

Ordinance 2018 - 11

**AN ORDINANCE AMENDING THE STORMWATER
MANAGEMENT ORDINANCE OF MANHEIM
TOWNSHIP**

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania as follows:

SECTION 1. Pursuant to the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1, et. seq., as amended, the "Stormwater Management Act", Act 394 of 1937, as amended, 35 P.S. § 691.1 et. seq. the Pennsylvania Clean Streams Law, 53 P.S. § 55101 et. seq., and the First Class Township Code, Act of June 24, 1931, P.L. 1206, No 331, reenacted and amended by Act of May 27, 1949, P.L., 1955, No. 569, as amended, and Act of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code, as amended, the Stormwater Management Ordinance of Manheim Township, is hereby amended as set forth below.

SECTION 2. Section 103.5 is amended by deleting the last parenthetical sentence in its entirety and replacing it with the following sentence: (Refer to PADEP Riparian Forest Buffer Guidance, November 27, 2010 or latest edition).

SECTION 3. Section 105.2 is amended by deleting and replacing the word "more" with "greater".

SECTION 4. Section 109 is amended by adding the following new sentence after the second sentence: The square foot impervious credit is attributable to the existing parent tract in existence at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998 where impervious credits were first applied.

SECTION 5. Section 109.1, NOTES is amended by replacing the term Professional with professional in the second paragraph.

SECTION 6. Section 109.2 is deleted in its entirety and replaced as follows:

2. Lands improved with existing residential structures shall be credited for an additional 1,000 square feet of IMPERVIOUS SURFACE in all zoning districts other than the Agricultural zoning district provided the following conditions are met:

- A. Flows from the PROJECT SITE after DEVELOPMENT leave the PROJECT SITE in the same manner as pre-DEVELOPMENT conditions.
- B. Flows from the PROJECT SITE after DEVELOPMENT do not adversely affect any existing STORMWATER MANAGEMENT FACILITY located on the PROJECT SITE.

- C. The 1,000 square foot impervious credit is attributable to the existing parent tract in existence at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998 where impervious credits were first applied. The impervious AREA computations shall be cumulatively considered.

SECTION 7. Section 109.3 is deleted in its entirety and replaced as follows:

3. Lands improved with existing nonresidential structures shall be credited for an additional 500 square feet of IMPERVIOUS SURFACE in all zoning districts other than the Agricultural zoning district provided the following conditions are met:

- A. Flows from the PROJECT SITE after DEVELOPMENT leave the PROJECT SITE in the same manner as pre-DEVELOPMENT conditions.
- B. Flows from the PROJECT SITE after DEVELOPMENT do not adversely affect any existing STORMWATER MANAGEMENT FACILITY located on the PROJECT SITE.
- C. The 500 square foot impervious credit is attributable to the existing parent tract in existence at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998 where impervious credits were first applied. The impervious AREA computations shall be cumulatively considered.

SECTION 8. Section 110 is amended by adding the term CONTROL after VOLUME in the third sentence.

SECTION 9. Section 111 is amended by replacing the last sentence in its entirety with the following sentence: If more stringent requirements concerning regulation of STORMWATER or Erosion and sedimentation control are contained in these permits or approvals, the more stringent regulation shall apply.

SECTION 10. Section 201.6 is deleted in its entirety and replaced as follows: The words "shall", "must" and "will" are mandatory; the word "may" and "should" are discretionary.

SECTION 11. Section 202, Definitions, is amended by replacing the definition of CLEAN WATER ACT with the following definition: The Federal Water Pollution Control Act, as amended, 33 U.S. C.A. §§ 1251-1387.

SECTION 12. Section 202, Definitions, is amended by adding the following definition: DECLORINATED WATER - Water that when tested contains less than 0.1 mg/L of free chlorine.

SECTION 13. Section 202, Definitions, is amended by deleting and replacing the following definition: DESIGN STORM - The magnitude and temporal distribution of precipitation from a STORM EVENT measured in probability of

occurrence (e.g., fifty year STORM EVENT) and duration (e.g., twenty-four hour), and used in the design and computation of the STORMWATER MANAGEMENT control systems.

SECTION 14. Section 202, Definitions, is amended by removing the terms "Building demolition" and replacing these terms with the term "Any" in the first sentence of the definition of EARTH DISTURBANCE ACTIVITY. The definition is further amended by adding "and building demolition" to the end of the last sentence.

SECTION 15. Section 202, Definitions is amended by adding the word "dominant" between pre-DEVELOPMENT and land cover in the definition of EXISTING CONDITIONS.

