

ORDINANCE NO. 597

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION, CHAPTER 166, “STORMWATER MANAGEMENT”, TO THE EAST NORRITON TOWNSHIP CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, East Norriton Township, Montgomery County, Pennsylvania (hereinafter the “Township”) is a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Second Class Township Code, 53 Pa. C.S. § 66506, grants the Board of Supervisors the authority to enact certain ordinances and regulations relating to the public health, safety and welfare of the citizens of the community of East Norriton Township; and

WHEREAS, a comprehensive program of stormwater management, including minimization of impacts of development, redevelopment, and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Township and all of the people of the Commonwealth, their resources, and the environment; and

WHEREAS, federal and state regulations require the Township to implement a program of stormwater controls. The Township is required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES); and

WHEREAS, certain federal and state regulations on stormwater discharges have been promulgated subsequent to the Township’s adoption of its Stormwater Management Ordinance which requires the Township to amend Chapter 166 of the Township’s Code of Ordinances (the “Code”) to remain compliant with the current regulations.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the East Norriton Township Board of Supervisors, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: AMENDMENT OF CHAPTER 166, ARTICLE I OF THE CODE

Article I General Provisions, Chapter 166-1 “Statement of findings”, of the Township Code of Ordinances is hereby amended to add a new Subsection “I”, which shall state the following:

- I. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.

Article I General Provisions, Chapter 166-2 “Purpose”, Subsection “B” of the Township Code of Ordinances is hereby amended to state the the following:

- B. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code § 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,~~ maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.

Article I General Provisions, Chapter 166-2 “Purpose”, Subsection “K” of the Township Code of Ordinances is hereby stricken in its entirety. Current Subsections “L” and “M” shall be redesignated as Subsections “K” and “L” and shall state the following:

- ~~K. Provide for proper operation and maintenance of all permanent stormwater management facilities and BMPs that are implemented in the Township.~~
- K. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- L. Implement an illegal discharge detection and elimination program to address nonstormwater discharges into the Township's separate storm sewer system.

SECTION 2: AMENDMENT OF CHAPTER 166, ARTICLE II OF THE CODE

Article II Definitions, Chapter 166-10 “Definitions and Word Usage”, Subsection “A” of the Township Code of Ordinances is stricken in its entirety and is replaced with the following:

- A. Short Title. This Ordinance shall be known and may be cited as the “East Norriton Township Stormwater Management Ordinance.”

Article II Definitions, Chapter 166-10 “Definitions and Word Usage”, former Subsection “A” shall be redesignated as Subsection “B” and is amended to read as follows (text to be added shown as underline):

B. **These definitions do not necessarily reflect the definitions contained in pertinent regulations or statutes and are intended for this Chapter only.** For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

- (1) 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 the feminine gender, and words of feminine gender include the masculine gender.
- (2) 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.
- (3) The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

Article II Definitions, Chapter 166-10 “Definitions and Word Usage”, former Subsection “B” shall be redesignated as Subsection “C” and is hereby amended to add the following new terms:

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

DESIGN STORM – The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.

DETENTION VOLUME – The volume of runoff that is captured and released into the waters of the Commonwealth at a controlled rate.

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

FEMA – Federal Emergency Management Agency.

FLOODPLAIN – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

FLOODWAY – The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed--absent evidence to the contrary--that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS – Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

GREEN INFRASTRUCTURE – Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

HYDROLOGIC SOIL GROUP (HSG) – Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS1,2).

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

LAND DEVELOPMENT (DEVELOPMENT) – Inclusive of any or all of the following meanings: (i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

LOW IMPACT DEVELOPMENT (LID) – Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

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

PEAK DISCHARGE – The maximum rate of stormwater runoff from a specific storm event.

PERVIOUS AREA – Any area not defined as impervious.

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

RETURN PERIOD – The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

RIPARIAN BUFFER – A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

RUNOFF – Any part of precipitation that flows over the land.

SEDIMENT – Soils or other materials transported by surface water as a product of erosion.

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

STORMWATER MANAGEMENT SITE PLAN – The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter. Stormwater Management Site Plan will be designated as Stormwater Management Site Plan throughout this Chapter.

SUBDIVISION – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

USDA – United States Department of Agriculture.

