

ORDINANCE NO. 1312**STORMWATER MANAGEMENT ORDINANCE****SECTION 1. PURPOSE**

The purpose of this Ordinance is to control stormwater in a manner consistent with the Coxes Creek Watershed Act 167 Stormwater Management Plan as adopted by Somerset County, Pennsylvania.

SECTION 2. DEFINITIONS

Accelerated Erosion – The removal of the surface of the land through the combined action of man’s activities and natural processes, at a rate greater than would occur because of the natural processes alone.

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; the changing of surface conditions by causing the surface to be more or less impervious; or, earth disturbance.

Applicant – A landowner, developer or other person who has filed an application for approval of a Drainage Plan under Section 5 of this Ordinance.

BMP (Best Management Practice) – Activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, to including but not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

Building Permit – A permit or other approval issued by the Municipality for construction and/or earth disturbance.

Channel Erosion – The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by increased rate or volume of stormwater runoff.

Conservation District – The Somerset County Conservation District.

Coxes Creek Watershed - The area bounded peripherally by water parting and draining to the main stem of Coxes Creek including subwatershed of Bromm Run, Dempsey Run, East Branch of Coxes Creek, Kimberly Run, Laurel Run, Parson Run, Rice Run, West Branch of Coxes Creek, and Wilson Creek. Refer to Exhibit A of this Ordinance for a map of the Coxes Creek Watershed.

Developer – A person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this Ordinance.

Development Site / Project Site – The specific tract of land where any land development in the Municipality is planned, conducted or maintained.

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 towards it.

Erosion – The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

Erosion & Sedimentation Control Plan (E&S Plan) - written, site-specific plan prepared in accordance with the requirements of 25 Pa Code Chapter 102 as associated with earth disturbance activities.

Existing Condition / Pre-Development Condition – The initial condition of a project site prior to the proposed development.

Forest Management Operations – Planning and activities necessary for the management of forest land. 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.

Groundwater Recharge – Replenishment of existing natural underground water supplies.

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

Land 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, leasehold, condominiums, building groups or other features; (ii) a subdivision of land.

Land/Earth Disturbance – Any activity involving grading, tilling, digging, or filling of ground, or stripping of vegetation, or any other activity that causes any alteration to the natural condition of the land.

Municipality – Somerset Borough, Somerset County, Pennsylvania.

Nonpoint Source Pollution – Pollution that enters a watery body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

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 flowing partly full (for computational purposes).

Outfall – Point where water flows from a conduit, stream, or drain.

PADEP – The Pennsylvania Department of Environmental Protection.

PADEP Erosion and Sediment Pollution Control Program Manual (PADEP E & S Manual) - PADEP Document No. 363-2134-008 dated March 13, 2000 with an effective date of April 15, 2000.

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

Pennsylvania Handbook of Best Management Practices For Developing Areas (PA Handbook For Developing Areas) - Document dated November 14, 1997 and prepared under the guidance of the Pennsylvania Association of Conservation Districts, Inc.; the Keystone Chapter, Soil and Water Conservation Society; the Pennsylvania Department of Environmental Protection; and the Natural Resources Conservation Service.

Person – An individual, partnership, association, corporation or other entity.

Post-Development Condition - The condition of the site after completion of construction established by the subdivision or land development plans and termination of requirements for implementation of the associated E & S Plan.

Project Site – The specific tract of land where any land development in the Municipality is planned, conducted or maintained.

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

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Sediment Pollution – The placement, discharge or introduction of sediment into the waters of the Commonwealth.

Stormwater – The total amount of precipitation reaching the ground surface.

Somerset County Subdivision & Land Development Ordinance - The Ordinance as adopted by the Somerset County Board of Commissioners on December 16, 1997 with an effective date of January 1, 1998.

Stormwater Management Plan – The plan for managing stormwater runoff adopted by County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the “Storm Water Management Act”.

Subdivision – The division or re-division 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, transfer of ownership or building or lot development. The definition does not include 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 dwellings.

Swale – A low lying stretch of land which gathers or carries surface water runoff.