SECTION 16. Section 202, Definitions is amended by replacing the definition of FLOOD with the following definition: A general and temporary condition of partial or complete inundation of normally dry land AREAs from the overland flow of a WATERCOURSE or other body of surface water, or from the unusual and rapid accumulation or RUNOFF of surface waters from any source.

SECTION 17. Section 202, Definitions is amended by replacing the definition of FLOODPLAIN with the following definition: An AREA of land adjacent to the CHANNEL of a WATERCOURSE which has been or is likely to be FLOODED, or any AREA subject to the unusual and rapid accumulation or RUNOFF of surface waters from any source, as defined by FEMA or in accordance with Section 301.2 of the Manheim Township Floodplain Ordinance.

SECTION 18. Section 202, Definitions is amended by replacing the definition of NON-STRUCTURAL BMPS with the following definition: Planning and design approaches, operational and/or behavior-related practices which minimize the contact of pollutants with STORMWATER RUNOFF.

SECTION 19. Section 202, Definitions is amended by replacing DEVELOPMENT Site with PROJECT SITE in the first sentence of the definition of REGIONAL STORMWATER MANAGEMENT PLAN.

SECTION 20. Section 202, Definitions is amended by replacing the definition of STRUCTURAL BMPS with the following definition: - Physical devices and practices that capture and treat STORMWATER RUNOFF. STRUCTURAL BMPS include but are not limited to, wet ponds, constructed wetlands, small scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, permeable paving, vegetated swales, riparian or forested riparian buffers, sand filters, detention basins, manufactured devices, and other BMPs as referenced in Chapter 6 of the Pennsylvania Stormwater BMP Manual (363-300-002). Structural STORMWATER BMPs are permanent appurtenances to the PROJECT SITE.

SECTION 21. Section 202, Definitions is amended by adding the following

definition: TOTAL RESIDUAL CHLORINE (TRC) – The total amount of chlorine residual present in a water sample after a given contact time.

SECTION 22. Section 301.2.B is amended by adding "HYDROLOGIC SOIL GROUPs (HSG) after RIPARIAN BUFFERs.

SECTION 23. Section 301.2.E is amended by replacing all references to Structural with STRUCTURAL.

SECTION 24. Section 302.2.E is amended by deleting DEVELOPMENT site and replacing it with PROJECT SITE.

SECTION 25. Section 302.4.E is deleted and replaced with the following: A minimum twenty (20) foot wide ACCESS EASEMENT shall be provided for all STORMWATER MANAGEMENT. ACCESS EASEMENTs shall provide for ingress and egress to a public right-of-way.

SECTION 26. Section 302.4.N is deleted and replaced with the following: A note on the STORMWATER MANAGEMENT PLAN indicating that nothing shall be placed, planted, set or put within the AREA of an easement. No ALTERATIONs to SWALEs, basins, BMPs or other STORMWATER MANAGEMENT FACILITIES shall be permitted.

SECTION 27. Section 302.5 is amended by adding new subsection C as follows:

- C. EROSION and SEDIMENTATION Controls are to be designed and maintained throughout the construction phase of the PROJECT SITE, beginning with initial topsoil removal and through the conversion and operation of all Post Construction STORMWATER MANAGEMENT IMPROVEMENTS. Specifically, the runoff conditions immediately downstream from the PROJECT SITE must be maintained or be less than the pre-developed rates during construction. Calculations at significant milestone dates within the construction phasing shall determine if the requirement is met. This will require attention to sequencing of land cover and controls on the PROJECT SITE. The designer shall provide information to define how such protection is incorporated into all phases of the CONSTRUCTION activity.

SECTION 28. Section 302.6.A is amended by replacing DEVELOPMENT with PROJECT SITE.

SECTION 29. Section 302.6.E is amended adding the following sentence: Information supporting any deviation, modification or renewal on an approved NPDES permit shall be immediately submitted to the Township for review and approval.

SECTION 30. Section 302.8.E is deleted in its entirety and replaced with

Section 302.8.F.

SECTION 31. Section 305.2 is amended by replacing the first reference to DEVELOPMENT with development and the second reference to DEVELOPMENT with Development Ordinance and deleting the phrase "of this Code".

SECTION 32. Section 401.1.B.(1) is amended by deleting and replacing wooded with WOODLAND.

SECTION 33. Section 401.3 is amended by deleting and replacing DEVELOPMENT Site with PROJECT SITE.

SECTION 34. Section 402.1.B is amended by deleting and replacing cover with SURFACE.

SECTION 35. Section 402.2.B(2) is amended by deleting and replacing AREA with SURFACE.

