

## **CHAPTER 26**

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**Part 1**

**Rules and Regulations of the Pottstown Borough Authority for the Operation  
of the Water Treatment and Distribution System**

§101. Definitions.

AUTHORITY – the Pottstown Borough Authority.

BOROUGH – the Burgess and Town Council of the Borough of Pottstown.

CONSUMER – every separate family, person, business, institution, etc., to major degree that is a separate unit.

CUSTOMER – the owner of a property to which water service is provided and who contracts for water service to a property which is classified as premises.

PREMISES -

- A. The property or area, including improvements thereon, to which water service is or will be provided through water lines of the Authority on which the property abuts and on which the improvements face and, as used herein, shall be taken to designate; customer and occupied as one (1) residence or one (1) place of business, having one (1) occupancy either as a customer or consumer.
- B. A group or combination of buildings owned by one (1) customer, in one (1) common enclosure, occupied by one (1) family or one (1) corporation or firm, as a residence or a place of business, or for manufacturing or similar institution either as customer or consumer.
- C. One (1) side of a double house having a solid vertical partition wall occupied either as a customer or consumer.
- D. One (1) side or part of a house occupied by one (1) family as either customer or consumer even though the closet and/or other fixtures be used in common.
- E. A public building devoted entirely to public use, such as town hall, school-house, fire engine house, etc., occupied as a customer or consumer.
- F. A single lot or park or playground, occupied as customer or consumer.
- G. Each house in a row of houses occupied as customer or consumer.
- H. Each individual and separate place of business and/or occupancy located on one (1) building or group of buildings commonly designated as shopping cen-

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ters, supermarket areas and by such other terms, occupied as a customer or consumer.

- I. Each dwelling unit, a dwelling unit being defined as a building or a portion thereof, with exclusive culinary facilities designed for occupancy and use by one (1) person or one (1) family, even though said dwelling unit may share sanitary facilities with other dwelling units occupied as customer or consumer.
- J. Where a building is occupied by more than one (1) industrial user or any combination of residential users, each such family, commercial or industrial user shall constitute a customer or consumer.
- K. When a building or a portion of a building is occupied by one (1) customer or consumer and used for more than one (1) purpose, that is, a combination of residential and commercial and industrial or residential and industrial, each area so used for separate purposes shall constitute a customer or consumer or each trailer shall constitute a customer or consumer.

(Ord. 1833, 11/11/1996, §2)

### §102. Method of Sale.

1. Water, including that being provided to public or private swimming pools, is sold by meter only, except as noted under §104 on unmetered sales.
2. Accounts are computed and bills rendered quarterly except as directed otherwise by the Authority.
3. The Authority may, by resolution, establish special water districts with special water rates. Said water districts may be necessary to cover special costs relative to water purchase and resale to portions of the Authority's system.

(Ord. 1833, 11/11/1996, §2)

### §103. Schedule of Water Rates.

1. Minimum Charge. All customers who are metered will pay a minimum quarterly charge, which shall be nonabatable for nonuse of water and noncumulative against subsequent consumption, governed by the meter size and contain a minimum allowance for water. The rates shall be charged in accordance with the fee schedule established by the Authority.
2. Metered Rates. The minimum charge entitles the customer to use the number of cubic feet per quarter which the minimum charge pays, in accordance with the fee schedule established by the Authority. All water used each quarter in excess of

the amount covered by the minimum charge per quarter shall be paid in accordance with the schedule of rates.

(Ord. 1833, 11/11/1996, §2)

§104. Unmetered Sales and Bulk Rates.

1. It is the intent of this Section to prescribe strict regulations for the use of fire hydrants and service lines in obtaining unmetered or bulk water. Unauthorized use of Authority facilities endangers the health, safety and welfare of the Authority's customers and must be controlled. Backflow of contamination, dirty water and damage to facilities are consequences of unauthorized use. In addition, such use may constitute any of several offenses under the Crimes Code.
2. Permits will be granted for building water and bulk tank truck hauling. Under no circumstances will permits be granted for the filling of any container or tank truck that holds or is used to carry any fertilizer or organic compound.
3. Building Water.
  - A. Residential building water will be furnished to each developer through service connections only. Each person desiring building water for residential units shall make application to the Authority or its designated agent for a building water permit. The cost of the permit shall be in accordance with the fee schedule established by the Authority.
  - B. Commercial and industrial building water shall also require a permit and fee in accordance with the fee schedule established by the Authority. All building water connections must contain backflow devices provided by the developer.
4. Bulk Water.
  - A. Upon application by the water user, bulk water permits for the taking of water from a water source at either the water treatment plant or the wastewater treatment facility for delivery into a tank licensed for potable bulk water hauling under the Pennsylvania Safe Drinking Water Act will be granted for a period of one (1) year. Charges for such a permit shall be in accordance with the fee schedule established by the Authority.
  - B. Other bulk water permits for the taking of water from fire hydrants shall be issued for a period of one (1) year at a permit fee in accordance with the fee schedule established by the Authority.

(Ord. 1833, 11/11/1996, §2)

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### §105. Fire Protection.

1. Public Fire Protection. When, in judgment of the Authority, it is practical and will, in no way, endanger the general water service in the vicinity, the Authority, or its agent, will install public fire hydrants in municipalities outside the Borough at the municipality's expense, subject to the rates governing such service.
2. Private Fire Protection. When, in the judgment of the Authority, it is practical and will, in no way, endanger the general water service in the vicinity, private fire service mains to be used exclusively for fire protection may be allowed, subject to special contract and rules, rates and regulations governing such service. In such cases, after investigation and approval by the Authority, or its agent, the consumer may, at its option, use a separate service line to be used exclusively for the extinguishing of fires. The separate service connection in such case, and the entire service installation, shall be paid for by the consumer.
3. Use of Hydrants. No fire hydrant shall be used for sprinkling streets, flushing sewer or gutters; for shower sprays, for contractors' or builders' purposes or for any other than fire purposes, except with the approval of the Authority, or its agent. Permits for the user of water from fire hydrants for such purposes will not be granted, except in cases where such use is deemed by the Authority, or its agent, to be urgent, and other means of obtaining water are not available. Any permit so granted shall be revocable at the pleasure of the Authority in every instance.

(Ord. 1833, 11/11/1996, §2)

### §106. Bills Rendered.

1. General.
  - A. All bills for service furnished by the Authority will be based on the Authority's fee schedule and/or other fees as outlined in the Water Department rules and regulations.
  - B. Regular meter reading will be made monthly or quarterly at the option of the Authority.
  - C. Bills shall be rendered quarterly unless directed otherwise by the Authority and will include charges for all water consumed during the billing period, plus any other applicable fees.
  - D. Should a meter fail to register or the Authority, or its agent, were unable to read the meter for any part of a quarter, the consumption for the quarter shall be estimated on the basis of the consumption of the previous three (3) full quarters, and a bill rendered for the average amount so obtained.

