

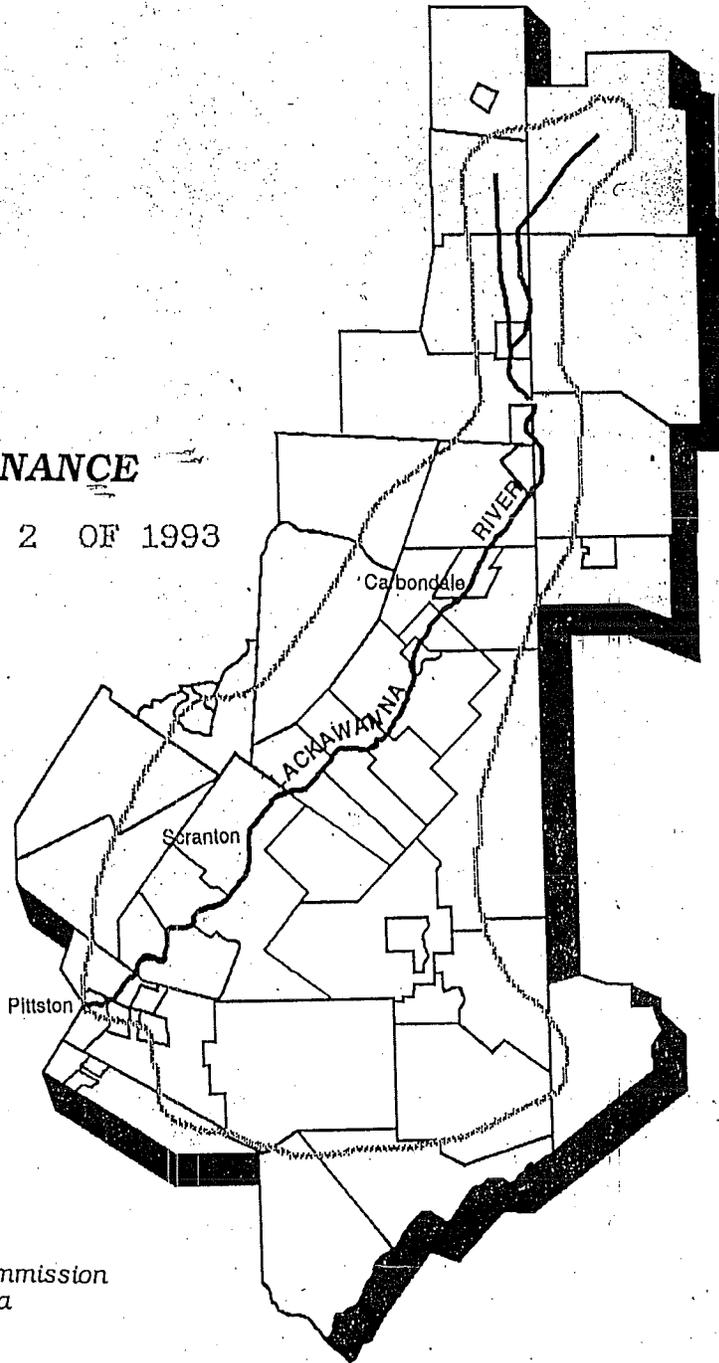
**Lackawanna River  
Watershed**

**Act 167**

**Stormwater  
Management  
Plan**

**MODEL ORDINANCE**

ORDINANCE NO. 2 OF 1993



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Lackawanna County  
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LACKAWANNA RIVER WATERSHED  
ACT 167 STORM WATER MANAGEMENT ORDINANCE  
TABLE of CONTENTS

