Model Stormwater Management Ordinance

Clarion County
Stormwater Management Plan

Adopted May 2011

Amended August 2012

STORMWATER MANAGEMENT MODEL ORDINANCE

Implementing the Requirements of the

Clarion County Stormwater Management Plan

ORDINANCE NO. _____ OF_____

_____, CLARION COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on
_____, 20_____

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ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the "***Municipality*** Stormwater Management Ordinance."

Section 102. Statement of Findings

The governing body of ***Municipality*** finds that:

A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.

B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of Municipality, their resources, and the environment.

C. 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 streambeds 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.

D. Stormwater is an important water resource which provides 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 issues.

F. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain 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.

Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within ***[Municipality]***, Clarion County, by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance through provisions intended to:

A. Meet legal water quality requirements under state law, including regulations at 25 PA Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the Waters of the Commonwealth.

B. Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.

C. Preserve the natural drainage systems as much as possible.

D. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.

E. Maintain existing flows and quality of streams and watercourses.

F. Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.

G. Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.

H. Provide procedures, performance standards, and design criteria for stormwater planning and management.

I. Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and Best Management Practices (BMPs) that are constructed and implemented.

Section 104. Statutory Authority

A. Primary Authority: ***[Municipality]*** is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), 32 P.S. Section 680.1 et seq., as amended, the "Storm Water Management Act", and the ***[applicable Municipal Code]***.

B. Secondary Authority: ***[Municipality]*** also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

Section 105. Applicability

This Ordinance shall apply to all areas of ***[Municipality]***, any Regulated Activity within ***[Municipality]***, and all stormwater runoff entering into ***[Municipality's]*** separate storm sewer system from lands within the boundaries of ***[Municipality]***.

Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements.

"Regulated Activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. "Regulated Activities" include, but are not limited to, the following listed items:

A. Land Development including associated grading and earth disturbance
B. Subdivision
C. Construction of new or additional impervious or semi-pervious surfaces
D. Construction of new buildings or additions to existing buildings
E. Diversion or piping of any natural or man-made stream channel
F. Installation of stormwater management facilities or appurtenances thereto
G. Installation of stormwater BMPs

See Section 302 of this Ordinance for Exemption/Modification Criteria.

Section 106. Repealer

Any ordinance, ordinance provision(s), or regulation of ***[Municipality]*** inconsistent with any of the provision(s) of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section(s) or provision(s) of this Ordinance invalid, such decision shall not affect the validity of any of the remaining section(s) or provision(s) of this Ordinance.

Section 108. Compatibility with Other Ordinance Requirements

Approvals issued and actions taken pursuant to this Ordinance do not relieve the Applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Ordinance shall be followed.

Section 109. Duty of Persons Engaged in the Development of Land

Notwithstanding any provision(s) of this Ordinance, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

Section 110. Municipal Liability Disclaimer

A. Neither the granting of any approval under this Ordinance, nor the compliance with the provisions of this Ordinance, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law nor impose any liability upon the Municipality for damages to persons or property.

B. The granting of a permit which includes any storm water management facilities shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, 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 word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".

Accelerated Erosion - The removal of the surface of the land through the combined action of human activity and natural processes at a rate greater than would occur because of the natural process alone.

Agricultural Activities - Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an Agricultural Activity.

Alteration - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant - A landowner, developer, or other person who has filed an application for approval to engage in any Regulated Activities at a project site within the municipality.

Best Management Practices (BMPs) - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "non-structural" or "structural". "Non-structural" BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. "Structural" BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

Channel Erosion - The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

Cistern - An underground reservoir or tank used for storing rainwater.

Conservation District - The Clarion County Conservation District. The Clarion County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 PA Code Chapter 102.

Culvert - A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.

Dam - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 25-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems. Also see Return Period.

Designee - The agent of this municipality and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Detention Volume - The volume of runoff that is captured and released into Waters of the Commonwealth at a controlled rate.

Developer - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.

Development Site - (Site) - The specific tract of land for which a Regulated Activity is proposed. Also see Project Site.

Disturbed Area - An unstabilized land area where an Earth Disturbance Activity is occurring or has occurred.

Downslope Property Line - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed toward it.

Drainage Conveyance Facility - A stormwater management facility designed to convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

Drainageway - Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

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, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Erosion - The movement of soil particles by the action of water, wind, ice, or other natural forces.

Erosion and Sediment Pollution Control Plan - A plan which is designed to minimize accelerated erosion and sedimentation.

Exceptional Value Waters - Surface waters of high quality, which satisfies PA Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(b) (relating to anti-degradation).

Existing Conditions - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land and not forested, the land use shall be considered as "meadow" unless the natural land cover is documented to generate lower Curve Numbers.

FEMA - The Federal Emergency Management Agency.

Flood - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other Waters of the Commonwealth.

Flood Fringe - The remaining portions of the 100-year floodplain outside of the floodway boundary.

Floodplain - Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - mapped as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a 100-year flood. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA.

Forest Management/Timber Operations - Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

Freeboard - A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a tank, pond or basin.

Grade - A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.

(To) Grade - To finish the surface of a roadbed, top of embankment or bottom of excavation.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

High Quality Waters - Surface water having quality, which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying PA Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(a).

Hydrologic Soil Group (HSG) - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into one of four HSG (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report from the local NRCS office or the County Conservation District.

Impervious Surface (Impervious Area) - A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) include, but is not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, paved parking or driveway areas, and any new paved streets and sidewalks. Any proposed surface areas of gravel or crushed stone that may be subject to vehicle traffic shall be considered to be impervious.

Impoundment - A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

Infiltration Structures - A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, etc.).

Inlet - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Land Development (Development) - (i) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) Any subdivision of land; (iii) Development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

Low Impact Development (LID) - an approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.

Manning Equation (Manning Formula) - A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

Municipality - ***[Municipality]***, Clarion County, Pennsylvania.

National Pollutant Discharge Elimination System (NPDES) - The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

NOAA Atlas 14: - Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, US Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at Internet address http://hdsc.nws.noaa.gov/hdsc/pfds/.

Non-point Source Pollution - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NRCS - Natural Resource Conservation Service (previously Soil Conservation Service (SCS)).

Open Channel - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

Outfall - (i) Point where water flows from a conduit, stream, or drain; (ii) "Point Source" as described in 40 CFR § 122.2 at the point where the Municipality's storm sewer system discharges to surface Waters of the Commonwealth.

Outlet - Points of water disposal from a stream, river, lake, tidewater, or artificial drain.

PADEP - The Pennsylvania Department of Environmental Protection.

Parking Lot Storage - Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.

