

CHAPTER 26

WATER

PART 1

GENERAL PROVISIONS

- §26-101. Short Title**
- §26-102. Statement of Findings**
- §26-103. Purpose**
- §26-104. Statutory Authority**
- §26-105. Applicability**
- §26-106. Severability**
- §26-107. Compatibility With Other Requirements**

PART 2

DEFINITIONS

- §26-201. Definitions**

PART 3

STORMWATER MANAGEMENT FOR WATER QUALITY

- §26-301. General Requirements for Stormwater Management**
- §26-302. Permit Requirements by Other Government Entities**
- §26-303. Erosion and Sediment Control During Regulated Earth Disturbance Activities**
- §26-304. Water Quality Requirements After Regulated Earth Disturbance Activities are Complete**

PART 4

**STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN
REQUIREMENTS**

- §26-401. General Requirements**
- §26-402. Responsibilities for Operation and Maintenance of BMPs**
- §26-403. Township Review of BMP Operations and Maintenance Plan**
- §26-404. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs**
- §26-405. Stormwater Management Easements**

WATER

- §26-406. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements**
- §26-407. Municipal Stormwater BMP Operation and Maintenance Fund**

PART 5

INSPECTION AND RIGHT OF ENTRY

- §26-501. Inspections**
- §26-502. Right of Entry**

PART 6

FEES AND EXPENSES

- §26-601. General**
- §26-602. Municipality Drainage Plan Review Fee**

PART 7

PROHIBITIONS

- §26-701. Prohibited Discharges**
- §26-702. Prohibited Connections**
- §26-703. Roof Drains**
- §26-704. Alteration of BMPs**

PART 8

ENFORCEMENT AND PENALTIES

- §26-801. Public Nuisance**
- §26-802. Enforcement Generally**
- §26-803. Suspension and Revocation of Permits and Approvals**
- §26-804. Penalties**
- §26-805. Appeals**

Appendix A, Low Impact Development Practices

Appendix B, Stormwater Management Practices, Operations and Maintenance Agreement.

PART 1

GENERAL PROVISIONS

§26-101. Short Title.

This Chapter shall be known and may be cited as the “Richland Township Stormwater Management Ordinance.”

(Ord. 404, 3/2/2005, Art. I, §101)

§26-102. Statement of Findings.

The Board of Supervisors of the Township finds that:

- A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost to the public to manage stormwater.
- B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. A program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources and the environment.
- D. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- F. Federal and State regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain

WATER

a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

- G. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Township.

(Ord. 404, 3/2/2005, Art. I, §102)

§26-103. Purpose.

The purpose of this Chapter is to promote health, safety, and welfare within the Township and its watershed by minimizing the harms and maximizing the benefits described in §26-102 of this Part, through provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities that cause problems.
- B. Provide review procedures and performance standards for stormwater planning and management.
- C. Utilize and preserve the existing natural drainage systems as much as possible.
- D. Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- E. Focus on infiltration of stormwater, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Maintain existing flows and quality of streams and watercourses.
- G. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain “existing uses” and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in “special protection” streams.
- H. Prevent scour and erosion of stream banks and streambeds.
- I. Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the Township.
- J. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.

- K. Implement an illegal discharge detention and elimination program to address non-stormwater discharges into the Township's separate storm sewer system.

(Ord. 404, 3/2/2005, Art. I, §103)

§26-104. Statutory Authority.

The Township is empowered to regulate land use and other activities that affect stormwater impacts by the authority of the Richland Township Home Rule Charter, the Second Class Township Code §66506, §677701 et seq., and The Stormwater Management Act, 32 PS §680.1 et seq.

(Ord. 404, 3/2/2005, Art. I, §104)

§26-105. Applicability.

1. This Chapter applies to any regulated earth disturbance activities within the Township, and all stormwater runoff entering into the Township's separate storm sewer system from lands within the boundaries of the Township.
2. Each disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Chapter shall operate in coordination with those parallel requirements; the requirements of this Chapter shall be no less restrictive in meeting the purposes of this Chapter than State law.
3. Any other ordinance provision(s) or regulation of the Township inconsistent with any of the provisions of this Chapter is hereby repealed to the extent of the inconsistency only.

(Ord. 404, 3/2/2005, Art. I, §105)

§26-106. Severability.