- E. In case of excessive meter registration, no adjustment will be made of bills prior to the billing period in which complaint was made or of bills of a previous customer.
2. Condominiums and Similar Type. Condominiums and similar type housing units which embody the principal of individual purchase and ownership of the consumer units shall have individual services and meters installed to service each consumer unit and shall be billed accordingly or, at the discretion of the Authority, a master meter may be required to serve the complex.
  3. Payment of Bills. Bills for metered customers/owners will be rendered quarterly of each year for the prior three (3) months. Bills remaining unpaid after the due date of statement will be charged additional interest and penalty as set forth in §107(6) below. The Authority or its agent reserves the right to shut off water supply after giving written notice in compliance with applicable Pennsylvania law to the customer/owner. Said water shall remain shut off until the water rent, penalty and costs of turning off and on have been paid in full by the consumer or customer/owner. Payments received on or previous to the last day of the specified period will be deemed to be payment of the bill within that particular period. All bills will be the responsibility of the customer/owner. Consumer or occupant of a single metered property may be billed as a matter of convenience, but all bills will ultimately be the responsibility of the property owner. [Ord. 1846]
  4. Location for Payment. Payments may be made at the locations specified on the invoice for services provided.
  5. Accuracy of Bills. Any customer or consumer, upon receipt of bill having reason to doubt its accuracy, shall bring or mail the bill within five (5) days to the Authority for investigation.
  6. Failure to Receive Bill. Bills or notices relating to the Authority or its business shall be mailed to the customer's last address as shown by the books of the Authority, and the Authority, or its agent, shall not be otherwise responsible for delivery. The Authority, or its agent, shall give or mail all such notices and bills to the address given on the application until a change, in writing, has been filed with the Authority, or its agent, by the applicant. Failure to receive a bill shall not exempt any customer from a payment of penalty. The presentation of a bill to the customer is only a matter of accommodation and not a waiver of this rule.
  7. Certification of Final Bill. Requests for certification of final bill must be made in writing by the customer and will be issued for a fee in accordance with the Borough's fee schedule.
  8. Returned Checks. A fee for a returned check unpaid by a financial institution will be assessed to the customer's account for which the check was intended, in accordance with the Borough's fee schedule.

(Ord. 1833, 11/11/1996, §2; as amended by Ord. 1846, 2/10/1997, §3)

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### §107. Termination of Water Service.

1. General Conditions. Service under an application may be discontinued for any of the following reasons:
  - A. Nonpayment of water bills.
  - B. Misrepresentation in application as to property or fixtures to be supplied, or the use to be made of the water supply.
  - C. Use of water for any property or purposes other than described in the application.
  - D. Waste of water through improper or imperfect pipes, fixtures or otherwise.
  - E. Failure to maintain, in good order, connections, service lines or fixtures beyond the curb and owned by the applicant.
  - F. Molesting any service pipe, meter, curb stop or seal or any appliance of the Authority.
  - G. Violation of any rule of the Authority.
  - H. Vacancy of the premises.
2. Tampering with Curb Cock. If the Authority or its agent has reason to suspect that any consumer has tampered with the curb cock after the water has been turned off from the premises, the Authority, or its agent, will shut off the water at the main, and it will not be again turned on until satisfactory assurance is given to the Authority or its agent that the practice will be discontinued.
3. Failure to Repair Leak. All leaks in the service pipe from the curb, to and upon the premises supplied, shall be promptly repaired by the consumer, on failure to make such repairs immediately after detection of leak, the Authority or its agent will turn off the water and will not be again turned on until all necessary repairs have been made and are satisfactory to the Authority or its agent.
4. Nonpayment of Sewer Rent. Upon proper notification, the Authority is required to discontinue water service for nonpayment of sewer rent. Charges for this service shall be in accordance with the fee schedule established by the Authority.
5. Charge for Turning Off and On for Nonpayment of Bills. The Water Department is hereby authorized to charge a fee, in an amount as established from time to time by resolution, for turning water supply off and on for nonpayment of bills as provided in §106(3) of this Part.

6. Penalty for Late Payment. If any quarterly installment of billing for water usage is not paid within thirty (30) days after the date of the bill, a ten (10) percent penalty shall be added thereto; if the installment, plus penalty, is not paid within sixty (60) days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at a rate of nine (9) percent per annum, or the maximum rate permitted by law. Any unpaid water bill (together with penalty and interest thereon, to the extent permitted by law) and all delinquent costs shall be a lien on the property served, which may be collected by action in assumpsit, by distress and/or by lien filed in the nature of a municipal claim, and/or by termination of the services as and to the extent provided by law. In addition, any costs and/or reasonable attorney's fees incurred by the Authority/Borough shall be added to the unpaid water bill, along with penalties and interest as set forth above, and the aggregate of same shall be entered as a lien on the property served and collected in the manner provided by the Municipal Claims Act, 53 P.S. §7101 et seq. The Borough hereby adopts the following fee schedule to be paid to legal counsel for representation in proceedings to recover any delinquent municipal claim. The Borough approves these fees and finds them fair and reasonable for the services to be rendered and shall impose them upon the property owner in proceedings to recover delinquent municipal claims, together with any additional out-of-pocket costs for necessary expenses:

- A. **Administrative Charge.** Any administrative fee incurred for mailing the notice of delinquency, not to exceed fifty dollars (\$50.00), being a cost of collection under the Municipal Claims and Tax Liens Act, shall be assessed.
- B. **Interest.** Interest will be assessed upon all delinquent municipal claims and taxes at a rate of ten percent (10%) per annum.
- C. **Legal Services.**

<b>Legal Services</b>	<b>Fee For Services</b>
Initial review and sending first demand letter	\$160.00
File lien and mail second demand letter	\$175.00
Prepare Writ of Scire Facias	\$ 175.00
Obtain re-issued writ	\$30.00
Prepare and mail letter under PA. R.C.P. §237.1	\$30.00
Prepare motion for alternate service	\$175.00
Prepare default judgment	\$175.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Continue sheriff sale	\$50.00
Petition to assess damages	\$50.00

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<b>Legal Services</b>	<b>Fee For Services</b>
Petition for free and clear sale	\$400.00
Prepare bankruptcy proof of claim	\$100.00
Handling fee for returned check	\$30.00
Handling fee to issue refund check	\$20.00
Bookkeeping fee for payment plan of more than three payments	\$50.00
Services not covered above	At an hourly rate between \$60.00-\$225.00 per hour

- D. The amount of fees determined as set forth above are fair and reasonable for the services to be provided and shall be added to the Borough of Pottstown's claim in each account.
- E. There shall be added to the above amounts the reasonable out-of-pocket charges, costs, expenses, commissions and fees such as but not limited to, postage, title searches, prothonotary fees and sheriff fees.
- F. The amount of charges, expenses, commissions and fees determined as set forth above shall be added to the Borough of Pottstown's claim in each account.
7. Customer Requested Termination of Service. When premises are unoccupied, the customer shall notify the Authority or its agent, in writing, and the water will be turned off, and all charges for water will cease from the date that the notice is received by the Authority, or its agent. When the property is again occupied, the customer shall again notify the Authority or its agent, in writing, and the water will be turned on. No allowance or refund will be made for unoccupied property when written notice, both at time of vacancy and at time of occupancy, has not been given, as provided in this Part. The Authority will charge a turn-on fee in accordance with the fee schedule established by the Authority.
- A. **Temporary Termination.** Any request for a duration of less than one (1) year is considered a temporary termination of service. In such cases, the meter will be removed, and the water turned off at the curb cock. The charge for restatement of service will be in accordance with the fee schedule established by the Authority.
- B. **Permanent Termination.** Terminations for a period of greater than one (1) year are considered permanent terminations of service. In such cases, the meter will be removed, and the water disconnected at the curb cock or street. The charge for reinstatement of service will be in accordance with the fee schedule established by the Authority.

- C. Temporary terminations become permanent after one (1) year unless arrangements are made by the customer for a time extension of the temporary termination.

(Ord. 1833, 11/11/1996, §2; as amended by Ord. 1846, 2/10/1997, §4; by Ord. 1891, 7/12/1999, §2; and by Ord. 1995, 3/14/2005, §2)

§108. Meters.

