

SALFORD TOWNSHIP
Montgomery County, Pennsylvania

Ordinance 187

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE 131
REGULATING STORMWATER MANAGEMENT WITHIIN SALFORD
TOWNSHIP

ENACTED: *March 15, 2023*

TOWNSHIP OF SALFORD

STORMWATER

ORDINANCE

Ordinance #187

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ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the "Township of Salford Stormwater Management Ordinance."

Section 102. Statement of Findings

The governing body of the Municipality finds that:

- A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost to the public to manage stormwater.
- B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of streambeds and stream banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. A program of stormwater management, including reasonable regulations of land development and redevelopment causing loss of natural infiltration is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.
- D. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.
- E. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams,

which also protects and maintains surface water quality.

- F. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- G. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm water conveyance systems under the National Pollutant Discharge Elimination System (NPDES).
- H. Non-stormwater discharges to storm water systems can contribute to pollution of waters of the Commonwealth.

Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the Municipality and its watershed by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities that cause the problems.
- B. Provide review procedures and performance standards for stormwater planning and management.
- C. Utilize and preserve the existing natural drainage systems as much as possible.
- D. Manage stormwater runoff close to the source, reduce runoff volumes and mimic predevelopment hydrology.
- E. Focus on infiltration of stormwater, maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Maintain existing flows and quality of streams and watercourses.
- G. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in "special protection" streams.

- H. Prevent scour and erosion of streambanks and streambeds.
- I. Provide for proper operations and maintenance of all permanent Stormwater management BMPs that are implemented in the Municipality.
- J. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements. If methods other than green infrastructure and LID methods are proposed to achieve the volume 3800-PM-BCW0100j Rev. 4/2018 Model Ordinance - 10 - and rate controls required under this Ordinance, the SWM Site Plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.
- K. Implement an illegal discharge detection and elimination program to address non-Stormwater discharges into the Municipality's storm water conveyance system.

Section 104. Statutory Authority

The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the Pennsylvania Second Class Township Code, et seq. and the Pennsylvania Stormwater Management Act, 32 P.S.680.1.

Section 105. Applicability

- A. This Ordinance applies to any Regulated Earth Disturbance activities within the Municipality, and all stormwater runoff entering into the Municipality's separate storm sewer system from lands within the boundaries of the Municipality.
- B. Earth Disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

Section 106. Repealer

Any other ordinance provision or regulation of the Municipality inconsistent

with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 107. Severability

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

Section 108. Compatibility with Other Requirement

- A. Approvals issued and actions taken under this Ordinance 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. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specified requirements contained in this Ordinance shall be followed.
- B. Nothing in this Ordinance shall be construed to affect any of the Municipality's requirements regarding stormwater matters which do not conflict with the provisions of this Ordinance, such as local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this ordinance addressing State Water Quality Requirements.

Section 109. 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 a board, agency or employee of the Municipality purporting to validate such a violation.

Section 110. Waivers

- A. If the Municipality determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the

Municipality may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to Section 110, paragraphs B and C.

- B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.
- C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Municipality unless that action is approved in advance by DEP or the delegated county conservation district.

ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
 - B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
 - C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- Accelerated Erosion. The removal of the surface of the land through the combined actions of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.
 - 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 pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious areas are not considered an agricultural activity.

- Applicant. A landowner, developer or other person who has filed an application for approval to engage in any Regulated Earth Disturbance activity at a project site in the Municipality.
- BMP (Best Management Practice). Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. BMP's include, but are not limited to, infiltration, filter strips, low impact design, bio-retention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters detention basins and managed release basins.
- Conservation District. The Montgomery County Conservation District.
- 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 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.
- Detention Volume. The volume of runoff that is captured and released into the waters of the Commonwealth at a controlled rate.
- Developer. A person that seeks to undertake any Regulated Earth Disturbance activities at a project site in the Municipality.
- Development. See "Earth Disturbance Activity. The term includes redevelopment.
- Development Site. The specific tract of land where any Earth Disturbance activities in the Municipality are planned, conducted or maintained. Earth Disturbance Activity. A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