Watercourse – A stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

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

Water Quality Requirements – As defined under state regulations – protection of designated and existing uses (refer to Pa. Code Chapters 93 and 96):

- a. Each stream segment in Pennsylvania has a “designated use,” such as “warm water fishes” or “potable water supply” or “Trout

Stocking,” which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.

b. “Existing uses” are those attained as of November, 1975, regardless whether they have been designated in Chapter 93. Land development must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

c. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After land development these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates. Therefore, discharges to surface waters must be designed and managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

Wetland – Those areas that are inundated or saturated by surface or ground water 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, including swamps, marshes, bogs, ferns, and similar areas.

SECTION 3. APPLICABILITY

The following activities are subject to the provisions of this Ordinance:

- Land Development
- Subdivision

SECTION 4. STORMWATER MANAGEMENT REQUIREMENTS

Section 4.1: The following general requirements apply to all activities regulated by this Ordinance:

- A. Stormwater runoff – The character of stormwater runoff must be managed in a manner which prevents injury to human health, the environment, safety, or other property. Such measures are to assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities. Such measures are to manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects human health, the environment, and property from possible injury.
- B. Erosion and sedimentation – Measures to prevent accelerated erosion and resulting sedimentation must at a minimum meet the standards of the Conservation District.
- C. Water quality - The character of stormwater runoff must be managed in a manner that protects the Water Quality Requirements of waters of the Commonwealth. Such measures are to include consideration to protection of existing groundwater recharge conditions and protection from non-point source pollution.

Section 4.2: No approval of any subdivision plan or land development plan, or issuance of any building or occupancy permit, or the commencement of any earth disturbance activity at a project site in the Coxes Creek Watershed, shall proceed until a Drainage Plan, as defined in Section 5 of this Ordinance, is submitted to and approved by, as evidenced by written notice from, the

Municipality. Except that, the following activities are EXEMPT from requirements of the preparation of a Drainage Plan:

- A. Land disturbances associated with existing dwellings.
- B. Development activities involving less than 5,000 square feet of impervious surface when the project site is less than 1.0 acre.
- C. Development activities involving less than 10,000 square feet of impervious surface when the project site is equal to or greater than 1.0 acre.
- D. Minor Subdivision as defined in the Somerset County Subdivision & Land Development Ordinance.
- E. Agriculture when operating in accordance with practices recommended by the Conservation District.
- F. Forest management operations completed in accordance with an E & S Plan.

Section 4.3: The following permit requirements apply to certain land development activities, and must be met prior to municipal approval of subdivision plans or land development plans, or issuance of building or occupancy permits, where applicable:

- A. All earth disturbance activities subject to the standards and possible permit requirements by the PADEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within waterways, any construction located in or adjacent to surface water of the Commonwealth including wetlands, or any facility which may constitute a dam subject to permit, subject to the standards and

possible permit requirements by the PADEP under regulations at 25 Pa. Code Chapter 105.

C. Any stormwater management facility that would be located on a State highway right-of-way subject to the standards and possible permit requirements of the Pennsylvania Department of Transportation (PennDOT).

SECTION 5. DRAINAGE PLAN REQUIREMENTS

Section 5.1: A Drainage Plan shall be prepared, except for exempted activities, for subdivision and land development activities. The Drainage Plan shall be prepared under the supervision of, and certified by, a Registered Professional Engineer or Surveyor.

Section 5.2: The Drainage Plan shall include the following:

- A. Plan drawings reflecting the proposed land development and/or subdivision activity.
- B. Stormwater runoff computations and descriptive narrative. Runoff computations shall be completed using either the Rational Method or the NRCS Soil Cover Complex Method, and shall be completed using standard engineering practices as established in the PADEP E&S Manual or the PA Handbook for Developing Areas. Stormwater runoff computations shall compare pre-development runoff conditions with post-development runoff conditions and shall demonstrate, at a minimum, that post-development peak discharge does not exceed pre-development peak discharge for the 2-year, 10-year, and 25-year storm events. If structures are required to attenuate post-development peak runoff, then

computations demonstrating adequacy of design for the structures shall be provided.

C. Groundwater recharge computations and descriptive narrative.

Groundwater recharge computations shall be completed using standard engineering practices as established in the PA Handbook for Developing Areas. Recharge computations shall demonstrate that any net increase in stormwater runoff volume (i.e., post-development runoff volume minus pre-development runoff volume) from the 2-year, 24-hour storm is recharged to groundwater. Alternately, recharge computations shall justify why any net increase in stormwater runoff volume cannot be recharged to groundwater at the project site.