ARTICLE I...GENERAL PROVISIONS	
SECTION 101. STATEMENT OF FINDINGS	1
SECTION 102. PURPOSE	1
SECTION 103. STATUTORY AUTHORITY	2
SECTION 104. APPLICABILITY	2
SECTION 105. EXEMPTIONS	3
SECTION 106. REPEALER	4
SECTION 107. SEVERABILITY	4
SECTION 108. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS	4
ARTICLE II...DEFINITIONS	5
ARTICLE III...STORM WATER MANAGEMENT REQUIREMENTS	
SECTION 301. GENERAL REQUIREMENTS	11
SECTION 302. STORM WATER MANAGEMENT STUDY AREAS	12
SECTION 303. STORM WATER MANAGEMENT DISTRICT IMPLEMENTATION PROVISIONS	13
SECTION 304. CALCULATION METHODOLOGY	17
ARTICLE IV...DRAINAGE PLAN REQUIREMENTS	
SECTION 401. GENERAL REQUIREMENTS	19
SECTION 402. EXEMPTIONS	19
SECTION 403. DRAINAGE PLAN CONTENTS	19
SECTION 404. PLAN SUBMISSION	22
SECTION 405. DRAINAGE PLAN REVIEW	23
SECTION 406. MODIFICATION OF PLANS	24
SECTION 407. HARDSHIP WAIVER PROCEDURE	24
ARTICLE V...INSPECTIONS	
SECTION 501. SCHEDULE OF INSPECTIONS	26
ARTICLE VI...FEES AND EXPENSES	
SECTION 601. GENERAL	27
SECTION 602. EXPENSES COVERED BY FEES	27
ARTICLE VII...MAINTENANCE RESPONSIBILITIES	
SECTION 701. MAINTENANCE RESPONSIBILITIES	28
SECTION 702. RIGHT OF ENTRY	29
ARTICLE VIII...ADOPTION	
SECTION 801. ADOPTION	30
SECTION 802. PUBLIC HEARING	30
SECTION 803. ADOPTION DATE	30

APPENDIX

Sample Stormwater Management Ordinance Application

**LACKAWANNA RIVER WATERSHED  
ACT 167 STORM WATER MANAGEMENT ORDINANCE**

**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 101. STATEMENT OF FINDINGS**

The [governing body] of the [municipality] finds that:

- A. Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of [municipality] and all the people of the Commonwealth, their resources and the environment.

**SECTION 102. PURPOSE**

The purpose of this Ordinance is to promote the public health, safety and welfare within the Lackawanna River Watershed by minimizing the damages described in Section 101(A) of this Ordinance by provisions designed to:

- A. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage recharge of groundwaters where appropriate.
- D. Maintain the existing flows and quality of streams and water courses in [municipality] and the Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide for proper maintenance of all permanent storm water management structures which are constructed in [municipality].

**SECTION 103. STATUTORY AUTHORITY**

The [municipality] is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), the "Storm Water Management Act" and the [appropriate municipal code].

## SECTION 104. APPLICABILITY

This Ordinance shall only apply to those areas of [municipality] which are located within the Lackawanna River drainage basin as delineated on an official map available for inspection at the [municipal] office. A map of the Lackawanna River Watershed is included in Appendix E under separate cover.

This Ordinance shall only apply to permanent storm water management facilities constructed as part of any of the activities listed in this Section. Storm water management and erosion and sedimentation control measures undertaken during construction which may involve non-permanent facilities are not regulated by this Ordinance but shall continue to be regulated under existing laws and ordinances.

This Ordinance contains only those storm water runoff control criteria and standards which are necessary or desirable from a total watershed perspective. Additional storm water management design criteria (i.e. inlet spacing, inlet type, collection system details, etc.) which represent sound engineering practice may be regulated either by separate storm water ordinance provisions or as part of the general responsibilities of the [municipal] engineer.

The following activities are defined as Regulated Activities and shall be regulated by this Ordinance, except those which meet the waiver specifications presented in Section 407:

- A. Land development.
- B. Subdivision.
- C. Construction of new or additional impervious surfaces (driveways, parking lots, etc.)
- 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 storm water systems or appurtenances thereto.

For development taking place in stages, the entire development plan must be used in determining conformance with this criteria. Additional impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity. Any areas which may be designed to initially be semi-pervious (e.g. gravel, crushed stone, porous pavement, etc.) shall be considered impervious areas for the purpose of waiver evaluation. No waiver shall be provided for Regulated Activities as defined in Section 104.E and 104.F.

## SECTION 105. EXEMPTIONS

In addition to those activities in Section 407 any proposed Regulated Activity, except those defined in Section 104.E. and 104.F., which would create 10,000 square feet or less of additional impervious cover would be exempt from meeting the provisions of this Ordinance. Such exemptions include, but are not limited to, single family residential structures, private garages and other residentially related outbuildings.