1. Size of Meters. The size of water meters will be selected as specified and in accordance with the "Standard Technical Specifications and Requirements for the Construction of Water Mains and Appurtenances," approved by the Authority on October 19, 1994.
2. Ownership of Meters. All meters and remote meters, except in the case of new construction and improper maintenance by owner, shall be furnished by the Authority, or its agent. The meter and/or remote meter shall become the property of the Authority, or its agent, and be accessible to and subject to its control. They shall be conveniently located at a point approved by the Authority or its agent. If indoors, shall be placed not less than six (6) inches nor more than forty-eight (48) inches above the floor at readily accessible location, safe from freezing and vandalism, and shall have a shut off valve ahead of the meter. The property owner may, at his cost and option, have the meter installed in an outside frost-proof box at an accessible location, subject to the Authority's specifications and approval. A bypass shall be installed in all meters one and one-half (1 1/2) inches or larger, excluding fire meters, whether installed inside a building or in a meter pit. The valve on the bypass shall be sealed by the Authority, or its agent, and shall remain sealed at all times except when the meter is removed for servicing by the Authority or its agent.
3. Location of Meters. The location of meters will be selected as specified and in accordance with the "Standard Technical Specifications and Requirements for the Construction of Water Mains and Appurtenances," approved by the Authority on October 19, 1994.
4. Protection of Meters. The customer shall be responsible to the Authority or its agent for any injury to or loss of any meter arising out of or caused by customer's negligence or carelessness, or that of his servants, agents, employees or any person upon his premises, under, or by authority of, his consent or sufferance. The customer shall permit no one, not an agent of the Authority or otherwise lawfully authorized to do so, to remove, inspect or tamper with the Authority's meter or other property of the Authority on his premises.
5. Meter Testing.

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- A. All water meters are carefully tested by the Authority or its agent, before they are installed and after their installation, they are tested as frequently as circumstances warrant.
  - B. In case of a disputed account involving the question as to the accuracy of a meter, such meter will be tested by the Authority, or its agent, upon the request of the customer, in conformity with general practice of water service utilities, upon payment of fees in accordance with the Authority's fee schedule.
  - C. The fee stipulated in the fee schedule shall be payable the customer, in advance, according to the Authority's fee schedule. In the event that the meter so tested is found to have an error in the registration in excess of four (4) percent, the cost of the test will be borne by the Authority, and the advance fee will be refunded, and the bill rendered, based on the last reading of such meter or meters, shall be corrected accordingly. This correction shall apply both for over or under registration.
  - D. The Authority, or its agent, reserves the right to remove and test, at any time, and if such meter is found to be inaccurate, to substitute another meter of the same size, in its place, either permanently or temporarily.
6. Meter Removal. The removal of a meter at a customer's request is subject to charges in accordance with the Authority's fee schedule.
  7. Remote Meters. The Authority, or its agent, reserves the right, at its option, to install meters and remote meters on properties of any and all consumers including, but not limited to, domestic, commercial, industrial, public or private consumers, apartment houses, public or private swimming pools and any and all other uses. The Authority, or its agent, shall have the right and option to restrict meter installation to one (1) meter per service line.

(Ord. 1833, 11/11/1996, §2)

### §109. Water Service.

1. In order for Authority to provide water service, Authority water mains must be in place along the entire frontage upon public or private roads of the premises to be serviced, and a service line from Authority's water main to the curb must be installed. If authority water mains do not extend along the entire frontage of the property to be serviced, a water main extension will be required before water service will be provided.
2. All water line installations shall be constructed in accordance with the "Standards Technical Specifications and Requirements for Construction of Water Mains and Appurtenances," approved by the Authority on October 19, 1994, which are incorporated herein by reference.

A. Main Extensions. Authority water mains may not be extended without the approval of Authority. A party/parties who requires an extension of Authority mains in order to receive water service shall file an application to extend water main(s) with Authority. Upon receipt of the application and the project review fee, if any, Authority will prepare installation drawings and a water main extension agreement.

(1) Project Review.

- (a) Any application to extend Authority water mains to service two (2) or more residential units or one (1) or more commercial or industrial units will be subject to preliminary project review by Authority. The applicant shall submit, in addition to the usual application to extend water main(s), plot plans and a nonrefundable project review fee. Fees shall be paid in accordance with the Authority's fee schedule.
- (b) The project review fee covers legal, engineering and other expenses incurred by Authority in connection with its review of the proposed plan. Under no circumstances will any portion of the project review fee be refunded to an applicant.

(2) Water Main Extension Agreements.

- (a) No extension of Authority water mains will be permitted until the applicant has received the approval of Authority and has entered into a written water main extension agreement with Authority. The agreement shall provide, inter alia, that the costs of the water main extension in or along the entire frontage of applicant's property on or along public or private roads, and any additional extension required to connect with the Authority's water mains, shall be borne by applicant. The agreement shall further provide for the securement by applicant in a manner acceptable to Authority of the full estimated costs of the installation of the necessary lines and appurtenances including, but not limited to, costs for materials, labor, installation, inspection and testing, supervision and legal and engineering expenses. The agreement shall specifically state the number of premises to be serviced by the extension. Under no circumstances shall additional premises be serviced in the absence of approval by Authority, which approval shall be conditioned upon compliance with the then existing Authority rules and regulations.
- (b) In addition, at the time of signing the agreement, applicant shall pay to the Authority such fees as set by the fee schedule established by the Authority. Tapping fees, as provided by the fee schedule established by the Authority, shall also be paid at

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the time of the signing of the agreement. In addition, at the time of signing the agreement, applicant shall deposit a security deposit in an amount established by the Authority for the payment of charges for repairs to the water main extension and service lines. Authority shall hold the security deposit on account for one (1) year from the date the mains are dedicated to the Authority. At the expiration of one (1) year, Authority shall return to applicant all funds which remain in the security deposit account, along with an itemized statement of the repair charges which have been satisfied therefrom.

- (3) Ownership of Water Main Extensions. All easements shall be dedicated to Authority prior to the construction of any water main extensions. Upon completion of the water main extension, all mains and appurtenances shall be dedicated to Authority.
  - (4) Size of Lines. The size of pipe to be used in main extensions shall, unless Authority provides otherwise, be a minimum of eight (8) inches for single family residential and twelve (12) inches for high density residential, commercial and industrial.
  - (5) Payment for Filling and Flushing Water Lines. Each developer will be charged a flat fee for the water used in filling and flushing new water lines. This fee is part of the ten (10) percent engineering and overhead estimate that appears in each extension agreement and will be billed in accordance with the fee schedule established by the Authority.
- B. Service Connections. Hereafter, only one (1) premises will be supplied through one (1) service pipe.
- (1) Application for Service Connections. Application for a water service line, either for a new line or a renewal, must be made by the owner or authorized agent of the property requesting the installation. Upon approval of the application, the Authority, or its agent, will install the service line from the main to the curb line. This installation will include the service pipe, curb stop, corporation stop, curb box or any other materials required; all of which shall be the property of the Authority and shall always be accessible to and under its control. The Authority, or its agent, reserves the right to defer the installation of service connections during the winter months until such time as, in the judgment of the Authority, or its agent, conditions are suitable for their expeditious and economical installation. The applicant shall be required to pay all the costs of making the installation of the service line, including labor, materials, equipment and permits.
- C. Water Lines from Curb to Premises. Water lines beyond the curb shall be installed and maintained by and at the expense of the customer. All leaks between the curb box and meter must be repaired by the property owner

upon discovery. The portion of the water line installed by the customer shall not be less in size and quality than the service line installed in the street by Authority, and shall be laid not less than three (3) feet and six (6) inches below the surface, and shall not be covered until the tap on the main is made and water tested. If any defects in workmanship or materials are found, the service will not be turned on until such defects are remedied. All plumbing connections shall be able to stand a pressure of at least one hundred seventy-five (175) pounds per square inch. Water lines which pass over property owned by persons other than the owner of the premises to be supplied shall not be installed unless the owner of the premises supplied assumes all liability and furnishes a right-of-way agreement in form satisfactory to Authority. The water line from the curb to the premises shall be kept in good condition by the customer under penalty of discontinuance of service by Authority. Authority reserves the right to inspect the plumbing on any premises, and if it shall be found not in conformity with Authority rules and regulations, Authority reserves the right to refuse to furnish water until objectionable or improper work is corrected.