- Erosion. The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.
- Existing Condition. The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.
- FEMA. Federal Emergency Management Agency.
- 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 100-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 100-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.
- Forest Management/Timber Operations. Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.
- Green Infrastructure. Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.
- Hydrologic Soil Group (HSG) – Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS1,2). Groundwater Recharge. Replenishment of existing natural underground water supplies.
- Impervious Surface. A surface that prevents the infiltration of water into

the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

- 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 (Development) – Inclusive of any or all of the following meanings: (i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.
- Low Impact Development (LID) – Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site. Municipality. Township of Salford, Montgomery County, Pennsylvania.
- NPDES. National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.
- NRCS – USDA Natural Resources Conservation Service (previously SCS)
- Outfall. "Point source" as described in 40 CFR § 122.2 at the point where the Municipality's storm water conveyance system discharges to surface waters of the Commonwealth.
- Peak Discharge – The maximum rate of stormwater runoff from a specific storm event.
- Person. An individual, partnership, public / private association or corporation, homeowners' assoc., condominium assoc., or a governmental unit, public utility or any other legal entity recognized by law as the subject

of rights and duties.

- Pervious Area – Any area not defined as impervious
- Point Source. Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 PA Code § 92.1.
- Project Site. The specific area of land where any Regulated Earth Disturbance activities in the Municipality are planned, conducted 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 Ordinance.
- Redevelopment. Earth Disturbance activities on land, which has previously been disturbed or developed.
- Regulated Earth Disturbance Activity – Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.
- Retention Volume/Removed Runoff – The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.
- 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 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).
- Riparian Buffer – A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.
- Runoff – Any part of precipitation that flows over the land.
- Sediment – Soils or other materials transported by surface water as a product of erosion.
- Road Maintenance. Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road

surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

- Storm Water Conveyance System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.
- State Water Quality Requirements. As defined under state regulations--protection of *designated* and *existing* uses (See 25 Pa. Code Chapters 93 and 96)-including:
 - A. Each stream segment in Pennsylvania has a "designated use" such as "cold water fishery" or "potable water supply", which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.
 - B. "Existing uses" are those attained as of November, 1975, regardless whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designed to protect and main existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
 - C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.
 - D. Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.
- 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 Site Plan – The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at

the development site in accordance with this Ordinance.

- Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance. Subdivision – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247. USDA – United States Department of Agriculture.
- Subdivision – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.
- Surface 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 water, underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.
- USDA – United States Department of Agriculture.
- Watercourse. A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- Watershed. Region or area drained by a river, watercourse or other body of
- Wetland – Areas that are inundated or saturated by surface 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.

ARTICLE III – STORMWATER MANAGEMENT STANDARDS

Section 301. General Requirements

A. For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 302:

1. Preparation and implementation of an approved SWM Site Plan is required.
2. No regulated activities shall commence until the municipality issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.

B. SWM Site Plans approved by the municipality, in accordance with Section 406, shall be on site throughout the duration of the regulated activity.

C. The municipality may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.

D. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual3), No. 363-2134-008, as amended and updated.

E. Impervious areas:

1. 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 stages.
2. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
3. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance; except that the volume controls in Section 303 and the peak rate controls of Section 304 do not need to be retrofitted to

existing impervious areas that are not being altered by the proposed regulated activity.

F. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification to the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.

G. All regulated activities shall include such measures as necessary to:

1. Protect health, safety, and property.
2. Meet the water quality goals of this Ordinance by implementing measures to:
 - a. Minimize disturbance to floodplains, wetlands, and wooded areas.
 - b. Maintain or extend riparian buffers.
 - c. Avoid erosive flow conditions in natural flow pathways.
 - d. Minimize thermal impacts to waters of this Commonwealth.
 - e. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
3. Incorporate methods described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual⁴). If methods other than green infrastructure and LID methods are proposed to achieve the volume 3800-PM-BCW0100j Rev. 4/2018 Model Ordinance - 10 - and rate controls required under this Ordinance, the SWM Site Plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.

H. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.

I. Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.

J. Normally dry, open top, storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 and not more than 72 hours from the end of the design storm.

- K. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 145 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- L. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act. M. Various BMPs and their design standards are listed in the BMP Manual 4.

