover assumptions shall be used:
    - a. For areas that are Woods (as defined in Section 416 Article II of this Ordinance), Predevelopment calculations shall assume ground cover of "Woods in good condition".
    - b. For areas that are not Woods or not Impervious Surfaces, Predevelopment calculations shall assume ground cover of "meadow".
    - c. For areas that are Impervious Surfaces, Predevelopment calculations shall assume at least twenty percent (20%) of the existing Impervious Surface area to be disturbed as "meadow" ground cover.

3. The Applicant shall determine which stormwater standards apply to the proposed Regulated Activity as follows:
  - a. Stormwater standards for New Development shall apply to all proposed Regulated Activities that involve only New Development activities as defined in this Ordinance.
  - b. Stormwater standards for Redevelopment shall apply to all proposed Regulated Activities that involve only Redevelopment activities as defined in this Ordinance.
  - c. At the discretion of the Municipal Engineer, Regulated Activities that involve a combination of both New Development and Redevelopment activities, as defined in this Ordinance, may either:
    - i. Apply the stormwater standards (Redevelopment or New Development) that are associated with the activity that involves the greatest amount of land area; or
    - ii. Apply the Redevelopment and New Development stormwater standards to the corresponding Redevelopment and New Development portions of the proposed Regulated Activity.
- E. Runoff curve numbers (CN) for both Predevelopment and proposed (Post-construction) conditions to be used in the Soil Cover Complex Method shall be obtained from Table C-1 in Appendix C of this Ordinance.
- F. Runoff coefficients (C) for both Predevelopment and proposed (Post-construction) conditions for use in the Rational Method shall be obtained from Table C-2 in Appendix C of this Ordinance.
- G. Weighted averaging of runoff coefficients shall not be used for manual computations or input data for water quality and runoff volume calculations.
- H. Hydraulic computations to determine the capacity of pipes, culverts, and storm sewers shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Design Series Number 5 (Publication No. FHWA-NHI-01-020 HDS No. 5, as amended). Hydraulic computations to determine the capacity of open channels shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Engineering Circular Number 15 (Publication No. FHWA-NHI-05-114 HEC 15, as amended). Values for Manning's roughness coefficient (n) shall be consistent with Table C-3 in Appendix C of the Ordinance.

- I. Runoff calculations shall include the following assumptions:
  1. Average antecedent moisture conditions (for the Soil Cover Complex Method only for example, TR-55, TR-20).
  2. A type II distribution storm (for the Soil Cover Complex Method only for example, TR-55, TR-20).

**Section 416 310. Other Requirements**

- A. Any BMP intended to hold standing water for four (4) days or longer shall be designed to incorporate biologic controls consistent with the West Nile Guidance found in Appendix D, PADEP document 363-0300-001 “Design Criteria – Wetlands Replacement/Monitoring” (as amended), (or contact the Pennsylvania State Cooperative Wetland Center or the Penn State Cooperative Extension Office for design information.)
- B. Any stormwater basin required or regulated by this Ordinance designed to store runoff and requiring a berm or earthen embankment shall be designed to provide an emergency spillway to safely convey flow up to and including the one hundred (100)-year proposed conditions. The height of embankment shall provide a minimum 1.0 foot of Freeboard above the maximum pool elevation computed when the facility functions for the one hundred (100)-year proposed conditions inflow. Should any BMP require a dam safety permit under PA Chapter 105 regulations, the facility shall be designed in accordance with and meet the regulations of PA Chapter 105 concerning dam safety. PA Chapter 105 may require the safe conveyance of storms larger than one hundred (100)-year event.
- C. Any drainage Conveyance facility and/or channel not governed by PA Chapter 105 regulations shall be designed to convey, without damage to the drainage facility or roadway, runoff from the twenty-five (25)-year storm event. Larger storm events (fifty (50)-year and one hundred (100)-year storms) shall also be safely conveyed in the direction of natural flow without creating additional damage to any drainage facilities, nearby structures, or roadways.
- D. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from the facility.
- E. Roadway crossings or structures located within designated floodplain areas shall be able to convey runoff from a 100-year design storm consistent with Federal Emergency Management Agency National Flood Insurance Program – Floodplain Management Requirements.
- F. Any facility located within a PennDOT right-of-way shall comply with PennDOT minimum design standards and permit submission and approval requirements.

- G. Adequate erosion protection and energy dissipation shall be provided along all open channels and at all points of discharge. Design methods shall be consistent with the Federal Highway Administration Hydraulic Engineering Circular Number 11 (Publication No. FHWA-IP-89-016, as amended) and the PADEP Erosion and Sediment Pollution Control Program Manual (Publication No. 363-2134-008, as amended), or other design guidance acceptable to the Municipal Engineer.

**Section 416 311. Other Conveyance and System Design Standards**

The design standards for conveyance systems shall be in conformance with the provisions in Section 414.9 C – Stormwater Collection System Design Requirements of the SALDO, as amended by Ordinance 2008-03, which is incorporated by reference.

## **ARTICLE IV – STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS**

### **Section 416 401. General Requirements**

For any Regulated Activity, unless exempt per the provisions of Subsection 106:

- A. Preparation and implementation of an approved SWM Site Plan is required.
- B. No Regulated Activity shall commence until the Municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance and, if required, a letter of adequacy has been issued by the Conservation District for an Erosion and Sediment Control Plan.
- C. The preliminary or final approval of subdivision and/or land development plans, and the issuance of any building or occupancy permit shall not proceed until the Applicant has received written approval of a SWM Site Plan from the Municipality.
- D. The SWM Site Plan approved by the Municipality shall be on Site throughout the duration of the Regulated Activity.

### **Section 416 402. SWM Site Plan Contents**

The SWM Site Plan shall consist of a general description of the project including items described in Section 304, calculations, maps, and plans. A note on the maps shall refer to the associated computations and Erosion and Sediment Control Plan by title and date. The cover sheet of the computations and Erosion and Sediment Control Plan shall refer to the associated maps by title and date. All SWM Site Plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the SWM Site Plan shall not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the SWM Site Plan:

- A. General
  - 1. A general description of the proposed project;
  - 2. A listing of all regulatory approvals required for the proposed project and the status of the review and approval process for each. Final approval or adequacy letters must be submitted to the Municipality prior to (or as a condition of) the Municipality's issuing final approval of the SWM Site Plan. Proof of application

or documentation of required permit(s) or approvals for the programs listed below shall be part of the SWM Site Plan, if applicable:

- a. NPDES Permit for Stormwater Discharges from Construction Activities;
  - b. PADEP permits as needed:
    - i. PADEP Joint Permit Application,
    - ii. Chapter 105 (Dam Safety and Waterway Management),
    - iii. Chapter 106 (Floodplain Management);
  - c. PennDOT Highway Occupancy Permit;
  - d. Erosion and Sediment Control Plan letter of adequacy; and
  - e. Any other permit under applicable State or Federal regulations.
3. A statement, signed by the Applicant, acknowledging that any revision to the approved SWM Site Plan shall be submitted to and approved by the Municipality, and that a revised Erosion and Sediment Control Plan shall be submitted to, and approved by, the Conservation District or Municipality (as applicable) for a determination of adequacy prior to construction of the revised features.
4. The following signature block signed and sealed by the qualified Licensed Professional responsible for the preparation of the SWM Site Plan:

“I (name), on this date (date of signature), hereby certify to the best of my knowledge that the SWM Site Plan meets all design standards and criteria of the Penn Township Ordinance No. \_\_\_\_\_, Stormwater Management Ordinance.” *[Note: include signature, name, discipline of professional license, and license stamp or seal here]*