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.

Pervious Area - Any area not defined as impervious.

Pipe - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

Planning Commission - The Planning Commission of ***[Municipality]***.

Point Source - Any discernible, confined, or 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 Pennsylvania Code § 92.1.

Probable Maximum Flood (PMF) - The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

Project Site - The specific area of land where any Regulated Activities in the Municipality are planned, conducted, or maintained.

Qualified Professional - Any person qualified to perform the work required by the Ordinance.

Redevelopment - Earth disturbance activities on land, which has previously been developed.

Regulated Activities - Any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

Regulated Earth Disturbance Activity - Activity involving Earth Disturbance subject to regulation under 25 PA Code Chapter 92, Chapter 102, or the Clean Streams Law.

Release Rate - The percentage of pre-development peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

Retention Basin - An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Retention Volume/Removed Runoff - The volume of runoff that is captured and not released directly into the surface Waters of this Commonwealth during or after a storm event.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five years; or stated in another way, the probability of a 25-year storm occurring in any one given year is 0.04 (i.e. a 4% chance).

Riparian Buffer - A vegetated area bordering perennial and intermittent streams and wetlands, that serves as a protective filter to help protect streams and wetlands from the impacts of adjacent land uses.

Riser - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Road Maintenance - Road maintenance activities that do not disturb the subbase of a paved road (such as milling and overlays) are not considered earth disturbance activities.

Rooftop Detention - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

Runoff - Any part of precipitation that flows over the land surface.

Runoff Capture Volume - The volume of runoff that is captured (retained) and not released into surface Waters of the Commonwealth during or after a storm event.

Sediment - Soils or other materials transported by surface water as a product of erosion.

Sediment Basin - A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by stormwater runoff.

Sediment Pollution - The placement, discharge, or any other introduction of sediment into Waters of the Commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

Sedimentation - The process by which mineral or organic matter is accumulated or deposited by the movement of water.

Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

Separate Storm Sewer System - A conveyance or system of conveyances (including roads with drainage systems, Municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

Sheet Flow - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

Soil Cover Complex Method - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

Spillway (Emergency) - A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

State Water Quality Requirements - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of that Pennsylvania Code and the Clean Streams Law.

Storage Indication Method - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm Frequency - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See also Return Period.

Storm Sewer - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

Stormwater - Runoff from the surface of the land resulting from precipitation, snow, or ice melt.

Stormwater Hotspot - A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff.

Stormwater Management Facilities - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins, open channels, storm sewers, pipes and infiltration facilities.

Stormwater Management Plan - The Clarion County Stormwater Management Plan for managing stormwater runoff in Clarion County as required by the Act of October 4, 1978, P.L. 864, (Act 167) and known as the "Storm Water Management Act".

Stormwater Management Site Plan (SWM Site Plan) - The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this Ordinance.

Stream Enclosure - A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated Waters of the Commonwealth.

Subwatershed Area - The smallest drainage unit of a watershed for which stormwater management criteria has been established in the Stormwater Management Plan.

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted {Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247}.

Swale - A low-lying stretch of land that gathers or carries surface water runoff.

Timber Operations - See "Forest Management".

Time of Concentration (T_c) - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

USDA - The United States Department of Agriculture.

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.

Waters of the Commonwealth - Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

Watershed - Area drained by a river, watercourse, or other surface water, whether natural or artificial.

Wetland - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and have identified hydric soils, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

ARTICLE III - STORMWATER MANAGEMENT STANDARDS

Section 301. General Requirements

A. For all Regulated Activities, unless specifically exempted in Section 302:

1. Preparation and implementation of an approved SWM Site Plan is required.
2. No Regulated Activities shall commence until the municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
3. The SWM Site Plan shall demonstrate that adequate capacity will be provided to meet the Volume and Rate Control Requirements, as described under Sections 304 and 305 of this Ordinance.
4. The SWM Site Plan approved by the municipality, shall be on-site throughout the duration of the Regulated Activities.

B. For all Regulated Earth Disturbance Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Earth Disturbance Activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code (including, but not limited to Chapter 102 Erosion and Sediment Control) and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.

C. For all Regulated Activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law.

D. The municipality may approve measures for meeting the State Water Quality Requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with state law, including, but not limited to, the Clean Streams Law.

E. All Regulated Activities shall include, to the maximum extent practicable, measures to:

1. Protect health, safety, and property.
2. Meet the water quality goals of this Ordinance by implementing measures to:
    a. Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
    b. Create, maintain, or extend riparian buffers and protect existing forested buffers.
    c. Provide trees and woodlands adjacent to impervious areas whenever feasible.
    d. Minimize the creation of impervious surfaces and the degradation of Waters of the Commonwealth and promote groundwater recharge.
    e. Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
    f. Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
    g. Avoid erosive flow conditions in natural flow pathways.
    h. Minimize soil disturbance and soil compaction.
    i. Minimize thermal impacts to Waters of the Commonwealth.
    j. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible and decentralize and manage stormwater at its source.

F. Impervious Areas:
    1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.

2. For developments taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.

G. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
   1. Applicant must provide an easement for proposed concentrated flow across adjacent properties to a drainage way or public right-of-way.
   2. Such stormwater flows shall be subject to the requirements of this ordinance.

H. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.

I. Where watercourses traverse a development site, drainage easements (with a minimum width of 20 feet and include the 100-year water surface) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement.

J. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainage ways shall be subject to approval by PADEP under regulations at 25 PA Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by PADEP, through the General Permit process.

K. Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this Ordinance, that will be located in or adjacent to Waters of the Commonwealth (including wetlands), shall be subject to approval by PADEP under regulations at 25 PA Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by PADEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PADEP.

L. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.

M. Any stormwater management facilities regulated by this Ordinance that will be located on, or discharged onto State highway rights-of-ways shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).

N. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions and geology permit, to reduce the size or eliminate the need for detention facilities.

O. Infiltration BMPs should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.

P. The design of facilities over karst shall include an evaluation and implementation of measures to minimize adverse effects.

Q. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where it is advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then the Municipality shall permit it on a case-by-case basis.

R. Applicants are encouraged to use Low Impact Development Practices to reduce the costs of complying with the requirements of this Ordinance and the State Water Quality Requirements.

S. When stormwater management facilities are proposed within 1,000 feet of a downstream Municipality, the Developer shall notify the downstream Municipality and provide a copy of the SWM Plan, if requested, for review and comment.