Section 302. Exemptions

- A. Regulated activities that result in cumulative earth disturbance less than one acre are exempt from the requirements in Section 303, Section 304, and Article IV of this ordinance.
- B. Agricultural activity is exempt from the SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- C. Forest management and timber operations are exempt from the SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- D. Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.D. through K.
- E. The Municipality may deny or revoke any exemption pursuant to this Section at any time for any project that the Municipality believes may pose a threat to public health and safety or the environment.

Section 303. Volume Controls

The green infrastructure and low impact development practices provided in the BMP Manual 4 shall be utilized for all regulated activities wherever possible. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below. For regulated activity areas equal or less than one acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on

the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology and other factors.

A. The Design Storm Method (CG-1 in the BMP Manual 4) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.

1. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation. 3800-PM-BCW0100j Rev. 4/2018 Model Ordinance
2. For modeling purposes: a. Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition. b. 20% of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.

B. The Simplified Method (CG-2 in the BMP Manual4) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:

1. Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
2. At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
4. This method is exempt from the requirements of Section 304, Rate Controls. Section 304.

Section 304. Rate Controls

A. For areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan:

Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-

year, 24-hour storm events. 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 predevelopment analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-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.

- B. For areas covered by a release rate map from an approved Act 167 Stormwater Management Plan:

For the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storm events, the post-development peak discharge rates will follow the applicable approved release rate maps. For any areas not shown on the release rate maps, the post-development discharge rates shall not exceed the pre-development discharge rates.

Section 305. Riparian Buffers

- A. In order to protect and improve water quality, a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.
- B. Except as required by Chapter 102, the Riparian Buffer Easement shall be measured to be the greater of the limit of the 100 year floodplain or a minimum of 35 feet from the top of the streambank (on each side).
- C. Minimum Management Requirements for Riparian Buffers. 1. Existing native vegetation shall be protected and maintained within the Riparian Buffer Easement. 2. Whenever practicable invasive vegetation shall be actively removed and the Riparian Buffer Easement shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site and allow for the removal of dead, dying, or diseased trees which could pose a safety hazard.
- D. The Riparian Buffer Easement shall be enforceable by the municipality and shall be recorded in the appropriate County Recorder of Deeds Office, so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the minimum lot area required by Zoning, unless otherwise specified in the municipal Zoning Ordinance. 3800-PM-BCW0100j Rev. 4/2018 Model Ordinance - 12 –
- E. Any permitted use within the Riparian Buffer Easement shall be

conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain.

F. The following conditions shall apply when public and/or private recreation trails are permitted within Riparian Buffers:

1. Trails shall be for non-motorized use only.
2. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.

G. Septic drainfields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

ARTICLE IV – STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

Section 401. Plan Requirements

The following items shall be included in the SWM Site Plan:

- A. Appropriate sections from the municipal's Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plans. In instances where the Municipality lacks Subdivision and Land Development regulations, the content of SWM Site Plans shall follow the county's Subdivision and Land Development Ordinance.
- B. The Municipality shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan is found to be deficient, the municipality may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Municipality may accept submission of modifications.
- C. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in paragraph E.9 below.
- D. The following signature block for the municipality: "(Municipal official or designee), on this date (Signature date), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Municipal Ordinance No. (number assigned to ordinance)."
- E. The SWM Site Plan shall provide the following information:
 - 1. The overall stormwater management concept for the project.
 - 2. A determination of site conditions in accordance with the BMP Manual⁴. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as brownfields.
 - 3. Stormwater runoff design computations and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 301.

4. Expected project time schedule.
5. A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.
6. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
8. SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
9. The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.
10. A justification must be included in the SWM Site Plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate and water quality controls under this Ordinance. 3800-PM-BCW0100j Rev. 4/2018 Model Ordinance - 14 –

Section 402. Plan Submission

Five copies of the SWM Site Plan shall be submitted as follows:

1. (Typically two) copies to the municipality.
2. (Typically one) copy to the municipal engineer (when applicable).
3. (Typically one) copy to the County Conservation District.
4. (Typically one) copy to the County Planning Commission/Office.

Section 403. Plan Review

- A. SWM Site Plans shall be reviewed by the municipality for consistency with the provisions of this Ordinance.
- B. The Municipality shall notify the applicant in writing within 45 days

whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification shall occur within the time period allowed by the Municipalities Planning Code (90 days). If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the municipality.