#### B. Maps or Plan Sheets

Map(s) or plan sheets of the Site shall be submitted on minimum twenty-four (24)-inch by thirty-six (36)-inch sheets and shall be prepared in a form that meets the requirements for recording at the Chester County Office of the Recorder of Deeds and the requirements of the Operation and Maintenance (O&M) Plan and O&M Agreement (Section 416 Article VII). If the SALDO has additional or more stringent criteria than this Ordinance, then the SALDO criteria shall also apply. Unless otherwise approved by the Municipal Engineer, the contents of the maps or plan sheets shall include, but not be limited to:

1. A location map, with a scale of one (1) inch equals two thousand (2,000) feet or greater, showing the Site location relative to highways, municipal boundaries, or other identifiable landmarks.
2. The name of the project, tax parcel number(s), and the names, addresses and phone numbers of the owner of the property, the Applicant, and firm preparing the plan.
3. Signature and seal of the qualified Licensed Professional(s) responsible for preparation of the maps and plan sheets.
4. The date of SWM Site Plan submission and revision dates, as applicable.
5. A graphic and written scale of one (1) inch equals no more than fifty (50) feet.
6. A north arrow.
7. Legal property boundaries, including:
  - a. The total project property boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
  - b. Boundaries, size and description of purpose of all existing easements and deed-restricted areas of the project property, with distances marked to the nearest foot and bearings to the nearest degree.
8. Existing natural resources and natural or man-made hydrologic features that are located within the Site or receiving discharge from, or that may otherwise be impacted by, the proposed Regulated Activity, including but not limited to:
  - a. All existing natural resources, hydrologic features and drainage patterns including natural waterways, water bodies, wetlands, streams (intermittent and perennial), ponds, lakes, vernal pools, etc., natural infiltration areas and patterns, areas of significant natural evapotranspiration, and other water features and aquatic resources.
  - b. Any existing man-made drainage features, BMPs, Conveyances, facilities, open channels, swales, drainage patterns, or other flood, stormwater or drainage control features.
  - c. For the Site, discharge points and locations of concentrated flows and their drainage areas.
  - d. For named waters, show names and their watershed boundaries within the Site.

- e. Special management areas (as per Subsection 301.P).
- f. For the water bodies, streams and wetlands identified in Subsection 402.B.8.a, label or otherwise show the following attributes, if applicable:
  - i. The Designated Use as determined by PADEP (25 PA Code Chapter 93);
  - ii. Impairments listed on the PADEP “Integrated List” (as updated) and the listed source and cause of impairment;
  - iii. Name, date, and target pollutant(s) for any approved Total Maximum Daily Load (TMDL); and
  - iv. Drainages to water supply reservoirs.
- g. Areas that are part of the Pennsylvania Natural Diversity Inventory (PNDI) and a list of potential impacts and clearances received (for Regulated Activities involving one (1) acre or more proposed Earth Disturbance).
- h. Woods, vegetated riparian buffers and other areas of natural vegetation.
- i. Topography using contours (with elevations based on established bench marks) at intervals of two (2) feet. In areas of slopes greater than twenty –five (25) percent five (5)-foot contour intervals may be used. The datum used and the location, elevation and datum of any bench marks used shall be shown.
- j. Areas classified by the Municipality as steep slopes.
- k. Soil names and boundaries, general type of soils with Hydrologic Soil Group noted, and in particular note areas most conducive to infiltration BMPs, such as groups A and B, etc., estimated permeabilities in inches per hour, and location and other results of all soil tests and borings.
- l. If present, areas with underlying carbonate geologic units, existing sinkholes, subsidence or other karst features, and any associated groundwater recharge areas with increased vulnerability to contamination.
- m. Any contaminated surface or subsurface areas of the Site.
- n. Water supply wells –
  - i. Location of existing well(s) on the project property and delineation of the(ir) recharge area(s) (if known), or a fifty (50) foot diameter assumed recharge area;

- ii. Location of existing well(s) within fifty (50) feet beyond the boundary of the project property boundary (if public water supply is proposed for the Regulated Activity); and
  - o. Current FEMA one hundred (100)-year floodplain boundaries, elevations, and Floodway boundaries for any Special Flood Hazard Areas on or within one hundred (100) feet of the property.
  - p. Boundaries of riparian buffer(s) as required by the SALDO Code Section 414.10
  - q. Boundaries of a fifty (50) foot construction non-disturbance buffer to protect streams (intermittent and perennial), wetlands and other water bodies during construction of the proposed Regulated Activity
- 9. Location of the proposed Regulated Activity, limits of Earth Disturbance (Disturbed Area), and BMPs and Conveyances relative to the location of existing natural resources and hydrologic features and special management areas resulting from the Site design process of Subsection 304.
- 10. Description of existing and proposed ground cover and land use including the type and total area.
- 11. Existing and proposed man-made features including roads, paved areas, buildings, and other Impervious and Pervious Surfaces on the project property (or an appropriate portion of the property as determined in consultation with the Municipal Engineer) and within the proposed Disturbed Area, and including the type and total area of the following:
  - a. Existing Impervious Surfaces;
  - b. Existing Impervious Surfaces proposed to be replaced;
  - c. Existing Impervious Surfaces to be permanently removed and replaced with pervious ground cover;
  - d. New or additional Impervious Surfaces; and
  - e. Percent of the Site covered by Impervious Surfaces for both the existing and proposed Post-construction conditions.
- 12. The total extent of the upstream area draining through the Site.

13. All BMPs, Conveyances and other stormwater management facilities shall be located on the plan sheets, including design drawings, profile drawings, construction details, materials to be used, description of function, etc.
14. Complete delineation of the flow paths used for calculating the time of concentration for the Predevelopment and Post-construction conditions shall be included.
15. The locations of all existing and proposed utilities, sanitary sewers, on-lot wastewater facilities (including subsurface tanks and leach fields), and water supply lines within the Site and within fifty (50) feet beyond the proposed limits of Earth Disturbance.
16. A grading plan, including all areas of proposed Earth Disturbance and the proposed Regulated Activity and delineating the boundary or limits of Earth Disturbance of the Site. The total Disturbed Area of the Site shall be noted in square feet and acres.
17. Proposed final grade elevations and contours at intervals of two (2) feet. In areas of steep slopes (greater than twenty-five (25) percent), five (5)-foot contour intervals may be used.
18. For each proposed BMP and Conveyance included in the SWM Site Plan (including any to be located on any property other than the property being developed by the Applicant), the following shall be included on the SWM Site Plan map or plan sheets:
  - a. Identification of the person responsible for ongoing inspections, operation, repair, and maintenance of the BMP or Conveyance after completion of construction.
  - b. Delineation of the land area, structures, Impervious Surfaces, and Conveyances draining to and from the BMP or Conveyance.
  - c. Easements, as per the requirements of Section 416 Article VII, that shall include:
    - i. Boundaries labeled with distances shown in feet and bearings to the nearest degree;
    - ii. Notes or other documentation, as needed, to grant the Municipality the right of access to all BMPs and Conveyances for the purposes of inspection and enforcement of the requirements of this Ordinance, and any applicable O&M Plans and O&M Agreements;