## SECTION 106. REPEALER

Any ordinance of the [municipality] inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

## SECTION 107. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

## SECTION 108. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS

Approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

### ARTICLE II DEFINITIONS

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

**Conservation District** - The Lackawanna County Conservation District (or applicable conservation district for those watershed municipalities located outside of Lackawanna County).

**Culvert** - A pipe, conduit or similar structure including appurtenant works which carries surface water.

**DER** - The Pennsylvania Department of Environmental Resources.

**Design Storm** - The magnitude of precipitation from a storm event measured in probability of occurrence (e.g. 50-year storm) and duration (e.g. 24-hour), and used in computing storm water management control systems.

**Detailed Study Area** - Study areas outside of the Lackawanna River Boundaries themselves for which plans have been prepared previously by The United States Army Corps of Engineers and/or DER. Modeling for these areas was undertaken with the Penn State Runoff Model.

**Detention Basin** - A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined 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** - The specific tract of land for which a Regulated Activity is proposed.

**Development Plan** - A detailed narrative with related mapping outlining the proposed project along with the storm water runoff measures proposed to comply with this ordinance.

**Drainage Easement** - A right granted by a land owner to a grantee, allowing the use of private land for storm water management purposes.

**Drainage Plan** - The documentation of the proposed storm water management controls, if any, to be used for a given development site, the contents of which are established in Section 403.

**Erosion** - The removal of soil particles by the action of water, wind, ice, or other geological agents.

**Freeboard** - The incremental depth in a storm water management structure, provided as a safety factor of design, above that required to convey the design runoff event.

**Governing Body** - The municipal entity empowered to review and/or approve of storm water management plans, development site plans, facilities and maintenance agreements. The governing body may authorize the municipal planning commission or other appropriate body to undertake any or all of the above responsibilities.

**Groundwater Recharge** - Replenishment of existing natural underground water supplies.

**Impervious Surface** - A surface which prevents the percolation of water into the ground.

**Infiltration Structure** - A structure designed to direct runoff into the ground, e.g. french drain, seepage pit or seepage trench.

**Land Development** - any of the following activities: (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 residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, 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) a subdivision of land.

**LCRPC** - The Lackawanna County Regional Planning Commission

**Mainstem (main channel)** - Any stream segment or other runoff conveyance facility used as a reach in the Lackawanna River hydrologic model.

**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.

**Municipal Engineer** - Person or firm engaged by the municipality to undertake engineering type reviews for projects within the municipal boundaries.

**Municipal Planning Commission** - That body charged with planning related functions on the municipal level as defined in Act 247, the Pennsylvania Municipalities Planning Code.

**Peak Discharge** - The maximum rate of flow of storm runoff at a given point and time resulting from a specified storm event.

**Penn State Runoff Model (calibrated)** - The computer-based hydrologic modeling technique adapted to the Lackawanna River Watershed for the Act 167 Plan. The model has been "calibrated" to reflect actual recorded flow values by adjusting key model input parameters.

**Rational Method** - A method of peak runoff calculation using a standardized runoff coefficient (rational 'c'), acreage of tract and rainfall intensity determined by return period and by the time necessary for the entire tract to contribute runoff. The rational formula is stated as follows:  $Q = ciA$ , where "Q" is the calculated peak flow rate in cubic feet per second, "c" is the dimensionless runoff coefficient (see Appendix C under separate cover), "i" is the rainfall intensity in inches per hour, and "A" is the area of the tract in acres.

**Reach** - Any of the natural or man-made runoff conveyance channels used for modeling purposes to connect the subareas and transport flows downstream.

**Regulated Activities** - Actions and proposed actions which impact upon proper management of storm water runoff and which are governed by this Ordinance, as specified in Section 104.

**Release Rate** - The percentage of the predevelopment peak rate of runoff for a development site to which the post-development peak rate of runoff must be controlled to protect downstream areas.

**Return Period** - The average interval in years over which a storm event of a given magnitude can be expected to recur. For example, the twenty-five (25) year return period rainfall or runoff event would be expected to recur on the average once every twenty-five years.

