

ORDINANCE No.: 08-01-2016C

AN ORDINANCE OF THE TOWNSHIP OF TAYLOR PROVIDING FOR STORMWATER
MANAGEMENT WITHIN TAYLOR TOWNSHIP, BLAIR COUNTY, AND PROVIDING FOR
PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the Township of Taylor is desirous of enacting an Ordinance to assure safe management of stormwater runoff within Taylor Township, Blair County, Pennsylvania;

WHEREAS, this Ordinance will promote the safety, health, and wellbeing of the residents of the Township of Taylor; and

WHEREAS, the Township of Taylor is empowered to enact this Ordinance pursuant to Section 67704 of Title 53 of the Pennsylvania Statutes (Second Class Township Code) and is empowered to provide penalties for violations of the same (53 P.S. § 66601).

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of the Township of Taylor, Blair County, Pennsylvania and it is hereby ordained and enacted by authority of the same as follows:

SECTION No. 1: Title

This Ordinance shall be known as the Taylor Township Stormwater Management Ordinance.

SECTION No. 2: Purpose

The purposes of this Ordinance are:

1. To assure safe management of stormwater runoff resulting from land alteration and disturbance activities in accordance with watershed stormwater management plans adopted pursuant to the Pennsylvania Storm Water Management Act (Act 167 of 1978, as amended).

2. To utilize and preserve the existing natural drainage systems and to preserve the flood-carrying capacity of streams.
3. To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
4. To provide for adequate operation and maintenance of all stormwater management facilities in the Township.

SECTION No. 3: Definitions

For the purpose of this Ordinance words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. The words "Person", "Subdivider" and "Owner" include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word "Street" includes Street, Avenue, Boulevard, Road, Highway, Freeway, Parkway, Lane, Alley, Viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The word "Building" includes structures and shall be construed as if followed by the phrase "Or Part Thereof". The word "Watercourse" includes Channel, Creek, Ditch, Dry Run, Spring, and Stream. The words "Should" and "May" are permissive; the words "Shall" and "Will" are mandatory.

For the purpose of this Ordinance, the terms or words used herein unless otherwise expressly stated shall have the following meanings:

Basin: An impoundment designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event or it can be designed to contain a permanent pool of water.

Control Facilities: Any structure, basin, storm sewer system, or other measure utilized to manage stormwater impacts to meet the requirements of this Ordinance.

Design Storm: A storm event of a given precipitation depth that can be expected to occur over an average interval of years.

Ditch: A natural or man-made channel which gathers or carries runoff.

Drainage: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Area: The entire region or area draining to a specific point of interest, expressed in acres, square miles, or other unit of area.

Impervious: Not allowing or allowing only with great difficulty the movement of water; impermeable.

Runoff: The surface water discharge or rate of discharge of a given drainage area or watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Storm Sewer: A sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

Stormwater: (see runoff)

Swale: A low-lying stretch of land which gathers or carries runoff.

Waiver: When the applicant can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and where, in the opinion of the Township, a departure from this ordinance may be made without destroying the intent of such provisions, the Township may authorize a waiver. A modification to the minimum standards of this ordinance.

Watercourse: A permanent or intermittent stream, river, brook, creek, channel, or ditch for collection and conveyance of water, whether natural or man-made, having defined bed and banks.

Watershed: The entire region or area drained by a river or other body of water whether natural or artificial.

SECTION No. 4: Scope

It shall be unlawful for any person, landowner, business or corporation to make surface changes in excess of five thousand (5,000) square feet without developing, implementing and maintaining stormwater management control measures and facilities in accordance with the regulations contained in this Ordinance. In addition, no person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from Taylor Township or the Pennsylvania Department of Environmental Protection (hereafter, "DEP"), whichever is applicable.

SECTION No. 5: Plan

Prior to commencement of any activity described in Section 4, a stormwater management plan must be submitted to and approved by Taylor Township. The plan shall consist of complete hydrologic and hydraulic calculations, drainage area maps depicting points of interest and watershed boundaries, routing calculations where applicable, and construction plans and details depicting proposed stormwater management controls. The plans and calculations must be sealed by a professional engineer, land surveyor, or landscape architect registered in the Commonwealth of Pennsylvania.

Any applicable DEP permit authorizing the activity must also be obtained from the Blair County Conservation District or DEP, whichever is applicable, and submitted to the Township.

