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STORMWATER MANAGEMENT

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PART 1

GENERAL PROVISIONS

§17-101. Short Title.

This Chapter shall be known and may be cited as the “The Gettysburg Borough Stormwater Management Ordinance.”

(Ord. 1402-12, 11/13/2012)

§17-102. Statement of Findings.

The Borough Council of the Borough of Gettysburg finds that:

- A. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- B. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases 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 stormwater, undermines floodplain management and flood-control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.
- C. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of the people of Gettysburg Borough, their resources, and the environment.

(Ord. 1402-12, 11/13/2012)

§17-103. Purpose.

The purpose of this Chapter is to promote health, safety, and welfare within Gettysburg Borough and its watersheds by minimizing the harm and maximizing the benefits described in §17-102 of this Chapter, through provisions designed to:

- A. Meet water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93, to protect, maintain, reclaim, and restore the existing and designated uses of the waters of the commonwealth.

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- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and streambeds.
- G. Provide proper operation and maintenance of all stormwater management best management practices that are implemented within Gettysburg Borough.
- H. Provide standards to meet NPDES permit requirements.

(Ord. 1402-12, 11/13/2012)

§17-104. Statutory Authority.

The Borough of Gettysburg is empowered to regulate land use activities that affect stormwater impacts by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. §680.1 et seq., as amended, the Storm Water Management Act, by authority of the Act of February 1, 1966, P.L. 1656 (Act 581), 53 P.S. §45101 et seq., as amended, the the Borough Code, and by the authority of the Act of July 31, 1968, P.L. 805 (Act 247), 53 P.S. §10101 et seq., as amended, the Municipalities Planning Code.

(Ord. 1402-12, 11/13/2012)

§17-105. Applicability.

1. All regulated activities, as defined in Part 2, and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Chapter.
2. Any submission that does not require a stormwater management plan at the time of subdivision or land development will still be required to address stormwater management at the time the individual lots are developed or construction commences, unless said subdivision proposes infrastructure features, such as a cul-de-sac street, for which stormwater management controls are ordinarily required.
3. Development of the individual lots is subject to stormwater management as defined within this Chapter.

(Ord. 1402-12, 11/13/2012)

§17-106. Repealer.

Any other ordinance provision or regulation of the Borough of Gettysburg inconsistent with any of the provisions of this Chapter is hereby repealed to give this Chapter full force and effect to the extent of the inconsistency only. Specifically, Ordinance No. 1312-05, enacted on December 12, 2005, Chapter 17 of the Code of Ordinances of the Borough of Gettysburg, entitled “Stormwater Management,” is hereby repealed as it is superseded by this Chapter.

(Ord. 1402-12, 11/13/2012)

§17-107. Severability.

In the event that a court of competent jurisdiction declares any section, clause or provision of this Chapter invalid, such decision shall not affect the validity of any of the remaining sections, clauses or provisions of this Chapter.

(Ord. 1402-12, 11/13/2012)

§17-108. Compatibility With Other Requirements.

Approvals issued and actions taken under this Chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance. In the event of a conflict between this Chapter and any other ordinance, the more restrictive ordinance shall apply.

(Ord. 1402-12, 11/13/2012)

§17-109. Interpretation.

Unless otherwise expressly stated, the succeeding shall, for the purposes of this Chapter, be interpreted in the following manner:

- A. Words used in the present tense also imply the future tense.
- B. Words used in the singular include the plural, and vice versa.
- C. Words of masculine gender include feminine gender, and vice versa.
- D. The words and abbreviation “includes,” “including,” “shall include,” “such as,” and “e.g.” are not limited to the specific example(s) given but

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are intended to extend the word's or words' meaning(s) to all other instances of like kind and character.

- E. The words "shall," "required," or "must" are mandatory; the words "may" and "should" are permissive.

(Ord. 1402-12, 11/13/2012)

§17-110. Erroneous Permit.

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by any board, agency or employee of Gettysburg Borough purporting to validate such a violation.

(Ord. 1402-12, 11/13/2012)

§17-111. Duty of Persons Engaged in Land Development.

Notwithstanding any provision(s) of this Chapter, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which adequately protects health, property and water quality.

(Ord. 1402-12, 11/13/2012)

§17-112. Municipal Liability Disclaimer.

1. Neither the granting of any approval under this Chapter nor the compliance with the provisions of this Chapter, or with any condition imposed by a Gettysburg Borough official hereunder, shall relieve any person from any responsibility or damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon Gettysburg Borough for damages to persons or property.
2. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee, or warranty of any kind by Gettysburg Borough, or by an official or employee thereof, of the practicality or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

(Ord. 1402-12, 11/13/2012)

PART 2

DEFINITIONS

§17-201. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADAMS COUNTY CONSERVATION DISTRICT — as defined in Section 3(c) of the Conservation District Law [3 P.S. §851(c)] that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

AGRICULTURAL ACTIVITY — activities associated with agriculture, such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or the pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

ALTERATION — as applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT — a landowner, developer, or other person who has filed an application to Gettysburg Borough for approval to engage in any regulated activity at a project site in the Borough.

BEST MANAGEMENT PRACTICE (BMP) — activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Chapter.

BEST MANAGEMENT PRACTICE, NONSTRUCTURAL — operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff.

BEST MANAGEMENT PRACTICE, STRUCTURAL — measures consisting of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

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BMP MANUAL — Pennsylvania Stormwater best management practices Manual, Pennsylvania Department of Environmental Protection, December 2006 (Document No. 363-0300-002), as amended and updated.

BOROUGH — Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH COUNCIL — Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH ENGINEER — a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Gettysburg, Adams County, Pennsylvania.

CLEAN WATER ACT — the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq., and any subsequent amendments thereto.

CODE ENFORCEMENT APPEALS BOARD — the Code Enforcement Appeals Board of the Borough of Gettysburg, Adams County, Pennsylvania, as established by Ordinance No. 1372-10 and codified as Chapter 1, Part 6C, of the Code of Ordinances of the Borough of Gettysburg.

COMMONWEALTH — the Commonwealth of Pennsylvania.

CONTRIBUTORY DRAINAGE AREA (OF IMPERVIOUS SURFACE) — the area of the impervious surface contributing to a concentration point directed to a pervious surface.

CONVEYANCE FACILITY — a natural conveyance channel, man-made conveyance channel or pipe conveyance facility, including but not limited to streams, channels, swales, pipes, conduits, culverts and storm sewers.

COUNTY — Adams County, Pennsylvania.

CULVERT — a structure which carries surface water through an obstruction.

DAM — an impoundment structure regulated by the Pennsylvania DEP Chapter 105 regulations.

DEP — the Pennsylvania Department of Environmental Protection.

DESIGN STORM — the magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a five-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems.

DETENTION BASIN — a structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.

DETENTION VOLUME — the volume of runoff that is captured and released into the waters of this commonwealth at a controlled rate.

DEVELOPER — any person, partnership, association, company, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity.

DEVELOPMENT SITE (SITE) — see “project site.”

DISCONNECTED IMPERVIOUS AREA (DIA) — an impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and/or increased time of concentration.

DISTURBED AREA — an unstabilized land area where an earth disturbance activity is occurring or has occurred.

DOWNSLOPE PROPERTY LINE — that portion of a property line of a lot or parcel of land being developed located such that overland or pipe flow from the development site would be directed toward it.

DRAINAGE EASEMENT — a limited right granted in perpetuity running with the land by a landowner to a grantee, allowing for the use of private land for stormwater management, drainage, or conveyance purposes.

EARTH DISTURBANCE ACTIVITY — a construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EROSION — the natural process by which the surface of the land is worn away by water, wind, or chemical action.

EROSION AND SEDIMENTATION CONTROL PLAN (E&S PLAN) — a site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

E&S MANUAL — the Pennsylvania DEP Erosion and Sedimentation Control Manual, as subsequently amended and updated from time to time by DEP.

EXISTING CONDITION — the dominant land cover during the five-year period immediately preceding a proposed regulated activity.

FEMA — Federal Emergency Management Agency.

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FLOODPLAIN — any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area.

FLOODWAY — the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one-hundred-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FLOW PATH — the path that stormwater follows from the discharge point to the nearest property line or conveyance facility. The length of the path is measured along the ground slope.

FOREST MANAGEMENT/TIMBER OPERATIONS — planning and activities necessary for the management of forest land. These include conducting a timber inventory, preparation of a forest management plan, silvicultural treatment, developing or establishing a cutting budget, logging road design and construction, timber harvesting, site preparation, and reforestation.

FREEBOARD — a vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

GETTYSBURG BOROUGH — the Borough of Gettysburg, Adams County, Pennsylvania.

GRADE — a slope, usually of a road, channel or natural ground, specified in percent and shown on plans as specified herein.

GROUNDWATER RECHARGE — replenishment of existing natural underground water supplies.

HAZARDOUS MATERIALS/SUBSTANCES — any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

IMPERVIOUS SURFACE (IMPERVIOUS AREA) — a surface that prevents the infiltration of water into the ground. Impervious surfaces and areas include but are not limited to roofs, additional indoor living spaces, patios and decks, garages, storage sheds and similar structures, streets, driveways, access drives, parking areas, and sidewalks. Any areas designed to be covered by loose surfacing materials, such as gravel, stone and/or crushed stone, and in-

tended for storage of and/or travel by vehicles or pedestrians shall be considered impervious; however, a credit may be given for pervious surfaces that are designed and maintained as such. The credit shall be developed on a case-by-case basis. Surfaces or areas designed, constructed and maintained to permit infiltration may be considered pervious in terms of stormwater management; however, this definition is not iterative throughout all definitions as determined by the Subdivision and Land Development and Zoning Ordinances (e.g., impervious coverage [as allowed per zoning ordinances] must include the pervious surfaces such as porous concrete or pavers in the impervious area calculation).