D. Application for Water Service.

- (1) Application by Property Owner. Any property owner desiring a supply of water from an existing service connection must make a written application to the Authority at least three (3) days before service is desired; said application must be properly approved by the Authority, or its duly authorized agent, before the water will be turned on.
- (2) New Application Upon Change of Ownership or Change of Service. A new application must be made and approved by the Authority or its agent, upon any change in ownership or tenancy if in the tenant's name or in the service as described in the previous application, and the Authority, or its agent, shall be at the liberty to discontinue the water supply until such application has been made and approved.
- (3) Special Cause. Applications for permits for special uses of water and/or any services not specified in these rules and regulations will be reviewed in accordance with the "Standard Technical Specifications and Requirements for Construction of Water Mains and Appurtenances and Sanitary Sewers and Appurtenances," approved by the Authority on October 19, 1994.

E. Miscellaneous Rules.

- (1) Connection of Outlets Between Mains and Meters. No connections or outlets will be permitted on the service pipe or pipes supplying any premises between the street main and the meter. All water used must pass through a meter.

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- (2) Opening and Closing Valves and Curb Stops. Water shall not be turned on for any premises except by a representative of the Authority, or its agent. A plumber, to enable to test his work, may turn water on at a premises for such purpose; in which case he shall immediately turn water off after the test is made.
- (3) Two or More Customers on Same Line. Under circumstances where two (2) or more customers are supplied with water from the same service connection in a manner previously, but no longer, permitted by Authority, Authority will, at the expense of property owner(s), replace such service connection by a separate service connection, with curb stop and curb box for each supply whenever such service connection shall, for the purpose of repairs, require the main stop to be closed.
- (4) Violation of Rules Where Two (2) or More Customers Are on the Same Service. Where two (2) or more customers or consumers are on the same single service, any violation of the rules of the Authority by either or any of said customers or consumers shall be deemed a violation as to all, and Authority may take such action as could be taken against a single customer, except that such action shall not be taken until the innocent customer who is not in violation of Authority's rules has been given a reasonable opportunity to attach his pipes to a separately controlled service connection.
- (5) Pressure Reducing Valves. On all new service connections of residential service lines, the customer shall install a pressure reducing valve. On all new service connections of commercial and industrial service lines, the customer shall install a pressure reducing valve where the pressure in the main exceeds seventy (70) pounds per square inch. Maintenance of the above valves is the responsibility of the owner.
- (6) Written Permit for Customers or Consumers who Supply Other Persons or Families. No owner or tenant of any premises supplied with water by Authority will be allowed to supply other persons or families or other premises, except by written permission from Authority. Customers or consumers who violate this rule shall have their water shut off after a notice of one (1) day and it may remain so until Authority is satisfied that the rules and regulations will be observed.
- (7) Consumer May be Required to Submit Report or Statement. Upon written request by the Authority, or its agent, any consumer shall submit a written, verified report or statement listing each and every type of fixture, service or outlet existing or used by the consumer in any particular or specified premises.

(Ord. 1833, 11/11/1996, §2)

§110. Tapping Fees.

1. General. Tapping fees are payable for any property which connects to the Authority's water system. In order to determine the proper tapping fee, applicants must submit to the Authority, or its agent, for review, information setting forth in writing the type of use that will be made of consumer's property and the number and type of services that the customer requires.
2. Tapping Fee Schedule. Tapping fee charges payable by the applicant to the Authority will be calculated in accordance with the Authority's fee schedule.

(Ord. 1833, 11/11/1996, §2)

§111. Cross Connection and Backflow.

1. Cross Connections. No connection shall be made between pipes or containers carrying water from any other source with lines carrying water supplied by the Authority.
2. Backflow. All commercial and industrial services shall contain backflow prevention devices in accordance with the "Standard Technical Specifications and Requirements for the Construction of Water Mains and Appurtenances and Sanitary Sewers and Appurtenances," approved by the Authority on October 19, 1994.

(Ord. 1833, 11/11/1996, §2)

§112. General Rules.

1. Customer Deposits.
  - A. Deposits may be required from customers taking service for a period of less than thirty (30) days, in an amount equal to the estimated gross for such temporary period. Such deposits may be required from all other customers provided that, in no instance, will deposits be required in excess of the estimated gross bill for any single billing period plus one (1) month, the maximum period not to exceed four (4) months, with a minimum of twenty-five dollars (\$25.00).
  - B. Deposits shall be returned to the depositor when he shall have paid undisputed bills for service over a period of twelve (12) consecutive months, upon discontinuance of service by the customer and payment of all charges due. Any customer having secured the return of a deposit will not be required to make a new deposit unless the service has been discontinued and the customer's credit standing impaired through failure to comply with tariff provisions.

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- C. The payment of any undisputed bill, within the meaning of this Part, shall be payment of the bill with or without discount or penalty, within the due date on the bill, or the payment of any contested bill, payment of which is withheld beyond the period herein mentioned if the dispute is terminated substantially in favor of the customer, and if payment be made by the customer within ten (10) days thereafter.
- D. Any customer having a deposit shall pay bills for water services as rendered in accordance with the rules of the Authority, and the deposit shall not be considered as payment on account of a bill during the time the customer is receiving water service.

### 2. Leaks and Defective Plumbing.

- A. The Authority, or its designated agent, shall not be liable for any damage resulting from leaks, broken pipes or any other cause occurring to or within any house or building, and it is expressly agreed that no claim shall be made against the Authority for damage caused by bursting or breaking of any main or service pipe, or any attachment thereto.
- B. All water passing through a meter shall be charged for at the regular rate, and no allowance will be made for excessive consumption due to leaks or wastes.

### 3. Supply of Water.

- A. All contracts for more water shall continue in force from month to month, but either party can cancel the contract by given ten (10) days written notice that the contract shall terminate at a certain future time. For service beginning during a quarterly period, the minimum charge shall be prorated to the regular time of reading of the meter, except that no bill shall be rendered for less than one dollar (\$1.00).
- B. The Authority shall not be liable for any deficiency or failure in the supply when occasioned by shutting off water to make repairs or connections or failure for any cause beyond control.
- C. The Authority shall not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or facilities, or any cause beyond its control.
- D. As necessity may arise in case of break, emergency or other unavoidable cause, the Authority, or its agent, shall have the right to temporarily shut off the water supply in order to make necessary repairs, connections, etc., but the Authority, or its agent, will use all reasonable and practicable measures to notify the customer of such discontinuance of service. In such case, the Authority, or its agent, shall not be liable for any damage or inconvenience suffered by the customer, nor in any case for any claim against it

at any time for interruption in service, lessening of the supply, inadequate pressure, poor quality of water or any cause beyond its control. The Authority, or its agent, shall have the right to reserve a sufficient supply of water at all times in its reservoirs for fire and other emergencies, and may restrict or regulate the quantity of water used by customers in case of scarcity or whenever the public welfare may require it.

4. Right of Entry Upon Premises of Consumers. The Authority shall have the right, at any time, by or through its agents, officers or employees, to enter in or upon any premises, buildings or dwellings of any kind or nature, owned, occupied or used by any consumer, for the purpose of making inspections, examinations, tests or emergency service repairs.
5. Agents and Employees Lack Authority to Bind the Authority. No agent or employee of the Authority shall have authority to bind it by promise, agreement or representation contrary to this Part.
6. Vacating the Premises.
  - A. When the premises is vacated, the customer must give proper notice to the Authority so that the water may be turned off and the customer will be responsible for all charges for water service until such notice is given.
  - B. A new application must be made on any change in occupancy of the property, as described in the application, and the Authority may discontinue the supply of water until such new application has been made and approved.
  - C. Application may be refunded by the Authority for proper cause.
  - D. Contracts may be canceled by the Authority for proper cause, upon giving five (5) days notice of such cancellation.
  - E. Charges associated with temporarily vacated premises and the water shut off for the period of vacancy upon the consumer's request will be payable in accordance with the Authority's fee schedule.
7. Changing of Rules and Regulations. The Authority reserves the right to change or amend, from time to time, these rules and regulations for the use of water.
8. Water Conservation Standards. The water conservation standards adopted by the Authority in accordance with Delaware River Basin Commission (DRBC) Resolution No. 88-2, as revised, are incorporated herein by reference.