**Runoff** - That part of precipitation which flows over the land.

**SCS** - Soil Conservation Service, U.S. Department of Agriculture.

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

**Soil-Cover-Complex Method** - A method of runoff computation developed by SCS which is based upon relating soil type and land use/cover to a runoff parameter called a Curve Number.

**Storage Indication Method** - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage for a given time interval) and based on outflow being a unique function of storage volume.

**Storm Sewer** - A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

**Storm Water Management Plan** - The plan for managing storm water runoff adopted by Lackawanna County and the [municipality] for the Lackawanna River Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act".

**Stream** - A watercourse.

**Subarea** - The smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control criteria have been established in the Storm Water 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.

**Subwatershed** - A segment or portion of the larger watershed encompassing a tributary or tributaries to the Lackawanna River.

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

**Watercourse** - Any channel of conveyance of surface water having defined bed banks, whether natural or artificial, with perennial or intermittent flow.

Any term not defined in this section shall be as defined within the latest edition of "Webster's New Collegiate Dictionary".

ARTICLE III  
STORM WATER MANAGEMENT REQUIREMENTS

SECTION 301. GENERAL REQUIREMENTS

- A. Storm drainage systems shall be provided in order to permit unimpeded flow of natural watercourses except as modified by storm water detention facilities or open channels consistent with this Ordinance.
- B. The existing points of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).
- C. Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.
- D. Where a subdivision or land development is traversed by watercourses other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with Section 304 for the 100-year return period runoff and to provide a freeboard allowance of one-half (0.5) foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alternations which may adversely affect the flow of storm water within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required.
- E. Any drainage facilities required by this Ordinance that are located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.
- F. When it can be shown that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open or closed channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning equation.
- G. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and *at all points of discharge*

- H. Consideration should be given to the design and use of volume controls for storm water management, where geology permits.

## SECTION 302. STORM WATER MANAGEMENT STUDY AREAS

Mapping of Storm Water Management Detail Study Areas - In order to implement the provisions of the Lackawanna River Storm Water Management Plan, the Lackawanna River Watershed is hereby divided into 9 Detailed Study Areas (Subareas) consistent with the Lackawanna River Watershed Map presented in the Plan. The boundaries of the Subarea cross individual municipal boundaries as shown on the official map which is available for inspection at the [municipal] office.

## SECTION 303. STORM WATER MANAGEMENT DISTRICT IMPLEMENTATION PROVISIONS

- A. Any storm water management controls required by this Ordinance and subject to release rate criteria shall meet the applicable release rate criteria, consistent with the calculation methodology specified in Section 304, as follows:

1. New land development controls are to incorporate infiltration of the first 1.5 inches of runoff (i.e., one-half of the mean-annual event) from impervious surfaces. At a minimum, infiltration facilities design/overflow capacity should be for the 10-year event. Post-to-pre flow control should be provided for the design capacity of the receiving storm sewer systems, but in no case less than the 10-year storm event. This design criteria applies to small infill type developments (i.e., up to two single-family homes), or new driveways, additions or impervious surfaces less than 2,000 square feet total.

Where infiltration is not feasible, based on demonstration of site constraints and approved by the reviewing agency, post-to-pre control of the mean annual and 10-year events is required. Where the receiving storm sewer system is designed for the 25-year event, post-to-pre control for the mean annual and 25-year event shall prevail.

2. Unless qualified under #1 above, 100-year control with applied release rates is required in addition to the previous requirements.

- B. The exact location of the Storm Water Management Detailed Area boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two-foot topographic contours provided as part of the Drainage Plan (Refer to subarea maps in Appendix I under separate cover). The Area boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature (such as the confluence with an-

other watercourse of a potential flow obstruction e.g. road, culvert, bridge, etc.) to the topographic divide consistent with topography.