SECTION No. 6: Design Standards

Plans shall include measures which direct stormwater into the natural drainage system serving the area. The following standards shall apply to Stormwater Drainage within Taylor Township:

- (a) Where a development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
- (b) All permanent streams, not under the jurisdiction of other official agencies, shall be maintained open and free flowing.
- (c) The stormwater management plan shall contain provisions for the following:
 - (1) Collecting on-site surface runoff and disposing of it to the point of discharge into the common natural watercourse of the drainage area;
 - (2) Drainage facilities to handle runoff from offsite and upstream areas;
 - (3) Drainage structures and facilities as are necessary to prevent erosion damage to the development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.
- (d) Storm sewers, culverts, and/or related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

- (e) Storm sewers, when required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide.
- (f) Street drainage will not be permitted to cross intersections or the crown of the road.
 - (1) Maximum spacing of street inlets shall not exceed four hundred fifty (450) feet.
 - (2) All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.
 - (3) All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
 - (4) Minimum pipe size shall be fifteen (15) inch diameter.
 - (5) When material for storm drain is not specified, PennDOT specifications will govern.
- (g) All springs and sump pump discharges shall be collected so as not to flow onto any cartway.
- (h) Stormwater roof drains shall not discharge water directly over a sidewalk.
- (i) Stabilized outlets shall be provided for drains and downspouts.
- (j) The Soil Cover Complex Method of the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture and the Rational Method are the acceptable means of estimating stormwater runoff and for designing or analyzing stormwater management facilities. The actual method shall be determined and directed by the Township Engineer.
- (k) Rainfall data from the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA Atlas 14) or PennDOT Publication 584 shall be used for stormwater calculations.
- (l) Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

- (m) The minimum design criteria for ditches, swales, driveway cross pipes and storm sewers shall be designed using the Rational Method and shall be sized to accommodate a 10-year, 5-minute design storm unless otherwise approved by the Township Engineer. The drainage system must be adequately sized to convey the 100 year storm event to control facilities without causing damage to any private or public property. Drainage ditches, swales, etc. shall be provided on both sides of the street and shall be of sufficient depth to accommodate driveway crosspipes and pipe culverts.
- (n) Runoff calculations must include complete hydrologic analysis for pre- and post-development conditions and hydraulic design and analysis of all control facilities. The analysis shall be performed for 2-, 10-, 25-, and 100-year storm frequencies. This shall include, but not necessarily be limited to: rating curves, stage-storage and routing computations for stormwater management facilities.
- (o) Pre-development conditions shall be assumed to be those which exist on any site at the time prior to the commencement of development activities. Runoff curve numbers or coefficients shall accurately reflect existing conditions subject to the approval of the Township. All areas with pervious cover (i.e. fields, woods, lawn, cropland, pastures, etc.) shall be assumed to be in good condition and the lowest recommended runoff curve number or coefficient shall be used within the respective range for each land use and hydrologic soil group.
- (p) Roadway and parking areas designed to initially be dirt, gravel or crushed stone shall be assumed to be impervious for post-development calculations.
- (q) Control facilities shall remain under private ownership and adhere to the following:
 - (1) Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development. Additionally, activities within the Cabbage Creek watershed shall provide control measures to reduce post-development peak flows to less than eighty-five percent (85%) of pre-development flows.
 - (2) Basins shall have a spillway to protect the berm by precluding overtopping. The spillway capacity shall, at a minimum, be capable of handling the 100-year storm while providing one (1) foot of

freeboard. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.

- (2) Basins and channels shall be prohibited in areas of known sinkholes unless the basin or channel is lined. If a sinkhole develops in a basin or channel, a lining shall be required.
- (3) All basins shall be provided with a fence of a type and height reasonably determined by the Township and the fence shall be designed to provide access for maintenance.
- (4) Control facilities must be provided with measures to completely drain within seventy-two (72) hours.
- (5) On-lot subsurface detention facilities (seepage pits, etc.) may be allowed subject to the acceptance of the Township Engineer. Roof drain seepage pits must provide at least one (1) cubic foot of storage volume (void area) for every two (2) square feet of roof area. Roof drain seepage pits shall be located a minimum of ten (10) feet from any structure, have a maximum depth of four (4) feet and include provisions for emergency overflow to prevent property damage.
- (6) A maintenance program for control facilities must be included as part of the stormwater management plan.
 - (a) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
 - (b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of plans is given by the Township:

- (1) In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g. homeowner's association). In such cases, a legally binding agreement between the owner and Taylor Township shall be made providing for maintenance of all permanent control facilities

SECTION No. 7: Applications

Applications for approval of a stormwater management plan shall be made by completing all required spaces on the Taylor Township Stormwater Management Plan Review Application and submitting the application and plan to the Township. Activities described in Section 4 shall not commence until Township approval of the plan is received by the applicant. The owner of the land upon which the stormwater management plan is being submitted must be the applicant.

