

ORDINANCE #4-2011

TOWNSHIP OF ANTIS STORMWATER MANAGEMENT ORDINANCE

ARTICLE I

GENERAL PROVISIONS

SECTION 101. PURPOSE.

These regulations have the following general purposes and objectives:

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 maintenance of all permanent stormwater management structures in the municipality.
5. To achieve compliance with the requirements of the Municipality's Stormwater NPDES Permit conditions.

SECTION 102. APPLICABILITY.

The following activities involving alteration or development of land are deemed to have possible effects upon storm water runoff characteristics and are included within the scope of this ordinance:

1. Subdivision
2. Land Development
3. Construction of new or additional impervious surfaces or surfaces with reduced permeability (driveways, parking lots, etc.)
4. Diversion or piping of any natural or man-made stream channel
5. Installation, replacement or substantial repair of storm water systems or appurtenances

SECTION 103. **WAIVERS.**

If a majority of the Township Board of Supervisors feels that this Ordinance causes undue hardship they may grant a waiver, provided that it 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.

SECTION 104. **REPEALER.**

This ordinance shall repeal all other ordinances, or parts thereof, which are contrary to or conflict with the provisions of this ordinance to the extent necessary to give this ordinance full force and effect.

SECTION 105. **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 this ordinance as a whole or any other part hereof; the parts or sections remaining shall remain in effect as if the part of the section declared unconstitutional had never been a part of this ordinance.

SECTION 106. **LIABILITY DISCLAIMER.**

1. Neither the granting nor the denial of any approval nor the compliance with the provisions of this ordinance or with any condition imposed by the municipality, its officials, employees, or designated representatives thereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the municipal officials, employees or its designated representatives to the maximum extent permitted by law.
2. Neither the granting nor the denial of any permit which includes any stormwater management requirements shall not constitute a representation, guarantee or warranty of any kind by the municipality, the municipal officials, employees, or designated representatives thereof of the practicability or safety of any stormwater structure or facility, use or other plan proposed, and shall create no liability or cause of action upon any municipal official, employee, or designated representative thereof for any damage that may result pursuant thereto to the maximum extent permitted by law.

ARTICLE II

DEFINITIONS

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

Act: The Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. Sections 680.1-680.17, as amended by Act of May 24, 1984, No. 63).

Applicant: A landowner or developer who has filed an application for development including his/her heirs, successors and assigns.

BMP (Best Management Practice): Activities, facilities, designs, measures or procedures used to manage stormwater impacts to meet State Water Quality Requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance.

Channel: A perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

Conservation District: The Blair County Conservation District.

County: Blair County, Pennsylvania

Culvert: A closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.

Design criteria: (1) Engineering guidelines specifying construction details and materials. (2) Objectives, results, or limits which must be met by a facility, structure, or process in performance of its intended functions.

Design storm: (see storm frequency)

Detention: The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

Detention pond or basin: A basin or reservoir, usually small, constructed to impound or retard surface runoff temporarily.

Developer: The person, persons, or any corporation, partnership, association, or other entity or any responsible person therein or agent therefore that undertakes the activities associated with changes in land use. The term "developer" is intended to include but not necessarily be limited to the term "subdivider", "owner", and "builder" even though the individuals involved in successive stages of a project may vary.

Development: Any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics.

Discharge: The flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

Drainage: In general, the removal of surface water from a given area. Commonly applied to surface water and ground water.

Drainage Area: (1) The area of a drainage basin or watershed, expressed in acres, square miles, or other unit of area. Also called catchment area, watershed, river basin. (2) The area served by a sewer system receiving storm and surface water, or by a watercourse.

Encroachment: Any structure or activity which in any manner changes, expands or diminishes, the course, current or cross section of any watercourse, floodway or body of water.

Erosion: Wearing away of the lands by running water, glaciers, winds and waves.

Erosion and Sediment Control Plan: A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

Erosion control: The application of measures to reduce erosion of land surfaces.

Ground Cover: Materials covering the ground surface,

Ground Water: Subsurface water occupying the saturation zone, from which wells and springs are fed.

Ground Water Recharge: Replenishment of ground water naturally by precipitation or runoff or artificially by spreading or injection.

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

Infiltration: (1) The flow or movement of water through the interstices or pores of a soil or other porous medium. (2) The absorption of liquid by the soil.

