

2006-7
ORDINANCE NO. 4

AN ORDINANCE OF HILLTOWN TOWNSHIP AMENDING PROVISIONS OF ORDINANCE NO. 2004-4, CODE OF HILLTOWN TOWNSHIP, CHAPTER 134, STORMWATER MANAGEMENT.

The Hilltown Township Board of Supervisors hereby enacts and ordains the following Ordinance.

Article I Section 134-9. General Requirements. Subsection L is added to read as follows:

- L. All storm sewer inlets must be identified with a storm drain marker. Storm drain markers shall be stainless steel affixed to the inlet hood with adhesive, rivets, or bolts. (Marker may be bolted to the grate in off road locations). Marker shall have a minimum diameter of 3½ inches and include "No Dumping – Drains to Waterway" and a fish symbol. Alternate designs/sizes may be used if approved by the Township.

Article II Section 134-14-1. Standards During Land Disturbance is retitled Erosion and Sediment Control During Regulated Earth Disturbance Activities and revised to read as follows:

- A. Whenever vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part 1, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control", and in accordance with the Bucks County Conservation District and the standards and specifications of the Municipality.
- B. No Regulated Earth Disturbance activities within the Municipality shall commence until approval by the Municipality of an Erosion and Sediment Control Plan for construction activities.
- C. In addition, under 25 PA Code Chapter 92, a PADEP "NPDES Construction Activities" permit is required for Regulated Earth Disturbance activities.
- D. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office or County Conservation District must be submitted to the municipality.
- E. A copy of the Erosion and Sediment Control plan and any required permit, as required by PADEP regulations shall be available at the project site at all times.
- F. Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed include the following:
 - 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
 - 2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

- G. Peak discharges and discharge volumes from the site shall comply with the appropriate sections above, with the following additions:
1. For purposes of calculating required detention storage during land disturbance, peak discharge volumes shall be calculated based upon the runoff coefficients for bare soils during the maximum period and extent of disturbance which shall be clearing, indicated on the development plan. Controls shall insure that the difference in volume and rate of peak discharges before disturbance and during shall not exceed those peak discharges and discharge volumes required in Section 303 of this Ordinance. Detention storage during the period of land disturbance and prior to establishment of permanent cover may require additional facilities on a temporary basis. Such measures shall be located so as to preserve the natural soil infiltration capacities of the planned infiltration bed areas.
 2. Wherever soils, topography, cut and fill or grading requirements, or other conditions suggest substantial erosion potential during land disturbance, the Township may require that the entire volume of all storms up to a 2-year storm from the disturbed areas be retained onsite and that special sediment trapping facilities (such as check dams, etc.) be installed.
- H. Areas of the site to remain undisturbed shall be protected from encroachment by construction equipment/vehicles to maintain the existing infiltration characteristics of the soil.

Article III Section 134-14-2 Water Quality Requirements After Regulated Earth Disturbance Activities Are Complete is added to read as follows:

- A. No Regulated Earth Disturbance activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
- B. The BMPs must be designed, implemented, and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Municipality.
- C. To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements may be met by BMPs, including site design, which provide for replication of preconstruction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of receiving waters. As described in the PADEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
1. Infiltration: replication of preconstruction stormwater infiltration conditions.
 2. Treatment: use of water quality treatment BMPs to filter out the chemical and physical pollutants from the stormwater runoff, and
 3. Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).

- D. PADEP has regulations that require municipalities to ensure design, implementation, and maintenance of Best Management Practices ("BMPs") that control runoff from new development from new development and redevelopment after Regulated Earth Disturbance activities area complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office must be submitted to the Municipality.
- F. BMP operations and maintenance requirements are described in Article IV of this Ordinance.

Article IV Article VIX. Maintenance Responsibility is added.

Article V Section 134-34. Prohibited Discharges is added as follows:

- A. No persons shall allow, or cause to allow, stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in Subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Discharges which may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
 - Discharges from fire fighting activities.
 - Potable water sources including dechlorinated waterline and fire hydrant flushings.
 - Irrigation drainage.
 - Routine external building washdown (which does not use detergents or other compounds).
 - Air conditioning condensate.
 - Water from individual residential car washing.
 - Springs.
 - Water from crawl space pumps.
 - Uncontaminated water from foundation or from footing drains.
 - Flows from riparian habitats and wetlands.
 - Lawn watering.
 - 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.
 - Dechlorinated swimming pool discharges.
 - Uncontaminated groundwater.
- C. In the event the Municipality determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is so notified by PADEP, the Municipality will notify the responsible person to cease the discharge.

- D. Upon notice provided by the Municipality under Subsection C, 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.
- E. Nothing in this Section shall affect a discharger's responsibilities under state law.

Article VI Section 134-35. Prohibited Connections is added as follows:

- A. The following connections are prohibited, except as provided in Section 134-34.B above:
 - 1. any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
 - 2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.

Article VII Section 134-36. Roof Drains is added as follows:

- A. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches, except as provided in Section 134-9.J.
- B. Roof drains shall discharge to infiltration areas or vegetative BMPs where possible.

Article VIII Section 134-37. Alteration of BMPs is added as follows:

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

Article IX Section 134-31. Violations Deemed Public Nuisance is revised to add Subsections C and D as follows:

- C. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Municipality may order compliance by written notice to the responsible person. Such notice may require without limitation:
 - 1. The performance of monitoring, analyses, and reporting;
 - 2. The elimination of prohibited discharges;
 - 3. Cessation of any violating discharges, practices, or operations;

4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 5. Payment of a fine to cover administrative and remediation costs;
 6. The implementation of stormwater BMPs; and
 7. Operation and maintenance of stormwater BMPs.
- D. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

Article X Repealer

Any Ordinance or Ordinance provision of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Article XI 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.

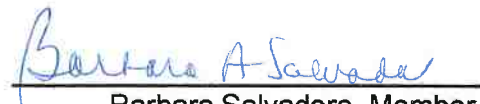
ENACTED and ORDAINED at a regular meeting of the Hilltown Township Board of Supervisors on the 22nd day of May, 2006. This Ordinance shall take effect immediately.



Jack McIlhinney, Chairman



Richard Manfredi, Vice Chairman



Barbara Salvadore, Member