- C. Any downstream capacity analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:
1. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2 year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DER Soil Erosion and Sedimentation Control Manual (February, 1985) and presented in Appendix C under separate cover.
  2. Natural or man-made channels or swales must be able to convey the increased 25-year return period runoff peak within their banks or otherwise not create any hazard to persons or property.
  3. Culverts, bridges, storm sewers or any other facilities which pass or convey flows from the tributary area must have sufficient capacity to pass or convey the increased flows associated with the 25-year return period runoff event, except for facilities located within a designated floodplain area which must be capable of passing or conveying the 100-year return period runoff. Any facilities which constitute stream enclosures per DER's Chapter 105 regulations shall be designed in accordance with the requirements of Chapter 105.
- D. For a proposed development site located within only one release rate category area, the total runoff from the site shall meet the applicable release rate criteria. For development sites with multiple points concentrated runoff discharge, individual drainage points may be designed for up to a 100% release rate so long as the total runoff from the site is controlled to the applicable release rate.
- E. For a proposed development site located within two or more release rate category areas, the maximum peak rate of runoff that may be discharged at any point is limited to the predevelopment peak rate of runoff at that point multiplied by the applicable release rate. The control rates shall apply regardless of any grading modifications which may change the drainage area which discharges at a given point.
- F. For proposed development sites located partially within a release rate category area and partially within a provisional no detention area, in no event shall a significant portion of the site area subject to the release rate control be drained to the discharge point(s) located in the no detention area.
- G. Regional or Sub-Regional Detention Alternatives - For certain areas within the watershed, it may be more cost-effective to provide one control facility for an entire subarea, group of subareas, or portion of a subarea incorporating more than one development site than to provide an individual control facility for each development site.

The initiative and funding for any regional or sub-regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated Lackawanna River version of the Penn State Runoff Model as developed for the Storm Water Management Plan.

- H. Capacity Improvements - In certain instances, primarily within the provisional no detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Any capacity improvements would be designed based upon development of all areas tributary to the proposed improvements and the capacity criteria specified in Section 303.C. In addition, all new development upstream of a proposed capacity improvement shall be assumed to implement the applicable runoff controls consistent with this Ordinance except that all new development within the subarea(s) within the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.

Capacity improvements may also be provided as necessary to implement any regional or subregional detention alternatives or to implement a modified "no harm" option which proposes specific capacity improvements to document the validity of a less stringent discharge control which would not create any harm downstream.

- I. Waiver of Runoff Control Based on Minimum Additional Impervious Cover - Any proposed Regulated Activity, except those defined in Sections 104.E. and 104.F., which would create 10,000 square feet or less of additional impervious cover would be exempt from meeting the runoff control provisions of this Ordinance. For developments which are to take place in stages, the entire development plan must be used in determining conformance to this criteria. Additional impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed development. Any areas which may be designed to initially be semi-pervious (e.g. gravel, crushed stone, porous pavement, etc.) shall be considered impervious areas for the purposes of waiver evaluation.

No waiver shall be provided for any Regulated Activities as defined in Sections 104.E and 104.F.

## SECTION 304. CALCULATION METHODOLOGY

- A. Storm water runoff from all development sites shall be calculated using a method acceptable to the review agency, either the Rational Method or a Soil-covered Complex Methodology.
- B. The design of any detention basin intended to meet the requirements of this Ordinance shall be verified by routing the design storm hydrograph through the proposed basin. For basins designed using the modified rational method technique, the detention volume shall, at minimum, equal the volume derived from the approximate routing process as contained in SCS Technical Release Number 55 (TR55, 1986), Chapter 6 (Figure 6-1).
- C. All storm water detention facilities shall provide a minimum 1.0 foot freeboard above the maximum pool elevation associated with the 2- through 25-year runoff events. An emergency spillway shall be designed to pass the 100-year runoff event with a minimum 0.5 foot freeboard.
- D. All calculations using the soil-cover-complex method shall use the Soil Conservation Service Type II 24-hour rainfall distribution. The 24-hour rainfall depths for the various return period to be used consistent with this Ordinance are taken from the PennDOT Intensity - Duration - Frequency Field Manual (May 1986).
- E. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration and return periods and the Intensity - Duration - Frequency Curves as presented in Appendix B under separate cover.
- F. Runoff Curve Numbers (CN's) to be used in the soil-cover-complex method shall be based upon the matrix presented in Appendix A under separate cover.
- G. Runoff coefficients for use in the Rational Method shall be based upon the table presented in Appendix A under separate cover.
- H. The Manning equation shall be used to calculate the capacity of watercourses. Manning 'n' values used in the calculations shall be consistent with the table presented in Appendix A under separate cover. Pipe capacities shall be determined by methods acceptable to the municipal engineer.
- I. Any detention basin, or other structure, intended to meet the requirements of this Ordinance which required a Dam Safety Permit from DER shall be designed consistent with the provisions of the Dam Safety and Encroachments Act and the DER Chapter 105 Rules and Regulations.