Land Development: Any of the following activities:

- (1) 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 non-residential 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;

- (2) a subdivision of land;
- (3) development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Land Disturbance: Any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

Maintenance: The upkeep necessary for efficient operation of physical properties.

Municipality: Antis Township, Blair County

Municipal engineer: A professional engineer licensed in the Commonwealth of Pennsylvania, duly appointed by Antis Township.

Natural Stormwater Runoff Regime: A watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

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

Outfall: (1) The point, location or structure where drainage discharges from a sewer, drain or other conduit. (2) The conduit leading to the ultimate discharge point.

Outlet Control Structure: The means of controlling the relationship between the headwater elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

Performance Standard: A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

Peak Flow: Maximum flow.

Pennsylvania DEP: Pennsylvania Department of Environmental Protection.

Point Source: Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 PA Code Paragraph 92.1.

Release Rate Percentage: The watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

Retention Pond: A basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Return Period: The average interval in years over which an event of a given magnitude can be expected to recur.

Runoff: That part of precipitation which flows over the land.

Runoff Characteristics: The surface components of any watershed which affect the rate, amount, and direction of stormwater runoff. These may include but are not limited to: vegetation, soils, slopes and man-made landscape alterations.

SCS: U.S. Department of Agriculture Soil Conservation Service.

Sediment: Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

State Water Quality Requirements: As defined under state regulations - protection of designated and existing uses (See 25 PA Code Chapters 93 and 96).

Storage Facility: (See detention pond and retention pond).

Storm Frequency: The average interval in years over which a storm event of a given precipitation volume can be expected to occur.

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

Stormwater: That portion of precipitation which runs over the land.

Stormwater Collection System: Natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets, and pumping stations.

Stormwater Management Plan: The plan for managing stormwater runoff adopted by Blair County as required by the Storm Water Management Act.

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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Surface Water 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 water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

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

Watercourse: Any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Watershed: The entire region or area drained by a river or other body of water whether natural or artificial. A "designated watershed" is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

ARTICLE III

STORMWATER QUANTITY MANAGEMENT REQUIREMENTS

SECTION 301. GENERAL STANDARDS.

- A. Erosion and Sedimentation: All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the Conservation District and the Rules and Regulations of the Pennsylvania Department of Environmental Protection.

SECTION 302. STORMWATER RUNOFF QUANTITY CONTROL STANDARDS.

- A. Runoff Rates: There shall be no increase in the peak rate of stormwater runoff discharge from any activity covered by the Ordinance following the completion of the activity (post-development conditions) over the rate that would have occurred from the land prior to the activity (pre-development conditions). This criteria shall apply to the total activity even if the activity is to take place in stages.
1. Off site areas which drain through a proposed development site are not subject to the control standard when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
 2. Where the site area to be impacted through a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the runoff criteria.
- B. Storm Frequencies: Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2-, 10-, 25- and 100-year storm frequencies. The USDA NRCS 24-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions. The 24-hour total rainfall for these storm frequencies in the watershed are:

| <u>Storm Frequency</u> | <u>Rainfall Depth (inches)</u> |
|------------------------|------------------------------------|
| 2-year | 2.6 |
| 10-year | 3.8 |
| 25-year | 4.6 |
| 100-year | 6.1 |

- C. Calculation Methods

1. Development Sites: For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: USDA NRCS publications, Technical Release (TR) 55 or 20, HEC I or Penn State Runoff Model (PSRM) or Modified Rational Method. Under special circumstances other computation methods may be used subject to the approval of the municipality.
 2. Stormwater Collection/Conveyance Facilities: For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the Rational Method or other method as approved by the municipality may be applied. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.
 3. Routing of hydrographs through detention / retention facilities for the purpose of designing those facilities shall be accomplished using the Modified-Puls Method or other recognized reservoir routing method subject to the approval of the municipality.
 4. Predevelopment Conditions: Predevelopment conditions shall be assumed to be those which exist on any site at the time prior to the commencement of development activities. SCS runoff curve numbers selected for use in the calculations shall accurately reflect existing conditions subject to the approval of the municipality. At its discretion, the municipality may direct that hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in "good" condition, and the lowest recommended SCS runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group. Impervious cover shall include, but not be limited to, any roof, parking, or driveway areas, and any new streets and sidewalks. For post-development conditions, any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of these criteria. The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff values should be used at a particular site, then appropriate variations may be made upon review and recommendations of the municipal engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.
- D. Post-development rates of runoff shall not exceed the peak rates of runoff prior to development for the 2, 10, 25, and 100 year design storms.