- E. For any SWM Site Plan that proposes to use any BMPs other than green infrastructure and LID practices to achieve the volume and rate controls required under this Ordinance, the Municipality will not approve the SWM Site Plan unless it determines that green infrastructure and LID practices are not practicable.
- F. If the Municipality disapproves the SWM Site Plan, the Municipality will state the reasons for the disapproval in writing. The Municipality also may approve the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.

Section 404. Modification of Plans

A modification to a submitted SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Municipality shall require a resubmission of the modified SWM Site Plan in accordance with this Article.

Section 405. Resubmission of Disapproved SWM Site Plans

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Municipality's concerns, to the Municipality in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

Section 406. Authorization to Construct and Term of Validity

The Municipality's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of 5 years following the date of approval. The Municipality may specify a term of validity shorter than 5 years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Municipality signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with Section 405 of this Ordinance. 3800-PM-BCW0100j Rev. 4/2018 Model Ordinance - 15 -

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

- A. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Municipality.
- B. The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted, at the central location of the BMPs. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- C. After receipt of the completion certification by the Municipality, the Municipality may conduct a final inspection

ARTICLE V - STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN REQUIREMENTS

Section 501. General Requirements

- A. No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of BMP Operations and Maintenance plan which describes how the permanent (e.g., post-construction) Stormwater BMP's will be properly operated and maintained.
- B. The following items shall be included in the BMP Operations and Maintenance Plan:
 - 1. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Montgomery County, and shall be submitted on 24-inch x 36-inch or 30-inch x 42-inch sheets. The contents of the maps (s) shall include, but not be limited to:
 - a. Clear identification of the location and nature of permanent Stormwater BMP's.
 - b. The location of the project site relative to highways, municipal boundaries or other identifiable landmarks.
 - c. Existing and final contours at intervals of two feet or

- others as appropriate.
- d. Existing streams, lakes, ponds, or other bodies of water within the project site area.
 - e. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved.
 - f. The location of all-existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site.
 - g. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
 - h. Proposed final structures, roads, paved areas, and buildings.
 - i. Fifteen (15) foot access easement around all Stormwater BMPs that would provide ingress to and egress from a public right-of-way.
2. A description of how each permanent Stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance.
 3. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the Plan.A statement, signed by the landowner, acknowledging that the Stormwater BMPs are fixtures that can be altered or removed only after approval by the Municipality.
- C. The BMP Operation and Maintenance Plan shall be appended to any Land Development Agreement between the Municipality and Landowner, and shall be recorded at Landowner's expense. Refer to Section 405.

Section 502. Responsibilities for Operations and Maintenance of BMPS

- A. The BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent Stormwater BMP's, as follows:
1. If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Municipality, Stormwater BMPs may also be dedicated to and maintained by the Municipality.

2. If a Plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of Stormwater BMPs shall be the responsibility of the owner or private management entity.
 3. Notwithstanding anything in Paragraph 402.1 the Municipality will not assume ownership through dedication or otherwise, of stormwater management systems or their components, which are constructed as part of a Subdivision or Land Development Plan. Such systems shall be designed and arranged so as to be owned and managed by private individuals or other entities, including but not limited to, homeowners' associations.
- B. The Municipality shall make the final determination on the continuing operations and maintenance responsibilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the Stormwater BMPs.

Section 503. Municipality Review of BMP Operations and Maintenance Plan

- A. The Municipality shall review the BMP Operations and Maintenance Plan for consistency with the purposes and requirements of this ordinance, and any permits issued by DEP.
- B. The Municipality shall notify the Applicant in writing whether the BMP Operations and Maintenance Plan is approved.
- C. The Municipality may require an "As-Built Survey" of all Stormwater BMPs, and an explanation of any discrepancies with the Operations and Maintenance Plan.

Section 504. Adherence to Approved BMP Operations and Maintenance Plan

It shall be unlawful to alter or remove any permanent Stormwater BMP required by an approved BMP Operations and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved BMP Operations and Maintenance Plan, unless an exception is granted in writing by the Municipality.