INFILTRATION — water flowing downward through the ground surface.

INFILTRATION STRUCTURES — a structure designed to direct runoff into the ground (e.g., french drains, seepage pits, and seepage trenches).

INFILTRATION TRENCH/BED — an area of excavated earth filled with loose stone or similar materials into which surface water is directed for infiltration into the ground.

IN-KIND REPAIR/REPLACEMENT — repair or replacement of materials with the same or similar materials in the same location in a manner that may not affect stormwater runoff.

INLET — a surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

INVASIVE/EXOTIC PLANTS — plant species on the “Invasive Exotic Plants in Pennsylvania List” published by the Pennsylvania Department of Conservation and Natural Resources, as subsequently amended and updated from time to time by DCNR.

KARST — a type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

LAND DEVELOPMENT — shall include any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential 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

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- (2) 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.

B. A subdivision of land.

C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

LOADING RATIO — the ratio of impervious area draining to a stormwater management facility to the area of the stormwater management facility itself.

MINOR STORMWATER MANAGEMENT PLAN — a plan prepared and submitted to Gettysburg Borough for a proposed project which qualifies to use the simplified approach. The minor stormwater management plan requirements are set forth in Appendix D, which is attached hereto and made a part of this Chapter.

MODIFIED PULS METHOD — a method of routing stormwater runoff through a stormwater management facility. Also referred to as the “Storage Indication Method.”

MUNICIPALITY — Borough of Gettysburg, Adams County, Pennsylvania.

NOXIOUS PLANT — those species as listed in the Pennsylvania Noxious Weed Control Law (3 P.S. §§255.1 through 255.11), as subsequently amended and/or recodified from time to time.

NPDES — National Pollution Discharge Elimination System, as authorized by the Clean Water Act (33 U.S.C. §1251 et seq. [1972], as amended).

NPDES PERMIT — a permit required for stormwater discharges associated with construction activities, as required by the Clean Water Act (33 U.S.C. §1251 et seq. [1972], as amended).

NRCS — USDA Natural Resources Conservation Service (previously SCS).

O&M — operation and maintenance.

O&M PLAN — Operation and Maintenance Plan.

OUTFALL —

A. Point where water flows from a conduit, stream, or drain;

B. “Point source” as described in 40 CFR 122.2 at the point where the Borough’s storm sewer system discharges to surface waters of the commonwealth.

PCSM — post-construction stormwater management.

PCSM PLAN — post-construction stormwater management plan.

PEAK DISCHARGE — the maximum rate of stormwater runoff from a specific storm event.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE — Act of 1968, P.L. 805, No. 247, as reenacted and amended.

PERCOLATION — the downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

PERSON — an individual, partnership, association, company or corporation, firm, trust, estate, governmental unit, municipal authority, public utility or any other legal entity whatsoever. Whenever used in any section prescribing or imposing a penalty, the term “person” shall include the members of a partnership, association or company, the officers, directors and employees of a corporation and the officers and appointed officials of a governmental unit, municipal authority or public utility.

PERVIOUS AREA — any area not defined as impervious.

PLANNING COMMISSION — the Planning Commission of the Borough of Gettysburg, Adams County, Pennsylvania.

POINT OF INTEREST — a location specified for the purposes of analyzing a study area, including, but not limited to, drainage areas, watersheds, inflow or discharge of stormwater.

POINT SOURCE — any discernible, confined, or discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged.

PROJECT SITE (SITE) — the specific area of land where any regulated activity in Gettysburg Borough is planned for, conducted on, constructed, or maintained.

QUALIFIED PROFESSIONAL — any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Chapter.

RATIONAL METHOD — a rainfall-runoff relation used to estimate peak flow.

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REGULATED ACTIVITY — any activities or actions that involve the alteration, disturbance or development of land in a manner that may affect stormwater runoff.

REGULATED EARTH DISTURBANCE ACTIVITY — activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92a, 25 Pa. Code Chapter 102, or the Clean Streams Law.

REMOVED RUNOFF — the volume of runoff that is captured and not released directly into the surface waters of the commonwealth during or after a storm event.

RETENTION BASIN — an impoundment in which stormwater is stored and not released to surface waters of the commonwealth during a storm event. Water stored within a retention basin during a storm event may be released at some time after the end of a storm.

RETURN PERIOD — the average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the twenty-five-year return period rainfall would be expected to occur on average once every 25 years or, stated in another way, the probability of a twenty-five-year storm occurring in any one year is 0.04, i.e., a four-percent chance.

RIPARIAN BUFFER — a best management practice that consists of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

RIPARIAN FOREST BUFFER — a type of riparian buffer that consists of permanent vegetation that is predominantly native trees and shrubs along surface waters that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and separate land use activities from surface waters.

RISER — a vertical pipe extending from the bottom of a pond or other water impoundment that is used to control the discharge rate from the pond or impoundment for a specified design storm.

ROAD MAINTENANCE ACTIVITIES — see the definition as found in 25 Pa. Code §102.1.

ROOFTOP DETENTION — temporary ponding and gradual release of stormwater falling directly onto roof surface by incorporating control-flow roof drains into building design.

RUNOFF — any part of precipitation that flows over the land.

RUNOFF CHARACTERISTICS — the surface components on any watershed which either individually or in any combination thereof directly affect the rate, amount and direction of stormwater runoff. These may include, but are not

limited to, vegetation, soils, slopes and any type of man-made landscape alterations.

SEDIMENT — soils or other materials transported by surface water as a product of erosion.

SEDIMENT BASIN — a barrier, dam, retention or detention basin designed to retain sediment.

SEMIPERVIOUS SURFACE — a surface which permits a limited amount of vertical transmission of water.

SIMPLIFIED APPROACH (SA) — a process that property owners proposing certain types of projects may utilize to prepare a stormwater management plan without having to conduct the detailed technical analysis and design required for larger projects.

SOIL COVER COMPLEX METHOD — a method of runoff computation in NRCS publication “Urban Hydrology for Small Watersheds,” Technical Release No. 55.

SPECIAL MANAGEMENT AREAS — those areas outlined in Chapter 7 of the BMP Manual. Special management areas include brownfields, highways and roads, karst areas, mined lands, water supply well areas, surface water supplies and special protection waters.

SPILLWAY — a depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

STATE WATER QUALITY REQUIREMENTS — the regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

STORM DRAIN SYSTEM — publicly or privately owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM FREQUENCY — the number of times that a given storm event occurs on average in a stated period of years.

STORM SEWER — a pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

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STORMWATER — drainage runoff from the surface of the land resulting from precipitation, snow melt or ice melt.

STORMWATER BEST MANAGEMENT PRACTICE (STORMWATER BMP) — activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Chapter.

STORMWATER MANAGEMENT FACILITY — any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes and infiltration facilities.

STORMWATER MANAGEMENT PLAN (the plan) — the Adams County Stormwater Management Plan of January 27, 2012, which incorporates the requirements of the Act of October 4, 1978, P.L. 864 (Act 167), as amended, and known as the “Storm Water Management Act.”

STORMWATER MANAGEMENT SITE PLAN (SWM site plan) — a plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter.

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or 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 of an area of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall not be considered a subdivision.

SWALE — a low-lying stretch of land which gathers and/or carries surface water runoff.

SWM — stormwater management.

TECHNICAL REVIEW CHECKLIST (optional) — a checklist of technical items to be used by the reviewing entity when reviewing a PCSM plan.

TIME OF CONCENTRATION (tc) — the time for surface runoff to travel from the hydraulically most distant point in a watershed to a point of interest within a watershed.

USDA — United States Department of Agriculture.

WATERCOURSE — a stream of water; river, brook, creek, channel or ditch, whether natural or man-made.

WATERSHED — region or area drained by a river, watercourse, or other surface water of this Commonwealth.

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.

WETLAND — areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(Ord. 1402-12, 11/13/2012)

PART 3

STORMWATER MANAGEMENT STANDARDS

§17-301. General SWM Requirements.

1. For all regulated activities, unless preparation of an SWM site plan is specifically exempted in §17-302:
 - A. Preparation and implementation of an approved SWM site plan is required.
 - B. No regulated activities shall commence until the Borough issues written approval of an SWM site plan which demonstrates compliance with the requirements of this Chapter.
2. All SWM site plans for regulated activities shall include such measures as necessary to:
 - A. Protect health, safety, and property.
 - B. Meet the water quality goals of this Chapter, as set forth in §17-103 hereof, by including measures that:
 - (1) Minimize disturbance to floodplains, wetlands, wooded areas, and existing vegetation.
 - (2) Maintain or extend riparian buffers.
 - (3) Avoid erosive flow conditions in natural flow pathways.
 - (4) Minimize thermal impacts to waters of the commonwealth.
 - (5) Disconnect impervious surfaces by directing runoff to pervious areas.
 - (6) Minimize soil disturbance and compaction.
 - C. Incorporate the techniques for low-impact development practices described in the Pennsylvania Stormwater best management practices Manual (BMP Manual).
3. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without the written notification and written permission of the adjacent property owner(s) by the developer. Copies of all such notifications, permissions, licenses or easements shall be included in the SWM site plan submission.