Section 302. Exemptions

A. Under no circumstance shall the Applicant be exempt from implementing such measures as necessary to:
   1. Meet State Water Quality Standards and Requirements.
   2. Protect health, safety, and property.
   3. Meet special requirements for High Quality (HQ) and Exceptional Value (EV) watersheds.

B. The Applicant must demonstrate that the following BMPs are being utilized to the maximum extent practicable to receive consideration for the exemptions:

   1. Design around and limit disturbance of Floodplains, Wetlands, Natural Slopes over 15%, existing native vegetation, and other sensitive and special value features.
   2. Maintain riparian and forested buffers.
   3. Limit grading and maintain non-erosive flow conditions in natural flow paths.
   4. Maintain existing tree canopies near impervious areas.
   5. Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.
   6. Direct runoff to pervious areas.

C. The Applicant must demonstrate that the proposed development/additional impervious area will not adversely impact the following:

   1. Capacities of existing drainageways and storm sewer systems.
   2. Velocities and erosion.
   3. Quality of runoff if direct discharge is proposed.
   4. Existing known problem areas.
   5. Safe conveyance of the additional runoff.
   6. Downstream property owners.

D. An Applicant proposing Regulated Activities, after demonstrating compliance with Sections 302.A, 302.B, and 302.C, may be exempted from various requirements of this Ordinance according to the following table:

New Impervious Area[1,2] (square footage)	Applicant Must Provide
0 – 5,000	Small Project SWM Application (Appendix B)[3]
> 5,000	Rate Controls, Volume Controls & SWM Site Plan

NOTES:

[1]New Impervious Area since the date of Adoption of this Ordinance.

[2]Gravel in existing condition may be considered pervious and gravel in proposed condition that is exposed to vehicle traffic shall be considered impervious. All municipal roadways are considered impervious.

[3]The Small Project Stormwater Management Application in Appendix B shall be submitted by the applicant to the Municipality as a condition of eligibility for the exemptions listed in the above table for projects under 5000sq.ft. or for single family home construction. The Small Project SWM Application after approval by the Municipality satisfies the requirement for demonstrating compliance with Sections 302.A, 302.B, and 302.C and for documentation of new impervious surface.

E. Construction of new Single Family Dwellings are exempt from the SWM Site Plan submission requirements of this ordinance provided the construction:
   1. Complies with Sections 301.G, 302.A, 302.B, 302.C, and
   2. Have building setback 75 feet from downstream property lines, and
   3. Driveways:
      a. Runoff must discharge onto a pervious surface with a gravel strip or other spreading device or provide other sheet flow to pervious areas.
      b. No more than 1,000 square feet of paved surface may discharge to any one point.
      c. The length of flow on the pervious must exceed the length of the paved surface flow.
   4. The Small Project Stormwater Management Application included in Appendix B must be provided to demonstrate eligibility for this exemption.

F. The municipality may require more information or require mitigation of certain impacts through installation of stormwater management BMP's if there is a threat to property, health, or safety.

G. An Applicant proposing Regulated Activities, after demonstrating compliance with Sections 302.A, 302.B, and 302.C, may be exempted from various requirements of this Ordinance if documentation can be provided that a downstream man-made water body (i.e., reservoir, lake, or man-made wetlands) has been designed or modified to address the potential stormwater flooding impacts of the proposed development.

H. The purpose this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the Applicant has a single and clear set of stormwater management standards to which the Applicant is subject. The Municipality may accept alternative stormwater management controls under this section provided that:

   1. The Municipality determines that meeting the Volume Control requirements (See Section 304) is not possible or places an undue hardship on the Applicant.
   2. The alternative controls are documented to be acceptable for NPDES requirements pertaining to post construction stormwater management requirements.
   3. The alternative controls are in compliance with all other sections of this ordinance, including but not limited to Sections 301.D and 302.A-C.

I. Agricultural activities are exempt from requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code Chapter 102.

J. Forest management and timber operations are exempt from the Rate and Volume Control requirement and SWM Site Plan preparation requirement of this Ordinance provided the activities are performed according to the requirements of 25 PA Code Chapter 102. It should be noted that temporary roadways are not exempt.

K. The municipality may deny or revoke any exemption or waiver pursuant to this Article at any time for any project that the municipality believes may pose a threat to public health, safety, property or the environment.

Section 303. Waivers

A. The provisions of this Ordinance are the minimum standards for the protection of the public welfare.

B. All waiver requests must meet the provisions of Section 303.G. and H. Waivers shall not be issued from implementing such measures as necessary to:

1. Meet State Water Quality Standards and Requirements.
2. Protect health, safety, and property.
3. Meet special requirements for High Quality (HQ) and Exceptional Value (EV) watersheds.

Municipalities will then consider waivers in accordance with Section 301.D.

C. If an Applicant demonstrates to the satisfaction of the governing body of the Municipality that any mandatory provision of this Ordinance is unreasonable or causes unique or undue unreasonableness or hardship as it applies to the proposed Project, or that an alternate design may result in a superior result within the context of Section 102 and 103 of this Ordinance, the governing body of the Municipality upon obtaining the comments and recommendations of the Municipal Engineer may grant a waiver or relief so that substantial justice may be done and the public interest is secured; provided that such waiver will not have the effect of nullifying the intent and purpose of this Ordinance.

D. The Applicant shall submit all requests for waivers in writing and shall include such requests as a part of the plan review and approval process. The Applicant shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance that are involved, and the minimum waiver or relief that is necessary. The Applicant shall state how the requested waiver and how the Applicant's proposal shall result in an equal or better means of complying with the intent or Purpose and general principles of this Ordinance.

E. The Municipality shall keep a written record of all actions on waiver requests.

F. The Municipality may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The Applicant shall also agree to reimburse the Municipality for reasonable and necessary fees that may be incurred in any review of a waiver request.

G. In granting waivers, the Municipality may impose reasonable conditions at will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.

H. The Municipality may grant applications for waivers when the following findings are made, as relevant:

1. That the waiver shall result in an equal or better means of complying with the intent of this Ordinance.
2. That the waiver is the minimum necessary to provide relief.
3. That the applicant is not requesting a waiver based on cost considerations.
4. That existing down gradient stormwater problems will not be exacerbated.
5. That increased flooding or ponding on off-site properties or roadways will not occur.
6. That potential icing conditions will not occur.

7. That increase of peak flow or volume from the site will not occur.
8. That erosive conditions due to increased peak flows or volume will not occur.
9. That adverse impact to water quality will not result.
10. That increased 100-Year Floodplain levels will not result.
11. That increased or unusual municipal maintenance expenses will not result from the waiver.
12. That the amount of stormwater generated has been minimized to the greatest extent allowed.
13. That infiltration of runoff throughout the proposed site has been provided where practicable and pre-development ground water recharge protected.
14. That peak flow attenuation of runoff has been provided.
15. That long term operation and maintenance activities are established.
16. That the receiving streams and/or water bodies will not be adversely impacted in flood carrying capacity, aquatic habitat, channel stability and erosion and sedimentation.