Section 505. Operation and Maintenance Agreement for Privately Owned Stormwater BMPs

- A. Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned.
1. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Agreement.
 2. The owner shall convey to the Municipality access / maintenance easements to assure access for periodic inspections by the Municipality and maintenance, as necessary.
 3. The owner shall keep on file with the Municipality 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 owner to the Municipality within ten (10) working days of the change.
- B. The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the Municipality may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property

Section 506. Stormwater Management Easements

- A. Stormwater management easements are required for all areas used for off- site Stormwater control, unless a waiver is granted by the Municipal Engineer.
- B. Stormwater management easements shall be provided by the property owner if necessary for (1) access for inspections and maintenance, or (2) preservation of Stormwater runoff conveyance, infiltration, and detention areas and other BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under Section 405.

Section 507. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements

- A. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the

Office of the Recorder of Deeds for Montgomery County, within 15 days of approval of the BMP Operations Plan by the Municipality.

1. The Operations and Maintenance Plan, or a summary thereof.
 2. Operations and Maintenance Agreements under Section 405.
 3. Easements under Section 406.
- B. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

Section 508. Municipal Stormwater BMP Operation and Maintenance Fund

- A. If Stormwater BMPs are accepted by the municipality for dedication, the Municipality may require persons installing Stormwater BMP's to pay a specified amount to the Municipal Stormwater BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:
1. If the BMP is to be owned and maintained by the Municipality, the amount shall cover the estimated costs for operations and maintenance for ten (10) years, as determined by the Municipality.
 2. The amount shall then be converted to present worth of the annual series values.
- B. If a BMP is proposed that also serves as a recreation facility (e.g. ballfield, lake), the Municipality may adjust the amount due accordingly.
- C. It is explicitly understood that nothing in this section shall be construed to obligate the Municipality to accept dedication. Refer specifically to Section 402.

Section 509. Performance Guarantee

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.

ARTICLE VI - INSPECTIONS AND RIGHT OF ENTRY

Section 601 Inspection

The landowner or the owner's designee (including the Municipality for dedicated and owned facilities) shall inspect SWM BMPs, facilities and/or structures installed under this Ordinance according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended:

1. Annually for the first 5 years.
2. Once every 3 years thereafter.
3. During or immediately after the cessation of a 10-year or greater storm.

Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.

Section 602. Right of Entry

- A. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of the Stormwater BMPs in regard to any aspect governed by this Ordinance.
- B. BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
- C. Persons working on behalf of the Municipality shall have the right to temporarily locate on any BMP in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.
- D. Unreasonable delays in allowing the Municipality access to a BMP is a violation of this Article.

ARTICLE VI - FEES AND EXPENSES

Section 601. General

The Municipality may charge a reasonable fee for review of BMP Operations and Maintenance Plans to defray review costs incurred by the Municipality. The Applicant shall pay all such fees.

Section 602. Expenses Covered by Fees

The fees required by this Ordinance may cover:

- A. Administrative/clerical Costs.
- B. The review of the BMP Operations and Maintenance Plan by the Municipal Engineer.
- C. The site inspections including, but not limited to, pre-construction meetings, inspections during construction of Stormwater BMPs, and final inspection upon completion of the stormwater BMPs.
- D. Any additional work required to monitor and enforce any provisions of this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII - PROHIBITIONS

Section 701. Prohibited Discharges

- A. No person in the municipality shall allow, or cause to allow, Stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of Stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit
- B. Discharges which may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth are:
 - < Discharges from fire fighting activities
 - < Potable water sources including dechlorinated water line and fire hydrant flushings, if such discharges do not contain detectable concentrations of Total residual Chlorine (TRC).
 - < Non-contaminated irrigation water, water from lawn maintenance, landscape drainage, and flows from riparian habitats and wetlands
 - < Routine external building washdown (which does not use

- detergents or other compounds)
- < Air conditioning condensation
- < Water from residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
- < Springs
- < Non-contaminated water from crawl space pumps
- < Uncontaminated water from foundation or from footing drains
- < Flows from riparian habitats and wetlands
- < Lawn watering
- < Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where cleaning agents are not used.
- < Uncontaminated groundwater

1. The Municipality specifically has determined at the present time, that fire-fighting activities are allowed.

- C. In the event that the Municipality determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.