ARTICLE IV

STORMWATER QUALITY MANAGEMENT REQUIREMENTS

SECTION 401. APPLICABILITY.

- A. In addition to the performance standards and design criteria requirements of Article III of this Ordinance, the land developer shall implement the following water quality requirements of this Article unless otherwise exempted by the provisions of this ordinance.

SECTION 402. WATER QUALITY REQUIREMENTS.

- A. No regulated 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. Stormwater 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 activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. This may be achieved by the following:
 - 1. Infiltration: replication of pre-construction stormwater infiltration conditions,
 - 2. Treatment: use of water quality treatment BMPs to ensure removal of 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).
 - a. Provisions for the assurance of long-term operations and maintenance of BMPs must be provided in accordance with Section 105.
 - b. Acceptable stormwater management BMPs must be provided to manage the net increase in stormwater runoff volume from the land development activities from a 2-year/24-hour frequency storm. This equates to 2.6 inches of rainfall occurring over a twenty-four hour period.
 - c. Evidence of any necessary permit(s) for earth disturbance activities from the appropriate DEP regional office must be provided to the Municipality.

SECTION 403. BMP SELECTION CRITERIA.

- A. BMP selection and application shall be in accordance with guidance provided in the BMP handbooks and design manuals published by DEP. In selecting the appropriate BMP's or combinations thereof, the land developer shall consider the following:
 - 1. Total contributing area
 - 2. Permeability and infiltration rate of the site soils
 - 3. Slope and depth to bedrock
 - 4. Seasonal high water table
 - 5. Proximity to building foundations and well heads
 - 6. Erodibility of soils
 - 7. Land availability and configuration of the topography
- B. The following additional factors should be considered when evaluating the suitability of the BMPs used to control water quality at a given development site.
 - 1. Peak discharge and required volume control
 - 2. Streambank erosion
 - 3. Efficiency of the BMPs to mitigate potential water quality problems
 - 4. The volume of runoff that will be effectively treated
 - 5. The nature of the pollutant(s) being removed
 - 6. Maintenance requirements
 - 7. Recreation value
 - 8. Enhancement of aesthetics and property values

ARTICLE V

DESIGN CRITERIA FOR STORMWATER MANAGEMENT CONTROLS

SECTION 501. GENERAL CRITERIA.

- A. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls shall be subject to approval of the municipal engineer. The municipal engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this ordinance.
- B. The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the municipal engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
- C. In developing a stormwater management plan for a particular site, stormwater controls shall be selected according to the following order of preference:
 - 1. infiltration and/or treatment of impervious surfaces during site design
 - 2. flow attenuation by use of open vegetated swales and natural depressions
 - 3. stormwater detention/retention structures
- D. Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

SECTION 502. CRITERIA FOR INFILTRATION SYSTEMS

- A. Infiltration systems shall be sized and designed based upon local soil and ground water conditions.
- B. Infiltration systems greater than three (3) feet deep shall be located at least ten (10) feet from basement walls.
- C. Infiltration systems shall not be used to handle runoff from commercial or industrial working or parking areas. This prohibition does not extend to roof areas

which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.

- D. Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.
- E. The stormwater infiltration facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.
- F. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.

SECTION 503. CRITERIA FOR FLOW ATTENUATION FACILITIES.

- A. If flow attenuation facilities are employed to assist in the control of peak rates of discharge, their effects must be quantified using the SCS Technical Release (TR) 55 Urban Hydrology for Small Watersheds or other approved method. The effects of the flow attenuation facilities on travel time should be reflected in the calculations.
- B. Flow attenuation facilities such as swales and natural depressions should be properly graded to ensure positive drainage and avoid prolonged ponding of water.
- C. Swales shall be properly vegetatively stabilized or otherwise lined to prevent erosion.
- D. Swales shall be designed according to the recommendations contained in the Commonwealth of Pennsylvania Erosion and Sediment Pollution Control Program Manual.

SECTION 504. CRITERIA FOR STORMWATER DETENTION FACILITIES.