ARTICLE IV  
DRAINAGE PLAN REQUIREMENTS

SECTION 401. GENERAL REQUIREMENTS

For any of the Regulated Activities of this Ordinance, prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any land disturbance activity, the owner, subdivider, developer or his agent shall submit a Drainage Plan for approval.

SECTION 402. EXEMPTIONS

Any Regulated Activity which would create 10,000 square feet or less of additional impervious cover is exempt from the Drainage Plan preparation provisions of this Ordinance. This criteria shall apply to the total proposed development even if development is to take place in stages (i.e. the impervious cover associated with the total development shall be used to compare to the waiver minimum, not merely the individual stage impervious cover). Additional impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed Regulated Activity. Any areas designed to initially be gravel, crushed stone, porous pavement, etc. shall be assumed to be impervious for the purposes of comparison to the waiver criteria.

SECTION 403. DRAINAGE PLAN CONTENTS

The following items shall be included in the Drainage Plan:

A. General:

1. Completed application form.
2. Written description of the project, either as a separate document or as notes on the site plan.
3. Written description of proposed permanent storm water controls, either as a separate document or as notes on the plan sheet.
4. Construction staging schedule, listing the beginning and completion of any earth disturbance by staging or phases, and including all erosion and sedimentation, and other, controls.

B. Map(s) of the project area showing:

1. The location of the project relative to highways, municipalities or other identifiable landmarks; normally the base map should be the appropriate United States Geologic Survey quadrangle map or portion thereof.
2. Existing contours at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five foot contour intervals may be used, at the direction of the reviewing agency.
3. Streams, lakes, ponds, wetlands, or other bodies of water

- within the project area, including the average surface height or top of impoundment.
4. Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
  5. Locations of proposed underground utilities, sewers and water lines.
  6. An overlay showing soil types and boundaries.
  7. Proposed locations and extents of changes to land surface and vegetative cover.
  8. Proposed locations of structures, roads, paved areas and buildings.
  9. Final contours at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five foot contour intervals may be used, at the direction of the reviewing agency.
  10. Subwatershed boundaries applicable to the site.

All maps drawn as part of this section shall be at a scale of no less than 1 inch to 50 feet and no greater than 1 inch to 200 feet, with the exception of item 1, and shall be displayed on sheets no smaller than 11 inches by 17 inches and no greater than 24 inches by 36 inches.

C. Storm water management controls:

1. All storm water management controls must be shown on a map and described, including:
  - a. Ground water recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells must be shown.
  - b. Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
2. All calculations, assumptions and criteria used in the design of the control device or method must be shown.

D. Maintenance Program - A maintenance program for all storm water management control facilities must be included. This program must include the proposed ownership of the control facilities, the maintenance requirements for the facilities, and the financial responsibilities for the required maintenance.

## SECTION 404. PLAN SUBMISSION

- A. For Regulated Activities specified in Sections 104.A and 104.B.:
1. The Drainage Plan shall be submitted by the developer to the municipal secretary (or other appropriate person) as part of the Preliminary Plan submission for the subdivision or land development.
  2. Six (6) copies of the Drainage Plan shall be submitted.
  3. Distribution of the Drainage Plan will be as follows:
    - a. One (1) copy to the [municipal governing] body.
    - b. One (1) copy to the [municipal] engineer.
    - c. Two (2) copies to the [municipal] planning commission.
    - d. Two (2) copies to the Lackawanna County Regional Planning Commission, or applicable county planning agency for municipalities outside of Lackawanna County.
- B. For Regulated Activities specified in Sections 104.C. and 104.D., the Drainage Plan shall be submitted by the developer to the [municipal] building permit officer as part of the building permit application.
- C. For Regulated Activities specified in Sections 104.E and 104.F.:
1. The Drainage Plan shall be submitted by the developer to the county planning agency for coordination with the DER permit application process under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Flood Plain Management) of DER's Rules and Regulations.
  2. Two (2) copies of the Drainage Plan shall be submitted.

