**FACTORYVILLE BOROUGH**

**STORMWATER MANAGEMENT ORDINANCE**

2012

FACTORYVILLE BOROUGH

WYOMING COUNTY, PENNSYLVANIA

Enacted: April 11, 2012

Prepared and Approved by the

MAYOR

FACTORYVILLE BOROUGH COUNCIL

BOROUGH PLANNING COMMISSION

Revised 4-05-2012

**FACTORYVILLE BOROUGH**

161 College Ave.

Factoryville, PA 18419

**STORMWATER MANAGEMENT ORDINANCE**

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**STORMWATER MANAGEMENT ORDINANCE**

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**A. Stormwater Management Introduction**

The management of stormwater from a site, both during and after any subdivision or land development, shall be accomplished in accordance with the standards and provisions of this Ordinance and any PA Stormwater Management Act (Act 167-1978, or as may hereafter be amended), Watershed Plan or Ordinance that may be adopted and implemented hereafter.

The provisions of this Section are intended to provide protection against uncontrolled stormwater runoff; to assure that downstream property owners and water courses are not adversely affected by increases in stormwater runoff resulting from a subdivision or land development; to assure that adjacent property owners are not adversely affected by stormwater, backwater, or changes in location of stormwater flows; preserve the natural drainage systems as much as possible; manage stormwater runoff close to the source; maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources, prevent scour and erosion of stream banks and streambeds, and to provide standards to meet NPDES permit requirements. In addition, all permitting requirements established in the Federal Clean Water Act relating to stormwater discharges shall be met.

1. Repealer. Any ordinance or ordinance provision of the Borough inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

2. Severability. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

3. Compatibility With Other Ordinance Requirements. Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

**B. General Requirements**

1. For any of the activities regulated by this Ordinance, 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 land disturbance activity may not proceed until the Property Owner or Developer or his/her agent has received written approval of a Stormwater Management Plan from the Borough.

2. Activities regulated by this Ordinance (Regulated Activities) include:

a. Disturbance Activity proposals where:

i. Disturbance activities that could affect earth resources (such as the creation of impervious surfaces, earth disturbances, or timber harvesting) are proposed that may

affect stormwater runoff; or streets or other related improvements are proposed which will increase the total impervious area of the tract; or

ii. Slopes of the site or adjacent areas could affect stormwater runoff as the lot(s) within the proposed subdivision are developed; or

iii. Areas of poor drainage or stormwater runoff problems are known to exist within or directly adjacent to, or immediately down gradient from the proposed Disturbance Activity.

b. Land development applications.

c. Subdivision applications.

d. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).

e. Construction of new buildings or additions to existing buildings.

f. Diversion or piping of any natural or man-made stream channel.

g. Installation of stormwater management facilities or appurtenances thereto.

h. Repair of existing malfunctioning stormwater management facilities or

appurtenances thereto.

3. All subdivision and land development proposals shall meet the requirements of any Watershed Stormwater Management Plan and this Stormwater Management Ordinance, as may be amended.

4. Preliminary Plan Submission Procedure.

a. Five (5) copies of Stormwater Management Plans prepared by a registered professional engineer shall be submitted by the Developer to the Borough Planning Commission with all required fees.

b. The Borough Planning Commission shall forward a copy of the Stormwater Management Plan to the Borough Solicitor, the Borough Engineer, the Wyoming County Conservation District, and as necessary, to the Pennsylvania Department of Environmental Protection (PaDEP), for review and acceptance prior to approval of the final subdivision or land development.

5. All Stormwater Management Plans shall incorporate the recommendations or requirements of the PaDEP and Wyoming County Conservation District prior to final approval.

6. For any activities that require a PaDEP Joint Permit Application and regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PaDEP's Rules and Regulations, require a PennDOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the proof of application for that permit(s) shall be part of the plan. The plan shall be coordinated with the state and federal permit process. For any activities regulated by this Ordinance that propose to disturb one (1) or more acres of land (or as may hereafter be amended by State or Federal statutes), the Developer shall apply for and obtain an National Pollutant Discharge Elimination System (NPDES) Permit for proposed stormwater discharge from the PaDEP/County Conservation District prior to initiating such activities.

7. A copy of all required Permits shall be submitted to the Borough as a part of the Stormwater Management Plan submission.

8. Waivers.

1. A waiver of the required Stormwater Management Plan may be granted by the Borough Council on recommendation from the Borough Planning Commission when one of the following applies:
2. It can be demonstrated to the satisfaction of the Borough Engineer that the requested waiver is not likely to impair attainment of the objectives of this ordinance.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
4. The Borough Council finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
5. Non-structural practices will be used on the site that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage and c) the pollutants generated at the site. These non-structural practices are explained in detail in the current BMP manual and the amount of credit available for using such practices shall be determined by the Borough Council.

b. Waivers shall be submitted as a written request and shall be accompanied by a certification from a Pennsylvania registered professional engineer and shall include the following:

The proposed subdivision or land development activities, 1) shall have no or de minimis adverse affect from uncontrolled stormwater runoff, and; 2) shall have no or de minimis adverse effect on downstream property owners and/or water courses, and; 3) shall have no or de minimis adverse effect from backwater and changes in stormwater flow locations, and; 4) shall not degrade surface or groundwater quality, and; 5) shall not cause erosion of streambank and streambed. In addition, the request shall provide a description of any known existing stormwater runoff problems at, near, or downstream of the project.

A waiver issued under this ordinance may be suspended or revoked by the governing body for non-compliance with or failure to implement any provision of the waiver as presented at the time of waiver request.

**C. Performance Standards**

All activities regulated by this Ordinance shall be planned, designed, and constructed in accordance with the following principles.

1. Stormwater management control facilities shall be incorporated into the overall design of any subdivision or land development or improvement in such a way that they may serve multiple purposes such as wildlife areas, recreation areas, fire protection ponds, etc.