Section 304. Volume Controls

A. The Low Impact Development Practices provided in the BMP Manual shall be utilized for all Regulated Activities to the maximum extent practicable.

B. Stormwater runoff Volume Controls shall be implemented using the *Design Storm Method* as defined below.

1. The *Design Storm Method* (CG-1 in the BMP Manual) is applicable to any sized Regulated Activity. This method requires detailed modeling based on site conditions.

    a. Do not increase the post-development total runoff volume when compared to the pre-development total runoff volume for the 2-year/24-hour storm event.
    b. For hydrologic modeling purposes:
        i. Existing non-forested pervious areas must be considered meadow (good condition) for pre-development hydrologic calculations.
        ii. Twenty (20) percent of existing impervious area, when present within the proposed project site, shall be considered meadow (good condition) for pre-development hydrologic calculations for re-development.

C. The applicable Worksheets from the BMP Manual must be used in calculations to establish Volume Control.

Section 305. Rate Controls

A. Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year storms.

Section 306. Sensitive Areas and Stormwater Hotspots

A. Sensitive areas and water quality sensitive developments as defined below which require special consideration with regard to stormwater management.

1. Sensitive areas are defined as those areas that, if developed, have the potential to endanger a water supply. These areas consist of the delineated 1-year zone of contribution and direct upslope areas tributary to the water supply wells. Municipalities may update the sensitive area boundaries based on new research or studies as required.
2. Stormwater Hotspots are defined as a land development project that has a high potential to endanger local water quality, and could potentially threaten ground water reservoirs. The Municipal Engineer will determine what constitutes these classifications on a case-by-case basis. The PADEP wellhead protection contaminant source list shall be used as a guide in these determinations. Industrial manufacturing site and hazardous material storage areas must provide NPDES SIC codes.

B. Performance Standards

1. The location of the boundaries of sensitive areas is set by drainage areas tributary to any public water supply. The exact location of these boundaries as they apply to a given development site, shall be determined using mapping at a scale which accurately defines the limits of the sensitive area. If the project site is within the sensitive area (in whole or in part), 2-foot contour interval mapping shall be provided to define the limits of the sensitive area. If the project site is adjacent to but within 500 linear feet of a defined Sensitive Area, a 5-foot contour interval map defining the limits of the Sensitive Area shall be included in the Stormwater Management Plan to document the site's location relative to the sensitive area.
2. Stormwater Hotspots may be required to prepare and implement a stormwater pollution prevention plan and file notice of intent as required under the provision of the EPA Industrial Stormwater NPDES Permit Requirements.
3. Stormwater Hotspots must use an acceptable pre-treatment BMP prior to volume control and/or rate control BMPs. Acceptable pre-treatment BMPs for these developments include those based on filtering, settling, or chemical reaction processes such as coagulation.

ARTICLE IV - E&S STANDARDS

Section 401. Erosion and Sedimentation Requirements During Earth Disturbance Activities

A. The applicant shall meet requirements as contained in 25 PA Code, Chapters 92 and 102 as required and applicable as follows:

1. The implementation and maintenance of erosion and sediment control BMPs.
2. Development of written plans.
3. Submission of plans for approval.
4. Obtaining Erosion and Sediment Control and NPDES permits.
5. Maintaining plans and permits on site.

B. Evidence of any necessary plan or permit approval for Earth Disturbance activities from the Clarion County Conservation District must be provided to the Municipality.

C. A copy of the approved Erosion and Sediment Control Plan and any other permit, as required by PADEP or the Clarion County Conservation District, shall be available at the project site at all times if required under Chapter 102.

D. Construction of temporary roadways (e.g., for utility construction, timber harvesting, etc.) shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 PA Code, Chapters 102 and 105. The Erosion and Sedimentation Control Plan shall be submitted to the Clarion County Conservation District for approval.

ARTICLE V - DESIGN CRITERIA

Section 501. Design Criteria for Stormwater Management & Drainage Facilities

A. General Design Guidelines:

1. Stormwater shall not be transferred from one watershed to another, unless (1) the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property; (2) the effect of the transfer does not alter the peak rate discharge onto adjacent lands; or (3) easements from the affected landowner(s) are provided.

2. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a pre-development flow type condition.

3. Innovative stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, drywells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PADEP, provided they are accompanied by detailed engineering plans and performance capabilities and supporting site specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Municipal Engineer (a pre-application meeting is suggested).

4. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.

5. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Municipality shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the Plan.

6. The design and construction of multiple use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should, where appropriate, allow for recreational uses including ball fields, play areas, picnic grounds, etc. Consultation with the Municipality, and prior approval are required before design. Provision for permanent wet ponds with stormwater management capabilities may also be appropriate.

    a. Multiple use basins should be constructed so that potentially dangerous conditions are not created.
    b. Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.

7. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.

The following stormwater management design criteria provide a compilation of components recommended for effective stormwater management. The criteria reflect a moderate level of restrictions in its standards and are based on technically sound principles. The design criteria are provided to assist both municipalities and designers to implement good stormwater management systems.

B. Stormwater Carrying Facilities:

1. All storm sewer pipes, grass waterways, open channels, swales and other stormwater carrying facilities that service drainage areas within the site must be able to convey post-development runoff from the 10-year design storm.

2. Stormwater management facilities that convey off-site water through the site shall be designed to convey the 25-year storm event (or larger events, as determined by the Municipal Engineer).

3. Storm Sewers:

    a. Storm sewers must be able to convey post-development runoff without surcharging inlets for the 10-year storm event.

    b. When connecting to an existing storm sewer system, the Applicant must demonstrate that the proposed system will not exacerbate any existing stormwater problems and that adequate downstream capacity exists.

    c. Inlets, manholes, pipes, and culverts shall be constructed in accordance with the specifications set forth in PENNDOT's Publication 408, and as detailed in the PENNDOT's Publication 72M - Standards for Roadway Construction (RC) or other detail approved by the Municipal Engineer. All material and construction details (inlets, manholes, pipe trenches, etc.), must be shown on the SWM Site Plan, and a note added that all construction must be in accordance with PENNDOT's Publication 408 and PENNDOT's Publication 72M, latest edition. A note shall be added to the plan stating that all frames, concrete top units, and grade adjustment rings shall be set in a bed of full mortar according to Publication 408.

    d. All storm sewer pipes shall be laid to a minimum depth of 1 foot from subgrade to the crown of pipe.

    e. Outlet protection and energy dissipaters shall be provided at all surface discharge points in order to minimize erosion consistent with the E&S Manual.

        i. Flow velocities and volumes from any storm sewer shall not result in a degradation of the receiving channel.

    f. Stormwater roof drains and pipes shall not be connected to storm sewers or discharge onto impervious areas without approval by the Municipal Engineer.