- iii. Notes or other documentation, as needed, to grant the Municipality the right of access to all roadways necessary to access all BMPs and Conveyances, where roadways are not to be dedicated to the Municipality;
  - iv. Notes or other documentation as needed to grant the owner of any BMP or Conveyance the right of access for the purpose of inspection, operation, maintenance, and repair of the BMP or Conveyance that is to be owned, operated and maintained by a person other than the Municipality, and other than the owner of the property on which the BMP or Conveyance is located;
  - v. A minimum ten (10') foot (or other width as determined in consultation with the Municipal Engineer) around all BMPs and Conveyances;
  - vi. Sufficient vehicular ingress to and egress from a public right-of-way or roadway, as determined in consultation with the Municipal Engineer; and
  - vii. Accompanying notes or other documentation as needed, and in accordance with Section 416 Article VII describing the type, purpose and total area of easements, who the easement is granted to, and the rights, duties and obligations of the parties with respect to every BMP or Conveyance.
- d. Boundaries of land areas (if any) for which deed restrictions are required for the purpose of protecting and prohibiting disturbance to a BMP or Conveyance, indicating the area to which the restriction applies with distances shown in feet and bearings to the nearest degree, and a written description of the type, purpose and nature of the restriction.
  - e. Other items that may be needed to comply with all other requirements of Section 416 Article VII.
- C. A written description of the following information shall be included in the SWM Site Plan:
- 1. Existing features, conditions, natural resources, hydrologic features, and special management areas (as listed in Subsection 402.B.8);
  - 2. How the Site design achieves the requirements of Subsection 304, and if applicable, where they could not be achieved and why;
  - 3. The overall stormwater management design concept for the project and how the Site design achieves the requirements of Subsections 301 through 311 of Section 416 Article III;
  - 4. Proposed features and conditions, proposed erosion and sediment control features, proposed BMPs, Conveyances, and any other stormwater facilities;

5. A description of the effect of the project (in terms of flow alteration and runoff volumes, water quality and peak flows, etc.) on existing natural resources, hydrologic features and special management areas, adjacent and downgradient properties, and any existing municipal or other stormwater Conveyance system(s), that may be affected by or receive runoff from the Regulated Activity (whether located within or outside of the area of the Regulated Activity), and specifics of how erosion, water quality and flow impacts will be avoided or otherwise mitigated;
  6. Proposed nonpoint source pollution controls and justification and confirmation that the proposed project will not result in any increased pollutant loadings to any existing stream or stream impairment identified by PADEP, or to any receiving water body;
  7. Expected project time schedule; and
  8. Description of construction stages or project phases, if so proposed.
- D. A detailed Site evaluation conducted by a qualified Licensed Professional for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as contaminated sites and brownfields, as described in Subsections 301.O and 301.R of this Ordinance.
- E. Stormwater runoff design computations and documentation, such as hydrologic, hydraulic, and structural computations, assumptions, BMP loading ratios, etc., consistent with the guidelines and criteria presented in the PA BMP Manual (as amended) or other guidance acceptable to the Municipal Engineer, and used in the design of the BMPs, Conveyances and other features proposed to be utilized for stormwater management, or as otherwise necessary to demonstrate that the requirements of this Ordinance have been met, specifically including the requirements in Subsections 301 and 304 through 309.
- F. Inspections, Operation and Maintenance Requirements

The following documents shall be prepared and submitted to the Municipality for review and approval as part of the SWM Site Plan, in accordance with the requirements of Section 416 Article VII, for each BMP and Conveyance included in the SWM Site Plan (including any to be located on any property other than the property being developed by the Applicant):

1. An O&M Plan;
2. An O&M Agreement;

3. Any easement agreements that are needed to ensure access, inspection, maintenance, operation, repair and permanent protection of any permanent BMP(s) and Conveyances associated with the Regulated Activity;
  4. Any written deed, deed amendment or equivalent document (if needed) to be recorded against a subject property, as shown on the SWM Site Plan maps or plan sheets, or recorded plan sheets for the purpose of protecting and prohibiting disturbance to a BMP or Conveyance; and
  5. Written approval, easement agreements, or other documentation for discharges to adjacent or downgradient properties when required to comply with Subsection 301.G and Section 416 Article VII of this Ordinance.
- G. An Erosion and Sediment Control Plan, where applicable, as prepared for and submitted to the Conservation District and/or Municipality. A letter of adequacy from the Conservation District, if applicable, must be submitted to the Municipality prior to (or as a condition of) the Municipality's final approval of the SWM Site Plan.
- H. A Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT) District Office must be submitted to the Municipality prior to (or as a condition of) the Municipality's final approval of the SWM Site Plan when utilization of a PennDOT storm drainage system is proposed.

#### **Section 416 403. SWM Site Plan Submission**

A complete SWM Site Plan that complies with all applicable provisions of Section 402 shall be submitted to the Municipality for review and approval, as follows:

- A. The SWM Site Plan shall be coordinated with the applicable State and Federal permit process and the Municipal SALDO review process. All permit approvals or letters of adequacy not yet received by the Applicant at the time of submittal of the SWM Site Plan to the Municipality must be submitted to the Municipality prior to (or as a condition of) the Municipality's final approval of the SWM Site Plan.
- B. For projects that require SALDO approval, the SWM Site Plan shall be submitted by the Applicant as part of the preliminary plan submission where applicable for the Regulated Activity.
- C. For Regulated Activities that do not require SALDO approval, the SWM Site Plan shall be submitted by the Applicant for review in accordance with instructions from the Municipality.
- D. The number of copies of the SWM Site Plan to be submitted by the Applicant for review shall be in accordance with instructions from the Municipality.

- E. The corresponding review fee shall be submitted to the Municipality simultaneously with the SWM Site Plan, per the Municipality's fee schedule.
- F. Any submissions to the Municipality that are found to be incomplete shall not be accepted for review and shall be returned to the Applicant within 30 calendar days, with a notification in writing of the specific manner in which the submission is incomplete.
- G. Financial security, per the requirements of Subsection 110, shall be submitted to the Municipality prior to approval of the SWM Site Plan.

#### **Section 416 404. SWM Site Plan Review**

- A. The SWM Site Plan shall be submitted to the Municipality for review by the Municipal Engineer for consistency with this Ordinance and the respective PA Act 167 Stormwater Management Plan(s). The Municipal Engineer will review the SWM Site Plan for any subdivision or land development for compliance with this Ordinance and the Municipal SALDO provisions not otherwise superseded by this Ordinance.
- B. If applicable, the Applicant shall have received a "letter of adequacy" from the Conservation District or other PADEP approval for the proposed Regulated Activity prior to (or as a condition of) final approval by the Municipality.
- C. The Municipal Engineer will notify the Applicant and the Municipality in writing, within 45 calendar days, whether the SWM Site Plan is consistent with the requirements of this Ordinance. If the SWM Site Plan involves a subdivision and land development Plan, the notification shall occur within the time period allowed by the MPC (as amended). If a longer notification period is provided by other statute, regulation, or ordinance, the Applicant will be so notified by the Municipality.
  - 1. If the Municipal Engineer determines that the SWM Site Plan is consistent with this Ordinance, the Municipal Engineer shall forward a letter of consistency to the Municipality, who shall then forward a copy to the Applicant.
  - 2. The Municipality may approve the SWM Site Plan with conditions reasonably defined to make the SWM Site Plan compliant with the terms of this Ordinance, and, if so, shall provide the conditions for approval in writing.
  - 3. If the Municipal Engineer determines that the SWM Site Plan is inconsistent or noncompliant with this Ordinance, the Municipal Engineer will forward a letter to the Municipality, with a copy to the Applicant citing the reason(s) and specific Ordinance sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with this Ordinance. Any SWM Site Plans that are inconsistent or noncompliant may be revised by the Applicant and resubmitted in

accordance with Subsection 406 when consistent with this Ordinance. Resubmission will commence a new municipal review and notification time period.

