

## BOROUGH OF MOUNT JOY

Lancaster County, Pennsylvania

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ORDINANCE NO. 03-2022

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AN ORDINANCE OF THE BOROUGH OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA AMENDING THE MOUNT JOY BOROUGH CODE OF ORDINANCES, CHAPTER 226, STORM WATER MANAGEMENT, TO IMPLEMENT REVISED REGULATIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Council of Mount Joy Borough, Lancaster County, Pennsylvania, as follows:

Section 1. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article I, General Provisions, §226-2, Findings, shall be amended to add a new Subsection F which shall provide as follows:

- F. 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.

Section 2. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article I, General Provisions, §226-11, Duty of persons engaged in development of land, shall be amended and new §226-12, MS4 protection, and 226-13, Reduction of pollutants in stormwater, shall be added which shall provide as follows:

**§226-11. Duty of persons engaged in development of land.**

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

- A. Each structural BMP installed pursuant to this chapter shall be maintained and operated by persons engaged in the development or redevelopment of land so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed until transfer of ownership and responsibilities has been successfully completed.

#### **§226-12. MS4 Protection.**

Any person or entity owning or occupying a premises through which the MS4 passes, or conducts activities subject to this chapter in which the MS4 passes or receives drainage from the site in which the activities are subject to this chapter, shall:

- A. Keep and maintain that part of the premises reasonably free of trash, debris, sediment, and other obstacles which may pollute, contaminate, or retard the flow of water to or through the MS4.
- B. Maintain existing structures within or adjacent to the MS4 so that those structures will not become a hazard to the use, function, or physical integrity of the MS4.
- C. Protect inlets or other entry points to the MS4, including inlets off-site or downstream, to the maximum extent practicable in which activities, equipment, or materials could result in the discharge of a pollutant or a non-stormwater discharge.
- D. Protect receiving waters, and reduce/prevent discharge of pollutants from the MS4 to receiving waterways in accordance with the requirements of the Borough MS4 Permit.

#### **§226-13. Reduction of pollutants in stormwater.**

Any person or entity engaged in activities which may result in discharges to the MS4 shall, to the maximum extent practicable, undertake all measures to reduce the risk of non-stormwater discharges and polluted discharges. The following requirements shall apply:

- A. Every person or entity undertaking an activity or use of a premise that may cause contribute to stormwater pollution or contamination, illicit discharges, or non-stormwater discharges to the MS4 shall implement structural and/or non-structural BMPs to reduce or prevent a polluted discharge. BMPs shall be maintained routinely throughout the life of the activity.

Section 3. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article II, Definitions, §226-22, Definitions of Terms, shall be amended by adding or revising the following definitions in alphabetical order:

**CONSERVATION DISTRICT** – A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P.S. §851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102. Lancaster County Conservation District.

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

**ILLICIT CONNECTION** – Any man-made physical connection or prohibited connection to the MS4 that conveys an illicit discharge.

**ILLCIT DISCHARGE** – Any discharge to the MS4 that is not composed entirely of stormwater or polluted stormwater, except for discharges allowed under an NPDES Permit, discharges conditionally allowed under the MS4 Permit, and discharges authorized by this chapter as set forth in §226-81.

**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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT (MS4 PERMIT)** – The NPDES Permit regulating discharges from the MS4 issued to the Borough by DEP.

**MUNICIPALITY** – Mount Joy Borough, Lancaster County, Pennsylvania.

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

**REGULATED ACTIVITIES** – Activities, including earth disturbance activities, that involve the alteration or development of land in a manner that may affect stormwater runoff. Regulated activities shall include, but not be limited to:

- A. Land development subject to the requirements of Chapter 240, Subdivision and Land Development;
- B. Removal of ground cover, grading, filling or excavation;
- C. Construction of new or additional impervious or semi-impervious surfaces (driveways, parking lots, etc.), and associated improvements;
- D. Construction of new buildings or additions to existing buildings;
- E. Installation or alteration of stormwater management facilities and appurtenances thereto;
- F. Diversion or piping of any watercourse;
- G. Any other regulated activities where the Borough determines that said activities may affect any existing watercourse's stormwater management facilities, or stormwater drainage patterns; and,
- H. Any activities where the Borough determines that said activities may affect the water quality of stormwater discharges or generate non-stormwater discharges to the MS4 and/or receiving waterbodies.