2. The natural infiltration and water resource potential of the proposed development site shall guide design, construction, and vegetation decisions. Runoff in excess of natural conditions from roofs and other surfaces which are unlikely to contain pollutants shall be recharged to the ground water table or stored for non-potable water uses to the maximum extent possible.

3. Improvements to manage drainage and stormwater runoff within a subdivision or land development shall be designed to increase the amount of water which infiltrates into the soil where possible, and to control the rate of runoff released off-site through temporary storage of stormwater on-site. Such improvements may include, but are not limited to, deed covenants which restrict the allowable amount of impervious surface for each lot, the provision of drainage easements, seepage pits, rain gardens, vegetated strips, swales, infiltration swales/trenches, and detention or retention basins.

4. Existing trees and shrubs shall be preserved and protected to the maximum extent possible.

5. All natural streams, channels, drainage swales and areas of surface water concentration shall be maintained in their existing condition except where changes can be justified on the basis of other design standards.

6. Stormwater management facilities shall be designed so that the peak rate of runoff from any subdivision or development after development shall be no greater than the peak rate of runoff from the site prior to development, unless this general performance standard is specifically modified by a Watershed Stormwater Management Plan.

7. Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff shall include measures to:

a. Protect health, safety, and property;

b. Meet the water quality goals of this Ordinance by implementing measures outlined in Pennsylvania Stormwater Best Management Practices Manual (BMP Manual), December 30, 2006 (or as may hereafter be amended) to:

i. Minimize disturbance to floodplains, wetlands, and wooded areas.

ii. Maintain or extend riparian buffers.

iii. Avoid erosive flow conditions in natural flow pathways.

iv. Minimize thermal impacts to waters of this Commonwealth.

v. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.

c. To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the BMP Manual.

**D. Design Standards**

It shall be the applicant’s responsibility to provide sufficient plans, documentation and other technical data to demonstrate that the capacity of the proposed stormwater management facilities will adequately control runoff from the development. The following general and technical standards shall be applied when designing such facilities.

1. General Design Criteria

a. In calculating the pre-development runoff rate the following assumptions shall apply.

i. Woodland shall be used as the existing condition for those portions of the site having trees greater than six (6) inches in diameter measured breast high (DBH), or where trees existed for at least 18 months prior to the development application.

ii. Meadow shall be used for all other areas, including 20% of areas which are presently covered by impervious surfaces.

b. Calculations for the design of stormwater management facilities shall also assume that all driveways, traffic areas and driving surfaces within the development or subdivision will be paved or covered with an impervious surface. Impervious surfaces for the purposes of this Ordinance shall include but not be limited to bituminous surfaces, concrete surfaces, gravel surfaces, and building structures in accordance with the following requirements:

i. 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.

ii. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.

iii. For projects that add impervious area to a parcel, only the proposed impervious area on the parcel must be considered and summed to determine the plan preparation and approval requirements of this Ordinance.

iv. For redevelopment projects in which the existing site is disturbed, the entire proposed site is subject to the plan preparation and approval requirements of this Ordinance. Existing conditions are considered to be the existing site prior to disturbance, and 20% of the existing impervious area must be considered as meadow in good condition for all stormwater calculations. For redevelopment projects in which the existing site is already controlled by a stormwater management facility, the requirement to consider 20% of existing impervious area as meadow is waived provided the existing facility meets the water quality, volume, and peak rate standards and criteria of this Ordinance.

c. The design for all proposed stormwater management improvements shall be reviewed and approved by the Borough and its Engineer prior to construction of any such proposed improvements. The applicant and/or owner shall reimburse the Borough for any and all engineering review charges by the Borough Engineer.

d. Stormwater runoff shall not be concentrated onto adjacent properties unless written approval is given by the property owner and the applicable Borough. When stormwater drainage is to be directed into an adjacent municipality, all provisions for accommodating such drainage shall be submitted to the governing body of that municipality for review prior to approval of the subdivision or land development proposal.

e. Storm sewers and related installations shall be required by the Borough when stormwater runoff cannot be satisfactorily handled within the street right-of-way, as determined appropriate by PennDOT or the Borough Engineer, as applicable.

f. Where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments may connect to the existing system, subject to approval of the authority or municipality having jurisdiction over the existing system.

g. Where a subdivision or land development is traversed by a watercourse, drainageway, channel or stream, or such plans propose stormwater management facilities, a drainage easement conforming substantially to the line of such water course shall be provided. The drainage easement shall be of such width (minimum 20 feet) as will be adequate to preserve the unimpeded flow of natural drainage for the 25-year design storm; or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainageway; or for the purpose of protecting such watercourse for the purpose of stormwater

management or installation of a storm sewer. Any change proposed in the existing drainageway shall be subject to the approval of the PaDEP and the U.S. Army Corps of Engineers.

h. All storm drainage facilities constructed along or crossing public streets or rights-of-way shall conform to all applicable requirements of PennDOT related to such drainage facilities.

2. Technical Design Criteria-Stormwater Detention/Retention

a. Proposed stormwater detention facilities shall be designed to reduce post-development peak runoff rates to pre-development condition rates for the 1-year, 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year, 24-hour storms. These design storms shall be routed through stormwater detention systems using the modified Puls procedure. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for the 1-year, 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

b. The Modified Rational Method may be used to complete hydrologic computations required for the design of stormwater detention basins involving drainage areas that are less than 30 acres. Runoff coefficients for the Modified Rational Method shall be selected using Table 3-1 Runoff Coefficients for Rational Formula from the Urban Drainage Design Manual (Hydraulic Engineering Circular No. 22, Second Edition) by the U.S. Department of Transportation Federal Highway Administration, August 2001 (or as may hereafter be amended) or PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended). Hydrologic times of concentration should be computed using the procedures described in Technical Release 55 (TR-55, USDA, SCS, 1986, or as may hereafter be amended). Rainfall intensities used in the Modified Rational Method shall be selected from the PennDOT Storm Intensity-Duration-Frequency data for the area from PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended) Chapter 7, Appendix A.