- D. The Municipality will not grant final approval to any proposed subdivision, land development, or Regulated Activity specified in this Ordinance if the SWM Site Plan has been found to be inconsistent with this Ordinance.
- E. All required permits from PADEP shall be obtained and submitted to the Municipality prior to (or as a condition of) final approval of any proposed subdivision, land development, or other Regulated Activity by the Municipality.
- F. No building permits for any Regulated Activity will be approved by the Municipality if the SWM Site Plan has been found to be inconsistent with this Ordinance, as determined by the Municipal Engineer. All required permits from PADEP shall be obtained prior to issuance of a building permit.
- G. The Municipality's approval of a SWM Site Plan shall be valid for a period not to exceed five (5) years commencing on the date that the Municipality approved the SWM Site Plan. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if constructed, As-Built Plans of these facilities have not been approved within this five (5) year time period, then the Applicant may seek reinstatement of approval of the expired SWM Site Plan. If the Municipality determines that the expired SWM Site Plan is consistent and compliant with current regulations and requirements, then the expired SWM Site Plan will be reinstated; otherwise, it will be rejected. The Applicant will be prohibited from conducting any Regulated Activity until a reinstated or newly approved SWM Site Plan is obtained in accordance with Subsection 406 of this Ordinance.
- H. All or portions of the final approved SWM Site Plan shall be recorded (as "record plans") per the instructions of the Municipality.
- I. Upon completion of construction, the Applicant shall be responsible for completing final As-Built Plans of all BMPs, Conveyances, or other stormwater management facilities included in the approved SWM Site Plan as per the requirements of Subsection 502 of this Ordinance.

#### **Section 416 405. Revision of SWM Site Plans**

- A. A submitted SWM Site Plan under review by the Municipality shall be revised and resubmitted for any of the following reasons:
  - 1. A change in stormwater management BMPs, Conveyances, facilities or techniques;

2. Relocation or redesign of stormwater management BMPs, Conveyances, or facilities; or
3. Soil or other Site conditions are not as stated on the SWM Site Plan as determined by the Municipal Engineer, and the new conditions necessitate design changes.

The revised SWM Site Plan shall be resubmitted in accordance with Subsection 403 and subject to review as specified in Subsection 404 of this Ordinance.

- B. A revision to an approved SWM Site Plan shall be submitted to the Municipality, accompanied by the applicable municipal review fee.

**Section 416 406. Resubmission of Inconsistent or Noncompliant SWM Site Plans**

Any SWM Site Plan deemed inconsistent or noncompliant may be revised and resubmitted with the revisions addressing the Municipal Engineer's concerns documented in writing. The submission shall be addressed to the Municipality in accordance with Subsection 403 of this Ordinance, distributed accordingly, and be subject to review as specified in Subsection 404 of this Ordinance. The applicable municipal review fee shall accompany a resubmission of a SWM Site Plan previously determined to be inconsistent or noncompliant.

## **ARTICLE V – PERFORMANCE AND INSPECTION OF REGULATED ACTIVITIES, AND FINAL AS-BUILT PLANS**

### **Section 416 501. Performance and Inspection of Regulated Activities**

- A. All Regulated Activities shall be conducted, operated and maintained in accordance with the requirements set forth in Section 416 Articles III, VII, and VIII of this Ordinance. When a SWM Site Plan is required by this Ordinance, all Regulated Activities shall be performed in accordance with the requirements of the final approved SWM Site Plan.
- B. The Municipal Engineer or other municipal designee shall be provided access to the Site to inspect all phases of the erosion and sediment control measures and installation of the permanent BMPs and Conveyances at such times as deemed appropriate by the Municipal Engineer or other municipal designee.
- C. Periodic inspections may be made by the Municipal Engineer or other designee during construction. A set of design plans approved by the Municipality shall be on file and available for viewing at the Site throughout the duration of the construction activity.
- D. Inspections, including but not limited to a final inspection, of all constructed BMPs, Conveyances, or other stormwater facilities, and related improvements may be conducted by the Municipal Engineer or other designee to confirm compliance with this Ordinance and with the final approved SWM Site Plan prior to the issuance of any occupancy permit, use permit, or other form of final approval of the project by the Municipality.
- E. Upon completion of construction, every permanent stormwater BMP, Conveyance or other stormwater facility constructed or used as part of the Regulated Activity shall be operated, maintained and inspected by the Landowner, or other designated person, in accordance with the O&M Plan and O&M Agreement approved by the Municipality.
- F. The Municipality or its designee may periodically inspect any permanent stormwater BMP, Conveyance or facility for compliance with this Ordinance, an approved O&M Plan, or an approved O&M Agreement, per the provisions of Section 416 Article IX. The Municipality may inspect at any time it has reason to believe a violation exists. The Municipality may pursue enforcement for violations consistent with the provisions of Section 416 Article IX.

## **Section 416 502. Final As-Built Plans**

- A. For Regulated Activities involving one (1) acre or more of Earth Disturbance, the Applicant shall provide to the Municipality final As-Built Plans (signed and sealed by a qualified Licensed Professional) of all BMPs, Conveyances, other stormwater facilities, and related improvements shown in the final approved SWM Site Plan.
- B. The final As-Built Plans shall include the following for all BMPs, Conveyances, other stormwater facilities and related improvements:
  - 1. The location, elevations, dimensions, and as-built conditions of all BMPs, Conveyances, other stormwater facilities, and related improvements including topographic contours and all typical details for storm drainage and conveyance systems, stormwater management facilities and Impervious Surfaces (existing, proposed, or constructed) included in the approved SWM Site Plan; and
  - 2. Explanation of any discrepancies or variations from the final approved SWM Site Plan, other related approved construction plans, calculations and specifications (and approved revisions thereto).
- C. The final As-Built Plans shall include a certification of completion signed and sealed by a qualified Licensed Professional verifying that all permanent BMPs and Conveyances have been constructed according to the final approved SWM Site Plan and related approved construction plans, calculations and specifications.
- D. All areas of the Regulated Activity draining to BMPs must be stabilized prior to submittal of the As-Built Plans.
- E. After receipt of the As-Built Plans by the Municipality, the Municipality or its designee may review the As-Built Plans for consistency with this Ordinance, the final approved SWM Site Plan, other related approved construction plans, and subsequent approved revisions thereto, as well as actual conditions at the Site, and the Municipality may conduct a final inspection, as per Subsection 501.D.
- F. The As-Built Plans must be received, reviewed and determined to be acceptable by the Municipality prior to:
  - 1. Close out of the drainage permit or other close out of the project by the Municipality;
  - 2. Release of the financial security or other performance guarantee; and
  - 3. Dedication of the stormwater facilities to the Municipality, or conveyance to a homeowners association, or other person responsible for operation, maintenance and repair.

- G. Final occupancy permit(s) or Use Permit or other final approval to use or operate the constructed improvement may not be issued by the Municipality until the final As-Built Plans have been accepted.
- H. Upon final acceptance of the final As-Built Plans by the Municipality, the Applicant shall review and, if required by the Municipality, revise and re-record the O&M Plan and the O&M Agreement to reflect the final as-built conditions and information for each permanent BMP or Conveyance, in accordance with the requirements of Section 416 Article VII.
- I. All or portions of the final As-Built Plans shall be recorded if required by the Municipality.

## ARTICLE VI – FEES AND EXPENSES

### **Section 416 601. Municipality SWM Site Plan Review and Inspection Fees**

Fees have been established by the Municipality as set forth by a resolution as adopted and amended from time to time, or as otherwise allowed by law to defray plan review and construction inspection costs incurred by the Municipality. All fees listed in Subsection 602.A shall be paid by the Applicant at the time of SWM Site Plan submission.

A review and inspection fee and escrow deposit schedule has been established by resolution of the municipal Governing Body based on the size of the Regulated Activity and based on the Municipality's costs for reviewing SWM Site Plans, O&M Plans and Agreements and As-Built Plans, and conducting inspections pursuant to Subsection 501. The Municipality shall periodically update the review and inspection fee schedule to ensure that review costs are adequately reimbursed.