SECTION No. 8: Fees; Escrow

All review fees shall be at the current hourly rate for the Township Engineer as approved by the Board of Supervisors. Otherwise section 503 of the Pennsylvania Municipalities Planning Code shall control and any dispute over the fee amount shall be resolved in the manner prescribed by said Code.

With the application, the applicant shall deposit in escrow with the Township such amount as directed to be used toward paying engineering review fees. The Township may request the applicant to make additional deposits during the engineering review processes in the event it is apparent that the existing deposit will be insufficient to pay all fees. Nevertheless, in the event that the escrow deposit is exhausted and the Township's engineering fees associated with the project remain unpaid, the applicant shall still be responsible for the balance of the fees, and the Township will not grant approval of the stormwater management plan until any remaining fees are paid in full. Upon the termination of the project by the applicant or the approval of a stormwater management plan by the Township and after all engineering fees related to the project have been paid in full, the Township shall return to the applicant any remaining balance held in escrow.

SECTION No. 9: Inspections

Taylor Township and its designated representatives are hereby authorized to conduct both routine and emergency site inspections within the Township boundaries to ensure compliance with the stormwater management plan.

SECTION No. 10: Compliance

All violations of the Ordinance requirements determined during a site inspection shall be listed on an inspection report which itemizes the following items for each violation:

(i) Specific type of violation, including location and scope, and

(ii) Provides a period of time during which the person(s) responsible for the activity may correct the violations without the assessment of any penalties.

The inspection report shall be signed by the inspector and person responsible for the activity (or a designated representative), and a copy provided to the latter party and the property owner, if different than the the person responsible for the activity.

SECTION No. 11: Waivers

If a majority of the Township Board of Supervisors determines that this Ordinance causes undue hardship, the Board may grant a waiver so long as such waiver does not nullify the intent and purpose of this Ordinance. In granting waivers, the Township Board of Supervisors may impose such conditions as will, in its judgment, advance the achievement of the intent of this Ordinance.

Any request for a waiver must be submitted by the applicant in writing, citing the specific provisions or standards from which relief is requested. A request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the exact alteration or modification necessary. A record of the request should appear in the official minutes of the Taylor Township Board of Supervisors along with any action taken on the request. Any relief approved should represent the minimum or least possible modification of the standard.

SECTION No. 12: Civil Penalties

Should the person(s) responsible for undertaking the activity and/or the owner of the land where the activity was to have been taken fail to meet the deadline for correcting violations of this Ordinance, as specified in the official inspection report, the Township will issue a formal Notice of Violation to the responsible party. For each violation that has occurred, a penalty of not less than one hundred dollars (\$100.00) and not more than six hundred dollars (\$600.00) for each violation may be assessed. Each day that a violation or portion thereof is found to exist shall constitute a separate violation. Additionally, each violation of the Ordinance and/or stormwater management plan shall constitute a separate violation and shall not be considered one in the same violation even though they exist at the same time. Such fines, costs and the reasonably attorney's fees associated with civil enforcement shall be recoverable by the Taylor Township before the magisterial district judge.

SECTION No. 13: Enforcement Remedies

In case any land is, or is proposed to be, altered, converted, maintained or used in violation of this Ordinance, the Township or, with the approval of the Township, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, or correct any act, conduct, business or use constituting a violation. In any suit in equity, the Township shall be entitled to its costs (including engineering and expert witness fees) and reasonable attorney's fees expended in obtaining an Order of Court preventing, restraining or requiring correction of any violation of this Ordinance and/or the stormwater management plan.

SECTION No. 14: Repealer

Any prior Ordinances conflicting with the terms hereof or inconsistent with said terms are deemed to be repealed as of the effective date of this Ordinance.

SECTION No. 15: Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Taylor, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

SECTION No. 16: Effective Date

This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED as an Ordinance of the Township of Taylor, Blair County,

Pennsylvania, this 1st day of August, 2016.

ATTEST:

Barbara M Greenleaf
Secretary

William J Rydzyl
Chairman
Jim [Signature]
Paul D Cobson