c. The Soil Conservation Service Unit Hydrograph Method or Technical Release 55 should be used to complete hydrologic computations that are required for the design of stormwater detention basins involving drainage areas that exceed 30 acres. Rainfall data for the TR-55 and the SCS Unit Hydrograph Method shall be obtained from the PennDOT Storm Intensity-Duration-Frequency data for the area from PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended) Chapter 7, Appendix A.

d. All stormwater detention basins shall be designed to safely discharge the 100year peak discharge through an emergency spillway with a minimum of one (1) foot of freeboard above the spillway outflow elevation, and all other outlets, in a manner that will not damage the integrity of the basin. The invert elevation of the emergency spillway device shall be placed a minimum of one (1) foot above the 100-year design water surface elevation in the stormwater detention basin. The emergency spillway shall be designed to convey the entire 100-year peak discharge. A modified Puls routing of the 100-year design storm through the basin shall be completed assuming that the emergency spillway is the only operable basin outlet device.

e. All stormwater basins, except those designed to retain water or special vegetation as part of best management practices, shall be designed to completely drain within 24 hours. Allowances for best management practices shall be made if they are designed in accordance with the publication, Pennsylvania Stormwater Best Management Practices Manual (BMP Manual), December 30, 2006 (or as may hereafter be amended). Otherwise, low flow channels shall be provided that would extend between points of concentrated inflow to the basin and the basin outlet structure.

f. Earth fill embankments shall be designed using the following minimum standards:

i. The height of the embankment should not exceed twelve (12) feet. The height is measured on the water side from lowest elevation to the top of the embankment.

ii. The minimum top width of embankments shall be as follows:

Height (feet) Width (feet)

0 to 3.0: 6 feet

> 3.0 to 6.0: 8 feet

> 6.0 to 12.0: 10 feet

iii. The side slopes of the embankment fill should not be steeper than two and a half (2.5) horizontal to one (1) vertical.

iv. The side slopes of areas in a cut should not be steeper than two and a half (2.5) horizontal to one (1) vertical.

v. A cutoff trench of impervious materials shall be provided under all earth fill embankments exceeding six (6) feet in height.

vi. All pipes through embankments shall be constructed with anti-seep collars. The design of such collars shall be in accordance with the design procedure and detail specifications in Erosion and Sediment Pollution Control Program Manual (PaDEP, April 15, 2000, or as may hereafter be amended).

g. Trash racks may be required at basin outlet structures. These trash racks shall be designed in accordance with recommendations provided in Erosion and Sediment Pollution Control Program Manual (PaDEP, April 15, 2000, or as may hereafter be amended).

h. Riser outlet structures (where required) shall be constructed on a foundation to prevent floating and movement of the outlet structure due to water and frost action.

i. Trees and shrubs shall not be planted along the embankment(s) of stormwater basins.

j. The Borough reserves the right to require fencing around stormwater basins where, in their opinion, such protection is warranted.

3. Technical Design Criteria Conveyance Systems.

a. Stormwater conveyance systems (such as storm sewers and swales) shall be designed for the 25-year design storm. However, an overland flow path shall be provided to convey 100-year storm runoff to a stormwater detention/retention/infiltration facility without incidental flooding of buildings.

b. The Rational Method may be used to compute peak runoff for drainage areas involving less than 100 acres. Runoff coefficients and rainfall intensities used in the Modified Rational Method should be selected as described above for the Modified Rational Method. The Soil Conservation Service (SCS) Unit Hydrograph Method or Technical Release 55 (TR-55) should be used to compute runoff rates for drainage areas involving more than 100 acres. Rainfall data for TR-55 and the SCS Unit Hydrograph Method shall be obtained from the PennDOT Storm Intensity-Duration-Frequency data for the area from PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended) Chapter 7, Appendix A.

c. Detailed hydraulic design computations shall be provided for all storm pipes. Recommended hydraulic computational procedures are described in detail in PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended).

d. Manufactured end sections shall be provided at terminus ends of all storm pipes.

e. Energy dissipators shall be placed at the outlets of all storm pipes. Design computations shall be submitted for all proposed energy dissipators. Recommended design procedures are described in Erosion and Sediment Pollution Control Program Manual (PaDEP, April 15, 2000, or as may hereafter be amended).

f. Drainage swales shall be designed in accordance with procedures described in PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended) and Erosion and Sediment Pollution Control Program Manual (PaDEP, April 15, 2000, or as may hereafter be amended).

g. Detailed hydraulic computations shall be provided for stormwater inlet grates. Recommended hydraulic computational procedures are described in detail in PennDOT Drainage Manual, Publication 584 (2010 Edition or as may hereafter be amended).

h. Design water surface elevations in stormwater inlets should be at least six (6) inches below the grate elevation; otherwise, the inlet grate may not accept any stormwater runoff.

i. Profile drawings shall be required for all stormwater conveyance systems.

j. An engineering evaluation of existing stormwater facilities may be required by the Borough or the County Conservation District.

4. Technical Design Criteria-Infiltration Systems to Encourage Recharge (Infiltration Basins/Pits/Swales/Trenches)

a. Stormwater infiltration devices shall be designed in accordance with Pennsylvania Stormwater Best Management Practices Manual (BMP Manual), December 30, 2006 (or as may hereafter be amended).

b. Specific Criteria:

i. The low impact development practices provided in the BMP Manual shall be utilized for all earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method 1 in subsection ii below or the Design Method 2 in section B below. Both the Design Storm Method 1 and the Design Method 2 shall be calculated; the larger control volume based on the two calculations shall be controlled. Section C below provides requirements for mined, karst, or other geologically limiting areas where infiltration shall not occur.

ii. The Design Storm Method 1 (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.

iii. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.

iv. For modeling purposes:

(a) Existing (predevelopment) non-forested pervious areas must be considered meadow or its equivalent.