- D. Nothing in this Section shall affect a discharger's responsibilities under state law.

Section 702. Prohibited Connections

- A. The following connections are provided in Section 701.B above:

1. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.

Section 703. Roof drains

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in Section 703.B.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Municipality.

- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

Section 704. Alteration of BMPs

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

ARTICLE VIII - ENFORCEMENT AND
PENALTIES

Section 801. Public Nuisance

- A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

Section 802. Enforcement Generally

- A. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Municipality may order compliance by written notice to the responsible person. Such notice may require without limitation.
 - 1. The performance of monitoring, analyses, and reporting.
 - 2. The elimination of prohibited connections or discharges.
 - 3. Cessation of any violating discharges practices, or operations.
 - 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
 - 5. Payment of fine to cover administrative and remediation costs.
 - 6. The implementation of Stormwater BMPs.
 - 7. Operation and maintenance of Stormwater BMPs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations. Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee and the expense thereof shall

be charged to the violator.

- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

Section 803. Suspension and Revocation of Permits and Approvals

- A. Any building, land development or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
 - 1. Non-compliance with or failure to implement any provision of the permit.
 - 2. A violation of any provision of this Ordinance.
 - 3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- B. A suspended permit or approval shall be reinstated by the Municipality when:
 - 1. The Municipal Engineer or designee has inspected and approved the corrections to the Stormwater BMPs, or the elimination of the hazard or nuisance, and/or,
 - 2. The Municipality is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.
- C. A permit or approval which has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

Section 804. Penalties

- A. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$1,000.00 each violation, recoverable with costs, or imprisonment of not more than thirty (30) days or both. Each day that the violation continues shall be a separate offense.
- B. In addition, the Municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining

orders temporary or imprisonment of not more than thirty (30) days, or both. Each day that the violation continues shall be a separate offense.

- C. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Municipality may provide a limited time period for the owner to correct the violation. In these cases, the Municipality 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 municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

Section 806. Appeals

- A. Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Ordinance, may appeal to the Municipality within 30 days of that action.
- B. Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within 30 days of the Municipality's decision.

ENACTED and ORDAINED at a regular meeting of the Board of Supervisors of Township of Salford on the 16th day of March, 2023. This Ordinance shall take effect immediately.

TOWNSHIP OF SALFORD

By: Barbara Lynch
Barbara Lynch, Chairperson
Board of Supervisors

Attest: Karen Landis

Karen Landis, Secretary-Treasurer

(Township Seal)

APPENDIX A

STORMWATER BEST MANAGEMENT PRACTICES,
OPERATIONS AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20__, by _____ and _____ between _____ (hereinafter the "Landowner"), and _____ County, _____ Pennsylvania (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book__ at Page _____. (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Stormwater Management BMP Operations and Maintenance Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of Stormwater within the confines of the Property through the use of Best Management Practices (BMP's); and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on- site Stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

- BMP-"Best Management Practice", activities, facilities, designs, measures

or procedures used to manage Stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance, including but not limited to infiltration trenches, seepage pits, filter strips, bio-retention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

WHEREAS, the Municipality requires, through the implementation of the Plan, that Stormwater management BMP's as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns, and NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMPs whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs as shown on the Plan in good working order acceptable to the Municipality, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMPs. This provision shall not be

construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to main or repair said facilities, and in no event shall this Agreement be constructed to impose any such obligation on the Municipality.

5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Municipality. The Municipality shall have the right to remedies available to it by law in order to enforce this provision, specifically including the expenditure of any escrow funds designated for this purpose.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or because by Stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interest, shall release the Municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMPs by the Landowner or Municipality. In the event a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The Municipality may inspect the BMPs at a minimum of once every three (3) years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures :

For the Municipality:

(SEAL)

For the Landowner:

(SEAL)

ATTEST:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

I, _____, a Notary Public in and for
the County and State aforesaid, whose commission expires on the _____
day of _____, 20__, do hereby certify
that _____ whose name(s) is/are signed to
the foregoing
Agreement bearing date of _____ day of _____ 20__,
the

has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of
_____, 20__.

NOTARY PUBLIC