**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).

Section 4. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article III, Stormwater Management Standards, §226-31, General requirements, shall be amended by adding a new Subsection V which shall provide as follows:

- V. If methods other than green infrastructure and LID methods are proposed to achieve the volume reduction and rate controls required under this Ordinance, the SWM Plan must include a detailed justification demonstrating that the use of green infrastructure and LID is not practicable.

Section 5. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article IV, Information to be on or Included with Stormwater Management Site Plans, §226-44, Additional information, shall be amended by adding a new Subsection G which shall provide as follows:

- G. A justification must be included in the SWM Plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate and water quality controls under this Ordinance. The municipality will not approve the SWM Plan unless it determines that green infrastructure and LID practices are not practicable.

Section 6. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article VI, Operation and Maintenance, §226-63, Operation and Maintenance (O&M) Plan Contents, Subsection B, Paragraph 1, Subparagraph (a), shall be amended to provide as follows:

- (a) The landowner or the owner's designee (including the Borough for dedicated and owned facilities) shall inspect SWM 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:

- [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.
- [4] As specified in the recorded agreement pursuant to §226-62.

Inspections should be conducted during or immediately following precipitation events of 2.5 inches with in a 24-hour period which represents the NOAA 1-year, 24 hour return storm event. 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 per-



formance, if applicable. Inspection reports shall be submitted to the Borough within 30 days following completion of the inspection.

Section 7. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article VIII, Prohibitions, §226-81, Prohibited Discharges and Connections, Subsection D, shall be amended to provide as follows:

- D. The following discharges are authorized unless they are determined to be significant contributors to pollution to a regulated small MS4 or to waters of this Commonwealth:
- (1) Discharges or flows from firefighting activities.
  - (2) Discharges from potable water sources including water line flushing and fire hydrant flushing if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
  - (3) Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
  - (4) Diverted stream flows and springs.
  - (5) Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
  - (6) Non-contaminated HVAC condensation and water from geothermal systems.
  - (7) Residential (i.e. not commercial) vehicle wash water where cleaning agents are not utilized.
  - (8) Non-contaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC.
  - (9) Air conditioning condensate.
  - (10) Springs.
  - (11) Pavement wash water 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.
  - (12) De-chlorinated swimming pool discharges.
  - (12) Uncontaminated groundwater.
  - (13) Water from individual residential car washing.
  - (14) Routing external building wash down (which does not use detergents or other compounds).

(15) Rising ground water.

Section 8. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article VIII, Prohibitions, §226-81, Prohibited Discharges and connections, shall be amended to add a new Subsection F which shall provide as follows:

- F. Disposal of animal waste in storm drains or in a manner which shall allow animal waste to enter a storm water management facility is prohibited. Disposal of animal waste in any Borough compost facility is prohibited.

Section 9. The Mount Joy Borough Code of Ordinances, Chapter 226, Storm Water Management, Article IX, Enforcement and Penalties, §226-96, Modification of Provisions, Subsection A, shall be amended by inserting the following at the end of the language:

Cost or financial burden shall not be considered a hardship.

Section 10. All other sections, parts and provisions of the Mount Joy Borough Code of Ordinances shall remain in full force and effect as previously enacted and amended.

Section 11. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 12. This Ordinance shall take effect and be in force after its enactment by the Council of the Borough of Mount Joy as provided by law.

DULY ORDAINED AND ENACTED this 1<sup>st</sup> day of August, 2022, by the Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MOUNT JOY  
Lancaster County, Pennsylvania

Attest: \_\_\_\_\_

(Assistant) Secretary

By: \_\_\_\_\_

(Vice) President  
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 31 day of August, 2022.

By: \_\_\_\_\_

Mayor