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4. For all regulated activities where erosion and sediment control is required in accordance with Title 25 of the Pennsylvania Code and the Clean Streams Law, the SWM site plan shall include the required erosion and sedimentation control measures. Necessary E&S BMPs shall be designed in accordance with the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (March 2012), as amended and updated. Approval of the SWM site plan by the Borough shall be conditioned on the applicant obtaining erosion and sedimentation control approval from the appropriate agency(ies), when applicable.
5. For all regulated activities where NPDES permitting is required in accordance with the Clean Water Act (33 U.S.C. §1251 et seq. [1972], as amended), the SWM site plan shall include the information required in the applicant's NPDES permit application. Approval of the SWM site plan by the Borough shall be conditioned on the applicant obtaining NPDES permit approval from the appropriate agency(ies), when applicable.
6. For all regulated activities, implementation of the volume controls in §17-303 and the peak rate controls of §17-304 is required unless exempt pursuant to §17-302 hereof.
7. Special Management Areas. SWM site plans involving regulated activities within special management areas shall be prepared in a manner consistent with the guidance provided in Chapter 7 of the BMP Manual. The SWM site plan submission shall include design details for stormwater BMPs within said special management area.
8. An SWM site plan may propose that stormwater related to the proposed regulated activities be accommodated by existing stormwater management facilities on adjoining or nearby properties, provided that the SWM site plan documents the following:
 - A. The use of the stormwater BMPs located on said adjoining or nearby property is approved in writing by the owner of the property.
 - B. The stormwater BMPs located on said adjoining or nearby property are designed in a manner that can accommodate the stormwater management needs of the regulated activity in a manner consistent with all requirements of this Chapter. The SWM site plan shall include all documentation necessary for the Borough to confirm such compliance.
9. SWM site plans, once approved by the Borough, shall remain on site throughout the duration of the regulated activity and be available for review as may be necessary by representatives of the Borough.
10. The design of all stormwater BMPs over karst geology shall include an evaluation of measures necessary to minimize adverse effects, including hydrogeologic studies if required by the Borough.

11. The Borough may, after consultation with and approval by DEP, approve measures for meeting the state water quality requirements other than those in this Chapter, provided that they meet the minimum requirements of, and do not conflict with, state law, including, but not limited to, the Clean Streams Law. The Borough shall maintain a record of consultations with DEP pursuant to this provision. Notwithstanding the foregoing, the Borough is not required to consult DEP for a waiver of the requirements set forth in §§17-306, 17-307, 17-308 and 17-309 herein.
12. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Borough. All encroachment activities shall comply with the requirements of 25 Pa. Code Chapter 105 (Water Obstructions and Encroachments),¹ of the rules and regulations promulgated by DEP. Any approvals or permits issued do not relieve compliance as referenced in §17-108, Compatibility With Other Requirements.
13. The technical standards provided within this Chapter are considered the baseline for design and layout of an SWM plan. Use of other alternative and innovative designs for controlling stormwater runoff may be permitted when approved by the Borough Engineer.
14. All existing stormwater management facilities and agreements shall continue to be maintained with the intended functionality as designed and approved.
15. All work shall be in accordance with the Borough's Construction and Material Specifications as approved and adopted from time to time by the Borough Council.

(Ord. 1402-12, 11/13/2012)

§17-302. Exemptions.

1. A property owner or developer of any regulated activity that meets the following exemption criteria may be, upon approval by the Planning Commission, exempt from certain stormwater management requirements of this Chapter. However, the property owner or developer shall be subject to all other requirements of this Chapter other than related requirements for which an exemption or exemptions have been authorized. The criteria for exemption in this Section apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this Chapter shall be the starting point from which future development and the respective exemption criteria shall be cumulatively considered and regulated.

¹ Editor's Note: See now 25 Pa. Code Chapter 105, Dam Safety and Waterway Management.

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- A. Regulated activities that involve less than 800 square feet of impervious surface, where the total cumulative impervious surface added since the adoption date of this Chapter is less than 800 square feet, may be exempted from portions of Article III, including volume control (§17-303) and peak rate control (§17-304) and may be exempted from all of Parts 4 and 5 of this Chapter and the SWM site plan preparation and submission requirements of this Chapter. The applicant shall complete requirements as defined by the Simplified Approach (see Appendix D, which is attached hereto and made a part of this Chapter).
- B. Regulated activities that involve more than 800 square feet up to 5,000 square feet of impervious surface, where the total cumulative impervious surface added since the adoption date of this Chapter is less than 5,000 square feet, may be exempted from the peak rate control as set forth in §17-304 of this Chapter.
- C. Agricultural activities shall be exempt from the rate control, volume control and SWM site plan preparation and submission requirements of this Chapter, provided that the agricultural activities are performed in accordance with the requirements of 25 Pa. Code Chapter 102. Further, such activities shall not be subject to the exemption approval process of §17-302.2 of this Chapter.
- D. Forest management and timber operations shall be exempted from the rate control, volume control and SWM site plan preparation and submission requirements of this Chapter, provided that the forest management and timber operations are performed in accordance with the requirements of 25 Pa. Code Chapter 102. Further, such activities shall not be subject to the exemption approval process of §17-302.2 of this Chapter.
- E. Regulated activities involving domestic gardening for single-family consumption shall be exempted from volume control, rate control, and SWM site plan preparation and submission requirements of this Chapter. Further, such activities shall not be subject to the exemption approval process of §17-302.2 of this Chapter.
- F. In-kind repair, in-kind replacement, and maintenance of existing surfaces and structures shall be exempted from volume control, rate control, and SWM site plan preparation and submission requirements of this Chapter. Further, such activities shall not be subject to the exemption approval process of §17-302.2 of this Chapter.
- G. An area of up to 800 square feet of permeable pavers, permeable pavement, and/or green roofs may be considered as pervious area and may be accounted for, as such, when considering exemptions provided in §17-302.1A and B of this Chapter. At a minimum, the submittal of a minor stormwater management plan in accordance with Appendix D, which is attached hereto and made a part of this Chapter, will be required for any such projects.

2. Authorization of Exemptions. The Borough shall determine, in accordance with the following requirements and process, whether the proposed regulated activity may be exempted from the requirements of this Chapter.
 - A. The property owner or developer proposing the regulated activity shall submit, in writing on a form supplied by the Borough, a request for said proposed regulated activity to be exempted from allowable requirements of this Chapter pursuant to §17-302.1. The written request shall identify the project and shall indicate the specific exemption criteria, as listed in §17-302.1, that apply to the project.
 - B. Upon receipt of the plans and documents required, the Planning Commission or its designee shall either approve or deny the exemption request. If the exemption request is denied, the Planning Commission or its designee shall direct the property owner or developer to submit the information required to demonstrate that the proposed regulated activity complies with the requirements of this Chapter or meets the exemption criteria.
 - C. Exemption request approval shall be at the discretion of the Planning Commission or its designee and shall be subject to the following:
 - (1) The Planning Commission may deny any exemption request or suspend or revoke any approved exemption request at any time for any project where Borough believes that the proposed regulated activity poses a threat to public health, safety, property, or the environment.
 - (2) Approval of an exemption request does not relieve the property owner or developer from other applicable requirements of this Chapter or of other Borough ordinances or regulations.
 - (3) The Borough reserves the right to deny an exemption request if a drainage problem is known or identified by the Borough to exist or is expected to exist downstream from the proposed regulated activity.

(Ord. 1402-12, 11/13/2012)

§17-303. Volume Controls.

The low-impact development practices provided in the BMP Manual shall be utilized for all regulated activities. Water volume controls shall be implemented using the Design Storm Method in §17-303A.

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- A. The Design Storm Method (CG-1 in the BMP Manual) may be used for any size of regulated activity. This method requires detailed modeling to achieve the following standards:
- (1) The post-development total runoff volume shall not increase for all storms equal to or less than the two-year, twenty-four-hour-duration precipitation.
 - (2) For modeling purposes:
 - (a) Existing (pre-development), nonforested pervious areas must be considered meadow within the regulated activity area unless the existing land use dictates a lower runoff condition.
 - (b) Twenty percent of existing impervious area within the regulated activity area, when present, shall be considered meadow in the model for existing conditions.
 - (3) Infiltration BMPs shall be designed pursuant to §17-306S and T.
- B. Infiltration Alternative. Where infiltration is not possible due to soil characteristics or is not desirable given other characteristics, water quality control may be proposed as an alternative to strict adherence to the volume control standards of §17-303 of this Chapter. Where water quality control is proposed, the following standards shall be achieved:
- (1) At a minimum, the following documentation shall be provided to justify the proposal to reduce the infiltration requirements:
 - (a) Description of and justification for field infiltration and permeability testing with respect to the type of test and test locations.
 - (b) An interpretive narrative describing existing soils of the site and their structure as these relate to the interaction between soils and water characteristics of the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal water tables and depth to bedrock and provide a description of all subsurface elements (restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
 - (c) A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with the identification of any restrictions or limitations associated with the use of designed infiltration facilities.
 - (d) The provided documentation must be signed and sealed by a qualified professional.

- (2) Water quality BMPs shall be implemented on all permanent stormwater discharges from the proposed project site to achieve pollutant removal efficiencies in accordance with the following table. (Efficiency removal rating shall be based on a testing specification for particle size distribution as required per TARP Tier 1 and 2 protocol testing. The minimum design flow shall be based on the peak flow produced from one inch of rain as calculated.)