In the event that any Section or provisions of this Chapter is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Chapter.

(Ord. 404, 3/2/2005, Art. I, §107)

WATER

§26-107. Compatibility with Other Requirements.

1. Approvals issued and actions taken under this Chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this Chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Chapter shall be followed.
2. Nothing in this Chapter shall be construed to affect any of the Township's requirements regarding stormwater matters which do not conflict with the provisions of this Chapter such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this Chapter addressing State Water Quality Requirements.

(Ord. 404, 3/2/2005, Art. I, §108)

PART 2

DEFINITIONS

§26-201. Definitions.

For the purpose of this Chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

ACCELERATED EROSION — the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process along.

APPLICANT — a landowner, developer or other person who has filed an application for approval to engage in any Regulated Earth Disturbance activity at a project site in the Township.

BMP (Best Management Practice) — activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Chapter.

CONSERVATION DISTRICT — the Allegheny County Conservation District.

DEP — The Pennsylvania Department of Environmental Protection.

DEVELOPER — a person that seeks to undertake any Regulated Earth Disturbance activities at a project site in the Township.

DEVELOPMENT — see “Earth Disturbance Activity.” The term includes redevelopment.

DEVELOPMENT SITE — the specific tract of land where any Earth Disturbance activities in the Township are planned, conducted or maintained.

WATER

EARTH DISTURBANCE ACTIVITY — a construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EROSION — the process by which the surface of the land, including channels, is worn away by water, wind or chemical action.

EROSION AND SEDIMENT CONTROL PLAN — a plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

GROUNDWATER RECHARGE — replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE — a surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

MUNICIPALITY — Richland Township, Allegheny County, Pennsylvania.

NPDES — National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

OUTFALL — "Point source" as described in 40 CFR §122.2 at the point where the Township's storm sewer system discharges to surface waters of the Commonwealth.

PERSON — an individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

POINT SOURCE — any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa. Code §92.1.

REDEVELOPMENT — earth disturbance activities on land which has previously been disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY — earth disturbance activity one acre or more with a point source discharge to surface waters or the Township's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more of earth disturbance.

ROAD MAINTENANCE — earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road backs, cleaning or clearing drainage ditches and other similar activities.

SEPARATE STORM SEWER SYSTEM — a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) primarily used for collecting and conveying stormwater runoff.

STATE WATER QUALITY REQUIREMENTS — as defined under State regulations-protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96)—including:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in Chapter 93. These uses must be protected and maintained, under State regulations.
- B. “Existing uses” are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

STORMWATER — the surface runoff generated by precipitation reaching the ground surface.

SURFACE WATERS OF THE COMMONWEALTH — any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

WATERCOURSE — a channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

(Ord. 404, 3/2/2005, Art. II)

PART 3

STORMWATER MANAGEMENT FOR WATER QUALITY

§26-301. General Requirements for Stormwater Management.

1. All Regulated Earth Disturbance activities within the Township shall be designed, implemented, operated and maintained to meet the purposes of this Chapter, through these two elements:
 - A. Erosion and sediment control during the earth disturbance activities (e.g., during construction), and
 - B. Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.
2. No regulated earth disturbance activities within the Township shall commence until the requirements of this Chapter are met.
3. Erosion and sediment control during regulated earth disturbance activities shall be addressed as required by §26-303.
4. Post-construction water quality protection shall be addressed as required by §26-304. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Part 4.
5. All Best Management Practices (BMPs) used to meet the requirements of this Chapter shall conform to the State Water Quality Requirements, and any more stringent requirements as determined by the Township.
6. Techniques described in Appendix A (Low Impact Development) of this Chapter are encouraged, because they reduce the costs of complying with the requirements of this Chapter and the State Water Quality Requirements.

(Ord. 404, 3/2/2005, Art. III, §301)

§26-302. Permit Requirements by Other Government Entities.

The following permit requirements may apply to certain regulated earth disturbance activities, and must be met prior to commencement of regulated earth disturbance activities, as applicable:

- A. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.

WATER

- B. Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
- D. Any stormwater management facility that would be located on a State highway right-of-way, or require access from a state highway, shall be subject to approval by the Pennsylvania Department of Transportation (Penn-Dot).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

(Ord. 404, 3/2/2005, Art. III, §302)

§26-303. Erosion and Sediment Control During Regulated Earth Disturbance Activities.