D. Written plan for post-construction, long-term operation and maintenance of all permanent stormwater management facilities including designation of parties responsible for operation and maintenance activities, detailed descriptions of maintenance activities, and inspection frequency (minimum annual inspection shall be required).

E. E & S Plan prepared in accordance with the requirements of 25 Pa. Code Chapter 102, including copy of written notification from the Conservation District approving same.

F. For projects involving innovative practices for stormwater management involving application of Best Management Practices (BMPs), narrative and computations for proposed BMPs. BMPs can be as detailed in the PA Handbook for Developing Areas, or other industry accepted sources. Incentives/credits for implementation of innovative practices are identified in Exhibit B.

G. For land development activities involving an earth disturbance in excess of one acre, copy of individual or general NPDES Permit for control of stormwater during construction as provided by the Conservation District and/or the PADEP. If disturbance involves in excess of one acre but an NPDES Permit is determined not to be required by the Conservation District or PADEP, then a copy of written documentation from the Conservation District or the PADEP indicating same shall be provided.

H. For land development involving waterways, any construction located in or adjacent to waters of the Commonwealth including wetlands, or any facility which may constitute a dam subject to permit, as defined under regulations at 25 Pa. Code Chapter 105, copy of permit(s) from the PADEP authorizing same.

I. For projects involving any stormwater management facility that would be located on a State highway right-of-way subject to the approval PennDOT, evidence of written approval of same from PennDOT shall be provided.

Section 5.3: Completed Drainage Plans, accompanied by the requisite fees as identified in Section 7 of this Ordinance, are to be submitted to the Municipality for approval. Submittal of the Drainage Plan shall include an executed Drainage Plan Submittal Form as provided by the Municipality. The Municipality shall notify the applicant within fifteen (15) business days of its decision regarding a submitted Drainage Plan. An approval of the Drainage Plan shall be in the form of written notice from the Municipality to the applicant. A disapproval of an applicant's Drainage Plan shall be in the form of

a written notice from the Municipality to the applicant containing the reasons for the disapproval.

SECTION 6. INSPECTIONS

The applicant shall notify the Municipality two (2) business days prior to the commencement of any activity covered by this Ordinance so that appropriate inspections to insure compliance with this Ordinance can be made.

The applicant shall notify the Municipality of completion of construction of stormwater management facilities within thirty (30) calendars days of completion of the construction. The notice of completion shall include submittal of three copies of as-built documentation of constructed stormwater management facilities. As built documentation shall include a revised Drainage Plan meeting all requirements of Section 5 of this Ordinance with specific statement that the Drainage Plan accurately represents the constructed facilities, and shall be prepared under the supervision of and certified by a Registered Professional Engineer or Surveyor.

SECTION 7. FEES

Fees imposed under this Ordinance shall be established by Resolution of the Municipality from time to time hereafter.

SECTION 8. FINANCIAL GUARANTEES

In order to insure that any required stormwater management controls are properly installed, operated, and maintained, the applicant shall provide a financial guarantee of a type acceptable to the Municipality as shall be established by Resolution of the Municipality from time to time hereafter..

SECTION 9. ENFORCEMENT AND PENALTIES

This section includes penalties for violations of this Ordinance.

- A. Duly authorized representatives of the Municipality have the right to enter private property at reasonable times to investigate any condition associated with this Ordinance.
- B. 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 \$300.00 for each violation, recoverable with costs, or imprisonment of not more than 30 days, or both. Each day that the violation continues shall be a separate offense. In addition, the Municipality 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. In addition, the Municipality may seek recovery of a civil penalty for violations of this Ordinance of \$300.00 for each violation. Each day that the violation continues shall be a basis for an additional civil penalty.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days following passage.

ENACTED AND ORDAINED this 25th day of March, 2005, by the
Borough Council of the Borough of Somerset.

ATTEST:

BOROUGH OF SOMERSET

Benedict G. Vinzani Jr
Borough Secretary

By [Signature]
President of Council

APPROVED this 25th day of March, 2005.

William A. Meyer
Mayor

This is to certify that the above
is a true copy of an ordinance Adopted
and signed on March 25, 2005, advertised
on April 11, 2005, and recorded in
Minute Book "GG", page 239.

[Signature]
Borough Secretary