- A. If detention facilities are utilized for the development site, the facility(ies) shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates defined by this Ordinance.
- B. All detention facilities shall be equipped with outlet structures to provide discharge control for the four (4) designated storm frequencies. Provisions shall also be made to safely pass the post-development 100-year storm runoff without damaging or impairing the continued function of the facilities. Should any stormwater management facilities be regulated by PA DEP Chapter 105 regulations, the facility shall be designed in accordance with those regulations and meet the regulations

concerning dam safety which may require the passage of storms larger than the 100-year event.

- C. Shared-storage facilities which provide detention of runoff for more than one development site within a single subarea are encouraged wherever feasible and provided such facilities meet the criteria contained in this section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.
- D. Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the municipality and compliance with the Pennsylvania Department of Environmental Protection's Chapter 105 regulations.
- E. Other considerations which should be incorporated into the design of the detention facilities include:
 - 1. Inflow and outflow structures shall be designed and installed to prevent erosion and bottoms of impoundment type structures should be protected from soil erosion.
 - 2. Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration.
 - 3. Inflow and outflow structures, pumping stations, and other structures shall be designed and protected to minimize safety hazards.
 - 4. The water depth at the perimeter of a storage pond should be limited to that which is safe for children. Restriction of access (fence, walls, etc.) may be necessary depending on the location of the facility and the maximum depths of water.
 - 5. Side slope of storage ponds shall not exceed a ratio of two-and-one-half to one (2.5:1) horizontal to vertical dimension.
 - 6. Landscaping shall be provided for the facility which harmonizes with the surrounding area.
 - 7. Facilities shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.
 - 8. Bottoms of detention basins should be graded with sufficient slope to provide positive surface drainage. A subdrainage system may be required depending on the location of the pond bottom relative to groundwater levels.

9. All detention ponds shall be provided with a fence of a height and type subject to the approval of the municipality and shall be designed to assure access for maintenance. In all cases, the fence height shall be a minimum of five (5) feet.

SECTION 505. CRITERIA FOR COLLECTION/CONVEYANCE FACILITIES.

- A. All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:
 1. All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.
 2. Lots located on the high side of streets shall extend roof and French drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and french drains to a stormwater collection/conveyance/control system or natural watercourse in accordance with the approved stormwater management plan for the development site.
 3. Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.
 4. All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a stormwater control facility, curbed street, storm sewer or natural watercourse without damage to the drainage structure or roadway, with runoff from the 25-year design storm at a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum of 1.0 foot freeboard measured below the lowest point along the top of the roadway.

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

5. Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.
6. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.

7. Existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the altered property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
8. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
9. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easements shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also maintenance, including mowing of vegetation within the easement shall be prohibited, except as approved by the appropriate governing authority.
10. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth of Pennsylvania or wetlands shall be subject to approval by PADEP through the Joint Permit Application process, or, where deemed appropriate by PADEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained by PADEP.
11. Any stormwater management facilities regulated by this Ordinance that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.
12. In order to promote overland flow and infiltration/percolation of runoff where it is advantageous to do so, roof drains must not be connected to streets, sanitary or storm sewers, or roadside ditches. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case-by-case basis by the municipality.

B. Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:

1. Where practical, designed to traverse under seeded and planted areas. If constructed within ten (10) feet of road paving, walks or other surfaced areas,

drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development.

2. Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three (3) feet cover and/or adequate protection during the fill construction.
3. Designed: (1) with cradle when traversing fill areas of indeterminate stability, (2) with anchors when gradient exceeds twenty (20) percent, and (3) with encasement or special backfill requirements when traversing under a paved area.
4. Designed to adequately handle the anticipated stormwater flow and be economical to construct and maintain. The minimum pipe size shall be fifteen (15) inches in diameter.
5. Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the municipality and/or applicable PennDOT Specifications, Form 408.
6. Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with municipal standards.
7. Approved grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances.
8. Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."
9. Where a proposed storm sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow.
10. Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the Pennsylvania DEP for stream encroachments (Chapter 105 of Pennsylvania DEP Rules and Regulations).

ARTICLE VI

EROSION AND SEDIMENTATION CONTROLS

SECTION 601. EROSION AND SEDIMENTATION CONTROL REQUIREMENTS.