(b) 20% of existing impervious area, when present, shall be considered meadow in the model for existing conditions.

c. When Design Storm Method 1 (CG-1) guidelines are not used, the Design Storm Method 2 (CG-2 in the BMP Manual) has been modified to accommodate 2 inches of permanently removed runoff volume. This method (provided below) is independent of site conditions and should be used if the Design Storm Method 1 is not followed. For new impervious surfaces:

i. The first 2 inches of runoff from new impervious surfaces shall be permanently removed from the runoff flow (i.e., it shall not be released into the surface waters of this Commonwealth). Removal options include reuse, evaporation, transpiration, and infiltration.

ii. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.

iii. Facilities, to the greatest extent possible and subject to the Borough Engineer’s discretion, shall be designed to drain the permanently removed runoff volume in a period no less than 24 hours and no greater than 72 hours.

iv. Runoff volume in excess of 2 inches shall be safely conveyed to existing stormwater collection systems or streams, in the direction of the existing drainage course.

v. This method is exempt from the rate control requirements of Section D.2.a of this Ordinance.

d. Before infiltration is proposed on a site, site conditions shall be evaluated by a qualified design professional through subsurface investigation and testing to determine if site conditions are suitable to support proposed infiltration facilities to manage runoff. If it is determined that infiltration is not feasible due to physical constraints of the site, or will adversely impact the environment as demonstrated by the presence of acid mine drainage, sinkhole formation, or other serious environmental issues, then the above volume controls must be achieved through surface BMP mitigation. Reference the BMP Manual for alternative mitigation measures that do not require infiltration.

e. Soils on which infiltration devices are located shall have a minimum infiltration rate of 0.10 inches per hour and a maximum of 12 inches per hour, based upon soils data obtained by direct testing methods in accordance with procedures outlined in the Technical Manual for Sewage Enforcement officers (PaDEP), the BMP Manual, or other approved DEP methods.

f. Infiltration devices shall not be on slopes greater than 20%. The longer dimensions of the devices shall be parallel to ground contours where slopes exceed five percent (5%).

g. Infiltration devices or the drains to them shall have a sediment trap that can be maintained regularly. All downspouts shall have leaf strainers to prevent leaves from clogging the infiltration device.

h. Infiltration devices connected to roof downspouts shall be located at least ten (10) feet from basement walls and downslope of the building.

i. The bottom of the infiltration device shall be at least two (2) feet above the seasonally high water table and bedrock or otherwise be shown to be capable of handing the required design volumes.

j. Stormwater run-off capacity may be distributed among several infiltration devices, as long as the total required volume is achieved, and that corresponding volumes of handling the required design volumes.

k. The use of perforated pipe, concrete vault, or other storage devices may be used to obtain additional storage.

l. In all cases, an overflow system should be provided to accommodate storm frequencies in excess of the design requirements.

**E. Plan Requirements**

1. The Stormwater Management Plan for a proposed subdivision or land development shall include a brief description of the following:

a. existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;

b. the anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns; and

c. the type of structural and nonstructural improvements planned to manage post-development stormwater runoff.

2. The proposed location of both structural and nonstructural improvements shall be shown on the subdivision or development plot plans. The Borough shall require the Developer to provide topographic contour information at such intervals as deemed appropriate on the plot plans in order to better evaluate the proposed stormwater management techniques and/or facilities.

3. Separate, detailed specifications, including complete design calculations, cross-sections, profiles, manufacturer’s details, etc., shall be submitted by the Developer for all proposed structural stormwater management improvements.

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

5. The following signature block for the Borough is to be used:

(Borough Manager or designee), on this date (date of signature), has reviewed and hereby certifies that the SWM Site Plan is in compliance with the Borough Ordinance.

6. The Stormwater Management Plan shall provide the following information:

a. Appropriate sections from the Borough Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the Stormwater Management Plans. In instances where the Borough lacks Subdivision and Land Development regulations, the content of SWM Site Plans shall follow the County’s Subdivision and Land Development Ordinance.

b. Provisions for permanent access or maintenance easements for all physical Stormwater Management Plan BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed below.

c. The overall stormwater management concept for the project.

d. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, mined areas, and other environmentally sensitive areas, such as brownfields; depending on site conditions, more stringent standards than those in this Ordinance may be imposed at the discretion of the Borough engineer.

e. Stormwater runoff design computations and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance. Computations are required for all proposed stormwater management facilities.

f. Expected project time schedule.

g. A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority, and in conformance with 25 Pa. Code 102.

h. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.

i. Plan and profile drawings of all Stormwater Management Plan BMPs, including drainage structures, pipes, open channels, and swales.

j. The Stormwater Management Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.

k. The Stormwater Management Plan shall include an Operation and Maintenance (O&M) Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

l. The SWM Site Plan shall include the following additional elements:

i. Construction details of all proposed stormwater management facilities.

ii. A stormwater facility design narrative.

iii. A signature block containing the name, address, and phone number of the individual responsible for the operation and maintenance plan.

iv. A drainage area map with time of concentration paths shown.

v. Existing contour intervals of two feet.

vi. All existing features on the property and within 50 feet of property.

vii. Floodplain and floodway limits.

viii. Proposed structures and proposed grades.

ix. Soil boundary lines and descriptions.

x. Date of submission, north arrow, graphic scale, call before you dig note and reference number, location map, name of development, name and address of property owner, and individual preparing the Stormwater Management Plan.

xi. Existing and proposed easements.

xii. Statement signed by landowner stating that they cannot alter any stormwater management facility without prior permission of the Borough.