4. Swale Conveyance Facilities:
    a. Swales must be able to convey post-development runoff from a 10-year design storm with 6 inches of freeboard to top of the swale.

    b. Swales shall have side slopes no steeper than 3:1.

c. All swales shall be designed, labeled on the SWM Site Plan, and details provided to adequately construct and maintain the design dimension of the swales.

Section 502. Calculation Methodology

A. All calculations shall be consistent with the guidelines set forth in the BMP Manual, with the following amendments.

B. Stormwater runoff from all development sites shall be calculated using the NRCS Rainfall-Runoff Methodology. Other methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site and approved by the Municipal Engineer.

C. Rainfall Values:

1. NRCS Rainfall-Runoff Method – The Soil Conservation Service Type II, 24-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the following table:

Return Interval (Year)	24-hour Rainfall Total (inches)
1	2.09
2	2.49
10	3.50
25	4.14
50	4.67
100	5.22

D. Runoff Volume:

1. Rational Method – Not to be used to calculate runoff volume.

2. NRCS Rainfall-Runoff Method – This method shall be used to estimate the change in volume due to Regulated Activities. Combining Curve Numbers for land areas proposed for development with Curve Numbers for areas unaffected by the proposed development into a single weighted curve number is NOT acceptable.

E. Peak Flow Rates:

1. NRCS Rainfall-Runoff Method – This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provides guidance on the model applicability:

   a. NRCS's TR-55 – limited to 100 acres in size
   b. NRCS's TR-20 or HEC-HMS – no size limitations
   c. Other models as pre-approved by the Municipal Engineer

   The NRCS antecedent runoff condition II (ARC II, previously AMC II) must be used for all simulations. The use of continuous simulation models that vary the ARC are not permitted for stormwater management purposes.

2. For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).

F. Runoff Coefficients:

1. NRCS Rainfall-Runoff Method – Curve Numbers (CN) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CN's should realistically be rounded to the nearest whole number.

2. For the purposes of pre-development peak flow rate and volume determination, existing non-forested pervious areas conditions shall be considered as meadow (good condition).

3. For the purposes of pre-development peak flow rate and volume determination, 20 percent of existing impervious area, when present, shall be considered meadow (good condition).

G. Design Storm:

1. All stormwater management facilities shall be verified by routing the proposed 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year hydrographs through the facility using the storage indication method or modified puls method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.

2. The stormwater management and drainage system shall be designed to safely convey the post development 100-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.

3. All structures (culvert or bridges) proposed to convey runoff under a Municipal road shall be designed to pass the 50-year design storm with a minimum 1 foot of freeboard measured below the lowest point along the top of the roadway.

H. Where uniform flow is anticipated, the Manning's equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. The Manning's equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from PENNDOT's Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the 10-year design event is contained below the top of grate for each inlet box.

I. The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the Municipality.

ARTICLE VI - SWM SITE PLAN & REPORT REQUIREMENTS

Section 601. General Requirements

For any of the activities regulated by this Ordinance and not eligible for the exemptions provided in Section 302, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity, may not proceed until the Applicant has received written approval of a SWM Site Plan from the Municipality.

Section 602. SWM Site Plan & Report Contents

The SWM Site Plan & SWM Site Report shall consist of all applicable calculations, maps, and plans. 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 be rejected.

Appropriate sections from the Municipal Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plan.

A. SWM Site Plan shall include, but not be limited to:

1. Plans shall be of one size and in a form that meets the requirements for recording in the Office of the Recorder of Deeds of Clarion County.
    a. Plans for tracts of less than 20 acres shall be drawn at a scale of one inch equals no more than 50 ft.;
    b. Plans for tracts of 20 acres or more, plans shall be drawn at a scale of one inch equals no more than 100 ft;
    c. All lettering shall be drawn to a size to be legible if the plans are reduced to half size.

2. The name of the development; name and location address of the property site; name, address, and telephone number of the Applicant/Owner of the property; and name, address, telephone number, email address, and engineering seal of the individual preparing the SWM Site Plan.

3. The date of submission and dates of all revisions.

4. A graphical and written scale on all drawings and maps.

5. A north arrow on all drawings and maps.

6. A location map at a minimum scale of one (1) inch equals two-thousand (2,000) feet and illustrates the project relative to highways, municipalities or other identifiable landmarks.

7. Metes and bounds description of the entire tract perimeter.

8. Existing and final contours at intervals:

    a. Slopes less than 5%: no greater than one (1) foot;
    b. Slopes between 5 and 15%: no greater than two (2) feet;
    c. Steep slopes (greater than 15%), 5-foot contour intervals may be used.

9. Perimeters of existing waterbodies within the project area including stream banks, lakes, ponds, springs, field delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths. In addition, any areas necessary to determine downstream impacts, where required for proposed stormwater management facilities must be shown.

10. The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within fifty (50) feet of property lines including inlets, manholes, valves, meters, poles, chambers, junction boxes, and other utility system components.

11. A key map showing all existing man-made features beyond the property boundary that may be affected by the project.

12. Soil names and boundaries with identification of the Hydraulic Soil Group classification including rock outcroppings.

13. Proposed impervious surfaces (structures, roads, paved areas, and buildings), including plans and profiles of roads and paved areas and floor elevations of buildings.

14. Existing and proposed land use(s).

15. Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.

16. The location and clear identification of the nature of permanent stormwater BMPs.

17. The location of all erosion and sedimentation control facilities, shown on a separate plan from the SWM Site Plan (typically an E&S Plan).

18. A minimum twenty (20) foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Municipality or its designees access to all easements via the nearest public right-of-way.