**Required Pollutant Removal Efficiencies
for Infiltration Alternatives**

Pollutant Load	Units	Required Removal Efficiency (%)
Total suspended solids (TSS)	Pounds	85%
Total phosphorus (TP)	Pounds	85%
Total nitrate (NO ₃)	Pounds	50%

- (3) Design guidance from the most current version of the BMP Manual, or equivalent resource as pre-coordinated with the Borough, shall be consulted when choosing design criteria for water quality BMPs.

(Ord. 1402-12, 11/13/2012)

§17-304. Rate Controls.

1. Post-development discharge rates shall not exceed the pre-development discharge rates for the one-, two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year twenty-four-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for one-, two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year, twenty-four-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.
2. For computation of pre-development peak discharge rates:
 - A. Existing (pre-development) pervious areas must be considered meadow within the regulated area, unless the existing land use dictates a lower runoff condition.
 - B. Twenty percent of existing impervious area within the regulated activity area, when present, shall be considered meadow in the model for existing conditions.

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- C. The developer shall demonstrate that the flows for the one-, two-, five-, and ten-year-frequency storms peak rates are less than or equal to pre-development rates during the construction phase.

(Ord. 1402-12, 11/13/2012)

§17-305. Stormwater Management Facilities for Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission Roadways and Associated Facilities.

1. For the purposes of the Act 167 Storm Water Management (plan) elements and this Chapter, design policy pertaining to stormwater management facilities for Pennsylvania Department of Transportation (PennDOT) roadways and associated facilities is provided in Section 13.7 (Antidegradation and Post Construction Stormwater Management Policy) of PennDOT Publication No. 13M, Design Manual Part 2 (August 2009), as developed, updated, and amended in consultation with the PDEP. As stated in DM-2.13.7.D (Act 167 and Municipal Ordinances), PennDOT roadways and associated facilities shall be consistent with Act 167 plans. DM-2.13.7.B (Policy on Antidegradation and Post-Construction Stormwater Management) was developed as a cooperative effort between PennDOT and DEP. DM-2.13.7.C (Project Categories) discusses the anticipated impact on the quality, volume, and rate of stormwater runoff.
2. Where standards in the Act 167 ordinance are impractical, PennDOT may request assistance from DEP, in consultation with the Borough and County, to develop an alternative strategy for meeting State water quality requirements and the goals and objectives of the Act 167 plan elements.
3. For the purposes of the Act 167 ordinance, road maintenance activities are regulated under 25 Pa. Code Chapter 102.

(Ord. 1402-12, 11/13/2012)

§17-306. Design Criteria and Standards.

1. **Off-Site Areas.** Off-site areas proposed to drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates; however, on-site drainage facilities shall be designed to safely convey off-site flows through the development site. When conditions as described above are encountered, separate analysis for developed and off-site areas shall be made for comparison purposes.
2. **On-Site Areas.** On-site areas proposed to remain outside a regulated activity area shall be considered as existing conditions, without considering any reductions in cover type. When conditions as described above are encountered, separate analysis for these areas shall be made for comparison purposes.

3. Downstream Hydraulic Capacity Analysis. Any existing downstream hydraulic capacity analysis shall be conducted in accordance with this Chapter.
 - A. All downstream facilities impacted by the total site area of the regulated activity shall be studied to determine if the facility has adequate capacity to handle existing and proposed flows. An impacted downstream facility is one to which the runoff from the total site area of the regulated activity comprises more than 50% of the total flow to such a facility. The study shall end at a perennial stream. Downstream facilities include, but are not limited to, man-made or natural swales and open channels, pipes, inlets, culverts, bridges and roadways.
 - B. If any private facility is found to be undersized, the applicant shall be responsible for updating the facility in coordination with the regulated activity and appropriate municipal representation.
4. Regional Detention Alternatives. For certain areas within the study area, it may be more cost effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any 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.
5. Capacity Improvements of Local Drainage Networks. In certain instances, 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 can prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the 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 improvement and the capacity criteria specified in this Chapter. In addition, all new development upstream of a proposed capacity improvement shall be assumed to implement the applicable runoff controls consistent with this Chapter, except that all new development within the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.
6. Capacity improvements may be provided as necessary to implement any regional or subregional detention alternatives.
7. Where the potential for groundwater and/or surface water contamination exists, based on the proposed use of the regulated activity, safeguards shall be incorporated into the site.

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- A. For industrial or commercial sites where it is possible that toxic or hazardous substances may come into contact with stormwater runoff, pretreatment of the first-flush (first 1/2 inch) runoff over areas where industrial and commercial operations take place shall be provided. Pretreatment shall include means for separating light and heavy toxic and hazardous substances from the stormwater before the stormwater is conveyed to the general stormwater management facilities.
 - B. Infiltration systems may be used to handle runoff from commercial or industrial working or parking areas only after the first-flush stormwater from these areas has been pretreated for removal of toxic and hazardous substances.
8. Roof drains and sump pumps shall discharge to lawns, infiltration or vegetative BMPs, or pervious areas wherever/whenever possible. If the above discharge criteria cannot be met or when it is more advantageous to connect directly to streets, storm sewers or other stabilized conveyance designations, then the discharge will be permitted on a case-by-case basis by the Borough. All discharges shall be conveyed in a manner as to not cause water problems on adjoining property owners.
 9. Subsurface detention facilities shall provide adequately designed pretreatment for removal of pollutants, oil, trash and debris. Appropriate supporting information shall be provided for all proposed devices. All subsurface facilities shall be designed such that access for inspection and cleaning of the facility can occur.
 10. Inlets shall be placed on both sides of the street at low spots and at the upper side of street intersections to prevent stormwater from crossing an intersection. Other devices such as high-efficiency grates or perforated pipe may be required if conditions warrant. All inlets at low points along the roadway shall have a ten-inch curb reveal and shall be equipped with pavement base drain extending 50 feet in either direction, parallel to the center line of the roadway.
 11. Manholes, inlets, headwalls, and endwalls shall conform to the requirements of PennDOT Publication 408, as modified by the adopted Borough standards.
 12. Design Standards. Permanent detention and retention facilities shall be designed to meet the following standards:
 - A. The maximum permitted depth for dry detention or retention basins shall be six feet, measured from the bottom of the emergency spillway to the lowest point in the basin.
 - B. The minimum top width of all basin embankments shall be eight feet.
 - C. The maximum permitted side slopes for detention or retention basins shall be four horizontal to one vertical. In order to obtain a waiver for slopes steeper than 4:1, the plan must include a planting schedule to

stabilize the embankments. The proposed vegetation shall be low-maintenance varieties.

- D. Minimum Bottom Slope. All detention basins shall have a minimum bottom slope of 2% unless infiltration facilities are provided.
- E. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Chapter shall be designed to provide an emergency spillway to handle flow up to and including the one-hundred-year, twenty-four-hour design storm at post-development conditions, assuming the principal outlet structure to be clogged. The height of embankment must be set as to provide a minimum one foot of freeboard above the maximum elevation computed for the clogged orifice condition. Should any stormwater management facility require a dam safety permit under 25 Pa. Code Chapter 105, the facility shall be designed in accordance with 25 Pa. Code Chapter 105 and meet the regulations of 25 Pa. Code Chapter 105 concerning dam safety which may be required to pass storms larger than the one-hundred-year event.
- F. A cutoff trench of impervious material shall be provided within all basin embankments.
- G. Where a basin embankment is constructed using fill on an existing fifteen-percent or greater slope, the basin must be keyed into the existing grade.
- H. Fencing. Any aboveground stormwater management detention/retention facility that is designed to store at least a two-foot depth of runoff shall be subject to the following fencing requirements:
 - (1) A stormwater facility must be completely surrounded by a chain-link fence of not less than four feet in height. Alternative fences and barriers may be permitted upon request to and approval by the Borough.
 - (2) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times, when not in actual use.
- I. All outlet structures and emergency spillways shall include a satisfactory means of energy dissipation at its outlet to assure conveyance and flow without endangering the safety and integrity of the basin and the downstream drainage area.
- J. A concentrated discharge of stormwater to an adjacent property shall be within a natural drainageway or watercourse, or an easement shall be required.

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- K. All facilities shall be provided with an access slope at no more than 5:1 along with an access easement.
 - L. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum of 10 feet separation from on-lot disposal systems (OLDS) infiltration areas, including replacement areas, is required; however, 25 feet is desirable. Infiltration rates shall be based upon perc and probe tests conducted at the site of the proposed facility.
 - M. Guards shall be provided on all intake and outfall structures as well as outlet structures. The guard bars shall be one-half-inch-diameter galvanized bars on six-inch centers attached to the structure with three-eighths-inch-diameter stainless steel anchors.
 - N. All facilities shall specify a maintenance requirement that controls the growth of noxious and invasive plants as specified in Appendix B, which is attached hereto and made a part of this Chapter.
13. All storage facilities shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. However, any designed infiltration at such facilities is exempt from the minimum twenty-four-hour standard, i.e., may infiltrate in a shorter period of time, so long as none of the stormwater flowing into the infiltration facility is discharged directly into the surface waters of the commonwealth. (Inordinately rapid infiltration rates may indicate the presence of large fractures or other conditions for which an additional soil buffer may be required.) Where extended detention facilities are utilized to mitigate increased volume, the increased volume is required to be detained not less than 24 hours from the end of the twenty-four-hour design storm (assuming the peak rate occurs at approximately the twelve-hour time period in the storm).
 14. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Chapter and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
 15. Design for BMPs shall be in accordance with design standards as listed in the BMP Manual or other legitimate source.
 16. Existing (pre-development) pervious areas must be considered meadow within the regulated area, unless the existing land use dictates a lower runoff condition.
 17. Infiltration BMPs shall be spread out such that impervious to BMP loading ratios are less than or equal to 5:1, made as shallow as practicable, and located

to maximize use of natural on-site infiltration features while still meeting the other requirements of this Chapter.