7. The Developer shall also submit a proposal for ownership and maintenance of all proposed stormwater management improvements in accordance with the following provisions:

a. Where the Developer proposes to dedicate such improvements to the Borough and the Borough has agreed to accept the ownership and maintenance responsibilities thereof, a deed which dedicates the land to be used for the stormwater management improvement to the Borough shall be submitted as a part of the Stormwater Management Plan. If approved by the Borough, the deed of dedication shall be recorded with the final subdivision or development plan.

b. Alternately, where no municipal participation is anticipated, an Ownership and Maintenance Agreement, specifying ownership and assigning maintenance responsibilities for the proposed improvements to either the Developer or property owners within the subdivision, shall be recorded with the final subdivision or development plan and shall be referenced in the deeds for each property within the subdivision.

c. Performance Guarantee. The applicant should provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved stormwater plan and this ordinance equal to the full construction cost of the required controls.

d. The following criteria shall apply to all stormwater management Ownership and Maintenance Agreements.

i. The party (or parties) responsible for the maintenance of all stormwater management facilities shall be identified in the Ownership and Maintenance Agreement. The Borough may require the Developer to organize a Home Owners Association, Condominium Property Owners Association, or similar entity to own and maintain such facilities, in lieu of an acceptable alternative suggested by the Developer.

ii. A Stormwater Management Maintenance Plan shall be submitted by the Developer to the Borough for review and approval by the Borough and its Engineer. The Maintenance Plan shall include specific stormwater management maintenance requirements.

iii. A copy of the applicable Stormwater Management Plan (including the Maintenance Plan), Erosion and Sediment Pollution Control Plan, and design plan(s) for each subdivision and/or stormwater management facility shall be maintained by the party (or parties) identified above for reference purposes.

iv. An inspection of all stormwater management facilities shall be conducted at least every twelve (12) months, and after severe rainfall events by the responsible party (parties). This inspection shall be followed up with a letter report. Copies of this letter report shall be submitted to the Borough and to the County Conservation District. Items to be reviewed during this inspection shall include, but need not be limited to, rodent damage, erosion problems, embankment failures, sediment and/or debris accumulation, and vandalism.

v. Any damaged facilities shall be repaired and/or replaced by the responsible party) parties) in accordance with the time frame established by the Borough.

vi. The Borough Council and the County Conservation District shall be contacted immediately in the event of severe damage to any stormwater management facility. In such instance, the Borough shall reserve the right to review and approve plans to repair and/or replace severely damaged facilities.

vii. When, for any reason, the responsible party (parties) fails to properly maintain any stormwater management facilities identified in their Maintenance Plan, the Borough shall have the right, but not the obligation, to enter upon such property as may be necessary to access the facilities and perform the appropriate maintenance. Upon completion of such maintenance, the Borough shall assess all property owners of the development for costs associated with the necessary maintenance.

viii. The governing body, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The governing body reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

8. A record drawing (as-builts) of all stormwater management improvements certified by a registered professional engineer or land surveyor shall be provided to the Borough by the Developer upon completion of all such construction activities.

9. Municipal Stormwater Maintenance Fund.

a. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

i. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Borough for a period of ten (10) years, as estimated by the Borough Engineer. After that period of time, inspections will be performed at the expense of the Borough.

ii. If the storage facility is to be owned and maintained by the Borough, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Borough Engineer will establish the estimated costs utilizing information submitted by the applicant.

iii. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Borough Engineer shall determine the present worth equivalents, which shall be subject to the approval of the governing body.

b. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the Borough may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.

c. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

**F. Plan Review and Approval**

1. An Applicant seeking approval of a SWM Site Plan under this Ordinance may submit a preliminary sketch plan to the Ordinance Enforcement Officer. Based upon a review of the sketch plan the Ordinance Enforcement Officer, in consultation with the Borough Engineer, may recommend to Borough Council that:
2. a full SWM Site Plan be submitted; or,
3. in the case of small scale project with less than 1,500 square feet of impervious area or less than 5,000 square feet of disturbed area anticipated to have a negligible effect on stormwater, as part of the review process, that certain information, drawings, documents, guaranties, and accounts set forth in this Ordinance, be exempt. The larger of the two areas determines the applicable requirements of this Section (i.e. If only 500 sq. ft. of impervious area is proposed, but 15,000 sq. ft. of earth disturbance is proposed, the project does not meet the requirements of this section.)

A sketch plan shall include: A scale drawing of the proposed improvements, calculation of the area impacted in square feet including impervious area and disturbed area, and general direction and description of stormwater runoff.

1. The SWM Site Plan shall be reviewed by the Borough Planning Commission for consistency with the provisions of this Ordinance. The Borough Planning Commission shall request that the plan be reviewed by the Borough Engineer unless such review has been exempted pursuant to Section F1, above. After review, the Borough Planning Commission shall provide a written recommendation for the Borough Council to approve or disapprove the Stormwater Management Plan. If it is recommended to disapprove the Stormwater Management Plan, the Borough Planning Commission shall state the reasons for the disapproval in writing. The Borough Planning Commission also may recommend approval of the Stormwater Management Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.

The Stormwater Management Plan review and recommendations shall be completed within the time allowed by the Borough Subdivision and Land Development Ordinance for review of subdivision plans.