- A. An erosion/sedimentation plan shall be prepared for each development site in accordance with the Pennsylvania Erosion/Sedimentation Regulations (25 PA Code, Chapter 102) and the standards and guidelines of the County Conservation District.
- B. Developers that propose earthmoving activity in excess of 5,000 square feet shall first be required to prepare and submit an erosion and sedimentation control plan to the Antis Township Planning Commission for review and the Blair County Conservation District for review and approval. The applicant shall also comply with all provisions of the Township's Erosion and Sedimentation Control Ordinance.

ARTICLE VII

MAINTENANCE OF STORMWATER MANAGEMENT CONTROLS

SECTION 701. MAINTENANCE RESPONSIBILITIES.

- A. The maintenance plan for stormwater management facilities located on the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principals:
 - 1. If a development consists of structures or lots which are to be separately owned and in which streets, storm sewers and other public improvements are to be dedicated to the municipality, stormwater control facilities should also be dedicated to and maintained by the municipality.
 - 2. If a development site is to be maintained in single ownership or if storm sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.
- B. The governing body, upon recommendation of the municipal engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The governing body reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls and to determine the terms and conditions under which it will accept ownership and operating responsibility.

SECTION 702. MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STORMWATER FACILITIES.

- A. Prior to final approval of the site's stormwater management plan, the applicant and municipality shall execute a maintenance agreement covering all stormwater control facilities which are to be privately owned. The maintenance agreement shall be recorded with the final subdivision/land development plan for the site. The agreement shall stipulate that:
 - 1. All facilities shall be maintained in accordance with the approved maintenance schedule and in a safe and attractive manner.
 - 2. Easements and or rights-of-way shall be conveyed to the municipality to assure access for periodic inspections by the municipality and maintenance if required.

3. The name, address and telephone number of the person or company responsible for maintenance activities shall be filed with the municipality. In the event of a change, new information will be submitted to the municipality within ten (10) days of the change.
 4. If the facility owner fails to maintain the stormwater control facilities, the municipality may perform the necessary maintenance work or corrective work following due notice by the municipality to the facility owner to correct the problem(s). The facility owner shall reimburse the municipality for all costs.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities.

SECTION 703. MUNICIPAL STORMWATER MAINTENANCE FUND.

- A. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
1. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the municipality for a period of ten (10) years, as estimated by the municipal engineer. After that period of time, inspections will be performed at the expense of the municipality.
 2. If the storage facility is to be owned and maintained by the municipality, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The municipal engineer will establish the estimated costs utilizing information submitted by the applicant.
 3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The municipal engineer shall determine the present worth equivalents which shall be subject to the approval of the governing body.
- B. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.
- C. If in the future a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility.

Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

ARTICLE VIII

STORMWATER PLAN REQUIREMENTS

SECTION 801. GENERAL REQUIREMENTS.

No final subdivision/land development plan shall be approved, no permit authorizing construction shall be issued, or an earth moving or land disturbance activity initiated until the final stormwater management plan for the site is approved in accordance with the provisions of this ordinance.

SECTION 802. GENERAL EXEMPTIONS.

The following activities are specifically exempt for the plan preparation provisions of this Ordinance unless the municipality determines that the activity is likely to, has, or will negatively impact the purposes and objectives set forth in Article I. For example, where an activity occurs on very steep terrain or where an activity is the latest in a series of incremental developments expected to cause pronounced stormwater impacts, it may be that these activities will be required to comply with the plan preparation requirements contained herein even though their activities qualify under the listing in this section. Upon making such determination, the municipality shall give notice in writing to the land owner and the developer, if known, and direct the landowner and any developer to immediately cease and desist all activity and affirmatively comply with the formal plan, submission, and approval procedures of this ordinance. Exemption shall not relieve the applicant from providing adequate stormwater management to meet the purpose of this Ordinance.

- A. Any regulated activity that would create 5,000 square feet or less of impervious area. This criteria shall apply to the total development even if development is to take place in phases.
- B. Land disturbances associated with existing one and two family dwellings provided that the activities will not create in excess of 5,000 square feet of impervious area.
- C. Use of land for gardening for home consumption.
- D. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the County Conservation District. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Ordinance when such activities are conducted in accordance with a conservation plan prepared by the County Conservation District. The construction of buildings, parking lots or any activity that may result in impervious surface which increases the rate and volume of stormwater runoff shall comply with the requirements of this Ordinance.

- E. Forest management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.

SECTION 803. STORMWATER PLAN CONTENTS.