18. Impervious Area.
 - A. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in phases.
 - B. For development taking place in phases, the total proposed impervious for all phases must be used in determining conformance with this Chapter.
 - C. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Chapter, except that the volume controls in §17-303 and the peak rate controls of §17-304 do not need to be considered for existing impervious areas that are not being altered by the proposed regulated activity.
 - D. Twenty percent of existing impervious area within the regulated area, when present, shall be considered meadow in the model for existing conditions.

19. Infiltration BMPs shall be designed in the following manner: A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional and, at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability, seasonally high groundwater table, suitability of stormwater management facilities and maximum infiltration capacity in depth of water per unit area. The general process for designing the infiltration BMP shall be:
 - A. Site evaluation to determine general areas of suitability for infiltration practices.
 - B. Provide field tests throughout the area proposed for development to determine appropriate percolation rate and/or hydraulic conductivity. At least one infiltration test must be included in each soil group, and at least one infiltration test must be conducted for each five lots proposed for development. Infiltration tests must be taken at the location and depth of all proposed infiltration structures.
 - C. Design infiltration facility for required storm volume based on all available data.
 - D. The infiltration requirement in the high-quality/exceptional waters shall be subject to Title 25, Chapter 93, of the Pennsylvania Code of Regulations and the antidegradation regulations promulgated by DEP thereunder.

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- E. A double-ring infiltrometer test shall be used for all infiltration tests in accordance with the current edition of the BMP Manual.
- 20. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum twenty-five-foot separation from on-lot disposal systems (OLDS) infiltration areas, including replacement areas, is desired and will be evaluated by the municipality on a case-by-case basis. However, the separation shall not be less than DEP-required 10 feet.

(Ord. 1402-12, 11/13/2012)

§17-307. Regulations Governing Stormwater Management Facilities.

1. Any stormwater facility located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
2. Any stormwater management facilities regulated by this Chapter that would be located in or adjacent to waters of the commonwealth or wetlands shall be subject to approval by DEP through the joint permit application process or, where deemed appropriate by DEP, 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 from DEP.
3. Any stormwater management facility located within the vicinity of a floodplain shall be subject to approval in accordance with 25 Pa. Code Chapter 106 (Floodplain Management) of the rules and regulations promulgated by DEP.
4. All earthmoving activities must be reviewed and approved by the Adams County Conservation District prior to commencing work.
5. The design of all stormwater management facilities shall incorporate good engineering principles and practices. The Borough shall reserve the right to disapprove any design that would result in the occupancy or continuation of adverse hydrologic or hydraulic conditions within the watershed.
6. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without written permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Chapter.
7. 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 Chapter. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer shall 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.

8. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement 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, the maintaining of vegetation in a natural state within the easement shall be required, except as approved by the appropriate governing authority.
9. When it can be shown that, due to topographic conditions, natural conveyance facilities on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural conveyance facilities shall be subject to approval by DEP through the joint permit application process or, where deemed appropriate by DEP, through the general permit process.
10. **Special Requirements for Areas Falling Within Defined Exceptional Value and High-Quality Subwatersheds:** The temperature and quality of water and streams that have been declared as exceptional value and high quality are to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of the Pennsylvania Code of Regulations. Temperature-sensitive BMPs and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within 10 feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long-term maintenance schedule and management plan for the thermal control BMPs is to be established and recorded for all development sites within defined exceptional value and/or high-quality subwatersheds.

(Ord. 1402-12, 11/13/2012)

§17-308. Calculation Methodology.

1. Stormwater runoff hydrographs/peak rates shall be calculated in the following manner:
 - A. For the purpose of considering peak flows with a fully developed runoff hydrograph, the Soil Cover Complex Method TR-20 or TR-55 and a twenty-four-hour rainfall event shall be used with the appropriate design rainfall depths. A dynamic or interconnected model is required for

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modeling of multiple drainage or subareas. The SCS Rainfall Type II curve or local precipitation frequency data shall be used for the rainfall distribution. The Borough may allow the use of other methodologies on a case-by-case basis as approved prior to design submittal.

- B. Times of concentration shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS).
 - C. The design storm volumes to be used in the analysis of peak rates of discharge shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, as amended and updated, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
 - D. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex method shall be obtained from Appendix C, Table 1, which is attached hereto and made a part of this Chapter.
 - E. The design of any stormwater detention facilities intended to meet the performance standards of this Chapter shall be verified by routing the design storm hydrograph through these facilities, using either manual methods or computerized routing. Routing shall be based upon the Modified Puls Method; other routing methodologies shall be subject to the approval of the Borough Engineer.
2. Conveyance facilities shall be designed in the following manner:
- A. All storm drain systems, streets, and inlets (excluding detention and retention basin outfall structures) shall be designed for a ten-year storm event. Sole-access structures (culverts and bridges) shall be designed to convey the twenty-five-year flood without overtopping the roadway.
 - (1) When a pipe or culvert is intended to convey to or pass the discharge from a stormwater management facility, its required capacity shall be computed using the methodology considered for the stormwater management facility design as part of a dynamic model.
 - (2) Greater design frequencies may be justified on individual projects.
 - (3) A one-hundred-year storm frequency may be required for design of the stormwater collection system to insure that the resultant stormwater runoff from the post-development storm is directed into the management facility.

- (4) If the Rational Method is used for calculating peak flows, conveyance facilities 30 inches in diameter or less shall use a time of concentration of five minutes for the contributing drainage area shall be considered for the design.
- B. In general, inlets shall be spaced such that, based upon the Rational Method, time of concentration (tc) equals five-minute and ten-year rainfall intensity; the area contributing to the inlet shall not produce a peak runoff of greater than four cubic feet per second (cfs). Also, inlets shall be spaced so that their efficiency, based upon efficiency curves published by the Pennsylvania Department of Transportation (PennDOT), is not less than 65%.
- C. The Rational Method may be used for stormwater collection and conveyance facilities, provided that the facilities are part of an integrated SWM facility requiring modeling using SCS modeling. Rainfall intensities shall be consistent with appropriate times of concentration and return periods.
- D. Runoff coefficients (C) for use with the Rational Method shall be obtained from Appendix C, Table 2, which is attached hereto and made a part of this Chapter.
- E. Existing and proposed channels or swales must be able to convey the increased runoff associated with a proposed one-hundred-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 DEP Erosion and Sediment Pollution Control Program Manual.
- F. Existing natural or man-made channels or swales must be able to convey proposed one-hundred-year return period runoff without creating any hazard to persons or property.
- G. Stormwater runoff on roadways (i.e., gutter spread, lane encroachment, etc.) shall be controlled in accordance with PennDOT Publications 13M, "Design Manual, Part 2," and 584, "Drainage Manual."
- H. In all cases where drainage is picked up by means of a headwall, the pipe shall be designed as a culvert. Inlet and outlet conditions shall be analyzed. The minimum diameter of a culvert shall be 18 inches. The procedure contained in Hydraulic Engineer Circulars No. 5 and No. 13, as prepared by the U.S. Department of Transportation, Federal Highway Administration, Washington, D.C., shall be used for the design of culverts. All culverts shall include concrete headwalls and endwalls.

(Ord. 1402-12, 11/13/2012)

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§17-309. Carbonate Geology.

In areas of carbonate geology, a geologist shall certify to the following:

- A. No stormwater management facility will be placed in, over, or immediately adjacent to the following features:
 - (1) Closer than 100 feet from sinkholes;
 - (2) Closer than 100 feet from closed depressions;
 - (3) Closer than 100 feet from caverns, intermittent lakes, or ephemeral streams;
 - (4) Closer than 50 feet from lineaments in carbonate areas;
 - (5) Closer than 50 feet from fracture traces; or
 - (6) Closer than 25 feet from bedrock pinnacles (surface or subsurface).
- B. Stormwater resulting from regulated activities shall not be discharged into sinkholes.
- C. If the developer can prove through analysis that the project site is an area underlain by carbonate geology, and such geologic conditions may result in sinkhole formations, then the project site is exempt from recharge requirements as described in §17-303, Volume Controls. However, the project site shall still be required to meet all other standards found in this Chapter.
- D. It shall be the developer's responsibility to verify if the project site is underlain by carbonate geology. The following note shall be attached to all stormwater management plans and signed and sealed by the developer's geologist: "I, _____, certify that the proposed stormwater management facility (circle one) is/is not underlain by carbonate geology."
- E. Whenever a stormwater management facility will be located in an area underlain by carbonate geology, a geological evaluation of the proposed location by a qualified licensed professional shall be conducted to determine susceptibility to sinkhole formation and the possibility of groundwater contamination from the facility.

(Ord. 1402-12, 11/13/2012)

§17-310. Riparian Buffers/Riparian Forest Buffers.

Where an applicant proposes to utilize riparian buffers as the means to meet the requirements of this Chapter, said riparian buffers shall be established and/or main-

tained in accordance with the BMP Manual or the publication Riparian Forest Buffer Guidance, published November 2010 by DEP, and as may be amended or updated.

(Ord. 1402-12, 11/13/2012)

§17-311. Prohibited Discharges and Connections.