1. The Borough Planning Commission shall notify the Borough Council of its recommendation within 30 days unless:
   1. The Stormwater Management Plan involves a Subdivision and Land Development Plan the notification period is as set forth in the Borough SALDO; or
   2. A longer notification period is provided by other statute, regulation, or ordinance. In such a case the Applicant will be so notified by the Planning Commission.
2. If the Planning Commission recommends disapproval of the Stormwater Management Plan, the Planning Commission shall cite the reasons for its recommendation of disapproval in writing.
3. The Planning Commission shall not recommend for approval any subdivision or land development plan if the Stormwater Management Plan has been found to be inconsistent with the Borough’s Stormwater Management Plan, as determined by the Borough Engineer. All required permits from PaDEP must be obtained prior to approval of any subdivision or land development.
4. The Municipal Building Permit Office shall not issue a building permit for any Regulated Activity specified in this Ordinance if the Stormwater Management Plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Borough Engineer, or without considering the comments of the Planning Commission. All required permits from PaDEP must be obtained prior to issuance of a building permit.
5. Modification of Plans - A modification to a submitted Stormwater Management Plan that involves a change in Stormwater Management Plan BMPs or techniques, or that involves the relocation or redesign of Stormwater Management Plan BMPs, or that is necessary because soil or other conditions are not as stated on the Stormwater Management Plan as determined by the Borough shall require a resubmission of the modified Stormwater Management Plan in accordance with this Section.
6. Resubmission of Disapproved SWM Site Plans - A disapproved Stormwater Management Plan may be resubmitted, with the revisions addressing the Planning Commission’s concerns, to the Planning Commission in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved Stormwater Management Plan.
7. Unless waived pursuant to Section F1, above, the Developer shall be responsible for completing record drawings of all stormwater management facilities included in the approved Stormwater Management Plan. The record drawings and an explanation of any discrepancies with the design plans shall be submitted to the Borough Engineer for final approval. In no case shall the Planning Commission approve the record drawings until the Planning Commission receives a copy of an approved Declaration of Adequacy, Highway Occupancy Permit from the PennDOT District Office, and any applicable permits from PaDEP.
8. Following receipt of the Planning Commission’s recommendation, the Borough Council shall make its decision regarding the SWM Site Plan at its next regularly scheduled meeting and communicate in writing such decision to the Applicant within 15 days of when the decision is made.
9. When a SWM Site Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Borough Council’s meeting at which the SWM Site Plan is considered and included in the written notice specified in section F10, above. The notice shall state that failure of the applicant to agree to the conditions and/or modifications within 15 days of the date of receipt shall constitute a denial.
10. When a SWM Site Plan has been approved with conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within 15 days of receipt of said written notice, the said conditional approval may become a disapproval.
11. When a SWM Site Plan is denied by the Borough Council, the reasons for such denial, citing specific provisions of this Ordinance or other applicable ordinances or statutes, shall be expressly included in the minutes of the Borough Council’s meeting and communicated in writing as provided in section F10, above.
12. The Borough Council’s approval of a Stormwater Management Plan shall be valid for a period not to exceed Five (5) years. This five-year time period shall commence on the date that the Borough signs the approved Stormwater Management Plan. If stormwater management facilities included in the approved Stormwater Management Plan have not been constructed, or if constructed, and record drawings of these facilities has not been approved within this five-year time period, then the Borough may consider the Stormwater Management Plan disapproved and may revoke any and all permits. Stormwater Management Plans that are considered disapproved by the Borough shall be resubmitted.

G. Schedule of Inspections

1. The Borough Engineer or his municipal assignee shall inspect all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Borough Engineer.

2. During any stage of the work, if the Borough Engineer determines that the permanent stormwater management facilities are not being installed in accordance with the approved Stormwater Management Plan, the Borough shall revoke any existing permits until a revised Stormwater Management Plan is submitted and approved, as specified in this Ordinance.

**H. Fees and Expenses**

1. The fee required by this Ordinance is the Municipal Review Fee. The Municipal Review fee shall be established by the Borough to defray review costs incurred by the Borough and the Borough Engineer. All fees shall be paid by the Applicant.

2. Borough Stormwater Management Plan Review Fee. The Borough shall establish a Review Fee Schedule by resolution of the municipal governing body based on the size of the Regulated Activity and based on the Borough's costs for reviewing Stormwater Management Plans. The Borough shall periodically update the Review Fee Schedule to ensure that review costs are adequately reimbursed.

3. Expenses Covered by Fees. The fees required by this Ordinance shall at a minimum cover:

a. Administrative Costs.

b. The review of the Stormwater Management Plan by the Borough, the Borough Engineer, and Soil Conservation District.

c. The site inspections.

d. The inspection of stormwater management facilities and drainage improvements during construction.

e. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Stormwater Management Plan.

f. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

**I. Enforcement and Penalties**

1. Right of Entry. Upon presentation of proper credentials, duly authorized representatives of the Borough may enter at reasonable times upon any property within the Borough to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

2. Notification. In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued hereunder, the Borough shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and do not prevent the Borough from pursuing any and all remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

3. Enforcement. The Borough is hereby authorized and directed to enforce all of the provisions of this ordinance. All inspections regarding compliance with the Stormwater Management Plan shall be the responsibility of the Borough Engineer or other qualified persons designated by the Borough.

a. A set of design plans approved by the Borough shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Borough or its designee during construction.

b. Adherence to Approved Plan. It shall be unlawful for any person, firm or corporation to undertake any activity regulated pursuant to this Ordinance on any property except as provided for in the approved Stormwater Management Plan and pursuant to the requirements of this ordinance. It shall be unlawful to alter or remove any control structure required by the Stormwater Management Plan pursuant to this ordinance or to allow the property to remain in a condition which does not conform to the approved Stormwater Management Plan.

c. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the owner or his representatives shall:

i. Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

ii. Provide a set of as-built (record) drawings.

d. After receipt of the certification by the Borough, a final inspection shall be conducted by the Borough Engineer or designated representative to certify compliance with this ordinance.

e. Prior to revocation or suspension of a permit, the governing body will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property.

f. Suspension and revocation of Permits:

i. Any permit issued under this ordinance may be suspended or revoked by the governing body for:

a) Non-compliance with or failure to implement any provision of the permit.

b) A violation of any provision of this ordinance or any other applicable law, ordinance, rule or regulation relating to the project.

c) 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.

ii. A suspended permit shall be reinstated by the governing body when:

a) The Borough Engineer or his designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;

b) The governing body is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.

c) A permit that has been revoked by the governing body cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

g. Occupancy Permit.

An occupancy permit shall not be issued unless the certification of compliance pursuant to Section I.3.d has been secured. The occupancy permit shall be required for each lot owner and/or Developer for all subdivisions and land development in the Borough.

4. Public Nuisance.

a. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.

b. Each day that a violation continues shall constitute a separate violation.

5. Penalties.

a. Anyone violating the provisions of this ordinance shall be guilty of a summary, and upon conviction shall be subject to a fine of not more than $ 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 Borough, through its solicitor may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. 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.