### **Section 416 602. Expenses Covered by Fees**

- A. The fees and escrow deposit required of the Applicant by this Ordinance shall at a minimum cover:
1. Administrative costs;
  2. The review of the SWM Site Plan by the Municipality, the Municipal Engineer and other municipal consultants;
  3. Coordination and meetings with the Applicant;
  4. The inspection of erosion and sediment control measures, BMPs, Conveyances and other related improvements during construction;
  5. Review of project communications, reports, and additional supporting information;
  6. Other Site inspections;
  7. The final inspection upon completion of the BMPs, Conveyances, and other stormwater management facilities and related improvements presented in the SWM Site Plan; and
  8. Review of final As-Built Plan submission and revised calculations, and inspections as needed.

- B. The Applicant shall also reimburse all expenses incurred by the Municipality for any additional work or municipal consultant fees, including but not limited to, solicitor's fees required to enforce any permit provisions regulated by this Ordinance, correct violations, and ensure proper completion of remedial actions.
  
- C. The Municipality may establish and modify fees by resolution.

## **ARTICLE VII – OPERATION AND MAINTENANCE (O&M) RESPONSIBILITIES AND EASEMENTS**

### **Section 416 701. General Requirements for Protection, Operation and Maintenance of Stormwater BMPs and Conveyances**

The following shall apply to all Regulated Activities in accordance with the requirements of the subsequent sections of this Section 416 Article VII.

- A. Continuing operations and maintenance responsibilities of all permanent BMPs, Conveyances, or other stormwater management facilities shall be reviewed and approved by the Municipality along with the SWM Site Plan. The Municipality may require an offer of a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Municipality will accept the facilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any portion of or all of the BMPs, Conveyances or other stormwater controls and facilities.
- B. An Operation and Maintenance (O&M) Plan shall be submitted to the Municipality for review and approval for all existing and proposed permanent BMPs and man-made Conveyances or other stormwater facilities identified in the SWM Site Plan. Multiple BMPs or Conveyances may be addressed by a combined O&M Plan where all such facilities are similar in O&M requirements and ownership.
- C. The O&M Plan(s) and O&M Agreement(s) shall name the person identified in the SWM Site Plan who shall be the owner of and be responsible for ongoing inspections, operation, repair, and maintenance of each BMP or Conveyance following completion of construction.
- D. For any BMP or man-made Conveyance (including any to be located on any property other than the property being developed by the Applicant) to be owned by a person other than the Municipality:
  - 1. An O&M Agreement shall be submitted to the Municipality for review and approval; and
  - 2. The O&M Plan shall be attached to, incorporated within, and recorded as a public record along with a fully executed O&M Agreement, all of which shall be recorded as a restrictive covenant that runs with the land and shall be binding upon the Landowner and any heirs, administrators, successors in interest or assigns of the Landowner.
- E. The following shall be provided for all BMPs and Conveyances (including any to be located on any property other than the property being developed by the Applicant) by

an O&M or other agreement or by otherwise establishing covenants, easements, deed restrictions, or by dedication to the Municipality:

1. Permanent protection of the BMP or Conveyance from disturbance or alteration;
2. Right of entry and access for the Municipality for inspection and enforcement of this Ordinance (including Subsection 903.G) and any applicable O&M Plan or O&M Agreement; and
3. Right of entry and access for the person owning the BMP or Conveyance and responsible for fulfilling the O&M requirements when that person is not the Municipality and is different from the owner of the property on which the BMP or Conveyance is located (such as may be applicable for Subsection 301.G of this Ordinance).

F. All O&M and other agreements, covenants, easements and deed restrictions shall:

1. Be submitted to the Municipality for review and approval;
2. Be recorded as a public record, upon approval, against each parcel(s) which is part of the SWM Site Plan or otherwise contains any BMP or Conveyance comprising part of the Regulated Activity which is the subject of an O&M Agreement; and
3. Run with the land and be binding upon the Landowner, its heirs, administrators, successors in interest, and assigns.

G. The materials, documents and content required by this Section 416 Article VII may be prepared in conjunction with and incorporated with similar materials, documents and content required for other permit or approval applications, such as those required by PADEP for the Post Construction Stormwater Management Plan.

#### **Section 416 702. Operation and Maintenance Plans**

The following items shall be included in the O&M Plan, unless otherwise approved by the Municipal Engineer:

- A. A plan sheet(s) or map(s) showing each BMP and man-made Conveyance and which shall include, but not be limited to:
1. Property(ies) identification (owner name and address; and property address and/or lot and/or tax parcel number, etc.), property boundaries and tax parcel number of the land parcel on which the BMP or Conveyance is located.

2. Name, address, phone number, date prepared, signature and seal of the Licensed Professional responsible for preparation of the plan sheet or map.
3. Clear identification of the location, dimensions, and function of each BMP or Conveyance covered by the O&M Plan.
4. The location of each BMP and Conveyance relative to roadways, property boundaries, or other identifiable landmarks and existing natural drainage features such as streams, lakes, ponds, or other bodies of water within the immediate vicinity of, or receiving discharge from, the BMP or Conveyance.
5. Delineation of the land area, structures, Impervious Surfaces and Conveyances draining to and from the BMP.
6. Representative elevations and/or topographic contours at intervals of two (2) feet, or other as acceptable to the Municipal Engineer.
7. Other features including FEMA floodplain and floodway boundaries, sinkholes, etc. located within the immediate proximity of each BMP and Conveyance.
8. Locations of areas of vegetation to be managed or preserved that function as a BMP or Conveyance.
9. The locations of all surface and subsurface utilities, on-lot waste water facilities, sanitary sewers, and water lines within twenty (20) feet of each BMP or Conveyance.
10. The following as it pertains to any easements, covenants and deed restrictions established for each applicable BMP or Conveyance:
  - a. Boundaries delineated with bearings and distances shown that encompass the BMP or Conveyance and that includes a ten (10') foot perimeter area surrounding these features and sufficient vehicular ingress to and egress from a public right-of-way and roadway;
  - b. Labels specifying the type and purpose of the easement, covenant, or deed restriction and who it benefits; and
  - c. Labels with reference to any corresponding easement agreement, covenant, deed restriction or other document to be recorded.
11. The plan sheet or map shall be prepared at sufficient scale for municipal review, and ultimately for the use by the person responsible for operation and maintenance, and shall also be prepared at a legible scale that meets the requirements for recordation along with (and as an attachment to) the O&M

Agreement and O&M Plan at the Chester County Office of the Recorder of Deeds.

B. The following information shall be included in the O&M Plan and written in a manner consistent with the knowledge and understanding of the person who will be responsible for the maintenance activities:

1. The name and address of the following:
  - a. Property(ies) on which each BMP or Conveyance is located;
  - b. Owner of the property;
  - c. Owner of each stormwater BMP or Conveyance who is responsible for implementation of the O&M Plan;
  - d. Person responsible for maintaining adequate liability insurance and payment of taxes; and
  - e. Person preparing the O&M Plan.
2. A description of each BMP and Conveyance and how the BMPs and Conveyances are intended to function.
3. A description of actions necessary to operate, inspect, and maintain each BMP or Conveyance, including but not limited to:
  - a. Lawn care, vegetation maintenance, landscaping and planting;
  - b. Clean out of accumulated debris and sediment (including from grates, trash racks, inlets, etc.); and
  - c. Other anticipated periodic maintenance and repair.
4. The following statement shall be included:

*“The Landowner acknowledges that, per the provisions of the Municipality’s Stormwater Management Ordinance, it is unlawful to modify, remove, fill, landscape, alter or impair the effectiveness of, or place any structure, other vegetation, yard waste, brush cuttings, or other waste or debris into any permanent stormwater management BMP or Conveyance described in this O&M Plan or to allow the BMP or Conveyance to exist in a condition which does not conform to this O&M Plan, without written approval from the Municipality.”*