1. No regulated earth disturbance activities within the Township shall commence until approval by the Township of an Erosion and Sediment Control Plan for construction activities.
2. DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code §102.4(b).
3. In addition, under 25 Pa. Code Chapter 92, a DEP “NPDES Construction Activities” permit is required for regulated earth disturbance activities.
4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements subsection (A).
5. A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

(Ord. 404, 3/2/2005, Art. III, §303)

§26-304. Water Quality Requirements After Regulated Earth Disturbance Activities Are Complete.

1. No regulated earth disturbance activities within the Township shall commence until approval by the Township of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
2. The BMPs must be designed, implemented and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Township.
3. To control post-construction stormwater impacts from regulated earth disturbance activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 - A. Infiltration. Replication of pre-construction stormwater infiltration conditions,
 - B. Treatment. Use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff, and
 - C. Streambank and Streambed Protection. Management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
4. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices (“BMPs”) that control runoff from new development and redevelopment after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
5. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under the state-wide General Permit (PAG-2)) satisfies the requirements of subsection (A).
6. BMP operations and maintenance requirements are described in Part 4 of this Chapter.

(Ord. 404, 3/2/2005, Art. III, §304)

PART 4

**STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN
REQUIREMENTS**

§26-401. General Requirements.

1. No regulated earth disturbance activities within the Township shall commence until approval by the Township of BMP Operations and Maintenance plan which describes how the permanent (e.g., post-construction) stormwater BMPs will be properly operated and maintained.
2. The following items shall be included in the BMP Operations and Maintenance Plan:
 - A. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Allegheny County, and shall be submitted on twenty-four-inch by thirty-six-inch or thirty-inch by forty-two-inch sheets. The contents of the map(s) shall include, but not be limited to:
 - (1) Clear identification of the location and nature of permanent stormwater BMPs,
 - (2) The location of the project site relative to highways, municipal boundaries or other identifiable landmarks,
 - (3) Existing and final contours at intervals of two feet, or others as appropriate,
 - (4) Existing streams, lakes, ponds, or other bodies of water within the project site area,
 - (5) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved,
 - (6) The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site,
 - (7) Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added,
 - (8) Proposed final structures, roads, paved areas, and buildings, and
 - (9) A fifteen-foot wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.

WATER

- B. A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance,
- C. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan, and
- D. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that can be altered or removed only after approval by the Township.

(Ord. 404, 3/2/2005, Art. IV, §401)

§26-402. Responsibilities for Operations and Maintenance of BMPs.

- 1. The BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:
 - A. If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Township, stormwater BMPs may also be dedicated to and maintained by the Township.
 - B. If a Plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity with all such maintenance to be carried out on such schedule and in such manner as the Township may direct by way of agreement or resolution.
- 2. The Township shall make the final determination on the continuing operations and maintenance responsibilities. The Township reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs. Stormwater BMPs located outside the public road right-of-way are to be privately owned and maintained unless the Township expressly agrees to accept the same.

(Ord. 404, 3/2/2005, Art. IV, §402)

§26-403. Township Review of BMP Operations and Maintenance Plan.

- A. The Township shall review the BMP Operations and Maintenance Plan consistency with the purposes and requirements of this Chapter, and any permits issued by DEP.

- B. The Township shall notify the applicant in writing whether the BMP Operations and Maintenance Plan is approved.
- C. The Township may require an “As-Built Survey” of all stormwater BMPs, and an explanation of any discrepancies with the Operations and Maintenance Plan. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved BMP Operations and Maintenance Plan, unless an exception is granted in writing by the Township.

(Ord. 404, 3/2/2005, Art. IV, §403)

§26-404. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs.

- 1. The property owner shall sign an operations and maintenance agreement with the Township covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix B of this Chapter. In the event that Stormwater BMPs Servicing and Development are located offsite property shall sign the Operations and Maintenance Agreement.
- 2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Township

(Ord. 404, 3/2/2005, Art. IV, §405)

§26-405. Stormwater Management Easement.

- 1. Stormwater management easements are required for all areas used for off-site stormwater control, unless waiver is granted by the Township Engineer.
- 2. Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance, or preservation of stormwater runoff conveyance, infiltration, and detention areas and other BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under §26-404.