## SECTION 405. DRAINAGE PLAN REVIEW

- A. The [municipal] engineer shall review the Drainage Plan for consistency with the adopted Lackawanna River Storm Water Management Plan as embodied by this ordinance and against any additional storm drainage provisions contained in the [municipal] subdivision and land development or zoning ordinance, as applicable, and provide his or her findings to the [municipal] planning commission within 30 days of receipt of the Drainage Plan.
- B. The county planning agency shall provide an advisory review of the Drainage Plan for consistency with the Lackawanna River Storm Water Management Plan.
- C. For Regulated Activities specified in Sections 104.A. and 104.B., the county planning agency shall provide written comments to the [municipality], within 30 days of receipt of the application by the county planning agency consistent with established procedures under Act 247, as to whether the Drainage Plan has been found to be consistent with the Storm Water Management Plan.

- D. For Regulated Activities specified in Sections 104.E. and 104.F., the county planning agency shall notify DER whether the Drainage Plan is consistent with the Storm Water Management Plan and forward a copy of the review letter to the [municipality], developer and any other interested party(ies).
- E. The [municipality] shall not approve any subdivision or land development (Regulated Activities 104.A. and 104.B.) or building permit application (Regulated Activities 104.C. or 104.D.) if the Drainage Plan has been found to be inconsistent with the Storm Water Management Plan as determined by the [municipal] engineer. The [municipality] shall provide the developer with a written approval or denial of the proposal no later than 90 days following the date of the regular meeting of the governing body, consistent with established procedures under Act 247.

#### SECTION 406. MODIFICATION OF PLANS

A modification to a submitted Drainage Plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the Drainage Plan (as determined by the [municipal] engineer) shall require a resubmission of the modified Drainage Plan consistent with Section 404 subject to review per Section 405 of this Ordinance.

#### SECTION 407. HARDSHIP WAIVER PROCEDURE

The [municipality (governing body)] may hear requests for waivers where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The waiver request shall be in writing on an application form promulgated by the [municipality] and accompanied by the requisite fee based upon a fee schedule adopted by the [municipality]. A copy of the completed application form shall be provided to each of the following: [municipality], [municipal] engineer, [municipal] solicitor and the county planning agency. The application shall fully document the nature of the alleged hardship.

The [municipality] may grant a waiver provided that all of the following findings are made in the given case:

1. That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the [municipality] in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance, including the "no harm" provisions, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the applicant; and
4. That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any waiver, the [municipality (governing body)] may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Act 167 and this Ordinance.

## ARTICLE V INSPECTIONS

### SECTION 501. SCHEDULE OF INSPECTIONS

- A. The [municipal] engineer or his designee shall inspect all phases of the installation of the permanent storm water control facilities and the completed installation as outlined under Section 403.4. Inspection of all phases of installation of the control facilities and the completed installation shall be conducted by the engineer or his designee within 30 days after written notification of the completion by the developer.
- B. If at any stage of the work the [municipal] engineer determines that the permanent storm water control facilities are not being installed in accordance with the approved development plan, the [municipality] shall revoke any existing permits until the work is brought into compliance with the approved plan or a revised development plan is submitted and approved as required by Section 406.

## ARTICLE VI FEES AND EXPENSES

### SECTION 601. GENERAL

A drainage plan fee schedule shall be established by resolution of the governing body of the [municipality]. The purpose of the fees will be to defer municipal costs for Drainage Plan review and processing.

### SECTION 602. EXPENSES COVERED BY FEES

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

- A. The review of the Drainage Plan by the municipal engineer.
- B. The site inspection.
- C. The inspection of required controls and improvements during construction.
- D. The final inspection upon completion of the controls and im-

- E. Any additional work required to enforce any permit provisions, regulated by this Ordinance, correct violations and assure the completion of stipulated remedial actions.

**ARTICLE VII**  
**MAINTENANCE RESPONSIBILITIES**

**SECTION 701. MAINTENANCE RESPONSIBILITIES**

The maintenance responsibilities for permanent storm water runoff control facilities shall be determined based upon the type of ownership of the property which is controlled by the facilities.