SECTION 36. Section 402 is amended by adding a new subsection 7 as follows:

7. EROSION and SEDIMENTATION Controls are to be designed and maintained throughout the construction phase of the PROJECT SITE, as specified in Section 302.5.C.

SECTION 37. Section 403.7.A. is amended by adding EASEMENT after RIPARIAN BUFFER in the second sentence.

SECTION 38. Section 403.7.B is amended by adding EASEMENT after RIPARIAN BUFFER in the first sentence.

SECTION 39. Section 403.7.C.1 is amended by adding EASEMENT after RIPARIAN BUFFER.

SECTION 40. Section 403.7. (C).2 is amended by deleting EASEMENT.

SECTION 41. Section 403.7.D and E are amended by adding EASEMENT after RIPARIAN BUFFER.

SECTION 42. Section 403.7.F is amended by adding "non-motorized" after private and adding "and RIPARIAN FOREST BUFFERS:" to end of sentence.

SECTION 43. Section 403.7.G is amended by adding EASEMENT after the first reference to RIPARIAN BUFFER.

SECTION 44. Section 403.8.A is amended by deleting and replacing MOVING with DISTURBANCE.

SECTION 45. Section 403.8.D is deleted and replaced in its entirety as follows:

- D. The EROSION AND SEDIMENTATION CONTROL PLAN and any required permit, as required by PADEP regulations, must be available at all times at the PROJECT SITE. When required, a permit allowing EARTH DISTURBANCE ACITIVITIES shall be obtained by the APPLICANT before any CONSTRUCTION on the PROJECT SITE shall begin.

SECTION 46. Section 403.8.E is amended by deleting and replacing all references to SEDIMENT with SEDIMENTATION.

SECTION 47. Section 403.8 is amended by adding a new subsection F as follows:

- F. EROSION and SEDIMENTATION Controls are to be designed and maintained throughout the construction phase of the PROJECT SITE, as specified in Section 302.5.C.

SECTION 48. Section 403.8.F is renumbered as 403.8.G.

SECTION 49. Section 503 is amended by deleting and replacing the term DEVELOPMENT as the end of the last sentence with Development Ordinance.

SECTION 50. Section 605.2 is amended by deleting "that will limit or alter the functioning of the facility or easement in any manner" from the end of the last sentence.

SECTION 51. Section 701.2 is deleted in its entirety and replaced as follows:

2. Discharges which may be allowed based on a finding by the TOWNSHIP that the discharge(s) do not significantly contribute to pollution to surface WATERS OF THE COMMONWEALTH, are:
- A. Discharges or flows from fire fighting activities.
 - B. Potable water sources including dechlorinated water line and fire hydrant flushing, provided such discharges contain less than 0.1 mg/L of free chlorine.
 - C. Non-contaminated irrigation drainage, water from lawn maintenance and landscape drainage.
 - D. Routine external building wash down (which does not use detergents or other compounds).
 - E. Water from individual residential car washing where cleaning agents are not utilized.
 - F. Diverted stream flows and springs.
 - G. Non-contaminated water from crawl space pumps.
 - H. Non-contaminated pumped groundwater and water from foundation or from footing drains.

- I. Non-contaminated HVAC condensation and water from geothermal systems.
- J. Non-contaminated hydrostatic test water discharges, provided such discharges contain less than 0.1 mg/L of free chlorine.
- K. Flows from riparian habitats and WETLANDs.
- L. Dechlorinated swimming pool discharges provided the discharge does not leave the property boundary and provided such discharges contain less than 0.1 mg/L of free chlorine.
- M. Rising groundwater.


SECTION 52. Section 702.3 is deleted in its entirety.

SECTION 53. Section 801.3 is amended by deleting and replacing PLANNING COMMISSION with TOWNSHIP.

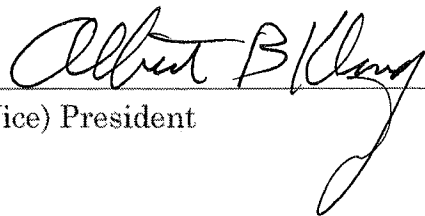
SECTION 54. In the event any provision, section, sentence, clause or part of this Ordinance shall be held invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionally shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of the Ordinance, it being the intent of the Board of Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 55. This Ordinance shall become effective upon adoption.

Enacted and Ordained this 10th day of ~~December~~ 2018 by the Board of Commissioners of the Township of Manheim, Lancaster County, Pennsylvania.

Attest: 
(Assistant) Secretary

BOARD OF COMMISSIONERS OF
MANHEIM TOWNSHIP

By: 
(Vice) President