1. Any drain or conveyance, whether on the surface or subsurface, that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the waters of the commonwealth is prohibited.
2. No person shall allow, or cause to allow, discharges into surface waters of the commonwealth which are not composed entirely of stormwater, except 1) as provided in Subsection 17-311.3 below and 2) discharges allowed under a state or federal permit.
3. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of the commonwealth:

Discharges from firefighting activities

Potable water sources, including water line flushing

Irrigation drainage

Air-conditioning condensate

Springs

Water from crawl space pumps

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

Diverted stream flows

Flows from riparian habitats and wetlands

Uncontaminated water from foundations or from footing drains

Lawn watering

Dechlorinated swimming pool discharges

Uncontaminated groundwater

Water from individual residential car washing

Routine external building wash-down (which does not use detergents or other compounds)

Water discharged in well testing for potable water supplies

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4. In the event that the Borough or DEP determines that any of the discharges identified in Subsection 3 significantly contribute to pollution of the waters of the commonwealth, the Borough or DEP will notify the responsible person(s) to cease the discharge.

(Ord. 1402-12, 11/13/2012)

§17-312. Alteration of Stormwater BMPs.

No person shall modify, remove, fill, landscape, or alter any stormwater BMPs, facilities, areas, or structures in a manner, without the written approval of the Borough, with the exception of necessary maintenance activities such as mowing.

(Ord. 1402-12, 11/13/2012)

PART 4

**STORMWATER MANAGEMENT (SWM)
SITE PLAN REQUIREMENTS**

§17-401. SWM Site Plan Submission.

1. When a property owner or developer proposes a regulated activity, said property owner or developer shall submit an SWM site plan to demonstrate compliance with the stormwater management provisions of this Chapter. Said submission shall be required by the Borough unless said regulated activity is exempted from SWM site plan submission in accordance with the exemption criteria and exemption approval process established in §17-302 of this Chapter. Where the Borough determines that the property owner or developer proposing the regulated activity is eligible to employ the process established in the Simplified Approach (see Appendix D, which is attached hereto and made a part of this Chapter) to address the stormwater management needs of a site, the submission of the required documentation from said manual shall substitute for the SWM site plan requirements of this Part.
2. Copies of the SWM site plan shall be distributed as follows:
 - A. Two copies to the Borough;
 - B. One copy to the Borough Engineer, when applicable;
 - C. One copy to the Adams County Conservation District (if an NPDES permit is required); and
 - D. One copy to the Adams County Office of Planning and Development (only if submitted as a component of a subdivision and land development plan in accordance with the Gettysburg Borough Subdivision and Land Development Ordinance).
3. Additional copies shall be submitted as requested by the Borough.
4. The property owner or developer shall submit a review fee in accordance with Part 6. Payment of the required fee shall be considered a component of the SWM site plan submission. The SWM site plan submission shall not be considered to be complete until such time that any required fee is paid.

(Ord. 1402-12, 11/13/2012)

§17-402. SWM Site Plan and Narrative Requirements.

1. Site Plan Requirements. The SWM site plan shall include the following information. Where the regulated activity for which an SWM site plan is being

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submitted is also subject to subdivision and/or land development plan review in accordance with the Gettysburg Borough Subdivision and Land Development Ordinance, the SWM site plan shall be submitted as a component of the subdivision or land development plan submission for the project and shall include the following information. Where the submission requirements of this section conflict with the submission requirements of the Gettysburg Borough Subdivision and Land Development Ordinance, the submission requirements of this Chapter shall control. The plan sheets shall be titled "Post Construction Stormwater Management or PCSM."

- A. The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the SWM site plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or responsible for any aspect of the SWM site plan.
- B. The overall stormwater management concept for the project, including any additional information required for a PCSM plan as applicable (all items required per NPDES permit checklist).
- C. A summary table listing existing and proposed discharge points' identification, acreage, storm event frequency, and runoff flows/discharges.
- D. A determination of site conditions (existing and proposed) in accordance with the site assessment procedures outlined in Chapter 4 of the most current version of the Pennsylvania Stormwater best management practices Manual. A site assessment shall be completed for projects proposed in areas of carbonate geology or karst topography.
- E. Drainage area maps with outlines of existing and proposed drainage areas and subareas and the paths for calculating the times of concentration. Where off-site and/or site area outside of the regulated activity area flows are considered in calculations, drainage areas for conditions as described shall be denoted in a manner such that pre to post conditions for the regulated activity area (not including off-site and/or areas outside of the regulated activity area) may be compared.
- F. For drainage models where multiple drainage areas or subareas are considered, a dynamic or interconnected model shall be prepared.
- G. A graphic and written plan scale of one inch equals no more than 50 feet. For parcels of 20 acres or more, the scale shall be one inch equals no more than 100 feet.
- H. North point (arrow).

- I. Existing and proposed property boundaries. In the case of a land development plan on a large tract, the property boundary does not need to be shown in entirety at the full drawing scale. The entire tract is required to be shown in the site location map.
- J. Project location map at a minimum of one inch equals 2,000 feet showing the project site property line, limits of development, streets, street names, and bodies of water within 2,000 feet of the property boundary.
- K. Existing and proposed land use within the parcel, plus existing land use on the first 25 feet of parcels surrounding the subject parcel.
- L. The location of existing and proposed utilities, stormwater facilities, sanitary sewers, water lines, wells, on-lot wastewater facilities and all easements within the parcel, plus the location of said features on the first 25 feet of parcels surrounding the subject parcel.
- M. Significant physical features and associated boundary limits, including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
- N. Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas.
- O. The location of the parcel relative to streets, municipal boundaries, and other significant man-made features within 25 feet of the parcel.
- P. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or man-made, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields, and wellhead protection zones.
- Q. Stormwater runoff design computations and documentation as specified in this Chapter, or as otherwise necessary, to demonstrate compliance with the requirements of this Chapter.
- R. A hydrogeologic assessment of the effects of stormwater runoff on sinkholes, where present.
- S. A description of permanent stormwater management techniques, including the construction specifications of the materials to be used for stormwater management facilities.
- T. Plan and profile (horizontal and vertical as required) drawings of all stormwater BMPs, including drainage structures, pipes, open channels, and swales, etc.

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- U. Proposed changes to the land surface and vegetative cover, and the type and amount of existing and proposed impervious area. Provide a drawing legend of unidentified or existing and proposed features.
- V. Existing and final contours at minimum intervals of two feet. In areas of slopes in excess of 15%, five-foot contour intervals may be used.
- W. Provide drainage flow pathways and defined drainage areas on the construction plan.
- X. Clearly shown existing and proposed drainage patterns, existing and proposed elevation contours at intervals of at least one foot for plans at scale of one inch equal to 10 feet or 20 feet, at least two feet for all other scales. Where land is sloped more than 20%, contour intervals may be every five feet. Show spot elevations at high points and low points and critical areas which cannot be interpolated between contours. Indicate the location and elevation of the benchmark. Provide the date the existing topography was surveyed and the method of survey (aerial or field).
- Y. A map showing all existing man-made features beyond the subject parcel's boundary lines that may be affected by the proposed regulated activities.
- Z. Expected project time schedule.
- AA. An E&S plan, where applicable, as approved by the Adams County Conservation District or DEP. Indicate limits of phases and include a narrative of the construction sequence.
- BB. An NPDES permit application, including all PCSM requirements, where applicable, as administratively reviewed and approved by the Adams County Conservation District.
- CC. Outline of soil type limits, and list soil types as shown in the Soil Survey of Adams County. Provide a table listing the following information for the applicable on-site soil types:
 - (1) Soil map symbol (soil name abbreviation);
 - (2) Soil name, applicable building site restrictions (Soil Survey Table 7);
 - (3) Applicable sanitary facilities restrictions (Soil Survey Table 8);
 - (4) Applicable construction materials restrictions (Soil Survey Table 9);
 - (5) Applicable water management restrictions (Soil Survey Table 10); and

- (6) Hydrologic Soil Group, flooding and high water table information (Soil Survey Table 15).
- DD. Construction details, sections, and specifications of facilities with sufficient information and dimensions so that they can be built to meet the requirements of this Chapter. Provide a note which states that the materials and details specified shall not be altered during construction without written approval by the municipality.
- EE. The SWM site plan shall include an O&M plan for all existing and proposed physical stormwater management facilities.
- FF. Provisions for permanent access or maintenance easements for all physical stormwater BMPs, as necessary to implement the O&M plan.
- GG. A note on the SWM site plan indicating the location, and responsibility for maintenance of stormwater BMPs and/or easements that would be located on adjoining properties as a result of proposed regulated activities.
- HH. The following signature block shall be provided:

“_____, on this date, has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of Borough of Gettysburg Ordinance No.____.”

2. Design Narrative Content.

- A. The stormwater management design narrative shall contain the following: an introductory section describing the existing site and drainage area features, the existing points of discharge from the site, proposed site improvements, description of major drainage improvements and how they impact downstream areas. Identify any unusual existing conditions at the site that affect the existing stormwater drainage. Provide a statement of who visited the site and the date or dates of the site visit of both on-site and downstream facilities.
- B. A summary table listing existing and proposed discharge points' identification, acreage, storm event frequency, and runoff flows/discharges.
- C. Drainage area maps with outlines of existing and proposed drainage areas and subareas and the paths for calculating the times of concentration (alternate is to show this information in the plan).
- D. Existing and proposed stormwater detailed calculations of runoff, facility designs, and erosion and sedimentation control designs. Hydrologic and hydraulic calculations of all existing and proposed infrastructure and improvements.

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- E. Areas which are subject to flooding shall have a floodplain study provided in the narrative which meets the requirements of §17-402.2 of this Chapter and Chapter 8, Floodplains, of the Gettysburg Borough Code of Ordinances.
- F. The design narrative shall be signed and sealed by a registered professional engineer, a professional land surveyor, a landscape architect, or a professional geologist qualified to perform such duties.