6. Appeals.

a. Any person aggrieved by any action of the Ordinance Enforcement Officer or its designee may appeal to the Factoryville Borough Council within thirty (30) days of that action.

b. Any person aggrieved by any decision of the Factoryville Borough Council may appeal to the County Court of Common Pleas of the 44th Judicial District, Wyoming County Branch in the County where the activity has taken place within thirty (30) days of the municipal decision.

**J. Definitions and Abbreviations**

ACRE: A measure of land area containing 43,560 square feet.

AGENT: Any person, other than the landowner, who, acting for the landowner, submits subdivision or land development plans to Factoryville Borough for the purpose of obtaining approval thereof. (See also DEVELOPER.)

APPLICANT: A landowner, sub divider, or Developer, as hereinafter defined, who has filed an application for subdivision or land development with the Borough, including their heirs, successors and assigns.

APPLICATION: The application form and all accompanying documentation required of an applicant by the requirements of this Ordinance for review and approval of a subdivision or land development proposal, whether preliminary or final in nature.

AREA: The surface included within a set of lines.

a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a subdivision or land development plan, excluding any area within a street right-a-way, but including the area of any easement.

b. Area, Site: The total area of a proposed subdivision or land development, regardless of interior lot lines or proposed lots, streets, or easements.

BEST MANAGEMENT PRACTICES (BMPs): Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: structural or nonstructural. In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

BOROUGH: Factoryville Borough, Wyoming County, PA, unless otherwise specified.

BOROUGH COUNCIL: The Borough Council of Factoryville Borough, Wyoming County, PA; the elected governing body of the Borough.

BUILDING: A structure, or part thereof, having walls and a roof which is used or intended to be used for the housing or enclosure of persons, animals or property (including all manufactured homes and mobile homes to be used for human habitation) and any commercial, industrial, institutional or other principal use.

CAPTURE: The process of collecting runoff to be managed by a stormwater BMP.

CHAIRMAN: The chairman of the Factoryville Borough Planning Commission, as indicated.

COMMISSION OR PLANNING COMMISSION: The Borough of Factoryville Planning Commission, unless specified otherwise.

CONDOMINIUM: A form of property ownership providing for individual ownership of a specific dwelling unit(s), together with an undivided, proportional interest in the land or other parts of the structure in common with other owners.

CONSERVATION DISTRICT: A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. º 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; refers to the Wyoming County Conservation District unless otherwise noted.

CONTOUR: A line that connects the points on a land surface that have the same elevation.

COUNTY: Wyoming County, PA, unless specified otherwise.

CUT: An excavation or material removed in excavation; also, the difference between a point on the original ground and a designated point of lower elevation on the final grade.

DEDICATION: The deliberate appropriation or donation of land or property by its owner for any general and public uses, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been designated. Acceptance of any such dedication by the Borough is at the complete discretion of the Borough Council.

DEED: A legal document conveying ownership of real property.

DEED RESTRICTION: A restriction on the use of land set forth in the deed or instrument of conveyance. Said restriction usually runs with the title of the land and is binding upon subsequent owners of the property. It shall not be the responsibility of Factoryville Borough to enforce deed restrictions, unless the restriction(s) resulted as a condition or stipulation of subdivision or land development approval.

DEP: The Pennsylvania Department of Environmental Protection.

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.

DETENTION BASIN: A basin or pond designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

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

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (See also AGENT.)

DEVELOPMENT: Any human-induced change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, or other paving; utilities; filling, grading, and excavation; mining, dredging; drilling operations; storage of equipment or materials; and the subdivision of land. (See also LAND DEVELOPMENT.)

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

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.

DRAINAGE: 1) Surface water runoff; or 2) The removal of surface water or ground water from lands by drains, grading or other means which include runoff controls designed to minimize erosion and sedimentation during and after construction or development, preserve the water supply, or prevent or alleviate flooding.

DRAINAGE AREA: The entire region or area in which all of the surface and /or subsurface runoff concentrates at a selected point or into a particular stream. (See also WATERSHED AREA.)

DRAINAGE EASEMENT: An easement required for the installation of stormwater management facilities or drainage swales, and /or required for the preservation or management of a natural stream or watercourse or other drainage facility.

DRAINAGE FACILITY: Any ditch, gutter, swale, pipe, culvert, storm sewer or other structure or facility designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreation areas, or any part of any subdivision or land development. (See also STORMWATER MANAGEMENT FACILITY.)

DRAINAGEWAY: Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

DRIVEWAY: A minor vehicular access way providing access between a public or private street and a parking area or garage within the lot or property.

EARTH DISTURBANCES: See DISTURBANCE ACTIVITY.

EASEMENT: A defined right of use or privilege granted for a limited use of land for a public or quasi-public purpose.

ELEVATION: 1) A vertical distance above or below a fixed reference level; or 2) a flat scale drawing of the front, rear or side of a building.

ENGINEER: 1) A professional engineer licensed in the Commonwealth of Pennsylvania; or 2) the professional engineer duly appointed as the engineer for Factoryville Borough as determined appropriate on a case-by-case basis.

EROSION: The removal of surface materials by the action of natural elements.

EROSION AND SEDIMENTATION CONTROL: Temporary and permanent actions or measures taken to reduce erosion and sedimentation and to control stormwater runoff during and after development activities, generally carried out as part of a plan developed prior to the initiation of the earth moving activity. (See also EROSION AND SEDIMENTATION CONTROL PLAN.)

EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation.

EXISTING CONDITION: The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

EXCAVATION: Removal or recovery by means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

FILL: 1) Any act by which earth, sand, gravel, rock or other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting there from; or 2). The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or 3) the material used to make a fill.

FLOOD: A temporary inundation of normally dry land areas.

a. Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of occurring in any given year; for the Purposes of this Ordinance, the Regulatory Flood.

b. Flood, Regulatory: The flood that has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been based; the 100 year flood.

FLOOD FRINGE: That portion of the 100 year floodplain outside the floodway.

FLOODPLAIN: 1) A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or 2) Any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the 100 year flood.

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.