5. Inspection and maintenance schedules.
  6. Explanation of the purpose and limitations of any easements, covenants, or deed restrictions associated with any BMP or Conveyance that are to be recorded against the property. Every deed affected by any BMP shall include the language contained in paragraph B.4.
- C. A statement that no BMP or man-made Conveyance may be used by the owner or others for any purpose other than its intended stormwater control function, or, if approved by the Municipal Engineer, a statement of specific allowable uses of the BMP (i.e., recreational benefits that maybe associated with certain BMPs owned by a homeowners association, or allowable uses by an individual residential Landowner).
  - D. A statement that establishes a reasonable time frame for remedy of deficiencies found by the owner during their inspections.
  - E. Language needed to fulfill the requirements of Subsections 705.B, 705.C, and 705.D of this Ordinance.
  - F. A statement that expressly identifies that the then owner(s) of the land shall be responsible for the obligations and improvements shown in the Plan should the owner of the BMP identified in the Plan fail to satisfy all obligations and conditions contained in the Plan at any time. This obligation shall be a covenant running with the land.
  - G. The Municipality may revise, amend and change the format/content for such plans from time to time by Resolution.

### **Section 416 703. Operation and Maintenance Agreements**

- A. An O&M Agreement shall be required for any BMP or man-made Conveyance to be owned by a person other than the Municipality, and the Agreement shall:
  1. Be between the owner of the BMP or Conveyance and Penn Township, and shall be substantially the same as the O&M Agreement in Appendix E; (Applicant to confirm the O&M content with Penn Township prior to submission);
  2. Incorporate the approved O&M Plan(s) for all BMPs or Conveyances to be covered by the O&M Agreement;
  3. Set forth the rights, duties and obligations of the owner of the BMP or Conveyance and Penn Township, and be consistent with the approved O&M Plan(s);

4. Be recorded as a deed restriction or restrictive covenant that runs with the land and shall be binding upon the Landowner, its heirs, administrators, successors in interest, and assigns;
  5. Be submitted to Penn Township for review prior to approval of the SWM Site Plan;
  6. Upon approval by Penn Township, be signed by the designated r of the BMP or Conveyance and submitted for signature by Penn Township; and
  7. When fully executed, be recorded by the Landowner at the Chester County Office of the Recorder of Deeds following municipal approval of the O&M Plan and prior to the start of construction.
- B. Other items or conditions may be required by the Municipality to be included in the O&M Agreement where determined necessary by the Municipality to guarantee the satisfactory operation and maintenance of all permanent BMPs and Conveyances.
- C. After approval of the final As-Built Plans per the requirements of Section 416 Article V, the Applicant shall review and, if necessary and if required by the Municipality, revise and re-record the O&M Plan and O&M Agreement to reflect the final as-built conditions of each BMP and Conveyance if different from the information included in the original recorded documents.
- D. A statement that expressly identifies that the then owner(s) of the land shall be for the obligations contained in this Agreement should the owner of the BMP identified in the Plan fails to satisfy all obligations and conditions contained in the Plan at any time. This obligation shall be a covenant running with the land.
- E. The Municipality may revise, amend and change the format/content for all agreement required by this Ordinance from time to time by Resolution.

**Section 416 704. Easements and Deed Restrictions**

- A. Easements shall be established in connection with any Regulated Activity for all permanent BMPs and Conveyances that will not be dedicated to or otherwise owned by the Municipality, (including any to be located on any property other than the property being developed by the Applicant), and shall:
1. Include all land area occupied by each BMP or Conveyance;
  2. Include a ten (10')-foot wide perimeter (or other width as determined in consultation with the Municipal Engineer) surrounding the feature(s);
  3. Provide sufficient vehicular ingress and egress from a public right-of-way and roadway;

4. Permanently protect every BMP and Conveyance from disturbance or alteration where not otherwise protected by a recorded O&M Agreement, covenant, deed restriction or other means;
  5. Grant the Municipality the right, but not the duty, to access every BMP and Conveyance from a public right-of-way or public roadway to conduct periodic inspections and to undertake other actions that may be necessary to enforce the requirements of this Ordinance, or of any applicable O&M Plan or O&M Agreement; where roadways will not be dedicated to the Municipality, the Municipality shall be granted access to the private roadways as necessary to access every BMP and Conveyance;
  6. Grant the owner of each BMP and Conveyance the right to access, inspect, operate, maintain, and repair the BMP or Conveyance when the feature is to be owned, operated and maintained by a person other than the Municipality and other than the owner of the parcel on which it is located;
  7. Be shown, with bearings and distances noted, on the SWM Site Plan map/plan sheets, O&M Plan map/plan sheets, final As-Built Plans, and be signed and sealed by a qualified Licensed Professional;
  8. Include language legally sufficient to ensure that the easement shall run with the land and bind the Landowner granting the easement, its heirs, administrators, successors in interest and assigns, into perpetuity; and
  9. Be recorded at the Chester County Office of the Recorder of Deeds following municipal approval and prior to the start of construction.
- B. For any BMP or Conveyance to be owned by a person other than the Municipality or the Landowner owning the parcel upon which a BMP or Conveyance is located, an easement agreement shall be prepared and executed between the Landowner and the owner of the BMP or Conveyance which shall:
1. Describe the ownership interests of all parties to the easement agreement, including the ownership of the BMP or Conveyance;
  2. Include a written legal (metes and bounds) description of the easement area, with reference to a recorded plan sheet showing the legal boundaries of the easement area (or an accompanying plan sheet/map), signed and sealed by a qualified Licensed Professional;
  3. Grant an easement from the Landowner to the owner of each BMP and Conveyance, establishing the right and obligation to occupy, access, inspect, operate, maintain, and repair the BMP or Conveyance;

4. Include a description of the purpose of the easement and the responsibilities of the parties involved;
  5. Incorporate by reference or be recorded with, the corresponding O&M Plan and O&M Agreement;
  6. Restrict the Landowner's use of the easement area of the parcel on which the BMP or Conveyance is located, consistent with the rights granted to the owner of the BMP or Conveyance;
  7. Be submitted to the Municipality for review and approval prior to approval of the SWM Site Plan;
  8. Upon approval by the Municipality, be signed by the owner of the BMP(s) or Conveyance(s) and the Landowner and submitted for signature by the Municipality;
  9. Include language legally sufficient to ensure that the easement will run with the land affected by the easement and that the easement agreement is binding upon the parties to the easement agreement, their heirs, administrators, successors in interest and assigns, into perpetuity;
  10. Contain additional provisions or information as required by the Municipality; and
  11. When fully executed, be recorded by the Landowner at the Chester County Office of the Recorder of Deeds against all parcels affected by the terms of the easement agreement, within thirty (30) days of the Municipality's approval of the corresponding O&M Plan.
- C. For any BMP or Conveyance which is designed to receive runoff from another parcel or parcels and which is owned by the Landowner of the parcel upon which the BMP or Conveyance is located, in addition to any easement or easement agreement required pursuant to Subsection 704 A. or B., an easement agreement shall be prepared and executed between the Landowner of the parcel or parcels draining to the BMP or Conveyance and the owner of the BMP or Conveyance. This easement agreement shall:
1. Describe the ownership interests of all parties to the easement agreement, including the ownership of all affected parcels and of the BMP or Conveyance;
  2. Provide for the grant of a drainage easement from the owner of the BMP or Conveyance to the Landowner of the parcel(s) draining to the BMP, which shall extend from the shared parcel boundary(ies) to the receiving BMP and shall include the connecting flow path(s) or Conveyance;