(Ord. 1402-12, 11/13/2012)

§17-403. SWM Site Plan Review and Approval Procedure.

1. Preapplication Meeting. Prior to proceeding with SWM site plan preparation and submission, the applicant is encouraged to request a preapplication meeting with the Borough to discuss the plan concept and responsibility for submission of required documents and information. If the project requires an E&S plan or an NPDES permit, the applicant is encouraged to meet with a staff member of the Adams County Conservation District as well.
2. SWM Site Plan Review and Approval Procedure.
 - A. If an SWM site plan is not submitted as a component of a subdivision and/or land development plan, the review of the SWM site plan, recommendations, approval, approval with conditions, or disapproval shall occur within 45 calendar days of submission to the Borough. Where the applicant submits revisions to a previously submitted SWM site plan, either because the applicant has elected to revise the SWM site plan or as a result of a determination by the Borough that a revision is necessary to meet the requirements of this Chapter, this forty-five-day period shall be restarted. Should Gettysburg Borough fail to render a decision on the SWM site plan within this forty-five-day time period, the application shall be deemed approved. The review process shall include the following components:
 - (1) Upon receipt, the official accepting the SWM site plan shall forward a copy of the Plan to the entities referenced in §17-401.2. The official accepting the SWM site plan shall also cause the application to be included on the agenda for the next available meeting of the Planning Commission.
 - (2) The Borough Engineer shall review the SWM site plan for compliance with the requirements of this Chapter and shall communicate his review to the Planning Commission.
 - (3) The Planning Commission shall consider the SWM site plan and the Borough Engineer's review. Following review of this infor-

mation, the Planning Commission shall approve, approve with conditions, or disapprove the SWM site plan.

- (4) Decision Notification Procedure. In all cases, the decision of the Planning Commission to approve, approve with conditions, or disapprove the SWM site plan shall be in writing and shall be delivered to the applicant no later than 15 days following the decision. If the SWM site plan is disapproved, the written decision of the Planning Commission shall specify the defects in the application, shall describe the requirements which were not met, and shall cite the provisions of the ordinance relied upon. If the SWM site plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the timeline limit for satisfying such conditions.
- B. If an SWM site plan is submitted as a component of a subdivision and/or land development plan, the SWM site plan shall be reviewed in accordance with the review process and time frame established in the Gettysburg Borough Subdivision and Land Development Ordinance and in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.
- C. NPDES Permit Technical Coordination. Where the project for which an SWM site plan is submitted is subject to NPDES permitting, the Borough shall notify the Adams County Conservation District when the applicant has achieved technical compliance with the requirements of this Chapter. The Borough may address this requirement through the completion of the technical review checklist for NPDES sites or comparable process as determined by the Borough. Upon receipt of this notification, the Adams County Conservation District will acknowledge a general NPDES permit. In the case of an individual NPDES permit, the Adams County Conservation District will coordinate municipal reviews with the DEP Regional Office.
- D. NPDES Permits and E&S Plans. Where the project for which an SWM site plan is submitted is subject to NPDES permitting or the submission of an E&S Plan, or both, any final approval of the SWM site plan by the Borough shall be conditioned on the applicant's receipt of the required NPDES permit or E&S plan approval, as appropriate.
- E. Decision Notification Procedure. In all cases, the decision of the Planning Commission to approve, approve with conditions, or disapprove the SWM site plan shall be in writing and shall be delivered to the applicant no later than 15 calendar days following the decision. If the SWM site plan is disapproved, the written decision of the Planning Commission shall specify the defects in the application, shall describe the requirements which were not met, and shall cite the provisions of the ordinance relied upon. If the SWM site plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval

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and the time limit for satisfying such conditions. Should the Borough fail to notify the applicant of the decision within this fifteen-calendar-day period, the application shall be deemed approved.

3. Waiver Requests.

- A. If an SWM site plan is not submitted as a component of a subdivision and/or land development plan, the Borough may accept a request for waiver of one or more of the requirements of this Chapter. Any such waiver requests shall comply with the following requirements:
- (1) The Borough may accept a request for waiver of the requirements of one or more provisions of this Chapter if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that the Planning Commission determines that such waiver will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
 - (2) All requests for waivers from an applicant shall be in writing and shall accompany and be a part of the application for approval of an SWM site plan. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved, and the minimum waiver necessary to afford relief.
 - (3) The Planning Commission shall act to accept or reject requests for waivers within the context of its SWM site plan decisionmaking process established in §17-403.2A of this Chapter. The decision of the Planning Commission regarding acceptance of each request for waiver shall be incorporated into the written decision of the Planning Commission for the overall SWM site plan as required in §17-403.2C of this Chapter. The Borough shall keep a written record of all action on requests for waivers.
- B. If an SWM site plan is submitted as a component of a subdivision and land development plan, requests for waiver to obtain relief from one or more of the requirements of this Chapter shall be handled in accordance with the modification process established in the Gettysburg Borough Subdivision and Land Development Ordinance and Section 512.1 of the Pennsylvania Municipalities Planning Code.
- C. The final decision to approve or disapprove all accepted requests for waiver shall be made in accordance with §17-301.11.

(Ord. 1402-12, 11/13/2012)

§17-404. Revision of SWM Site Plans.

1. SWM Site Plan Not Submitted as a Component of a Subdivision and/or Land Development Plan. Revisions to a previously approved SWM site plan to incorporate a change in stormwater BMPs or techniques, or the relocation or re-design of stormwater BMPs, or different information about soil or other conditions from what was stated in the SWM site plan, shall be submitted by the applicant to the Borough. The Borough, at its sole discretion, may require a resubmission of the revised SWM site plan in accordance with this Chapter, including applicable review fee. For NPDES-permitted sites, any revised SWM site plan shall be resubmitted to the Adams County Conservation District for its review. In the case of an SWM site plan which contains minor deficiencies (such as a missing label, omission of a required note or minor construction detail), the Borough may, at its sole discretion, accept a resubmission of such SWM site plan without the requirement of a full review fee, or a lesser fee, as determined by the Borough.
2. SWM Site Plan Submitted as a Component of a Subdivision and/or Land Development Plan. A revision of an SWM site plan approved as a component of a subdivision and/or land development plan shall be treated as a revision of the subdivision and/or land development plan and shall be subject to the review process established in the Gettysburg Borough Subdivision and Land Development Ordinance.

(Ord. 1402-12, 11/13/2012)

§17-405. Resubmission of Disapproved SWM Site Plans.

1. SWM Site Plan Not Submitted as a Component of a Subdivision and/or Land Development Plan. A previously disapproved SWM site plan may be resubmitted with the revisions addressing the defects of the original submission as listed in the Planning Commission's decision notification provided in accordance with §17-403.2A(4). The resubmitted SWM site plan shall be reviewed and acted upon in accordance with §17-403.2A of this Chapter. The applicable review fee must accompany the submission of a revised SWM site plan, unless such fee is waived by the Borough.
2. SWM Site Plan Submitted as a Component of a Subdivision and/or Land Development Plan. The resubmission of the SWM site plan originally submitted as a component of a subdivision and/or land development plan shall be treated as resubmission of said subdivision and/or land development plan and shall be subject to the review process established in the Gettysburg Borough Subdivision and Land Development Ordinance.

(Ord. 1402-12, 11/13/2012)

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§17-406. Authorization to Construct and Term of Validity.

1. SWM Site Plan Not Submitted as a Component of a Subdivision and/or Land Development Plan. The Planning Commission approval of an SWM site plan, when such plan is not submitted as a component of a subdivision and/or land development plan, authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five years following the date of approval. The Planning Commission may specify a term of validity shorter than five years in the decision notification for any specific SWM site plan, particularly if the nature of the proposed SWM facilities requires more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date the Borough signs the decision notification for an SWM site plan. If an approved SWM site plan is not completed according to §17-407 within the term of validity, and if a request to extend the permit has not been submitted to the Borough by the applicant, the permit terminates and the Borough may revoke any and all permits applicable to the project. SWM site plans for projects with expired permits may be resubmitted in accordance with §17-405 of this Chapter.
2. SWM Site Plans Submitted as a Component of a Subdivision and/or Land Development Plan. The Planning Commission approval of an SWM site plan submitted as a component of a subdivision and/or land development plan is subject to the term of validity as specified in the Gettysburg Borough Subdivision and Land Development Ordinance.

(Ord. 1402-12, 11/13/2012)

§17-407. Final Inspection, Completion Certificate, and As-Built Plans.