GENERAL FLOODPLAIN: That portion of the floodplain for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Borough’s Flood Maps.

GOVERNING BODY: The Borough Council of Factoryville Borough; the elected officials.

GRADE: The degree of rise or descent of a sloping surface.

a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.

b. Grade, Finished: The final elevation of the ground surface after development.

IMPERVIOUS MATERIAL (SURFACE): Any substance placed on a lot, which covers the surface in such fashion as to prevent natural absorption of surface water, by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved and /or gravel driveways and parking areas, swimming pools and other nonporous structures or material.

IMPROVEMENTS: Those physical additions, installations or changes made to the land which are necessary to produce usable and desirable lots, including but not limited to, streets, curbs, sidewalks, street lights, water mains, sewer lines, fire hydrants, drainage and/or stormwater management facilities, bridges and culverts.

INFILTRATION: Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

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: A land development and construction approach that uses various land planning, design practices, and technologies to simultaneously conserve and protect natural resource systems, while allowing for necessary infrastructure improvements associated with land development.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LOCATION MAP: A map sketch or diagram included on a subdivision or land development plan showing the relation of the site to all road and highway systems and municipal boundaries in the area surrounding the proposed subdivision or development.

LOT: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MODIFICATION: See WAIVER.

O&M: Operation and Maintenance

PaDEP: The Pennsylvania Department of Environmental Protection.

PARCEL: A lot, plot, or tract of land.

PennDOT: The Pennsylvania Department of Transportation.

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

PERVIOUS AREA: Any area not defined as impervious.

PLAN: A map or plat of a subdivision or land development, whether sketch, preliminary or final. (See also SUBDIVISION PLAN.)

PLANNING COMMISSION: The Factoryville Borough Planning Commission, unless designated otherwise.

PLOT: A parcel of land that can be identified and referenced to a recorded plat or map.

REDEVELOPMENT: Any development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities such as top-layer grinding and re-paving are not considered to be redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment.

REGULATED ACTIVITIES: Activities Described in Section B2 of this Ordinance.

REGULATED EARTH DISTURBANCE ACTIVITY: Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

RETENTION BASIN: A pond, pool or basin used for the permanent storage of stormwater runoff.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a rainfall or snowfall that does not enter the soil but runs off the surface of the land.

SEDIMENT: Deposited silt that is being or has been moved by water or ice, wind, gravity or other means of erosion.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.

SITE PLAN: A plan for the development of a single tract of land, whether or not a subdivision is involved, which shows the existing and proposed conditions of the parcel including, but not limited to, topography, drainage, floodplains, wetlands, waterways, open spaces, walkways or pedestrian easements, means of ingress and egress, utility service line locations, landscaping, structures, lighting and screening devices and any other information that may reasonable be required in order that an informed decision can be made by the Borough. Such plans are generally required in order to evaluate land development proposals, including multi-family residential, commercial, institutional, industrial, or recreational development submissions.

SLOPE: 1) The face of an embankment or cut section; 2) The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees, i.e. a ratio determined by dividing the vertical difference between two (2) points (change in elevation) by the horizontal distance measured between the same two (2) points.

STORM SEWER: A conduit that collects and transports runoff.

STORMWATER: Water that surfaces, flows or collects during and subsequent to rain, snowfall, or ice melt.

STORMWATER MANAGEMENT FACILITY: Any structural or non-structural device, or combination thereof, which is designed, constructed and maintained to manage or control stormwater runoff from a development site, including but not limited to drainage swales, easements, seepage pits, level lip spreaders, culverts, pipes, storm sewers, detention or retention basins, ponds and other similar facilities.

STORMWATER MANAGEMENT PLAN: A plan for managing the stormwater runoff from a proposed subdivision or land development, including data and calculations, prepared by the Developer in accordance with the standards of this Ordinance or any applicable municipal or watershed stormwater management ordinance.

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, whether public or private. For the purposes of this Ordinance, the term “street” shall include avenues, alleys, boulevards, highways, freeways or roads.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, telecommunications towers, fences, and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments, and other similar objects. For floodplain management purposes, the term shall also include any gas or liquid storage tank that is principally above ground, as well as mobile or manufactured homes.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development. As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

SUBDIVISION OR LAND DEVELOPMENT PLAN: A proposal to subdivide or develop one (1) or more tracts of land. The plan shall include the proposed layout of the subdivision or land development and shall be accompanied by all other supplementary materials required by this Ordinance when submitted for consideration. (See also PLAN.)

SURVEYOR: A professional land surveyor licensed and registered in the Commonwealth of Pennsylvania.

SWALE: A low-lying stretch of land which gathers or carries surface water runoff.

SWM: Stormwater Management

TRACT: An area, parcel, site, piece of land or property which is the subject of a subdivision or land development application.

USDA: United States Department of Agriculture.

WAIVER: A modification granted by the Planning Commission and Borough Council for relief from the strict application of a specific requirement or provision of this Ordinance, which if enforced would cause unique and undue hardship for the applicant.

WATER COURSE: Any river, stream, run, drainage way, lake, pond or other body of water appearing as a permanent or intermittent waterway on United States Geological Survey maps.

WATERSHED AREA: Region or area drained by a river, watercourse, or other surface water of this Commonwealth. (See also DRAINAGE AREA.)

WATERSHED STORMWATER MANAGEMENT PLAN: A plan for managing storm

water run-off from and within a particular watershed area.

WETLANDS: Areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For the purposes of this Ordinance, the term includes, but is not limited to, wetland areas listed in the State Water Plan, the U.S. Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the U.S. Fish and Wildlife National Wetlands Inventory and wetlands designated by a river basin commission.

ENACTED AND ADOPTED by the Borough Councilthis *11th* day of *April, 2012.*

ATTEST: council of the borough of factoryville

By:

# Factoryville BoroughManager Council President

APPROVED, this *11th* day of *April*, *2012*, by the Mayor of the Borough of Factoryville.

ATTEST:

Factoryville Borough Manager Mayor