(Ord. 1833, 11/11/1996, §2)



## Part 2

### Stormwater Management

#### A. General Provisions.

§201. Short Title. This Part shall be known and may be cited as the “Pottstown Stormwater Management Ordinance.” (Ord. 1977, 3/8/2004, I)

§202. 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 increase 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 stream-beds 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 regulation 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. 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.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- F. 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 sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- G. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the municipality.

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(Ord. 1977, 3/8/2004, I)

§203. Purpose. The purpose of this Part is to promote health, safety and welfare within the municipality and its watershed by minimizing the harms and maximizing the benefits described in §102 of this Part, 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 impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- E. Focus on infiltration of stormwater, to 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. To the limits possible, maintain the pre-development volume of groundwater recharge.
- H. To prevent significant increase in surface runoff volumes, pre-development to post-development, thereby mitigating flooding downstream in the watershed, enlarging floodplains, eroding stream banks, and creating other flood-related health- welfare-property losses, and to work to reduce runoff volumes to pre-development levels.
- I. To maintain pre-development peak rates of discharge, site-by-site, so as not to worsen flooding adjacent to downstream sites.
- J. Meet legal water quality requirements under state law, including regulations at 25 PaCode 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.
- K. Prevent scour and erosion of streambanks and streambeds.
- L. Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the municipality.
- M. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.

- N. Implement an illegal discharge detection and elimination program to address nonstormwater discharges into the municipality's separate storm sewer system.

(Ord. 1977, 3/8/2004, I)

§204. Statutory Authority. The municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of 53 P.S. § 46202 et seq. and 53 P.S. § 47201 et seq. of the Borough Code and 53 P.S. § 10501 et seq. of the Pennsylvania Municipalities Planning Code. (Ord. 1977, 3/8/2004, I)

§205. Applicability.

- A. This Part 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 Part shall operate in coordination with those parallel requirements; the requirements of this Part shall be no less restrictive in meeting the purposes of this Part than state law.
- C. Hereinafter, no land shall be used, nor shall it be stripped or moved, and no structure shall be built or extended without full compliance with the terms of this Part and other applicable regulations.

(Ord. 1977, 3/8/2004, I)

§206. Repealer. Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Part is hereby repealed to the extent of the inconsistency only. (Ord. 1977, 3/8/2004, I)

§207. Severability. In the event that any section or provision of this Part is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Part. (Ord. 1977, 3/8/2004, I)

§208. Compatibility with Other Requirements.

- A. Approvals issued and actions taken under this Part 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 Part imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Part shall be followed.

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- B. Nothing in this Part shall be construed to affect any of the municipality's requirements regarding stormwater matters which do not conflict with the provisions of this Part, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this Part addressing state water quality requirements.

(Ord. 1977, 3/8/2004, I)

### B. Definitions.

§211. Definitions. For the purposes of this Part, 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 action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

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 Part. BMPs include but are not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

CONSERVATION DISTRICT - the Montgomery County Conservation District.

DEP - the Pennsylvania Department of Environmental Protection.

**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.

**EROSION AND SEDIMENT CONTROL PLAN** - a plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

**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.

**MUNICIPALITY** – Borough of Pottstown, 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.

**OUTFALL** - "Point source" as described in 40 CFR § 122.2 at the point where the municipality's storm sewer system discharges to surface waters of the Commonwealth.

**PERSON** - an individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**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 PaCode § 92.(1)

**PROJECT SITE** - the specific area of land where any regulated earth disturbance activities in the municipality are planned, conducted or maintained.

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REDEVELOPMENT - earth disturbance activities on land which has previously been disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY - earth disturbance activity one acre or more with a point source discharge to surface waters or the municipality's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more or earth disturbance.

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.

SEPARATE STORM SEWER 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 PaCode 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 maintain 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.

STORMWATER - the surface runoff generated by precipitation reaching the ground surface.

**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, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**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 water, whether natural or artificial.

(Ord. 1977, 3/8/2004, II)

C. Stormwater Management Including Water Quality.

§221. General Requirements for Stormwater Management.

- A. All regulated earth disturbance activities within the municipality shall be designed, implemented, operated and maintained to meet the purposes of this Part, through these three elements:
  - 1. Erosion and sediment control during the earth disturbance activities (e.g., during construction).
  - 2. Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.
  - 3. Limiting post-development peak runoff rates to pre-development levels.
- B. No regulated earth disturbance activities within the municipality shall commence until the requirements of this Part are met.
- C. Erosion and sediment control during regulated earth disturbance activities shall be addressed as required by §303.
- D. Post-construction water quality protection shall be addressed as required by §304. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Subpart (D).
- E. All Best Management Practices (BMPs) used to meet the requirements of this Part shall conform to the state water quality requirements, and any more stringent requirements as determined by the municipality.

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- F. Techniques described in Appendix A (Low Impact Development) of this Part are encouraged, because they reduce the costs of complying with the requirements of this Part and the state water quality requirements.<sup>1</sup>
- G. The applicant or applicant's agent shall design, construct and/or install drainage facilities to prevent soil erosion, drainage and siltation, and to manage stormwater in order to prevent the impairment of public safety or physical damage due to concentration of the stormwater runoff onto adjacent properties in accordance with this Part and applicable rules and regulations of the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District. All land areas shall be graded to secure proper drainage away from buildings or on-site sewage disposal systems, and to prevent the uncontrolled collection of stormwater in pools. The system shall be designed to collect and recharge water to the greatest extent possible.
- H. The rate of stormwater runoff from any proposed subdivision or land development shall not exceed the rate of runoff prior to development. Requirements for design of stormwater management systems to control quantity of discharge are outlined in this Part. The distribution of drainage discharge from the development properties shall replicate that of before-development conditions to the maximum extent possible. The methodology and facilities used shall be based on the calculated flows and conditions of each particular site.
- I. Recharge facilities, detention facilities, storm sewers, culverts, bridges and related drainage installation shall be designed and constructed to meet the following purposes:
  - (1) To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Protection.
  - (2) To insure adequate drainage of all low points as may be related to streets.
  - (3) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained to prevent flow of stormwater across intersections during the design storm.
  - (4) To insure adequate and unimpeded flow of stormwater under drive-ways in, near or across natural watercourses or drainage swales. Pipes or other conduits sized to convey the proper design storm shall be provided as necessary.

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<sup>1</sup> Editor's Note: Appendix A is not included in the Code but is attached to Ord. No. 1977 and on file in the office of the Borough Secretary.