19. Construction details for all drainage and stormwater BMPs.

20. Construction sequence.

21. Identification of short-term and long-term ownership, operations, and maintenance responsibilities.

22. Notes and Statements:

    a. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without prior approval by the Municipality.
    b. A statement referencing the Operation and Maintenance (O&M) Agreement and stating that the O&M Agreement is part of the SWM Site Plan.
    c. A note indicating that Record Drawings will be provided for all stormwater facilities prior to occupancy, or the release of the surety bond.
    d. The following signature block for the individual preparing the Stormwater Management Plan:

> "I, _____, hereby certify that the Stormwater Management Plan meets all design standards and criteria of the ***[Municipality's]*** Stormwater Management Ordinance."

e. The following signature block for the Municipal reviewer of the Stormwater Management Plan:

> "I, _____, have reviewed this Stormwater Management Plan in accordance with the Design Standards and Criteria of the ***[Municipality's]*** Stormwater Management Ordinance."

B. SWM Site Report shall include (but not limited to):

1. General data including:
   a. Project Name
   b. Project location - address of the property site
   c. Name, address, and telephone number of the Applicant/Owner of the property;
   d. Name, address, telephone number, and email address of the individual preparing the SWM Site Report;
   e. Date of submission and revisions.

2. Project description narrative that clearly discusses the project and provides the following information, where applicable:
   a. Narrative
      - Statement of the regulated activity describing what is being proposed. Overall stormwater management concept with description of permanent stormwater management techniques, including construction specifications and materials to be used for stormwater management facilities.
      - Expected project schedule
      - Location map showing the project site and its location relative to release rate districts.
      - Detailed description of the existing site conditions including a site evaluation completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
      - Total site area – pre and post, which must be equal or have an explanation as to why it is not
      - Total site impervious area
      - Total off-site areas
      - Number and description of stormwater management facilities
      - Type of development
      - Pre-development land use
      - Whether site is a water quality sensitive (WQS) development
      - Whether site is in a defined sensitive area
      - Types of water quality and recharge systems used, if applicable
      - Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
      - A written maintenance plan for all stormwater features including detention facilities and other stormwater management elements.
      - Identification of ownership and maintenance responsibility for all permanent stormwater management facilities.
      - Other pertinent information, as required

   b. Summary Tables
      - Existing conditions runoff volume & peak rate of runoff
      - Post-development runoff volume & peak rate of runoff
      - Undetained areas, areas to ponds
      - Land use for each subarea
      - Hydrologic soil group (HSG) assumptions, curve numbers (CN)

- Post-development peak rate of runoff routed to ponds and out
- Pond maximum return period design data including: maximum water surface elevation, berm elevation, and emergency spillway elevation
- Water depth and volume requirements

c. Calculations
- Complete structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.
- Details of the berm embankment and outlet structure indicating the embankment top elevation, embankment side slopes, top width of embankment, emergency spillway elevation, perforated riser dimensions, pipe barrel dimensions and dimensions and spacing of antiseep collars.
- Design computations for the control structures (pipe barrel and riser, etc).
- A plot or table of the stage-storage (volume vs. elevation) and all supporting computations.
- Routing computations.

d. Drawings
- Drainage area maps for all watersheds and inlets.
- All stormwater management facilities must be located on a plan and described in detail including easements and buffers boundaries.

3. Reports that do not clearly indicate the above information may be rejected for review by the Municipality and will be returned to the applicant.

4. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing municipal stormwater collection system that may receive runoff from the project site.

5. Description of the proposed changes to the land surface and vegetative cover including the type and amount of impervious area to be added.

6. Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.

C. Supplemental information to be provided prior to recording of the SWM Site Plan, as applicable:

1. Signed and executed Operations and Maintenance Agreement (Appendix A).
2. Signed and executed easements, as required for all on-site and off-site work.
3. An Erosion and Sedimentation Control Plan & approval letter from the Clarion County Conservation District.
4. A NPDES Permit.
5. Permits from PADEP and ACOE.
6. Geologic Assessment.
7. Soils investigation report, compaction requirements, and recommendations for construction of detention basins.
8. A Highway Occupancy Permit from PENNDOT when utilization of a PENNDOT storm drainage system is proposed or when proposed facilities would encroach onto a PENNDOT right-of-way.

Section 603. SWM Site Plan & Report Submission

A. The Applicant shall submit the SWM Site Plan & Report for the Regulated Activity.

B. Three (3) copies of the SWM Site Plan & Report shall be submitted to the Municipality accompanied by the requisite executed Review Fee Reimbursement Agreement, as specified in this Ordinance.

C. Additional copies shall be submitted as requested by the Municipality.

Section 604. SWM Site Plan & Report Review

A. The Municipality shall require receipt of a complete SWM Site Plan & Report as specified in this Ordinance. The Municipality shall review the SWM Site Plan & Report for consistency with the purposes, requirements, and intent of this Ordinance.

B. The Municipality shall not approve any SWM Site Plan & Report that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan & Report is found to be deficient, the Municipality may disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Municipality may accept submission of modifications.

C. The Municipality shall notify the Applicant in writing within forty-five (45) calendar days whether the SWM Site Plan & Report is approved or disapproved if the SWM Site Plan & Report is not part of a Subdivision or Land Development Plan. If the SWM Site Plan & Report involves a Subdivision or Land Development Plan, the timing shall following the Subdivision and Land Development process according to the Municipalities Planning Code.

D. The Municipal Building Permit Office shall not issue a building permit for any Regulated Activity if the SWM Site Plan & Report has been found to be inconsistent with this Ordinance, as determined by the Municipality.

Section 605. Modification of Plans

A. A modification to a submitted SWM Site Plan & Report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Municipality, shall require a resubmission of the modified SWM Site Plan in accordance with this Ordinance.

Section 606. Resubmission of Disapproved SWM Site Plan & Report

A. A disapproved SWM Site Plan & Report may be resubmitted with the revisions addressing the Municipality's concerns documented in writing, to the Municipality in accordance with this Ordinance. The applicable Municipal Review Fee must accompany a resubmission of a disapproved SWM Site Plan & Report.

Section 607. Authorization to Construct and Term of Validity

A. The Municipality's approval of a SWM Site Plan & Report authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Municipality may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Municipality signs the approval for a SWM Site Plan. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if a Record Drawing of these facilities has not been approved within this time, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits or approvals.

Section 608. Record Drawings, Completion Certificate and Final Inspection

A. The Applicant shall be responsible for providing Record Drawings of all stormwater BMPs included in the approved SWM Site Plan. The Record Drawing and an explanation of any discrepancies with the

approved SWM Site Plan shall be submitted to the Municipality as a prerequisite for the release of the guarantee or issuance of an occupancy permit.

B. The Record Drawing shall include a certification of completion signed by a Qualified Professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM Site Plan & Report.
    1. Drawings shall show all approved revisions and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.
    2. Submission shall include a comparison of the constructed stage-storage (volume vs. elevation) of all above ground and below ground stormwater storage facilities to the approved design.

