

**TOWNSHIP OF WEST COCALICO**

Lancaster County, Pennsylvania

---

**ORDINANCE NO. 153**

---

AN ORDINANCE OF THE TOWNSHIP OF WEST COCALICO, LANCASTER COUNTY, PENNSYLVANIA AMENDING THE WEST COCALICO TOWNSHIP CODE OF ORDINANCES, CHAPTER 23, STORM WATER MANAGEMENT, TO IMPLEMENT REVISED REGULATIONS.

WHEREAS, the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Storm Water Act, Act No. 167 of October 4, 1978, (P.L. 864) (Act 167), Section 680.1 *et seq.*, as amended, delegated the responsibility to local government units to adopt stormwater management regulations, which regulations are to be consistent with the requirements of the Lancaster County Act 167 Plan; and

WHEREAS, the Board of Supervisors adopted the West Cocalico Township Stormwater Management Ordinance, codified as Chapter 23 of the Code of Ordinances, to implement the Lancaster County Act 167 Plan; and

WHEREAS, the Board of Supervisors desires to amend the West Cocalico Township Stormwater Management Ordinance to comply with revised requirements of the Department of Environmental Protection.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of West Cocalico Township, Chapter 23, Storm Water Management, Part 1, General Provisions, §23-105, Applicability, Subsection 3, shall be amended to add a new Paragraph H which shall provide as follows:

- H. Any activities where the Township determines that said activities may affect the water quality of stormwater discharges or generate non-stormwater discharges to the MS4 and/or receiving waterbodies.

Section 2. The Code of Ordinances of West Cocalico Township, Chapter 23, Storm Water Management, Part 1, General Provisions, shall be amended to add new §23-112, Duty of persons engaged in development of land, §23-113, MS4 protection, and §23-114, Reduction of pollutants in stormwater, shall be added which shall provide as follows:

**§23-112. 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.

**§23-113. 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 Township's MS4 Permit.

**§23-114. 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 Code of Ordinances of Penn Township, Chapter 23, Storm Water Management, Part 2, Definitions, §23-202, Definitions, shall be amended by adding or revising the following definitions in alphabetical order:

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

ILLICIT 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 §23-605.

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

Section 4. The Code of Ordinances of West Cocalico Township, Chapter 23, Storm Water Management, Part 3, Plan Processing Procedures, §23-304, Procedure for Requesting Consideration of Modification of Provision of this Chapter, Subsection 3, shall be amended to provide as follows:

3. Justification for Modification. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based. Cost or financial burden shall not be considered a hardship.

Section 5. The Code of Ordinances of West Cocalico Township, Chapter 23, Storm Water Management, Part 6, Administration, §23-601, Maintenance of Storm Water Management Facilities, Subsection 5, shall be amended to provide as follows:

5. The landowner or the owner's designee (including the Township for dedicated and owned facilities) shall inspect SWM BMPs, facilities and/or structures installed under this Ordinance according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended:
  - A. Annually for the first 5 years.
  - B. Once every 3 years thereafter.
  - C. During or immediately after the cessation of a 10-year or greater storm.

Inspections should be conducted during or immediately following precipitation events of 3 inches or more within a 24-hour period. 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 Township within 30 days following completion of the inspection.

Section 6. The Code of Ordinances of West Cocalico Township, Chapter 23, Storm Water Management, Part 6, Administration, §23-605, Prohibited Discharges and Connections, Subsection 3, shall be amended to provide as follows:

3. 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:
  - A. Discharges or flows from firefighting activities.
  - B. 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).
  - C. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
  - D. Diverted stream flows and springs.
  - E. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
  - F. Non-contaminated HVAC condensation and water from geothermal systems.
  - G. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
  - H. Non-contaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC.

Section 7. The Code of Ordinances of West Cocalico Township, Chapter 23, Storm Water Management, Part 6, Administration, §23-605, Prohibited Discharges and Connections, shall be amended by adding a new Subsection 5 which shall provide as follows:

5. 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.

Section 8. All other sections, parts and provisions of the Code of Ordinances of West Cocalico Township shall remain in full force and effect as previously enacted and amended.

Section 9. 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 the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 10. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Cocalico as provided by law.

DULY ORDAINED AND ENACTED this 19<sup>th</sup> day of July, 2022, by the Board of Supervisors of the Township OF West Cocalico, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO  
Lancaster County, Pennsylvania

Attest: *Murray L. Sauder*  
(Assistant) Secretary

By: *James J. Stover*  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]