- A. General Format: The stormwater plan shall be drawn to a scale of not less than 1 inch = 100 feet. All sheets shall contain a title block with; Name and address of applicant and engineer, scale, north arrow, legend and date of preparation.
- B. Existing and Proposed Features: The plan shall show the following under both pre-development and post-development conditions:
 - 1. Watershed location - Provide a key map showing the location of the development site within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed names(s) and subarea number(s).
 - 2. Floodplain boundaries - Identify 100-year floodplains on the development site (as appropriate) based on the municipal Flood Insurance Study maps.
 - 3. Natural features - Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site, or which will be affected by runoff from the development.
 - 4. Soils - Provide an overlay showing soil types and boundaries within the development site (consult county, SCS and U.S. Geological Survey for information).
 - 5. Contours - Show existing and final contours at intervals of two (2) feet; in areas with slopes greater than fifteen (15) percent, five (5) foot contour intervals may be used.
 - 6. Land cover - Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.
 - 7. Drainage area delineations - Show the boundaries of the drainage areas employed in the runoff calculations performed.
 - 8. Stormwater management controls - Show any existing stormwater management or drainage controls and/or structures, such as storm sewers, swales, culverts, etc. which are located on the development site, or which are located off-site but will be affected by runoff from the development.

- C. Professional certification: The principal in charge of preparing the stormwater management plan (including all calculations) shall be a registered professional engineer or registered land surveyor and the stormwater management plan shall be sealed by a registered professional engineer or professional land surveyor with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required by the municipality.
- D. Runoff calculations: Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities must be submitted with the stormwater management plan. All calculations shall be prepared using the methods and data prescribed by Section 302 of this Article.
- E. Stormwater controls: All proposed stormwater runoff control measures must be shown on the plan including methods for collecting, conveying and storing stormwater runoff on-site, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with Section 104 of this Article. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and their relationship to the existing watershed drainage system. The plan shall include technical specifications for materials and methods to be used in the construction of the stormwater management facilities.
 - 1. If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.
 - 2. A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.
 - 3. If appropriate, a justification should be submitted as to why any preferred stormwater management techniques, as listed in Articles IV and V, are not proposed for use.
- F. Easements, right-of-ways, deed restrictions: All existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities shall be shown along with any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.
- G. Other permits/approvals: A list of any approvals/permits relative to stormwater management that will be required from other governmental agencies (Pennsylvania DEP Chapter 105 and 106 permits and/or NPDES permit) and anticipated dates of submission/receipt should be included with the stormwater plan submission. Copies of permit applications may be requested by the municipality where they may be helpful for the plan review.

- H. Maintenance program: The proposed maintenance plan for all stormwater control facilities shall:
1. Identify the proposed ownership entity (e.g., municipality, property owner, private corporation, homeowner's association, or other entity).
 2. Identify the type of maintenance, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.
 3. Identify the method for financing the continuing operation and maintenance of the facility if the facility is to be owned by other than a governmental agency.
 4. Include copies of any legal agreements required to implement the maintenance program and, if applicable, copies of the maintenance agreement as required by Article VII.
- I. Financial guarantees: Submit financial guarantees in accordance with the provisions of Article XI.

ARTICLE IX

PLAN REVIEW PROCEDURES

SECTION 901. PRE-APPLICATION PHASE.

- A. Before submitting the stormwater plan, applicants are urged to consult with the municipality on the applicable regulations and techniques for safely managing runoff from the development site. The municipality may also be helpful in providing necessary data for the stormwater management plan.
- B. Applicants are encouraged to submit a sketch plan with a narrative description of the proposed stormwater management controls for general guidance and discussion with the municipality and other agencies.
- C. The pre-application phase is not mandatory; any review comments provided by the municipality are advisory only and do not constitute any legally binding action on the part of the municipality.

SECTION 902. STORMWATER PLAN REVIEWS.