1. The stormwater management facilities constructed in accordance with an SWM site plan not submitted as a component of a subdivision and/or land development plan shall be subject to the following process upon the completion of construction of said facilities.
 - A. The Borough may, at its discretion, inspect stormwater management facilities that do not require an NPDES permit at any time during the construction process to ensure compliance with the approved SWM site plan.
 - B. The property owner or developer shall contact the Borough within seven days of the completion of the construction process to schedule a final inspection. The final inspection shall be conducted by the Borough Engineers and/or other official as designated by the Borough Council.
 - C. The Borough may inspect the completed improvements to confirm consistency with the approved SWM site plan. Following the inspection, the Borough may take one of the following two actions:

- (1) Issue a Completion Certificate. A completion certificate may be issued when the Borough determines that the stormwater management facilities have been constructed in conformance with the approved SWM site plan.
 - (2) Issue Correspondence Regarding Discrepancies. If the Borough determines that the stormwater management facilities have not been constructed in accordance with the approved SWM site plan, the Borough shall issue correspondence addressed to the property owner or developer summarizing the discrepancies from the approved SWM site plan. Such correspondence does not by itself constitute an extension of any applicable SWM permit.
- D. Upon receipt of correspondence summarizing discrepancies in the constructed stormwater facilities, the property owner or developer shall apply for permit extensions when necessary and take one of the following two actions:
- (1) Reconstruct the required stormwater management facilities in a manner that complies with the approved SWM site plan. Upon completion of the reconstruction work, the property owner or developer shall contact the Borough for a subsequent final inspection in accordance with the process established in §17-407.1B of this Chapter.
 - (2) Submit a revised SWM site plan in accordance with the process established in §17-404.1. The revised SWM site plan shall be consistent with the improvements as constructed. Upon receipt, the Planning Commission may review the revised SWM site plan in accordance with the review and approval process of §17-403. If the revised SWM site plan is approved, the Borough shall issue the completion certificate. If the revised SWM site plan fails to demonstrate that the constructed stormwater management facilities can comply with the requirements of this Chapter, the Borough may then require the property owner or developer to reconstruct the required stormwater facilities in accordance with the originally approved SWM site plan.
- E. Within 15 days of the completion certificate, the property owner or developer shall submit to the Borough an as-built plan depicting the stormwater management facilities as constructed. If requested by the applicant, the Borough may grant an extension of the deadline to submit as-built plans.
2. The stormwater management facilities constructed in accordance with an SWM site plan submitted as a component of a subdivision and/or land development plan shall be subject to the completion of improvements requirements of the Gettysburg Borough Subdivision and Land Development Ordinance and Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.

(Ord. 1402-12, 11/13/2012)

PART 5

OWNERSHIP, OPERATION AND MAINTENANCE

§17-501. Determination of Ownership and Maintenance Responsibility.

1. The Planning Commission shall make the final determination on the ownership and maintenance responsibilities of required stormwater BMPs prior to final approval of the SWM site plan. The Planning Commission may require a dedication of such facilities as part of the requirements for approval of the SWM site plan. The Borough shall not be obligated to accept the facilities if offered for dedication. The Borough Council reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.
2. If the Borough accepts dedication of any or all stormwater management facilities associated with a project, the Borough shall operate and maintain said facilities in accordance with the approved O&M Plan.
3. If the Borough Council does not accept dedication of some or all of the stormwater management facilities associated with a project, the property owner shall sign an O&M agreement in accordance with §17-503 of this Chapter to ensure that the property owner will maintain the stormwater BMPs in accordance with the approved O&M plan. The Planning Commission shall not approve the SWM site plan before the owner signs the O&M agreement.

(Ord. 1402-12, 11/13/2012)

§17-502. Operation and Maintenance Plan.

An operation and maintenance (O&M) plan shall be included as a component of all SWM site plan submissions and shall include the following.

- A. Long-term ownership responsibilities.
- B. Continuing maintenance responsibilities, including schedules and estimated costs for maintenance activities. This component shall include all information necessary to ensure that the stormwater BMPs will continually operate within the design parameters of the given facility.
- C. Continuing inspection responsibilities, including schedules for property owner inspection consistent with the standards of §17-702 of this Chapter.

(Ord. 1402-12, 11/13/2012)

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§17-503. Operation and Maintenance Agreements.

1. Prior to final approval of the SWM site plan, the property owner shall sign and record an O&M agreement binding the property owner to conduct all maintenance and inspection activities identified in the approved O&M plan for proposed stormwater BMPs.
 - A. The property owner, heirs, successors and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
 - B. The property owner shall provide to the Borough easements to ensure access for periodic inspections and maintenance by the Borough, as necessary.
 - C. The property owner shall keep on file with the Borough the name, address, and telephone number of the person or company responsible for maintenance activities. In the event of a change, new information shall be submitted by the property owner to the Borough within 10 working days of the change.
 - D. The O&M agreement shall be recorded with the Adams County Recorder of Deeds.
2. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the O&M agreement or the O&M plan, the Borough may perform the services required and charge the owner appropriate fees. Nonpayment of fees, costs and other expenses incurred in the performance of services required may result in a municipal lien against the property.

(Ord. 1402-12, 11/13/2012)

§17-504. Performance Guarantee.

For SWM site plans submitted as a component of a subdivision and/or land development plan, the property owner or developer shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this Chapter in accordance with the completion of improvements requirements of the Gettysburg Borough Subdivision and Land Development Ordinance and the provisions of Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.

(Ord. 1402-12, 11/13/2012)

PART 6

FEES AND EXPENSES

§17-601. General.

1. The Borough Council shall, by resolution, establish a fee schedule to defray costs incurred by the Borough associated with the administration and enforcement of this Chapter.
2. The applicant shall be responsible for the payment of all fees, costs, and other expenses incurred in the submission, review, and decision on SWM site plans and/or other submissions pursuant to this Chapter.

(Ord. 1402-12, 11/13/2012)

§17-602. Expenses Covered by Fees.

The fee(s) may include, but are not limited to, costs for the following:

- A. Administrative, clerical, and legal costs.
- B. Review of the SWM site plan and reports by the Borough and by officials of the Borough.
- C. Attendance at meetings by the Borough Engineer and by officials of the Borough, as may be necessary.
- D. Various inspections (such as during construction and after construction) by the Borough, by the Borough Engineer or by officials of the Borough.
- E. Any additional work required to enforce any provision(s) regulated by this Chapter, correct violations, and ensure proper completion of stipulated remedial actions.

(Ord. 1402-12, 11/13/2012)

PART 7

ENFORCEMENT AND PENALTIES

§17-701. Municipal Inspection.

1. Upon presentation of proper credentials, Borough officials or its designees may enter at reasonable times upon any property within the Borough to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Chapter.
2. Inspections regarding compliance with the SWM site plan may be conducted by the Borough at any time when there may be a question of compliance with the approved SWM site plan, the approved O&M Plan, or when any condition exists that may threaten public health, safety, or welfare.

(Ord. 1402-12, 11/13/2012)

§17-702. Landowner Inspection.

1. Stormwater BMPs shall be inspected by the landowner, or landowner's designee (which shall include the Borough where such facilities have been dedicated to the Borough), according to the following list of minimum frequencies:
 - A. Annually for the first five years;
 - B. Once every three years thereafter;
 - C. During or immediately after the cessation of a ten-year or greater storm, i.e., a storm of an estimated frequency of recurrence of 10 years or greater interval of time; and
 - D. At any other interval as may be specified in the approved O&M agreement.
2. Following inspection of stormwater BMPs by the landowner or landowner's designee, said landowner or landowner's designee shall report the findings of the inspection in writing to the Borough. Such report shall be provided on forms provided by the Borough.
3. Following receipt of required inspection reports, the Borough reserves the right to confirm the findings of any inspection if reasonable cause exists to suggest that the inspection did not uncover potential problems with the stormwater BMP. The Borough may conduct a subsequent inspection of the facilities to address such concern. If the Borough's inspection uncovers problems with the stormwater BMPs on site that result in the site no longer being consistent with the approved SWM site plan for the site, the Borough may initiate

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corrective actions in accordance with the enforcement processes enabled in this Chapter.

(Ord. 1402-12, 11/13/2012)

§17-703. Suspension or Revocation of SWM Site Plan Approval.

1. Any SWM site plan approval issued by the Borough pursuant to this Chapter may be suspended or revoked for any of the following reasons:
 - A. Noncompliance with or failure to implement any provision of the approved SWM site plan or O&M plan;
 - B. A violation of any provision of this Chapter or any other applicable law, ordinance, rule, or regulation relating to the regulated activity; or
 - C. The creation of any condition or the conduct of any regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers life or property.
2. A suspended SWM site plan approval may be reinstated by the Borough when the following conditions are met:
 - A. Borough officials, or its designee(s), have inspected and approved the corrections to the violations that caused the suspension; and
 - B. The Borough is satisfied that the violation has been corrected.
3. An SWM site plan approval that has been revoked by the Borough shall not be reinstated. The applicant may apply for a new SWM site plan approval under the provisions of this Chapter.
4. If a violation causes no immediate danger to life, public health, or property, the Borough may, at its sole discretion, provide a limited time period for the owner to correct the violation. In these cases, the Borough will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Borough may revoke or suspend any or all applicable approvals and permits pertaining to any provision of this Chapter.

(Ord. 1402-12, 11/13/2012)

§17-704. Enforcement.

The Borough may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter when the Bor-

ough determines that a property owner or developer has initiated a regulated activity without receiving SWM site plan approval, that a property owner or developer has failed to comply with an approved SWM site plan or approved O&M plan, or that a property owner or developer has violated any other provision of this Chapter. Any 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.

(Ord. 1402-12, 11/13/2012)

§17-705. Penalties.

1. Any person violating the provisions of this Chapter shall be guilty of a summary offense and, upon conviction, shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense, and penalties shall be cumulative.
2. In addition, the Borough may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any 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.

(Ord. 1402-12, 11/13/2012)

§17-706. Appeals.

1. Any person aggrieved by any action of the Borough, or its designee, relevant to the enforcement of the provisions of this Chapter, may appeal said action to the Code Enforcement Appeals Board within 30 days of that action.
2. Any person aggrieved by any decision of the Code Enforcement Appeals Board regarding the appeal of any action of the Borough, or its designee, may appeal the decision to the Adams County Court of Common Pleas within 30 days of the decision of the Code Enforcement Appeals Board.

(Ord. 1402-12, 11/13/2012)