- (5) To prevent excessive flow on or across streets, sidewalks, drives, parking areas and any other paved surface or accessway.
- J. To this end, the storm drainage system serving the street shall be designed to collect water at any point where water floods more than 1/2 of the roadway, at the low point of all vertical grades, 100 feet upgrade of each low point, and immediately upgrade of all street intersections. The system shall discharge any collected water which is not recharged into the nearest practical natural drainage channel or stormwater system.
- K. All natural watercourses shall be maintained in their existing condition, unless alteration is approved by the Borough. In any event, all encroachment activities shall comply with Chapter 105 of the Commonwealth of Pennsylvania's Department of Environmental Protection Dam Safety and Waterway Management Rules and Regulations.
- L. Man-made structures shall be kept to a minimum. Bridges, culverts or rip-rap shall be constructed to maintain natural characteristics of the stream and shall meet the approval of the Borough.
- M. Retention/detention basins shall be designed to utilize the natural contours of the land. When such design is impracticable, the construction of the basin design shall utilize slopes as shallow as possible to blend the structures into the existing terrain. The use of multiple retention/detention facilities, which are smaller and less intrusive on the site, is encouraged.
- N. All areas containing lakes, ponds, wetlands and watercourses shall be considered to be reserved for permanent open space. Any alteration, development, filling, piping or diverting of areas containing lakes, ponds, wetlands and watercourses shall be in strict compliance with the all prevailing rules and regulations of Federal and State agencies. The Borough recognizes the use of wetlands as potential components of stormwater management facilities and encourages such innovative use if assurances are met that conservation measures are adequate and that all Federal and State requirements are satisfied.
- O. The Borough may require that a landowner or development provide reasonable corrective on-site measures to alleviate any existing off-site drainage problem which may be affected by the proposed subdivision and/or land development. If off-site easements are required, it shall be the responsibility of the landowner or developer to obtain all drainage easements on, over or through other properties, and the Borough, its agents, workmen and employees shall be indemnified and held harmless from any liability.

(Ord. 1977, 3/8/2004, III)

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§222. Permit Requirements by Other Government Entities. The following permit requirements may apply to certain regulated earth disturbance activities, and must be met prior to commencement of regulated earth disturbance activities, as applicable:

- A. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 PaCode Chapter 102.
- B. Work within natural drainageways subject to permit by DEP under 25 PaCode Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 PaCode Chapter 105.
- D. Any stormwater management facility that would be located on a State highway right-of-way, or require access from a state highway, shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 PaCode Chapter 105.

(Ord. 1977, 3/8/2004, III)

§223. Erosion and Sediment Control During Regulated Earth Disturbance Activities.

- A. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of an Erosion and Sediment Control Plan for construction activities.
- B. DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 PaCode § 102.4(b).
- C. In addition, under 25 PaCode Chapter 92, a DEP "NPDES Construction Activities" permit is required for regulated earth disturbance activities.
- D. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the municipality. The issuance of an NPDES Construction Permit or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements of subsection 303.A.
- E. A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

(Ord. 1977, 3/8/2004, III)

§224. Water Quality Requirements After Regulated Earth Disturbance Activities Are Complete.

- A. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of a plan which demonstrates compliance with state water quality requirements after construction is complete.
- B. The BMPs must be designed, implemented and maintained to meet state water quality requirements and any other more stringent requirements as determined by the municipality.
- C. To control post-construction stormwater impacts from regulated earth disturbance activities, state water quality requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
  - (1) Infiltration. Replication of pre-construction stormwater infiltration conditions,
  - (2) Treatment. Use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff's and
  - (3) Streambank and Streambed Protection. Management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- D. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices ("BMPs") that control runoff from new development and redevelopment after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the municipality. The issuance of an NPDES Construction Permit or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements of Section 224(A).

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- F. BMP operations and maintenance requirements are described in Subpart (D) of this Part.

(Ord. 1977, 3/8/2004, III)

D. Stormwater Management Design Standards.

§231. Permanent Stormwater Management Standards. The following standards shall be used to develop the stormwater management system.

- A. Standard (1) After installation of impervious cover, there shall be no increase in the volume of stormwater runoff being discharged for up to the two-year frequency rainfall, pre-development to post-development. If the Borough Engineer determines that such a standard is not achievable on the site (all or in part) based on the existing soil, bedrock, water table or other conditions on the parcel, Standard 3 provisions apply. For preliminary design purposes, this volume can be initially estimated as a depth of two and one half (2.5) inches per unit area of new impervious surface.
- B. Standard 2. After installation of impervious cover and assuming full compliance with Standard 1, the peak rate of stormwater discharges from the site for all design storms up to and including a one-hundred-year frequency rainfall shall not exceed the peak discharges from the site of the same storm before disturbance. Design storms include:
  - (1) 2-year 24-hour storm
  - (2) 10-year 24-hour storm
  - (3) 25-year 24-hour storm
  - (4) 50-year 24-hour storm
  - (5) 100-year 24-hour storm
- C. Standard 3. If the volume standard set forth in Standard 1 cannot be achieved, then the peak rate standards are modified so that post-development peak rate discharges from the site for all storms up to the ten-year storm must be equal to or less than seventy-five (75%) percent of the respective peak rates for these storms, pre-development.
- D. Standard 4. Under certain conditions, the Borough, upon recommendation of the Borough Engineer, may impose the following additional restrictions on stormwater discharges;
  - (1) Peak discharge may be further restricted to alleviate off-site drainage problems.

- (2) Measures shall be imposed to protect against ground or surface water pollution where the type of business activity may result in significant nonpoint source pollution ("hot spots") or the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases will be provided by the Borough Engineer.

(Ord. 1977, 3/8/2004, IV)

§232. Specific Infiltration System Design Criteria.

- A. Infiltration devices shall be selected based on suitability of soils and site conditions. Measures may include porous pavement with underground infiltration beds, vegetated infiltration beds, swales and trenches, or other seepage structures similar to these proposed in the Pennsylvania Handbook of Best Management Practices for Developing Areas (1998) and related references or other guidance documents.
- B. Soil infiltration tests shall be performed for all proposed infiltration areas; these tests shall include evaluation of selected soil horizons by deep pits and percolation measurements. Testing shall be reviewed and approved by the Borough Engineer. The soil infiltration rate of discharge from the infiltration area being used in the proposed design shall be based on these measurements.
- C. Where possible, the lowest elevation of the infiltration area shall be at least two (2) feet above the Seasonal High Water Table (SHWT) and bedrock.
- D. All infiltration systems shall have appropriate positive overflow controls to prevent storage within one (1) foot of the finished surface or grade.
- E. All infiltration systems shall have a minimum setback of fifteen (15) feet from all residential structures. Care should be taken to prevent any seepage into subgrade structures.
- F. All surface inflows shall be treated to prevent the direct discharge of sediment into the infiltration system; accumulated sediment reduces stormwater storage capacity and ultimately clogs the infiltration mechanism. No sand or other particulate matter may be applied to a previous surface for winter ice conditions.
- G. During site construction, all recharge system components shall be protected from compaction due to heavy equipment operation or storage of fill or construction material. Recharge areas shall also be protected from sedimentation. All areas designated for recharge shall not receive runoff until the con-

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tributary drainage area has achieved final stabilization or be cleared and reconstructed at that time.

- H. The following procedures and materials shall be required during the construction of all subsurface facilities:
- (1) Excavation for the infiltration facility shall be performed with equipment which will not compact the bottom of the seepage bed/trench, or like facility.
  - (2) The bottom of the bed and/or trench shall be scarified prior to the placement of aggregate.
  - (3) Only clean aggregate, free of fines, shall be allowed.
  - (4) The top and sides of all seepage beds, trenches or like facilities shall be covered with drainage filtration fabric. Fabric shall meet the specifications of PennDOT Publication 408, Section 735, Construction Class 4.
  - (5) Perforated distribution pipes connected to centralized catch basins and/or manholes with provision for the collection of debris shall be provided in all facilities. The perforated pipes shall distribute stormwater throughout the entire seep bed/trench, or like facility.

(Ord. 1977, 3/8/2004, IV)

### §233. Additional Stormwater Detention/Retention Facilities Design Requirements.

- A. The following setbacks are required for stormwater management facilities:
- (1) Stormwater retention or detention basins shall be located at least fifty (50) feet from any structure, whether existing or proposed.
  - (2) Whenever possible, stormwater retention or detention basins shall be located at least fifty (50) feet from any property boundary or right-of-way.
  - (3) Recharge systems greater than three (3) feet deep shall be located at least fifteen (15) feet from any basement wall and twenty-five (25) feet from wastewater treatment areas.
  - (4) Any recharge system designed to handle runoff from any commercial or industrial impervious parking or outside storage area shall be a minimum of fifty (50) feet from any water supply well or any wastewater treatment area.