(Ord. 404, 3/2/2005, Art. IV, §406)

WATER

§26-406. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements.

1. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Allegheny County, within 15 days of approval of the BMP Operations Plan by the Township.
 - A. The Operations and Maintenance Plan, or a summary thereof,
 - B. Operations and Maintenance Agreements under §26-404, and
 - C. Easements under §26-405.
2. The Township may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

(Ord. 404, 3/2/2005, Art. IV, §407)

§26-407. Municipal Stormwater BMP Operation and Maintenance Fund.

1. If stormwater BMPs are accepted by the Township for dedication, the Township may require persons installing stormwater BMPs to pay a specified amount to the Municipal Stormwater BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:
 - A. If the BMP is to be owned and maintained by the Township, the amount shall cover the estimated costs for operations and maintenance for 10 years, as determined by the Township, such costs to include fees of the Township Engineer or any other professional consultant used by the Township.
 - B. The amount shall then be converted to present worth of the annual series values.
2. If a BMP is proposed that also serves as a recreation facility (e.g. ball field, lake), the Township may adjust the amount due accordingly.

(Ord. 404, 3/2/2005, Art. IV, §408)

PART 5

INSPECTIONS AND RIGHT OF ENTRY

§26-501. Inspections.

1. DEP or its designees (e.g., County Conservation Districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Township or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
2. During any stage of the regulated earth disturbance activities, if the Township or its designee determines that any BMPs are not being implemented in accordance with this Chapter, the Township may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.

(Ord. 404, 3/2/2005, Art. V, §501)

§26-502. Right of Entry.

1. Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to inspect the implementation, condition, or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this Chapter.
2. BMP owners and operators shall allow persons working on behalf of the Township ready access to all parts of the premises for the purposes of determining compliance with this Chapter.
3. Persons working on behalf of the Township shall have the right to temporarily located on any BMP in the Township such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.
4. Unreasonable delays in allowing the Township access to a BMP is a violation of this Part.

(Ord. 404, 3/2/2005, Art. V, §502)

PART 6

FEES AND EXPENSES

§26-601. General.

The fee required by this Chapter is the Municipality Drainage Review Fee. The Municipality Drainage Review fee shall be established by the Township to defray review costs incurred by the Township and the Township Engineer. All fees shall be paid by the applicant.

(Ord. 404, 3/2/2005, Art. VI, §601)

§26-602. Municipality Drainage Plan Review Fee.

1. The Township shall establish a Review Fee Schedule by resolution of the Township Board of Supervisors based on the size of the regulated activity and based on the Township's costs for reviewing Project Plans. The Township shall periodically update the Review Fee Schedule to ensure that review costs are adequately reimbursed.
2. The fees required by this Part shall at a minimum cover:
 - A. Administrative costs.
 - B. The review of the Project Plan by the Township and the Township Engineer including Township legal fees.
 - C. The site inspections.
 - D. The inspection of stormwater management facilities and BMP's and drainage improvements during construction.
 - E. The final inspection upon completion of the stormwater management facilities and BMP's and drainage improvements presented in the Project Plan.
 - F. Any additional work required to enforce any permit provisions regulated by this Chapter, correct violations, and assure proper completion of stipulated remedial actions.

(Ord. 404, 3/2/2005, Art. VI, §602)

PART 7

PROHIBITIONS

§26-701. Prohibited Discharges.

1. No person in the Municipality shall allow, stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
2. Discharges which may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
 - A. Discharges from fire fighting activities.
 - B. Potable water sources including dechlorinated water line and fire hydrant flushings.
 - C. Irrigation drainage.
 - D. Routine external building washdown (which does not use detergents or other compounds).
 - E. Air conditioning condensate.
 - F. Water from individual residential car washing.
 - G. Uncontaminated water from foundation or from footing drains.
 - H. Flows from riparian habitats and wetlands.
 - I. Lawn watering.
 - J. Pavement washwaters 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.
 - K. Dechlorinated swimming pool discharges.
 - L. Springs
 - M. Water from crawl space pumps.
 - N. Uncontaminated groundwater.