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

SECTION 3: AMENDMENT OF CHAPTER 166, ARTICLE III OF THE CODE

Article III Stormwater Management Plan Requirements, Chapter 166-11 “Plan required” of the Township Code of Ordinances is hereby amended to add new paragraph, which shall state the following (text to be added shown as underline):

For any of the regulated activities of this chapter, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance activity may not proceed until the property owner or applicant or his/her agent has received written approval of a stormwater management (SWM) plan from the Township and an adequate erosion and sediment control plan review by the Conservation District. Activities which are exempted from stormwater management plan requirements of this chapter by § 166-5B must meet the simplified drainage plan requirements of § 166-12A.

The Township shall not approve any Stormwater Management Site Plan that is deficient in meeting the requirements of this Chapter. At its sole discretion and in accordance with this Chapter, when a Stormwater Management Plan is found to be deficient, the Township may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Municipality may accept submission of modifications.

Article III Stormwater Management Plan Requirements, Chapter 166-12 “Plan contents”, Subsection B(2) “Maps” of the Township Code of Ordinances is hereby amended to state the following (text to be added shown as underline):

(gg) The following signature block for the design engineer:

"I, (municipal official or designee), on this date (date of signature), hereby certify that the stormwater management plan meets all design standards and criteria of the East Norriton Township Stormwater Management Ordinance."

Article III Stormwater Management Plan Requirements, Chapter 166-12 “Plan contents”, Subsection “C” “Supplemental information to be submitted to the Township” of the

Township Code of Ordinances is hereby amended to add the following new subparagraphs and shall state the following:

- (5) Plan and profile drawings of all Stormwater Management BMPs, including drainage structures, pipes, open channels, and swales.
- (6) Stormwater Management Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
- (7) A justification must be included in the Stormwater Management Site Plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate and water quality controls under this Chapter.
- (8) A determination of site conditions in accordance with the BMP Manual 4. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as brownfields.

Article III Stormwater Management Plan Requirements, Chapter 166-14 “Plan review”, of the Township Code of Ordinances is hereby amended to add a new subparagraph “J” and shall state the following:

- J. For any Stormwater Management Site Plan that proposes to use any BMPs other than green infrastructure and LID practices to achieve the volume and rate controls required under this Chapter, the Municipality will not approve the Stormwater Management Site Plan unless it determines that green infrastructure and LID practices are not practicable.

SECTION 4: AMENDMENT OF CHAPTER 166, ARTICLE IV OF THE CODE

Article IV Stormwater Management Requirements, Chapter 166-17 “General Requirements”, Subparagraph “A”, Subsection “(2)” of the Township Code of Ordinances is hereby amended to add the following language and shall state the following (text to be added shown as underline):

- (2) Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance. **All regulated activities shall include such measures as necessary to:**
 - (a) Minimize disturbance to floodplains, wetlands, and wooded areas.**
 - (b) Maintain or extend riparian buffers.**
 - (c) Avoid erosive flow conditions in natural flow pathways.**
 - (d) Minimize thermal impacts to waters of this Commonwealth.**
 - (e) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.**
 - (f) Protect health, safety and property.**

Article IV Stormwater Management Requirements, Chapter 166-17 “General Requirements”, Subparagraph “A” of the Township Code is hereby amended to add a new Subsection “6” and shall state the following:

- (6) Incorporate methods described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual4). If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this Chapter, the Stormwater Management Site Plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.

Article IV Stormwater Management Requirements, Chapter 166-17 “General Requirements” of the Township Code is hereby amended to add the following new Subparagraphs which shall state the following:

- W. The municipality may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Chapter, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.
- X. Impervious areas.
 - (1) The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
 - (2) For development taking place in stages, the entire development plan must be used in determining conformance with this Chapter.
 - (3) For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Chapter; except that the volume controls in Section 166-21 and the peak rate controls of Section 166-21 and 166-24 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.
- Y. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
- Z. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland.
NOAA’s Atlas 145 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

Article IV Stormwater Management Requirements, Chapter 166-25 “Other requirements” of the Township Code is hereby amended to add the following new Subparagraph “N”, which shall state the following:

N. Riparian Buffers

- (1) In order to protect and improve water quality, a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.
- (2) Except as required by Chapter 102, the Riparian Buffer Easement shall be measured to be the greater of the limit of the 100 year floodplain or a minimum of 35 feet from the top of the streambank (on each side).
- (3) Minimum Management Requirements for Riparian Buffers.
 - (a) Existing native vegetation shall be protected and maintained within the Riparian Buffer Easement.
 - (b) Whenever practicable invasive vegetation shall be actively removed and the Riparian Buffer Easement shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.
- (4) The Riparian Buffer Easement shall be enforceable by the Township and shall be recorded in the Montgomery County Recorder of Deeds Office, so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the minimum lot area as required by Zoning, unless otherwise specified in the Township Zoning Ordinance.
- (5) Any permitted use within the Riparian Buffer Easement shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain.
- (6) The following conditions shall apply when public and/or private recreation trails are permitted within Riparian Buffers:
 - (a) Trails shall be for non-motorized use only.
 - (b) Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.
- (7) Septic drain fields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

SECTION 5: AMENDMENT OF CHAPTER 166, ARTICLE V OF THE CODE

Article V Operation and Maintenance, Chapter 166-27 “Municipal review of BMP operations and maintenance”, Subparagraph “C”, of the Township Code of Ordinances is hereby amended to add the following language (text to be added shown as underline):

- C. The Township may require an as-built survey of all stormwater BMPs and an explanation of any discrepancies with the operations and maintenance plan.
- (1) The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent Stormwater Management BMPs have been constructed according to the approved plans and specifications. The latitude and longitude coordinates for all permanent Stormwater Management BMPs must also be submitted, at the central location of the BMPs. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.**
 - (2) After receipt of the completion certification by the Township, the Township may conduct a final inspection.**

SECTION 6: AMENDMENT OF CHAPTER 166, ARTICLE VI OF THE CODE

Article VI Prohibitions, Chapter 166-33 “Prohibited discharges and connections”, Subparagraph “C”, Subsections “2”, “5” and “16” of the Township Code of Ordinances are hereby amended to state the following (text to be added shown as underline):

- C. The following discharges are authorized unless they are determined to be significant contributors to pollution in a regulated small municipal separate storm sewer system (MS4) or to the waters of this commonwealth:
- (2) Discharges from potable water sources **if such discharges do not contain detectable concentrations of total residual chlorine.**
 - (5) **Noncontaminated** irrigation water
 - (16) Water from individual residential car washing **where cleaning agents are not used.**

Article VI Prohibitions, Chapter 166-33 “Prohibited discharges and connections”, Subparagraph “C”, of the Township Code of Ordinances is hereby amended add a new Subsection “21” to state the following:

- (21) Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of total residual chlorine.

SECTION 7: AMENDMENT OF CHAPTER 166, ARTICLE VII OF THE CODE

Article VII Enforcement and Penalties, Chapter 166-37 “Inspections”, of the Township Code of Ordinances is hereby amended to add a new Subparagraph “C”, which shall state the following.

- C. The landowner or the owner’s designee (including the Municipality for dedicated and owned facilities) shall inspect Stormwater Management BMPs, facilities and/or structures installed under this Chapter according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended: Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.
- (1) Annually for the first 5 years.
 - (2) Once every 3 years thereafter.
 - (3) During or immediately after the cessation of a 10-year or greater storm.

Article VII Enforcement and Penalties, Chapter 166-38 “Enforcement”, of the Township Code of Ordinances is hereby amended to add the following (text to be added shown as underline):

It is unlawful for any person to modify, remove, fill, landscape, or alter any approved stormwater management BMPs, facilities, area, or structures without the written approval of the DEP or a delegated conservation district and the Township.

Inspections regarding compliance with the Stormwater Management Site Plan are a responsibility of the Township.

SECTION 8: AMENDMENT OF CHAPTER 166, ARTICLE IX OF THE CODE

Article IX References, Chapter 166-43 “References” of the Township Code of Ordinances is hereby amended to add new Subsections “D” through “H”, which shall state the following:

- D. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as

the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.

- E. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
- F. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.
- G, Pennsylvania Department of Environmental Protection. No. 363-2134-008 (March 31, 2012), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
- H. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

SECTION 9: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the East Norriton Township Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 10: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

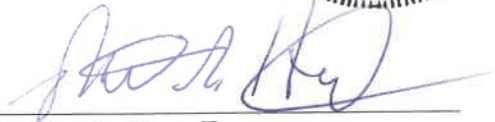
SECTION 11: EFFECTIVE DATE.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 15th day of November, 2022.

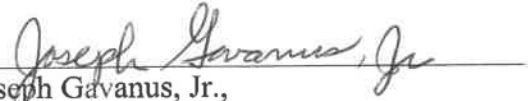
Attest:





Robert R. Hart, Esq.,
Secretary

**EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS**



Joseph Gavanus, Jr.,
Chairman