

**West Caln Township
Chester County, Pennsylvania**

ORDINANCE NO. 1-2014

AND NOW, this 21ST day of April 2014, the Board of Supervisors of West Caln Township, Chester County, Pennsylvania, ordains as follows:

Section 1. Purpose

The purpose of this Ordinance is to prohibit certain discharges to the Municipality's separate storm sewer system and to waters of the Commonwealth, and to prohibit alteration of stormwater management facilities and best management practices.

Section 2. Statutory Authority

The Municipality is empowered or required to regulate land use activities that affect runoff and surface and groundwater quality and quantity by the authority of:

- A. Second Class Township Code, 53 P.S. Sections 66501 et seq., 66601 et seq.;
- B. Act of July 31, 1968, P.L. 805, No. 247, Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 3. Applicability/Regulated Activities

All activities related to proper operation and maintenance of approved stormwater management facilities and best management practices and all activities that may contribute on-stormwater discharges to a municipal separate storm sewer system are subject to regulation by this Ordinance.

Section 4. Definitions

BMP (Best Management Practice) – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Activities, to provide water quality treatment, infiltration, volume reduction, and/or peak rate control, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance.

Conveyance – A natural or manmade, existing or proposed facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this Ordinance, Conveyance shall include pipes, drainage ditches, channels and swales (vegetated and other), gutters, stream channels, and like facilities or features

Municipality – the Township of West Caln,, Chester County, Pennsylvania.

PADEP – Pennsylvania Department of Environmental Protection.

Regulated Activity - Any Earth Disturbance Activity(ies) or any activity that involves the alteration or development of land in a manner that may affect stormwater runoff.

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

Section 5. Prohibited Discharges

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system or to enter the waters of the Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges directly connected into the Municipality's separate storm sewer system, or discharges into waters of this Commonwealth, which are not composed entirely of stormwater, except (1) as provided in subsection C below, and (2) discharges allowed under a state or federal permit.
- C. The following discharges are authorized unless they are determined by the Municipality to be significant contributors to pollution to the waters of the Commonwealth:
 - 1. Discharges from fire fighting activities;
 - 2. Potable water sources including water line and fire hydrant flushings;
 - 3. Irrigation drainage;
 - 4. Air conditioning condensate;
 - 5. Springs;
 - 6. Water from crawl space pumps;
 - 7. 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;
 - 8. Diverted stream flows;
 - 9. Flows from riparian habitats and wetlands;
 - 10. Uncontaminated water from foundations or from footing drains;
 - 11. Lawn watering;
 - 12. Dechlorinated swimming pool discharges;
 - 13. Uncontaminated groundwater;
 - 14. Water from individual residential car washing;
 - 15. Routine external building washdown (which does not use detergents or other compounds).
- D. In the event that the Municipality determines that any of the discharges identified in Section 5.C. significantly contribute pollution to waters of the Commonwealth, or is so notified by PADEP, the Municipality will notify the responsible person to cease the discharge.
- E. Upon notice provided by the Municipality under Section 5.D. the discharger shall, within a reasonable time period consistent with the degree of pollution caused by the discharge, as determined by the Municipality, cease the discharge.

- F. Nothing in this section shall affect a discharger's responsibilities under state law.

Section 6. Prohibited Connections

The following connections are prohibited, except as provided in Section 5.C above:

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge, including sewage, process wastewater, and wash water to enter a separate storm sewer system, and any connections to the separate storm sewer system from indoor drains and sinks.
- B. Any drain or conveyance connected from a commercial or industrial land use to a separate storm sewer system, which has not been documented in plans, maps, or equivalent records and approved by the Municipality.

Section 7. Roof Drains and Sump Pumps

- A. Roof drains and sump pump discharges shall not be connected to sanitary sewers.
- B. Roof drain, sump pump, foundation and footing drain discharges:
 - 1. To the maximum extent practicable, shall discharge to infiltration or vegetative BMPs, or to vegetated or other areas with sufficient capacity;
 - 2. May be connected to streets, storm sewers, or roadside ditches only if determined necessary or acceptable on a case-by-case basis by the municipal engineer; and
 - 3. Must be considered in stormwater management calculations to demonstrate that conveyance and receiving facilities have adequate capacity.