- A. Single Entity Ownership - In all cases where the permanent storm water runoff control facilities are designed to manage runoff from property in a single entity ownership as defined below, the maintenance responsibility for the storm water control facilities shall be with the single entity owner. The single entity owner shall enter into an agreement with the governing body which specifies that the owner will properly maintain the facilities consistent with accepted practice as determined by the municipal engineer. The agreement shall provide for regular inspections by the agents of the [municipality] and contain such provisions as necessary to ensure timely correction of any maintenance deficiencies by the single entity owner. A single entity owner shall be defined as an individual, association, public or private corporation, partnership firm, trust, estate or any other legal entity empowered to own real estate.
- B. Multiple Ownership - In cases where the property controlled by the permanent storm water control facilities shall be in multiple ownership (i.e. many individual owners of various portions of the property), the developer shall dedicate the permanent storm water control facilities to the municipality for maintenance. The developer shall pay a fee to the municipality corresponding to the present worth of maintenance of the facilities for a ten-year period.

The fee shall cover the costs of:

- A. Review by the municipal engineer for facility compliance with the previously approved plans.
- B. Inspection of the facility, required controls and associated systems.
- C. Any additional work required to enforce permit provisions and/or correct violations.

The estimated annual maintenance cost for the facilities shall be based on a fee schedule provided by the [municipal] engineer and adopted by the [municipality]. The fee schedule must be reasonable. In certain multiple ownership situations, the [municipality] may benefit by transferring the maintenance responsibility to an individual or group of individuals residing within the controlled area. These individuals may have the permanent storm water control facilities adjacent to their lots or otherwise have an interest in the

proper maintenance of the facilities. In these instances, the [municipality] and the individual(s) may enter into a formal agreement for the maintenance of the facilities. The [municipality] shall maintain ownership of the facilities and be responsible for periodic inspections.

**SECTION 702. RIGHT OF ENTRY**

Upon presentation of the proper credentials, duly authorized representatives of the [municipality] may enter at reasonable times upon any property within the [municipality] to investigate or ascertain whether proper maintenance is being provided for any storm water management facilities for which the [municipality] is not directly responsible for maintenance, as provided in Section 701.

**ARTICLE VIII  
ADOPTION**

**SECTION 801. ADOPTION**

This Storm Water Management Ordinance shall take full force and effect from the date of passage. This ordinance, however, shall have no effect on subdivision and/or land development plans pending at the time of passage of this ordinance or within sixty (60) days of said passage as long as the plans were on file with the municipal planning commission.

**SECTION 802. PUBLIC HEARING**

The public hearing for this ordinance was held on 3/11/93.

**SECTION 803. ADOPTION DATE**

The date of adoption of this ordinance was 3/11/93.

*James Siddons*

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President of Council or  
Chairman of Supervisors

*Leonard Hous*

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Municipal Secretary

*[Signature]*

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Municipal Solicitor

Accepted : *James McLaughlin*  
MAYOR

[Municipality]  
**Stormwater Management Ordinance  
Application**

OFFICE USE ONLY

DATE REC'D: \_\_\_\_\_

DATE REV'D: \_\_\_\_\_

DATE RET'D: \_\_\_\_\_

FILE #: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

GEOGRAPHIC LOCATION: \_\_\_\_\_

OWNER: \_\_\_\_\_ DEVELOPER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

ENGINEER OR SURVEYOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**PROJECT DESCRIPTION**

DEVELOPMENT TYPE: \_\_\_\_\_ ZONE/DISTRICT: \_\_\_\_\_

QUAD MAP: \_\_\_\_\_ SUBWATERSHED AREA: \_\_\_\_\_

ACREAGE: \_\_\_\_\_ TOTAL LOTS: \_\_\_\_\_ LENGTH OF NEW ROADS: \_\_\_\_\_

STREAM(S) DIRECTLY AFFECTED: \_\_\_\_\_

PROPOSED IMPERVIOUS SURFACE (in square feet): \_\_\_\_\_

ESTIMATED PRE-DEVELOPMENT FLOW: \_\_\_\_\_

ESTIMATED POST-DEVELOPMENT FLOW: \_\_\_\_\_

TYPE OF STORMWATER CONTROLS PROPOSED: \_\_\_\_\_

IMPROVEMENT COSTS: SUBMITTED \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

BRIEFLY DESCRIBE CONSTRUCTION SEQUENCE:

APPLICANT'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_