- A. Submission of plans: Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.
- B. Notification of affected municipalities: The developer is required to notify municipalities immediately downstream of the development site that a stormwater control plan has been submitted. Copies of the plans will be made available to the municipalities upon request. Comments received from any affected municipality will be considered by the municipal engineer and county agencies in their reviews.
- C. Municipal engineer's review: The municipal engineer shall recommend approval or disapproval of the stormwater management plan based on the requirements of the municipal ordinances, the standards and criteria of the watershed plan and good engineering practice. The engineer shall submit a written report, along with supporting documentation, stating their reasons for approval or disapproval.
- D. Antis Township Planning Commission review: The stormwater management plan shall be submitted to the Antis Township Planning Commission for review.
- E. Permits required from other governmental agencies: Where the proposed development requires an obstruction permit from the Pennsylvania DEP or an erosion/sedimentation permit from the County Conservation District, final stormwater management plan approval shall be granted subject to the receipt of such permits. No building permit shall be issued, nor construction started, until the permits are received and copies filed with the municipality.

SECTION 903. STATUS OF THE STORMWATER PLAN AFTER FINAL APPROVAL.

- A. Upon final stormwater plan approval, receipt of all necessary permits, and recording of the final subdivision or land development plan in the Blair County Recorder of Deeds Office, the applicant may commence to install or implement the approved stormwater management controls.
- B. If site development or building construction does not begin within two years of the date of final approval of the stormwater management plan, then before doing so, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved stormwater management controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the stormwater management plan shall apply.

SECTION 904. STORMWATER PLAN MODIFICATIONS.

- A. If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in Section 902 above.
- B. If the request for a plan modification is initiated after construction is underway, the municipal engineer shall recommend approval or disapproval of the modification based on field inspection provided: (1) the requested changes in stormwater controls do not result in any modifications to other approved municipal land use/development requirements (e.g., building setbacks, yards, etc.) and (2) the performance standards in Articles III and IV are met. Notification of the engineer's action shall be sent to the governing body which may issue a stay of the plan modification within fourteen (14) days and require the permittee to resubmit the plan modification for full stormwater plan review in accordance with Section 902 above.

ARTICLE X

INSPECTIONS OF STORMWATER MANAGEMENT CONTROLS

SECTION 1001. INSPECTIONS.

- A. The municipal engineer or a designated representative of the municipality shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the municipal engineer 48 hours in advance of the completion of the following key development phases:
 - 1. At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.
 - 2. At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 - 3. During construction of the permanent stormwater facilities at such times as specified by the municipal engineer.
 - 4. Completion of permanent stormwater management facilities including established ground covers and plantings.
 - 5. Completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.
- B. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the municipal engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.
- C. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he/she shall notify the municipal engineer within 24 hours of the discovery of such condition and request a field inspection. The municipal engineer shall determine if the condition requires a stormwater plan modification.
- D. In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the municipality may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.

ARTICLE XI

FINANCIAL GUARANTEES AND DEDICATION OF PUBLIC IMPROVEMENTS

SECTION 1101. FINANCIAL GUARANTEES.

- A. Guarantee of completion: A completion guarantee in the form of a bond, cash deposit, certified check or other negotiable securities acceptable to the municipality, shall be filed. The guarantee shall cover all streets, sanitary sewers, stormwater management facilities, water systems, fire hydrants, sidewalks and other required improvements; it shall be in the amount and form prescribed by the Pennsylvania Municipal Planning Code (Section 509).
- B. Release of completion guarantee: The procedures for requesting and obtaining a release of the completion guarantee shall be in a manner prescribed by the Pennsylvania Municipalities Planning Code (Section 510).
- C. Default of completion guarantee: If improvements are not installed in accordance with the approved final plan, the governing body may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body may at its option install part of such improvements in all or part of the development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

SECTION 1102. DEDICATION OF PUBLIC IMPROVEMENTS.

- A. When streets, sanitary sewers, stormwater management facilities, water lines or other required improvements in the development have been completed in accordance with the final approved plan, such improvements shall be deemed private until such time as they have been offered for dedication to the municipality and accepted by separate ordinance or resolution or until they have been condemned for use as a public facility.
- B. Prior to acceptance of any improvements or facilities, the municipal engineer shall inspect them to ensure that they are constructed in accordance with the approved plan and are functioning properly. In the case of any stormwater control facility, it must be free of sediment and debris.
- C. The owner shall submit as-built plans for all facilities proposed for dedication.

- D. Prior to acceptance of any improvements or facilities, the applicant shall provide a financial security to secure the structural integrity and functioning of the improvements. The security shall: (1) be in the form of a bond, cash, certified check or other negotiable securities acceptable to the municipality, (2) be for a term of 18 months, and (3) be in an amount equal to 15 percent of the actual cost of the improvements and facilities so dedicated.