C. After receipt of the Record Drawing and certification of completion by the Municipality, the Municipality may conduct a final inspection.

ARTICLE VII - EASEMENTS

Section 701. Easements

A. Easements shall be established to accommodate the existence of drainageways.

B. Where a tract is traversed by a watercourse, drainage-way, channel or stream, there shall be provided an easement paralleling the line of such watercourse, drainage-way, channel or stream with a width adequate to preserve the unimpeded flow of natural drainage in the 100-year floodplain.

C. Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to: detention facilitates (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).

D. Easements are required for all areas used for off-site stormwater control.

E. All easements shall be a minimum of 20 feet wide and shall encompass the 100-year surface elevation of the proposed stormwater facility.

F. Easements shall provide ingress to, and egress from, a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Municipality or its designees access to all easements via the nearest public right-of-way able for vehicle ingress and egress on grades of less than 10% for carrying out inspection or maintenance activities.

G. Where possible, easements shall be centered on side and/or rear lot lines.

H. Nothing shall be planted or placed within the easement which would adversely affect the function of the easement, or conflict with any conditions associated with such easement.

I. All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan. The format and content of the easement agreement shall be reviewed and approved by the Municipality and its Solicitor.

ARTICLE VIII - MAINTENANCE RESPONSIBILITIES

Section 801. Financial Guarantee

A. The Municipality can request a Financial Guarantee for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance, equal to 110% of the full construction cost of the required controls in accordance with the Municipalities Planning Code.

B. At the completion of the project and as a prerequisite for the release of the Financial Guarantee, the Applicant shall:

1. Provide a certification of completion from an engineer, architect, surveyor or other qualified person, verifying that all permanent facilities have been constructed according to the SWM Site Plan & Report and approved revisions thereto.

2. Provide a set of Record Drawings.

3. Request a final inspection from the Municipality to certify compliance with this Ordinance, after receipt of the certification of completion and Record Drawings by the Municipality.

Section 802. Maintenance Responsibilities

A. The SWM Site Plan & Report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.

B. The SWM Site Plan & Report for the project site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals:

1. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Municipality, stormwater control facilities/BMPs may also be dedicated to and maintained by the Municipality.

2. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the owner or private management entity.

3. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.

4. The SWM Site Plan & Report shall be recorded as a restrictive deed covenant that runs with the land.

5. The Municipality may take enforcement actions against an Applicant for failure to satisfy any provision of this Ordinance.

C. The Municipality shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan & Report. The Municipality may require 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 ownership and operating responsibility for any portion of the stormwater management controls.

D. If the Municipality accepts ownership of stormwater BMPs, the Municipality may, at its discretion, require a fee from the Applicant to the Municipality to offset the future cost of inspections, operations, and maintenance.

E. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM Site Plan, or to allow the property to remain in a condition, which does not conform to an approved SWM Site Plan, unless the Municipality grants an exception in writing.

Section 803. Maintenance Agreement for Privately Owned Stormwater Facilities

A. Prior to final approval of the SWM Site Plan & Report, the Applicant shall sign the Operation and Maintenance (O&M) Agreement (Appendix A) covering all stormwater control facilities that are to be privately owned. The Operation and Maintenance (O&M) Agreement shall be recorded with the SWM Site Plan and made a part hereto.

B. Other items may be included in the Operation and Maintenance (O&M) Agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The Operation and Maintenance (O&M) Agreement shall be subject to the review and approval of the Municipality and the Municipal Solicitor.

C. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the Operation and Maintenance (O&M) Agreement, the Municipality may perform the services required and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property.

ARTICLE IX - INSPECTIONS

Section 901. Schedule of Inspections

A. The Municipality or its assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.

B. During any stage of Earth Disturbance Activities, if the Municipality determines that the stormwater management facilities are not being installed in accordance with the approved SWM Site Plan, the Municipality shall revoke any existing permits or approvals until a revised SWM Site Plan is submitted and approved as specified in this Ordinance.

C. Stormwater BMPs shall be inspected by the landowner, or the landowner's designee according to the inspection schedule described on the SWM Site Plan for each BMP.

1. The Municipality may require copies of the inspection reports, in a form as stipulated by the Municipality.

2. If such inspections are not conducted or inspection reports not submitted as scheduled, the Municipality, or its designee, may conduct such inspections and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property.

a. Prior to conducting such inspections, the Municipality shall inform the owner of its intent to conduct such inspections. The owner shall be given thirty (30) days to conduct required inspections and submit the required inspection reports to the Municipality.

Section 902. Right of Entry

A. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times, upon any property within the Municipality, to inspect the implementation, condition, or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this Ordinance.

B. Stormwater BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.

C. Persons working on behalf of the Municipality shall have the right to temporarily locate on any stormwater BMP in the Municipality such devices, as are necessary, to conduct monitoring and/or sampling of the discharges from such stormwater BMP.

D. Unreasonable delay in allowing the Municipality access to a stormwater BMP is a violation of this Ordinance.

ARTICLE X - ENFORCEMENT AND PENALTIES

Section 1001. Notification

A. In the event that a person fails to comply with the requirements of this Ordinance, an approved SWM Site Plan, or fails to conform to the requirements of any permit or approval issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).

B. Failure to comply within the time specified shall subject such person to the Penalties Provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

Section 1002. Enforcement

A. The municipal governing body is hereby authorized and directed to enforce all of the provisions of this Ordinance. The approved SWM Site Plan shall be on file at the project site throughout the duration of the construction activity. The Municipality or its designee may make periodic inspections during construction.

B. Adherence to Approved SWM Site Plan

1. It shall be unlawful for any person, firm, or corporation to undertake any Regulated Activity on any property except as provided for by an approved SWM Site Plan and pursuant to the requirements of this Ordinance.

2. It shall be unlawful to alter or remove any control structure required by the SWM Site Plan pursuant to this Ordinance.

3. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM Site Plan.

Section 1003. Public Nuisance

A. A 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.

Section 1004. Suspension and Revocation

A. Any approval or permit issued by the Municipality may be suspended or revoked for:

1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or Operation & Maintenance (O&M) Agreement.

2. A violation of any provision of this Ordinance or any other applicable law, Ordinance, rule or regulation relating to the Regulated Activity.

3. The creation of any condition or the commission of any act, during the Regulated Activity which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.

B. A suspended approval or permit may be reinstated by the Municipality when:

1. The Municipality or its designee has inspected and approved the corrections to the violation(s) that caused the suspension.