3. Include a written legal (metes and bounds) description of the easement area, with reference to a recorded plan sheet showing the legal boundaries of the easement area (or an accompanying plan sheet/map), signed and sealed by a Licensed Professional.
  4. Incorporate by reference or be recorded with the corresponding O&M Plan and O&M Agreement;
  5. State that the purpose of the easement agreement is to ensure the continuous right of the discharging parcel to discharge onto the parcel containing the BMP and into the BMP or Conveyance;
  6. Restrict the BMP or Conveyance owner's use of the easement area of the parcel upon which the BMP or Conveyance is located, consistent with the purpose of the easement granted;
  7. Establish the duty and responsibility of the Landowner of the parcel or parcels draining to the BMP or Conveyance to maintain the existing drainages on the discharging parcel or parcels as designed and constructed to discharge to the receiving BMP;
  8. Include language legally sufficient to ensure that the easement will run with the land and will bind all parties to the easement agreement, their heirs, administrators, successors in interest and assigns, into perpetuity;
  9. Be submitted to the Municipality for review and approval prior to approval of the SWM Site Plan;
  10. Contain all additional provisions or information as the Municipality may require upon review; and
  11. Be executed by the parties to the easement agreement and recorded at the Chester County Recorder of Deeds Office against the draining parcel(s) and the parcel upon which the BMP or Conveyance is located within 30 days of the Municipality's approval of the corresponding O&M Plan.
- D. For any area(s) shown on the SWM Site Plan maps/plan sheets or As-Built Plan sheets as requiring, or area(s) that is otherwise determined to require, deed restriction(s) for the purpose of protecting and prohibiting disturbance to a BMP or Conveyance, such deed restrictions will be incorporated into a written deed, restrictive covenant, or equivalent document. The deed or other document shall:
1. Include a clear and understandable description of the purpose, terms and conditions of the restricted use;

2. Include the written legal description (metes and bounds description) of the area to which the restrictions apply that is consistent with the boundary shown on the O&M plan sheets and SWM Site Plan maps/plan sheets;
3. Make reference to any corresponding O&M Plan(s) and O&M Agreement(s);
4. Include language legally sufficient to ensure that the terms of the restriction run with the land and shall be binding upon the Landowner, its heirs, administrators, successors in interest, and assigns;
5. Be submitted to the Municipality for review and approval prior to approval of the SWM Site Plan;
6. Upon approval by the Municipality, be signed by the Landowner and owner of the BMP or Conveyance and submitted to the Municipality; and
7. Be fully executed and recorded at the Chester County Office of the Recorder of Deeds within thirty (30) days of the Municipality's approval of the O&M Plan.

**Section 416 705. Other Post-construction Responsibilities**

- A. The provisions of Subsection 804 of this Ordinance shall apply to any permanent BMP or Conveyance that is constructed as part of an approved SWM Site Plan or covered by an approved O&M Plan.
- B. The person responsible for the operation and maintenance of a BMP or Conveyance shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten (10) years. These records shall be submitted to the Municipality, if requested.
- C. Upon final inspection, the Municipality shall inform the person responsible for the operation and maintenance whether the submission of periodic (annual or other frequency) inspection and maintenance reports will be required.
- D. The owner of each BMP and Conveyance shall keep on file with the Municipality the name, address, and telephone number of the person responsible for maintenance activities and implementation of the O&M Plan. In the event of a change, new information shall be submitted by the BMP or Conveyance owner to the Municipality within thirty (30) calendar days of the change.

**Section 416 706. Municipal Stormwater Control and BMP Operation and Maintenance Fund**

- A. Persons installing stormwater controls or BMPs shall be required to pay a specified amount to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to help cover the costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
1. If the BMP or Conveyance is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Municipality, as estimated by the Municipal Engineer, for a period of ten (10) years. This is to be paid in a manner specified by the Municipality. After that period of time, inspections will be performed at the expense of the Municipality.
  2. If the BMP or Conveyance is to be owned and maintained by the Municipality, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Municipality will establish the estimated costs utilizing information submitted by the Applicant.
  3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipality shall determine the present worth equivalents, which shall be subject to the approval of the Governing Body.
- B. If a BMP or Conveyance is proposed that also serves as a recreational facility (e.g., ball field or lake), the Municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreational purpose.
- C. If at some future time, a BMP or Conveyance (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning or demolishing the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment or demolition will be used for inspection, maintenance, and operation of the receiving stormwater management system.
- D. If a BMP or Conveyance is accepted by the Municipality for dedication, the Municipality may require persons installing the BMP or Conveyance to pay a specified amount to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to help cover the costs of operations and maintenance activities. The amount may be determined as follows:
1. The amount shall cover the estimated costs for operations and maintenance for ten (10) years., as determined by the Municipality, and

2. The amount shall then be converted to present worth of the annual series values.
- E. The Municipality may require Applicants to pay a fee to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to cover:
1. Long-term maintenance of BMP(s) or Conveyance(s), and
  2. Stormwater-related problems which may arise from the land development and Earth Disturbance.

## ARTICLE VIII – PROHIBITIONS

### Section 416 801. Prohibited Discharges

- A. Any drain or Conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system or the Waters of the Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into the Municipality's separate storm sewer system or the Waters of the Commonwealth that are not composed entirely of stormwater, except:
  - 1. As provided in Subsection 801.C below; and
  - 2. Discharges allowed under a State or Federal permit.
- C. The following discharges are authorized unless they are determined by the Municipality to be significant contributors to pollution to the Municipality's separate storm sewer system or to the Waters of the Commonwealth:
  - 1. Discharges from fire fighting activities;
  - 2. Potable water sources including water line and fire hydrant flushings;
  - 3. Irrigation drainage;
  - 4. Air conditioning condensate;
  - 5. Springs;
  - 6. Water from crawl space pumps;
  - 7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;
  - 8. Diverted stream flows;
  - 9. Flows from riparian habitats and wetlands;
  - 10. Uncontaminated water from foundations or from footing drains;

11. Lawn watering;
  12. Dechlorinated swimming pool discharges;
  13. Uncontaminated groundwater;
  14. Water from individual residential car washing; and
  15. Routine external building washdown (which does not use detergents or other compounds).
- D. In the event that the Municipality determines that any of the discharges identified in Subsection 801.C significantly contribute pollutants to the Municipality's separate storm sewer system or to the Waters of the Commonwealth, or is notified of such significant contribution of pollution by PADEP, the Municipality will notify the responsible person to cease the discharge.
- E. Upon notice provided by the Municipality under Subsection 801.D, the discharger shall, within a reasonable time period, as determined by the Municipality consistent with the degree of pollution caused by the discharge, cease the discharge.
- F. Nothing in this section shall affect a discharger's responsibilities under State law.

#### **Section 416 802. Prohibited Connections**

The following connections are prohibited, except as provided in Subsection 801.C above:

- A. Any drain or Conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge, including sewage, process wastewater, and wash water to enter a separate storm sewer system, and any connections to the separate storm sewer system from indoor drains and sinks.
- B. Any drain or Conveyance connected from a commercial or industrial land use to a separate storm sewer system, which has not been documented in plans, maps, or equivalent records and approved by the Municipality.

#### **Section 416 803. Roof Drains and Sump Pumps**

- A. Roof drains and sump pump discharges shall not be connected to sanitary sewers.
- B. Roof drain, sump pump, foundation and footing drain discharges:
  1. To the maximum extent practicable, shall discharge to infiltration or vegetative BMPs, or to vegetated or other areas with adequate capacity;

2. May be connected to streets, storm sewers, or roadside ditches only if determined necessary or acceptable by the Municipal Engineer; and
3. Shall be considered in stormwater management calculations to demonstrate that Conveyance and receiving facilities have adequate capacity.