- B. A riser or other acceptable outfall shall be provided at the outlet of all detention basins. The riser shall be constructed of precast or poured-in-place concrete with controlled orifices. The riser shall not be less than one (1) foot below the crest elevation of the emergency spillway. The riser shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the riser. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser. All risers shall have a concrete base attached with a watertight connection. The base shall be of sufficient weight to prevent flotation of the riser.
- C. Landscaping. All stormwater control systems, whether existing or proposed, shall be planted to effectively naturalize areas so as to become an integral and harmonious element in the local landscape. No trees shall be planted in basin berms.
- D. Emergency Spillway. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground. Emergency spillways shall be designed according to the Soil Conservation Service Engineering Field Manual. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion. The minimum capacity of all emergency spillways shall be such that should the principal spillway become clogged or ineffective, the emergency spillway can safely convey the one-hundred-year storm event with one (1) foot of available freeboard. The emergency spillway shall not discharge over earthen fill and/or easily erodible material unless suitable stabilization measures are provided.
- E. Anti-Seep Collars. Anti-seep collars shall be installed around the principal pipe barrel within the normal saturation zone of the detention basin berms. The anti-seep collars and their connections to the pipe barrel shall be watertight. The anti-seep collars shall extend a minimum of two (2) feet beyond the outside of the principal pipe barrel. The maximum spacing between collars shall be fourteen (14) times the minimum projection of the collar measured perpendicular to the pipe.
- F. Freeboard. Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled detention basin embankment. The minimum freeboard shall be one (1) foot.
- G. Slope of Detention Basin Embankment. The maximum slope of earthen detention basin embankments shall meet the requirements contained in Subsection K below. Whenever possible, the side slopes and basin shape shall be amendable to the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.
- H. Width of Berm. The minimum top width of detention basin berms shall be ten (10) feet.

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- I. Slope of Basin Bottom. In order to insure proper drainage of the detention basin, a minimum grade of two percent (2%) shall be maintained for all sheet flow. A minimum grade of one percent (1%) shall be maintained for all channel flow.
- J. Energy Dissipaters. Energy dissipating devices (rip-rap, end sills, etc.) shall be placed at all basin outlets. Any pipe or other component which discharges directly into the basin shall be equipped with energy dissipating devices and shall outlet into the bottom of the basin.
- K. Landscaping and Grading of Detention Basin. All landscaping and grading standards shall be as follows:
  - (1) Cuts. No excavation shall be made with a cut face steeper than two (2) horizontal to one (1) vertical, except under the condition that the material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical. A written statement to that effect is required from a professional engineer and must be submitted and approved by the Borough Engineer. The statement shall affirm that the site has been inspected and that the deviation from the slope should not result in injury to persons or damage to property. Retaining walls shall be required if a stable slope cannot be maintained. Any retaining wall design must be approved by the Borough Engineer. The toe of the slope or headwall of any cut must be located a minimum of five (5) feet from property lines.
  - (2) Fills. No fill shall be made which creates any exposed surfaces steeper in slope than two (2) horizontal to one (1) vertical, except where the fill is located so that settlement, sliding or erosion will not result in property damage or be a hazard to adjoining property, streets or buildings. A written statement is required from a professional engineer certifying that s/he has inspected the site and that any proposed deviation from the slope specified above should not endanger any property or result in property damage, and must be submitted to and approved by the Borough Engineer.
    - (a) A concrete or stone masonry wall designed and constructed in accordance with standard accepted engineering practices may be required to support the face of the fill where the above specified slopes are exceeded.
    - (b) The top of any fill or toe of the slope of any fill shall be located twenty-five (25) feet from any property line with the exception of a downstream property line where the toe of the embankment shall be placed a sufficient distance to allow for energy dissipating devices, but in no case less than forty (40) feet unless approved otherwise by the Borough.

- (c) All areas proposed for recreational use, whether active or passive, shall be planted to effectively naturalize the areas to become an integral and harmonious element in the natural landscape.
- (3) Drainage Channels and Retention Areas. All storm drainage channels and retention areas, whether existing or proposed, shall be graded and planted to effectively naturalize areas so as to become an integral and harmonious part of the landscape by contour and type of plant material employed.
- (4) Screening. A suitable vegetation screen shall be provided around all detention basins as required by the Borough. All vegetative screening shall be at least three and one-half (3 1/2) feet in height and shall be composed of shrubs: as approved by the Borough.
- L. Easements for all basins and storm pipes not located within the public street right-of-way shall be provided.

(Ord. 1977, 3/8/2004, IV)

§234. Stormwater Drainage System Design Requirements.

- A. Design Flow Rate To Detention Facilities. The storm drain system shall be designed to carry a twenty-five-year peak flow rate. The system must adequately convey one-hundred-year storm to detention facilities. The design peak flow rate into each inlet shall be indicated on the stormwater management plan.

Design Flow Rate of Systems Tying To Existing Borough Systems. The storm drain system shall be designed to carry the maximum calculated flow of the existing Borough system. The design peak flow rate into each inlet shall be indicated on the stormwater management plan.

The design flow rate shall be determined by the rational formula,  $Q = CIA$ .

Where:

Q = Peak runoff rate, cubic feet per second (CFS);

C = Runoff coefficient equal to the ratio of the runoff rate to the average rate of rainfall over a time period equal to the time of concentration;

I = Average rainfall intensity in inches per hour at a time equivalent to the time of concentration for the design year storm;

A = Drainage area in acres.

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Suitable values for the runoff coefficient and runoff intensity may be found in the following source:

Commonwealth of Pennsylvania  
Department of Transportation  
Design Manual, Part 2  
Chapter 10

Other sources for these values may be used, subject to the approval of the Borough Engineer.

- B. **Overflow System.** An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe system is exceeded. The overflow system shall be of sufficient capacity to carry the difference between the one-hundred-year and the twenty-five-year peak flow rates.
- C. **Inlet Capacity.** All inlets must be designed to accommodate the twenty-five-year peak flow rate. The capacity of each inlet shall be indicated on the stormwater plan. The capacity of all C, M or S type inlets shall be determined from the following source:
  - Commonwealth of Pennsylvania  
Department of Transportation  
Design Manual, Part 2  
Chapter 10
- D. **Straight Pipe Selections.** Wherever possible, all storm drain pipes shall be designed to follow straight courses. No angular deflections of storm sewer pipe sections in excess of five degrees (5°) shall be permitted. No vertical curves shall be permitted in the storm drain pipe system.
- E. **Minimum Grade and Size.** All storm drain pipes shall be designed to maintain a minimum grade of one-half percent (1/2%). All storm pipes shall have a minimum inside diameter of eighteen (18) inches, except that pipes under a twenty-five (25) or greater fill shall be designed in accordance with PennDOT, Design Manual, Part 2, most recent edition.
- F. **Pipe Material and Thickness.** All storm sewers shall be a material which meets the one-hundred-year life expectancy criteria contained in PennDOT Design Manual, Part 2, most recent edition.
- G. **Pipe Capacity.** The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following source:

United States Department of Commerce  
Bureau of Public Roads  
Hydraulic Engineering Circular No. 5  
Hydraulic Charts for the Selection of Highway Culverts