WATER

3. In the event that the Township determines that any of the discharges identified in subsection (2) significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Township will notify the responsible person to cease the discharge.
4. Upon notice provided by the Township under subsection (3), the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
5. Nothing in this Section shall affect a discharger's responsibilities under State Law.

(Ord. 404, 3/2/2005, Art. VII, §701)

§26-702. Prohibited Connections.

The following connections are prohibited, except as provided in §26-701(2) above:

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

(Ord. 404, 3/2/2005, Art. VII, §702)

§26-703. Roof Drains.

1. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in subsection (2).
2. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Township.
3. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

(Ord. 404, 3/2/2005, Art. VII, §703)

§26-704. Alteration of BMPs.

1. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Township.
2. No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Township.

(Ord. 404, 3/2/2005, Art. VII, §704)

PART 8

ENFORCEMENT AND PENALTIES

§26-801. Public Nuisance.

1. The violation of any provisions of this Chapter is hereby deemed a Public Nuisance.
2. Each day that a violation continues shall constitute a separate violation.

(Ord. 404, 3/2/2005, Art. VIII, §801)

§26-802. Enforcement Generally.

1. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Township may order compliance by written notice to the responsible person. Such notice may require without limitation:
 - A. The performance of monitoring, analyses, and reporting;
 - B. The elimination of prohibited connections or discharges;
 - C. Cessation of any violating discharges, practices, or operations;
 - D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - E. Payment of a fine to cover administrative and remediation costs;
 - F. The implementation of stormwater BMPs; and
 - G. Operation and maintenance of stormwater BMPs.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Township or designee and the expense thereof shall be charged to the violator.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Chapter. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

(Ord. 404, 3/2/2005, Art. VIII, §802)

WATER

§26-803. Suspension and Revocation of Permits and Approvals.

1. Any building, land development or other permit or approval issued by the Township may be suspended or revoked by the Township for:
 - A. Noncompliance with or failure to implement any provision of the permit;
 - B. A violation of any provisions of this Chapter; or
 - C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
2. A suspended permit or approval shall be reinstated by the Township when:
 - A. The Township Engineer or designee has inspected and approved the corrections to the stormwater BMPs, or the elimination of the hazard or nuisance, and/or;
 - B. The Township is satisfied that the violation of the Chapter, law, or rule and regulation has been corrected.
3. A permit or approval which has been revoked by the Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Chapter.

(Ord. 404, 3/2/2005, Art. VIII, §803)

§26-804. Penalties.

1. Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to fine of not more than \$1,000 for each violation, recoverable along with all costs of enforcement, including Township legal fees, and in default of payment of such fine, shall be subject to up to 30 days imprisonment. Each day that the violation continues shall be a separate offense.
2. In addition, the Township, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 404, 3/2/2005, Art. VIII, §804)

§26-805. Appeals.

1. Any person aggrieved by a decision of the Township to grant or deny an approval under this Chapter or to issue a written compliance notification, or to suspend or revoke any permit or approval due to noncompliance with this Chapter, may file an appeal within 30 days from the date of the decision appealed from the Board of Supervisors. Such appeal shall be in writing and filed with the Township Secretary and shall include payment of an appeal filing fee in the amount of \$100, plus actual costs incurred by the Township such as a court reporter's appearance fee or advertising costs, with said filing fee and/or such other amounts subject to being revised from time to time by resolution of the Board of Supervisors. Upon the timely filing of such appeal the Board of Supervisors shall hold or cause to be held a Local Agency Law hearing. The body holding the Local Agency Law hearing may affirm, modify or reverse the decision appealed from and may impose, as part of its decision, any conditions and safeguards necessary in order to protect the public health, safety and welfare or to protect private or public property and to promote the objectives of this Chapter. The body issuing the decision may, as part of its decision, adjudicate constitution law issues and shall apply and interpret this Chapter so as to avoid a taking of property or other constitutional violation.
2. The Board of Supervisors upon written appeal filed with it in accordance with the appeal filing requirements set forth above may grant relief from any requirement herein or full compliance with the requirements, due to unique physical conditions of the land, where full compliance is not reasonably possible and would not permit reasonable use of the property and where waiving the requirements will not result in significant adverse environmental consequences, damage or danger to other property or violation of other applicable laws, provided that no such relief or waiver shall be granted unless approved by the Township Engineer.

(Ord. 404, 3/2/2005, Art. VIII, §805)