2. The Municipality is satisfied that the violation(s) has been corrected.

C. An approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new approval under the provisions of this Ordinance.

Section 1005. Penalties

[Municipalities should ask their solicitors to provide appropriate wording for this section.]

A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense and upon conviction, shall be subject to a fine of not more than $ ____ for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

B. In addition, the Municipality, through its solicitor, may 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 appropriate forms of remedy or relief.

Section 1006. Appeals

A. Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Ordinance, may appeal to the Municipality within thirty (30) days of that action.

B. Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Ordinance, may appeal to the Clarion County Court of Common Pleas within thirty (30) days of the Municipality's decision.

ARTICLE XI - PROHIBITIONS

Section 1101. Prohibited Discharges and Connections

A. Any drain (including indoor drains and sinks), or conveyance whether on the surface or underground, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system or Waters of the Commonwealth is prohibited.

B. Any drain or conveyance connected from a commercial or industrial land use to the Municipality's separate storm sewer system, which has not been documented in plans, maps, or equivalent records, and approved by the Municipality is prohibited.

C. No person shall allow, or cause to allow, discharges into the Municipality's separate storm sewer system or into surface Waters of the Commonwealth, which are not composed entirely of stormwater, except: (1) as provided in subsection 1301.D below, and (2) discharges allowed under a state or federal permit.

D. The following discharges are authorized unless they are determined to be significant contributors to pollution to the Waters of the Commonwealth:

-Discharges from fire fighting activities
-Potable water sources including dechlorinated water line and fire hydrant flushings
-Irrigation drainage
-Air conditioning condensate
-Springs
-Water from crawl space pumps
-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
-Flows from riparian habitats and wetlands
-Uncontaminated water from foundations or from footing drains
-Lawn watering
-Dechlorinated swimming pool discharges
-Uncontaminated groundwater
-Water from individual residential car washing
-Routine external building washdown (which does not use detergents or other compounds)

E. In the event that the Municipality determines that any of the discharges identified in subsection 1301.D, significantly contribute to pollution of Waters of the Commonwealth, the Municipality will notify the responsible person(s) to cease the discharge.

F. Upon notice provided by the Municipality, the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge, consistent with the degree of pollution caused by the discharge.

G. Nothing in this Section shall affect a discharger's responsibilities under Commonwealth Law.

Section 1102. Roof Drains

A. Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

Section 1103. Alteration of BMPs

A. No person shall modify, remove, fill, landscape, or alter any existing stormwater BMP, facilities, areas, or structures unless it is part of an approved maintenance program, without the written approval of the Municipality.

B. No person shall place any structure, fill, landscaping, or vegetation into a stormwater BMP, facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the Municipality.

ARTICLE XII - FEES AND EXPENSES

Section 1201. General

A. The fee required by this Ordinance is the Municipal Review Fee. The Municipal Review Fee shall be established by the Municipality to defray review costs incurred by the Municipality. The Applicant shall pay all fees.

Section 1202. Expenses Covered by Fees

A. The fees required by this Ordinance shall, at a minimum, cover:

1. Administrative and Clerical Costs.
2. Review of the SWM Site Plan & Report by the Municipality.
3. Pre-construction meetings.
4. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
5. Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM Site Plan.
6. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

Section 1203. Recording of Approved SWM Site Plan and Related Agreements

A. The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM Site Plan, shall record the following documents in the Office of the Recorder of Deeds of Clarion County, within (__) days of approval of the SWM Site Plan by the Municipality:

1. The SWM Site Plan.
2. Operations and Maintenance (O&M) Agreement (Appendix A).
3. Easements under Section 901.
4. Riparian buffers under Section 602.

B. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

(ORDINANCE NAME)

(ORDINANCE NUMBER)

ENACTED and ORDAINED at a regular meeting of the

_____

on this _____ day of _____, 20_____.

This Ordinance shall take effect immediately.

_____
(Name) (Title)

_____
(Name) (Title)

_____
(Name) (Title)

ATTEST:

_____
Secretary

I hereby certify that the foregoing Ordinance was advertised in the [name of newspaper] on [date], a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of the [name of municipal governing body] held on [date].

_____
Secretary

APPENDIX A - OPERATION AND MAINTENANCE AGREEMENT

OPERATION AND MAINTENANCE (O&M) AGREEMENT
STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)

THIS AGREEMENT, made and entered into this _____ day of _____, 20___, by and between _____, (hereinafter the "Landowner"), and _____, Clarion County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Clarion County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the SWM Site Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the SWM Site Plan, that stormwater BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the approved SWM Site Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents, and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMPs. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMPs by the Landowner or Municipality.

8. The Municipality may inspect the BMPs at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Clarion County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

_____

For the Landowner:

_____

ATTEST:

_____ (City, Borough, Township)

County of Clarion, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20_____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20_____, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 20_____.

_____ _____

NOTARY PUBLIC **(SEAL)**

APPENDIX B – SMALL PROJECT SWM APPLICATION

[Municipality]
Small Project Stormwater Management Application

Per [municipality]'s Act 167 Stormwater Management Ordinance, a stormwater management plan is required whenever more than 5,000 square feet of impervious surface is proposed. Impervious surfaces are areas that prevent the infiltration of water into the ground and shall include, but not be limited to, roofs, patios, garages, storage sheds and similar structures, and any new driveways, streets or sidewalks.

To Calculate Impervious Surfaces Please Complete This Table					
Surface Type	**Length**	**X**	**Width**	**=**	**Proposed Impervious Area**
Building		x		=	
		x		=	
		x		=	
		x		=	
Driveway		x		=	
		x		=	
		x		=	
Parking Areas		x		=	
		x		=	
		x		=	
Patios/Walks		x		=	
		x		=	
		x		=	
		x		=	
Other		x		=	
		x		=	
		x		=	
Total Impervious Surface Area to be managed (sum of all areas)					

If the Total Impervious Surface Area is LESS THAN 5,000 Square Feet, read, acknowledge and sign below.

If the Total Impervious Surface Area is GREATER THAN 5,000 Square Feet, a stormwater management site plan is required.

Based Upon the information you have provided, less than 5,000 square feet of impervious surface is proposed and a ***Stormwater Management Plan IS NOT required*** for this regulated activity. However, [municipality] may request additional reporting and/or management should public health or safety or property or the environment be threatened.

Property Owner Acknowledges that submission of inaccurate information may result in a stop work order or permit revocation. Acknowledgement of such is by signature below. I declare that I am the owner or owner's legal representative. I further acknowledge that the information provided is accurate and employees of [municipality] are granted access to the above described property for review and inspection as may be required.

Owner **Date:**

_____ _____