ARTICLE XII

FEES

SECTION 1201. FEE SCHEDULE.

The municipal governing body may adopt by resolution from time to time a reasonable schedule of fees to cover the cost of plan reviews, inspections and other activities necessary to administer the provisions of this ordinance. All fees shall be set in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code and any dispute over the fee amount shall be resolved in the manner prescribed by the Pennsylvania Municipalities Planning Code.

ARTICLE XIII

PROHIBITIONS

SECTION 1301. PROHIBITED DISCHARGES.

- A. No person in the municipality shall allow, or cause to allow, stormwater discharges into the Municipalities 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 discharges do not significantly contribute to pollution to surface waters of the Commonwealth of Pennsylvania, are:

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

- C. In the event that the Municipality determines that any of the discharged identified in Subsection 1301.B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.
- D. Upon notice provided by the Municipality under subsection C, the discharge 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.

SECTION 1302. PROHIBITED CONNECTIONS.

- A. The following connections are prohibited, except as provided in Section 1302.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.

SECTION 1303. ROOF DRAINS.

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches except as provided in Section B, below.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted to the Municipality.
- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

SECTION 1304. ALTERNATION OF BMPs.

- 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 XIV

ENFORCEMENT PROCEDURES AND REMEDIES

SECTION 1401. RIGHT OF ENTRY.

Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property to investigate or ascertain the condition of the subject property in regard to an aspect regulated by this ordinance.

SECTION 1402. NOTIFICATION.

In the event that the applicant, developer, owner or his/her agent fails to comply with the requirements of this ordinance or fails to conform to the requirements of any permit, a written notice of violation shall be issued by the municipal engineer or any designated municipal official. Such notification shall set forth the nature of the violations(s) and establish a time limit for correction of the violation(s). Upon failure to comply within the time specified, unless otherwise extended by the municipality, the applicant, developer, owner or his/her agent shall be subject to the enforcement remedies of this ordinance.

SECTION 1403. PREVENTIVE REMEDIES.

- A. In addition to other remedies, the municipality may institute and maintain appropriate actions at law or in equity to restrain, correct or abate a violation, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building or premises.
- B. In accordance with the Pennsylvania Municipalities Planning Code (Sec. 515.1), the municipality may refuse to issue any permit or grant approval to further improve or develop any property which has been developed in violation of this ordinance.

SECTION 1404. ENFORCEMENT REMEDIES.

- A. Any person, who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a fine of \$600 plus court costs, including reasonable attorney fees and engineers and other expert witness fees incurred by the municipality. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by a court of competent jurisdiction.
- B. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to applicable rules of civil procedure.
- C. Each day that a violation continues shall constitute a separate violation unless the court of competent jurisdiction further determines that there was a good faith

basis for the person violating the ordinance to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the initial determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.

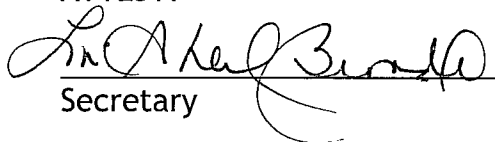
- D. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the municipality.
- E. A court of competent jurisdiction, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- F. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

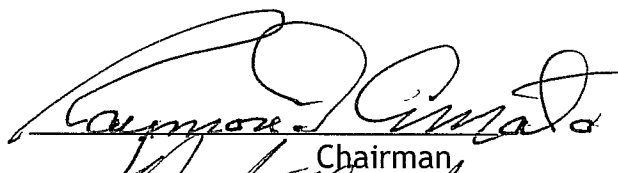
SECTION 1405. ADDITIONAL REMEDIES.

In addition to the above remedies, the municipality may also seek remedies and penalties under applicable Pennsylvania statutes, or regulations adopted pursuant thereto, including but not limited to the Storm Water Management Act (32 P.S. Section 693.1-693.27) and the Erosion and Sedimentation Regulations (25 Pennsylvania Code, Chapter 102). Any activity conducted in violation of this ordinance or any Pennsylvania approved watershed stormwater management plan is declared a public nuisance by the municipality and abatable as such.

ORDAINED AND ENACTED as an Ordinance of the Township of Antis, Blair County, Pennsylvania, this 8th day of October, 2011.

ATTEST:


Secretary


Chairman

