

ORDINANCE NO. HR-364

Tredyffrin Township
Chester County, Pennsylvania

AN ORDINANCE AMENDING THE TREDYFFRIN TOWNSHIP CODE OF ORDINANCES BY ADDING A NEW CHAPTER 72, ARTICLE 1, PERTAINING TO THE TREDYFFRIN TOWNSHIP STORM SEWER SYSTEM BY ESTABLISHING DEFINITIONS, REGULATIONS AND PENALTIES PROHIBITING DISCHARGES OF CERTAIN MATERIALS INTO THE TOWNSHIP STORM SEWER SYSTEM IN ORDER TO BRING TREDYFFRIN TOWNSHIP INTO COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT PROGRAM.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township as follows:

Section I: The Tredyffrin Township Code of Ordinances is amended by adding a new Chapter 72, Storm Sewers, Article 1, Prohibited Discharges to Storm Sewer System, to read as follows:

§72-1 Definitions; word usage.

- A. As used in this chapter, words in the singular include plural and those in the plural include singular. Words in the present tense include future tense. The word “person” includes corporation, unincorporated association and partnership, as well as an individual.
- B. The following words, as used in this chapter, shall have the following meanings indicated below:

Applicant – A landowner or developer, including heirs, successors and assigns, who has filed an application with the Township.

Best Management Practices (BMPs) – Stormwater quantity and quality management measures, techniques, controls, etc. utilized to mitigate and minimize the negative impacts of runoff to streams, lakes, wetlands, forests, residential, business, commercial, or institutional properties, as well as new land development sites. BMPs can be nonstructural (preventative actions) and structural (treatment facilities).

Groundwater Supply – A supply of water which is drawn from wells or springs.

Groundwater Table – The depth at which soil particles approach saturation with water.

Spring – A place where water flows naturally from rock or soil upon the land or into a body of surface water.

Storm Sewer – A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

Stormwater – Water which surfaces, flows, or collects during and subsequent to rain or snowfall events.

Stormwater Management – Procedures involved in the control of water that runs off the surface of the land from rain and melting snow.

Stream – A natural watercourse with perennial or intermittent flow.

Swale (drainage, natural) – A low-lying stretch of land (natural) which collects or carries surface water runoff.

Swimming Pool – A water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-ground pool, having a depth of more than 30 inches, designated, used, and maintained, for swimming and bathing.

Township Engineer – Duly appointed employee or independent contractor performing engineering services for the Township or such individual appointed by the Supervisors to perform the duties and services designated herein.

Watercourse – A channel or conveyance of surface water having defined bed and banks, whether natural or artificial.

Wetlands – Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and which 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.

§72-2. Prohibited Discharges.

- A. No person in Tredyffrin Township shall allow, or cause to allow, stormwater discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Discharges which may be allowed, based on a finding by the Township that the discharge(s) do not significantly contribute to pollution of surface waters of the Commonwealth or reduce the hydraulic capacity of the existing storm sewer system, are:
 - Discharges from fire fighting activities,

- Potable water sources including dechlorinated water line and fire hydrant flushings,
- Irrigation drainage,
- Routine external building washdown (which does not use detergents or other compounds),
- Air conditioning condensate,
- Water from individual residential car washing,
- Uncontaminated water from foundation or from footing drains,
- Flows from riparian habitats and wetlands,
- Lawn watering,
- Pavement washwaters 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.

All authorized non-stormwater discharges shall be directed through existing stabilized vegetated areas prior to entering the Township storm sewer system.

- C. In the event that the Township determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Township will notify the responsible person to cease the discharge.
- D. Upon notice provided by the Township under Subsection C, the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
- E. Nothing in this Section shall affect a discharger's responsibilities under state or federal law.

§72-3. Prohibited Non-Stormwater Connections.

The following connections are prohibited, except as provided in §72-2.B. above:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks.
- B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by Tredyffrin Township.
- C. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches/ swales. Roof drains shall be discharged to existing vegetated areas, or shall be discharged into appropriate stormwater BMPs (infiltration, vegetative, etc.) to the maximum extent practicable.

§72-4. 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.

§72-5. Enforcement.

- A. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township may order compliance by written notice to the responsible party. Such a notice may require without limitation:
 - The performance of monitoring, analyses, and reporting;
 - The elimination of prohibited connections or discharges;
 - Cessation of any violating discharges, practices, or operations;
 - The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and/or
 - Payment of a fine to cover administrative and remediation costs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work may be done by the Township or designee and the expense thereof, including reasonable attorneys fees and costs, shall be charged to the violator and shall be a lien against the property in question and shall be collected in the manner provided by law for the filing and collection of such liens.
- C. Failure to comply within the time specified shall also subject such responsible person or party to the provisions of §72-6 and §72-7 of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

§72-6 Suspension and Revocation of Permits and Approvals.

- A. Any building, land development or other permit(s) or approval(s) issued by Tredyffrin Township may be suspended or revoked by the Township for:
 - 1. A violation of any provision of this Ordinance; or
 - 2. 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.
- B. A suspended permit or approval shall be reinstated by the Township when:
 - 1. The Township Engineer or designee has inspected and approved the corrections, or elimination of the hazard or nuisance; and/or

2. The Township is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.

§72-7. Violations and penalties; enforcement remedies.

- A. Any violation of this Ordinance shall be enforced as a summary offense by an action before a District Justice. Any person violating the provisions of this Ordinance shall be subject to a fine of not more than \$1,000 for each violation, recoverable with attorney fees and costs. Each day that the violation continues shall be a separate offense.
- B. In addition, the Township, 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. A 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.

§72-8. Appeals.

Any person aggrieved by any action of the Township, under this Ordinance, may appeal to the Chester County Court of Common Pleas pursuant to the Local Agency Law, within the time period allowed.

§73-9. Right of Entry.

The authorized representatives of the Township may enter at reasonable times any property within the Township to inspect any drain, conveyance, discharge or stormwater facility under this Ordinance, consistent with federal and state laws.

Section II. This Ordinance shall become effective thirty-one (31) days from enactment.

ENACTED and **ORDAINED** this day 15th of October, 2007, by the Board of Supervisors of Tredyffrin Township.

BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP

ATTEST:

Manager

By: _____
Chairman