- H. Pipe Arches. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipes.
- I. Allowable Headwater Depth. At all inlets or manholes, the maximum allowable headwater depth shall be one (1) foot below the top of the inlet grate of the manhole cover.
- J. Horizontal Pipe Deflections. A manhole or inlet shall be provided at all horizontal deflections in the storm pipe system.
- K. Minimum and Maximum Cover. A minimum of eighteen (18) inches of cover shall be maintained over all storm drain pipes. The top of storm drain pipes shall be at least one-half (1/2) foot below subgrade elevation.
- L. Diversion of Runoff. All storm drain pipes shall be designed to carry the runoff into a detention basin or similar facility utilized to control the rate of runoff, or to an existing storm drainage system. No discharge at the top or side of basin embankments shall be permitted.
- M. Culverts and Drainage Channels.
  - (1) Design Flow Standards. All culverts and drainage channels shall be designed to carry a flow rate from a fifty-year storm event.
  - (2) Erosion Prevention. All drainage channels shall be designed to prevent the erosion of the bed and bank areas. The flow velocity in all vegetated drainage channels shall not exceed three (3) feet per second to prevent erosion unless special provisions are made to protect banks and channel bottoms against erosion. Suitable bank stabilization shall be provided where required to prevent erosion of the drainage channels. Where storm sewers discharge into existing drainage channels at an angle greater than thirty degrees (30°) from parallel with the downstream channel flow, the far side bank shall be properly stabilized. The stabilization shall be designed to prevent erosion and frost heave under and behind the stabilizing media.
  - (3) Maximum Side Slope. Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three (3) horizontal to one (1) vertical of those areas to be mowed.
  - (4) Design Standard. Because of the critical nature of the vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design procedures outlined in the PADEP Erosion and Sediment Pollution Control Program Manual. Several acceptable sources outline procedures for non-vegetated drainage channels, including the following:

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Bureau of Public Roads  
Hydraulic Engineering Circular No. 5  
Hydraulic Charts for the Selection of Highway Culverts

Federal Highway Administration  
Hydraulic Engineering Circular No. 13  
Hydraulic Design of Improved Inlets for Culverts

Reference to publications and source documents in this Section shall be deemed to include any amendments and revisions thereof.

(Ord. 1977, 3/8/2004, IV)

### §235. Protection of Adjacent Property.

- A. No person shall alter their property in any way which diverts or increases the flow of water over the premises of another without the express consent of the owner of such premises so affected, or upon or over any public street, street improvement, road, sewer, storm drain, watercourse or right-of-way or any public property.
- B. If any alteration is caused to divert or increase the flow of water upon any public property or right-of-way or private property in violation of the above section of this Part, the person responsible shall be notified and shall cause the same to be removed within 36 hours. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the material shall be removed immediately. In the event that it is not so removed, the Borough may cause such removal and the cost of such removal shall be paid to the Borough of Pottstown by said person responsible and shall be a debt due the Borough of Pottstown. The Borough shall submit a bill for all such costs to said person responsible. All such costs incurred by the Borough shall be a personal obligation of said person responsible and shall be a lien upon the premises of such person, and whenever a bill therefore remains unpaid for a period of sixty (60) days after it has been rendered by the Borough, the Borough Solicitor shall file a municipal claim or an action of assumpsit for such costs in the manner provided by law for the collection of debts and municipal claims.

(Ord. 1977, 3/8/2004, IV)

E. Stormwater BMP Operations And Maintenance Plan Requirements.

§241 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 BMPs 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 twenty-four-inch by thirty-six-inch sheets. The contents of the map(s) shall include, but not be limited to:
    - (a) Clear identification of the location and nature of permanent stormwater BMPs.
    - (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 (2) 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 locations of all existing and proposed utilities, sanitary sewers and water lines within fifty (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) A fifteen-foot wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.

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- (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.
- (4) 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.

(Ord. 1977, 3/8/2004, V)

### §242. 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 BMPs, 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.
    - (a) 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.

(Ord. 1977, 3/8/2004, V)

### §243. 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 Part 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.

(Ord. 1977, 3/8/2004, V)

§244. 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. (Ord. 1977, 3/8/2004, V)

§245. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs.

- A. The property owner shall sign an operations and maintenance agreement with the municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix B of this Part.<sup>2</sup>
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the municipality.

(Ord. 1977, 3/8/2004, V)

§246. 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 245.

(Ord. 1977, 3/8/2004, V)

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<sup>2</sup> Editor's Note: Appendix B is not included in the Code but is attached to Ord. No. 1977 and on file in the office of the Borough Secretary.

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§247. 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 245, and
  - (3) Easements under Section 246.

The owner shall provide the municipality evidence of recording of the Plan within seven (7) days thereof.

- 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 any provision of this Section.

(Ord. 1977, 3/8/2004, V)

§248. 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 BMPs to pay a specified amount (which shall be determined by the engineer for the municipality) 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., ball field, lake), the municipality may adjust the amount due accordingly.

(Ord. 1977, 3/8/2004, V)

F. Inspections and Right of Entry.

§251. Inspections.

- A. DEP or its designees (e.g., County Conservation Districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
- B. During any stage of the regulated earth disturbance activities, if the municipality or its designee determines that any BMPs are not being implemented in accordance with this Part, the municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.
- C. A final inspection shall be conducted by the Borough, its designees and/or DEP or its designees to certify compliance with this Part. Satisfactory compliance shall be necessary before issuance of an occupancy or use permit.

(Ord. 1977, 3/8/2004, VI)

§252. 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 Part.
- 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 Part.
- 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 are a violation of this Article.

(Ord. 1977, 3/8/2004, VII)

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### G. Fees and Expenses.

§261. 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.

(Ord. 1977, 3/8/2004, VII)

§262. Expenses Covered by Fees. The fees required by this Part 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 Part correct violations and assure proper completion of stipulated remedial actions.
- E. Legal expenses of the municipality associated with the application and the preparation of the BMP operations and maintenance agreement.

(Ord. 1977, 3/8/2004, VII)

### H. Prohibitions.

§271. 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:
  - (1) Discharges from firefighting activities.
  - (2) Potable water sources including dechlorinated water line and fire hydrant flushings.

- (3) Irrigation drainage.
  - (4) Routine external building.
  - (5) Washdown (which does not use detergents or other compounds).
  - (6) Air conditioning condensate.
  - (7) Water from individual residential car washing.
  - (8) Springs.
  - (9) Water from crawl space pumps.
  - (10) Uncontaminated water from foundation or from footing drains.
  - (11) Flows from riparian habitats and wetlands.
  - (12) Lawn watering.
  - (13) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
  - (14) Dechlorinated swimming pool discharges.
  - (15) Uncontaminated groundwater.
- 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. Upon notice provided by the municipality under Subsection (C), the discharger will have a reasonable time, as determined by the municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
- E. Nothing in this Section shall affect a discharger's responsibilities under state law.

(Ord. 1977, 3/8/2004, VII)

§272. Prohibited Connections.

- A. The following connections are prohibited, except as provided in §271(B) above:

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

(Ord. 1977, 3/8/2004, VII)

### §273. Roof drains.

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in §273(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.

(Ord. 1977, 3/8/2004, VIII)

### §274. 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.

(Ord. 1977, 3/8/2004, VIII)

I. Enforcement and Penalties.

§281. Public Nuisance.

- A. The violation of any provision of this Part is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

(Ord. 1977, 3/8/2004, IX)

§282. Enforcement Generally.

- A. Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this Part, 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 stormwater pollution or contamination hazards and the restoration of any affected property;
  - (5) Payment of a fine to cover administrative and remediation costs;
  - (6) The implementation of stormwater BMPs; and
  - (7) Operation and maintenance of stormwater BMPs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). 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 Part. 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.

(Ord. 1977, 3/8/2004, IX)

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### § 283. 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) Noncompliance with or failure to implement any provision of the permit;
  - (2) A violation of any provision of this Part; or
  - (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 Part.

(Ord. 1977, 3/8/2004, IX)

### §284. Penalties.

- A. Any person violating the provisions of this Part shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than one thousand dollars (\$1,000.00) for 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 Part. 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. 1977, 3/8/2004, IX)

§285. Appeals. Any person aggrieved by any action of the municipality or its designee, relevant the provisions of this Part, may appeal to the relevant judicial or administrative body according to law, within the time period allowed. (Ord. 1977, 3/8/2004, IX)