Section 8. Alteration of BMPs

- A. No person shall modify, remove, fill, landscape, or alter any existing stormwater facilities, controls or BMPs, 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, vegetation, yard waste, brush cuttings, or other waste or debris into a stormwater control or BMP or within a drainage easement that would limit or alter the functioning of the stormwater control or BMP without the written approval of the Municipality.

Section 9. Enforcement

- A. The Municipal Engineer or other designee is hereby authorized and directed to enforce all of the provisions of this Ordinance. The Municipal Governing Body may delegate enforcement duties, including the initial determination of Ordinance violation and service of notice, if notice is given, to such other officers or agents as the Municipality shall deem qualified for that purpose.

- B. Whenever the Municipality finds that a person has violated a provision of this article or failed to meet a requirement of this article, the Municipality may order compliance by written notice to the responsible party. Such a notice may require, without limitation:
1. The performance of monitoring, analyses, and reporting;
 2. The elimination of prohibited connections or 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; and/or
 5. Payment of a fine to cover administrative and remediation costs.
- C. Such notice shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work may be done by the Municipality or its designee and the expense thereof, including reasonable attorneys' fees and costs, shall be charged to the violator and shall be a lien against the property in question and shall be collected in the manner provided by law for the filing and collection of such liens.
- D. Failure to comply within the time specified in the notice shall also subject such responsible person or party to the provisions of Section 10 and Section 11 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.

Section 10. Suspension and Revocation of Permits and Approvals.

- A. Any building, land development or other permit(s) or approval(s) issued by the Municipality may be suspended or revoked by the Municipality for:
1. A violation of any provision of this article; or
 1. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- B. A suspended permit or approval shall be reinstated by the Municipality when:
1. The Municipal Engineer or his or her designee has inspected and approved the corrections or elimination of the hazard or nuisance; and/or
 2. The Municipality is satisfied that the violation of this article, law, or rule and regulation has been corrected.

Section 11. Violations and penalties; enforcement remedies.

- A. A violation of the terms of this article shall be enforced in a summary criminal proceeding before the District Justice. Any person violating the terms of this article shall be subject to a fine of not more than \$1,000 for each violation, plus the Municipality's attorney fees and costs. Each day that the violation continues shall be a separate offense.
- B. In addition, the Municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this article. A court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 12. Appeals.

Any person aggrieved by any action of the Municipality, under this article, may appeal to the Chester County Court of Common Pleas pursuant to the Local Agency Law, within the time period allowed by law.

Section 13. Right of entry.

Authorized representatives of the Municipality may enter at reasonable times any property within the Municipality to inspect any drain, conveyance, discharge or stormwater facility under this article, consistent with federal and state laws.

Section 14. Effective date.

This ordinance shall be effective five (5) days from the date of enactment.


ENACTED and ORDAINED this 21ST day of April, 2014.


ATTEST:


Secretary

**BOARD OF SUPERVISORS OF
WEST CALN TOWNSHIP**


Paul E. Pfitzenmeyer, Chairman


Donald W. Martz, Vice Chairman


Allen R. Martin, Member

CERTIFICATION

I, Gary N. Moskowitz, Esquire, of Keen, Keen & Good, Solicitor for West Caln Township, Chester County, Pennsylvania, do hereby certify as follows:

On March 26, 2014 a true copy of the proposed West Caln Township Stormwater Management Ordinance was delivered via first class United States mail, postage prepaid, to the: (i) Daily Local News and (ii) Chester County Law Library.

In addition, on March 26, 2014 a true copy of the proposed West caln Township Stormwater Management Ordinance was delivered electronically to the Daily Local News for advertisement.

A copy of the proposed Stormwater Management Ordinance is attached hereto and marked Exhibit "A". A copy of the transmittal letter to the Daily Local News and the Chester County Law Library is attached hereto and marked Exhibit "B". A copy of the electronic transmission to the Daily Local News is attached hereto as Exhibit "C". A copy of the Proof of Publication of the Daily Local News is attached hereto and marked Exhibit "D".



Gary N. Moskowitz

Date: April 21, 2014