**Section 416 804. Alteration of BMPs**

- A. No person shall modify, remove, fill, landscape, alter, or impair the effectiveness of any stormwater BMPs, Conveyances, facilities, areas or structures unless the activity is part of an approved maintenance program, without the written approval of the Municipality.
- B. No person shall place any structure, fill, landscaping, additional vegetation, yard waste, brush cuttings, or other waste or debris into a BMP or Conveyance, or within a stormwater easement, that would limit or alter the functioning of the stormwater BMP or Conveyance, without the written approval of the Municipality.

## ARTICLE IX – ENFORCEMENT AND PENALTIES

### Section 416 901. Public Nuisance

- A. Any Regulated Activity conducted in the violation of any provision of this Ordinance is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.
- C. A separate violation will be found to exist for each section of this Ordinance found to have been violated.
- D. To the extent that the Municipality does not enforce any provision of this Ordinance, such action or inaction shall not constitute a waiver by the Municipality of its rights of future enforcement hereunder.

### Section 416 902. Right of Entry

- A. Upon presentation of proper credentials, duly authorized officers or agents of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of all erosion and sediment controls and permanent stormwater BMPs, Conveyances, or other stormwater facilities both during and after completion of a Regulated Activity, or for compliance with any requirement of this Ordinance.
- B. Persons working on behalf of the Municipality shall have the right to temporarily locate on or in any BMP, Conveyance or other stormwater facility in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP or Conveyance, or other stormwater facilities.
- C. Failure of the Landowner or representative to grant access to the Municipality within, twenty-four (24) hours of notification, verbal or written, is a violation of this Ordinance.

### Section 416 903. Enforcement

- A. The Municipal Engineer or other designee is hereby authorized and directed to enforce all of the provisions of this Ordinance. The Municipal Governing Body may delegate enforcement duties, including the initial determination of Ordinance violation and service of notice, if notice is given, to such other officers or agents as the Municipality shall deem qualified for that purpose.

- B. It shall be the responsibility of the Landowner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred to comply with the applicable terms and conditions of this Ordinance.
- C. All municipal inspections for compliance with the approved SWM Site Plan shall be the responsibility of the Municipality or its designee.
- D. During any stage of the work of any Regulated Activity, if the Municipal Engineer or other designee determines that the erosion and sediment control measures, permanent BMPs, Conveyances or other stormwater facilities are not being installed or maintained in accordance with the approved SWM Site Plan, the Municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected or until a revised SWM Site Plan is submitted and approved, if and as determined to be necessary by the Municipal Engineer or other designee.
- E. In the event that the Municipal Engineer or other designee finds that a person has violated a provision of this Ordinance, or fails to conform to the requirements of any permit or approval issued by the Municipality, or any O&M Plan or O&M Agreement approved by the Municipality, the Municipality may order compliance by written notice of the violation to the Landowner.
- F. Such notice may, without limitation, require the following remedies:
  - 1. Performance of monitoring, analyses, and reporting;
  - 2. Elimination of prohibited connections or discharges;
  - 3. Cessation of any violating discharges, practices, or operations;
  - 4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - 5. Payment of a of the then estimated amount of money Municipality determines necessary to cover administrative, inspection and professional consultant expenses and remediation costs and/or forfeiture of financial security. Should the amount of financial security not satisfy the amount then necessary to satisfy these obligations, the individuals and entities described in Subsection 903.B. shall be responsible for the satisfaction of the then total amount necessary to comply with the notice and enforcement. This estimated amount shall be applied to the eventual total amount Township incurs as a result of the failure to comply with the terms of the notice and/or the required corrective actions;
  - 6. Implementation of stormwater controls, BMPs, and Conveyances; and
  - 7. Operation, maintenance or repair of BMPs, Conveyances or other stormwater facilities.

- G. Such notice shall set forth the nature of the violation(s), citing to specific sections of this Ordinance which have not been met, and establish a time limit for commencement of correction and completion of correction of the violations(s). The notice shall provide for a right of the Landowner's appeal to the Municipal Governing Body in accordance with Subsection 906 of this Ordinance. Said notice shall further advise that, if applicable, should the violator fail to take the required action within the established deadline, possible sanctions, clearly described, may be imposed, or the work may be done by the Municipality or designee, and the expense thereof shall be charged to the violator.
- H. Failure to comply within the time specified in such notice shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

**Section 416 904. Suspension and Revocation of Permits and Approvals**

- A. Any building, land development, or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
  - 1. Noncompliance with or failure to implement any provision of the permit or approved SWM Site Plan or O&M Agreement;
  - 2. A violation of any provision of this Ordinance or any other law or regulation applicable to the Regulated Activity;
  - 3. The creation of any condition or the commission of any act during the Regulated Activity that constitutes or creates a hazard or nuisance, or endangers the life, health, safety, or property of others; or
  - 4. Failure to correct a violation within the allowed time period allowed per notice given by the Municipality.
- B. Prior to revocation or suspension of a permit, unless there is immediate danger or threat of such danger to life, public health or property, at the request of the Applicant, the Municipality's Governing Body shall schedule a hearing on the violation and proposed revocation or suspension, pursuant to public notice. The expense of a hearing shall be the Applicant's responsibility.
- C. A suspended permit or approval may be reinstated by the Municipality when:
  - 1. The Municipal Engineer or other designee has inspected and approved the corrections to the BMPs, Conveyances or other stormwater facilities, or the elimination of the hazard or nuisance; and

2. The Municipality is satisfied that the violation has been corrected.
- D. A permit or approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new permit or approval in accordance with this Ordinance.

**Section 416 905. Penalties**

- A. Any person violating or permitting the violation of the provisions of this Ordinance shall be subject to a fine of not more than one thousand (\$1,000) dollars for each violation, recoverable with costs. The establishment of a violation for purposes of setting fines or penalties for such violation shall be in accordance with a citation to a magisterial district judge with jurisdiction and venue over the location of the violation and such an action will be subject to the procedures provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof a violation is found to exist and may be determined for each section of this Ordinance which is found to have been violated.
- B. In addition, the Municipality may, through its solicitor, institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other legal or equitable forms of remedy or relief. Such relief may include costs, fees, and charges, including the Municipality's attorney's fees (charged at the hourly rate approved by the Governing Body of the Municipality) and costs, as may be permitted by law.
- C. Notwithstanding any other provision of this Ordinance, the Municipality shall have the right at any or all times deemed necessary by the Municipal Engineer or designee to enter upon any property within the Municipality to inspect and, upon determination of a violation of this Ordinance, to correct the violation, with all expenses associated with correcting the violation to be charged to the property owner responsible for the violation.

**Section 416 906. Appeals**

- A. Any person aggrieved by any action of the Municipal Engineer or other designee relative to the provisions of this Ordinance may appeal to the Municipality's Governing Body within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Municipality's Governing Body relative to the provisions of this Ordinance may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the Municipality's decision.

**Section 416 907. Effective Date**

This Ordinance shall take effect on DEC 25, 2013 five (5) days from date of enactment.

ENACTED and ORDAINED this 16 day of DEC 2013

**BOARD OF SUPERVISORS  
PENN TOWNSHIP**

\_\_\_\_\_  
Curtis A. Mason, Sr., Chairman

Tom Barlow  
\_\_\_\_\_  
Tom Barlow, Vice-chairman

\_\_\_\_\_  
Robin Marcello, Member

Victor Mantegna  
\_\_\_\_\_  
Victor Mantegna, Member

William A. Finnen  
\_\_\_\_\_  
William A. Finnen, Member

ATTEST:

William A. Finnen  
\_\_\_\_\_  
William A. Finnen, Secretary