Article I
General Provisions

Section 101 Introduction

Storm water management consists of the planning, design, and control of the conveyance and storage of surface waters resulting from precipitation. Major objectives are the protection of water quality, the prevention of flooding and erosion, and the promotion of the natural recharge of ground water. The Pennsylvania Storm Water Management Act was enacted in 1978 to address these crucial issues. The intent of the Act is to encourage storm water run-off planning and management, with the program administered locally, consistent with the Commonwealth's duty as trustee of natural resources and the peoples constitutional right to the preservation of the environment. The Act places major responsibility for managing storm water on the landowner or developer.

Section 102 Short Title

This Ordinance shall be known, and may be cited as the South Buffalo Township Storm Water Management Ordinance.

Section 103 Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, the Storm Water Management Act, Act of 1978, October 4, P.L. 864 (Act 167).

Section 104 Statement of Findings

The General Assembly found that inadequately managed storm water run-off is disruptive to the natural drainage system, is costly, and threatens public health and safety. The governing body of South Buffalo Township finds that:

A. Inadequate management of accelerated run-off of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, over-taxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

B. A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated run-off, is fundamental to the public health, safety, and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Section 105 Purpose

The purpose of this Ordinance is to promote the public health, safety and welfare by minimizing the damage described in Section 104 A of this Ordinance with provisions designed to:

A. Control accelerated run-off and erosion and sedimentation problems at their source by regulating the activities that cause such problems;

B. Utilize and preserve desirable existing natural drainage systems;

C. Manage the quantity, velocity, and direction of post-development run-off to adequately protect health, safety, and property;

D. Mitigate flood flows and velocities;

E. Prevent over-taxing and carrying capacity of streams and waterways;

F. Prevent over-taxing and carrying capacity of sanitary sewers;

G. Augment the flood plain management and storm water control efforts of down-stream communities;

H. Decrease stream pollution through the use of erosion and sedimentation controls;

I. Maintain or increase the rate of ground-water recharge;

J. Maintain or improve the quality of ground-water for use by future generations;

K. Provide for the design, installation and proper maintenance of all permanent storm water management structures;

L. Assure that the peak rate of storm water run-off is no greater after development activities than prior to development; and

M. Prevent increases in the quantity or rate of run-off which would alter the existing hydraulic characteristics of streams in ways which would cause harmful impacts.

Section 106 Applicability

This Ordinance shall apply to all land and watercourses within South Buffalo Township, Armstrong County in conjunction with the following activities:

A. Subdivision and/or Land Development;

B. Land disturbance, earth moving, and/or alteration involving 1 with a Point Source Discharge to a Surface Water of the Commonwealth acres or more;

C. Construction of new or additional impervious surfaces of 10,000 square feet or more (i.e. driveways, parking lots, etc.);

D. Construction of new buildings or additions to existing buildings when the impervious surfaces of the addition or proposed construction is greater than 10,000 square feet;

E. Changes or alterations of any water course or drainage-way where the contributory drainage area is greater than 100 acres;

F. Diversion or piping of any natural or man-made stream channel; and

G. Installation of storm water management facilities/controls.

Section 107 Exemptions

Any regulated activity that meets the following exception criteria is exempt from the provisions of this Ordinance. This criterion shall apply to the total development even if development is to take place in phases. Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property. No exemption shall be granted for activities as defined in Section 106.E., 106.F., and 106.G.

A. The Applicant may provide documentation from a Registered Professional Engineer in the Commonwealth of Pennsylvania that the flows from the project site leaves the built project site in the same manner as the pre-development condition, and that there will be no adverse affects to properties along the path of flow(s), or that the increased flow(s) will reach a natural

watercourse or an existing storm water management structure before adversely affecting any property along the path of the flow(s);

B. Any development activity which will result in the creation of new impervious surface area of not more than 10,000 square feet shall be exempt from the application of the release rate percentage and from the detailed Storm Water Management Plan submission and review requirements. However, development activity, which is, exempt from submission and review because if it's small size must provide adequate on-site management of storm water to protect neighboring property from harm.

C. Use of land for gardening for home consumption;

D. Agricultural purposes when operated in accordance with a Conservation Plan or Erosion and Sedimentation Control Plan found adequate by the Armstrong Conservation District. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Ordinance;

E. Forest Management operations as regulated by the Department of Environmental Protection (DEP) Management Practices contained in the publication *Soil Erosion and Sedimentation Control Guidelines for Forestry* and are operating under an Erosion & Sedimentation Control Plan as approved by the Armstrong Conservation District.

Section 108 Repealer

Any Ordinance of South Buffalo Township that is inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 109 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.

Section 110 Compatibility with other Restrictions

Permits and approvals issued pursuant to this Ordinance do not relieve the Applicant from the responsibility to secure required permits or approvals for

activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of storm water or erosion and sedimentation control are contained in the other codes, rules, acts, or ordinances, the more stringent regulation(s) shall apply.

Article II
Storm Water Management

Section 201 Storm Water Management

All areas of South Buffalo Township shall fall under Section 203 Design Standards, of this Ordinance.

Section 202 General Requirements

A. All regulated activities, which do not fall under Exemptions, Section 107 of this Ordinance, shall submit to the South Buffalo Township Municipal Engineer (ME), a Storm Water Management Plan consistent with this Ordinance.

A. All criteria as provided in this Ordinance shall apply to the total proposed development even if development is to take place in stages or phases. All storm water runoff flowing over the project site must be considered.

B. Impervious surfaces shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Where impervious surfaces are permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, surface construction specifications shall be noted on the plan.

C. Roof drains, footer drains or other similar water carrying devices shall be connected to: roadside ditches, drainage-ways, swales, and other runoff dispersion and absorption control devices as approved.

D. No discharge of toxic materials into any storm water management system is permitted.

E. Flow velocities from any storm drain may not result in a deflection of the receiving channel.

F. Any areas designed to initially be gravel or crushed stone shall be assumed to be an impervious surface for the purposes of comparison to the exemption criteria.

G. Natural drainage-ways shall be utilized to the maximum extent possible in carrying storm water run-off, provided such use remains consistent with the purpose of this Ordinance.

H. Run-off from a site shall not be concentrated or increased and discharged onto adjacent property without the written consent of the adjacent landowners in the form of a drainage easement.

I. Existing areas of concentrated drainage that discharges onto adjacent property

shall not be altered without permission of the altered property owner(s) and shall be subject to any applicable discharge criteria as specified in this Ordinance. Existing areas of diffused drainage discharge shall be subject to any applicable discharge criteria, whether proposed to be concentrated or maintained as diffused drainage, except as otherwise provided for in this Ordinance.

J. Where a development site is traversed by watercourses, drainage-ways, channels or streams, there shall be provided a drainage easement conforming substantially with the line of such water-course, drainage-way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural discharge or for the purpose of widening, deepening, improving or protecting such drainage facilities.

K. It is the responsibility of the Developer or his agent to delineate any and all wetlands contained within the development site.

L. Storm water management facilities regulated by this Ordinance and located on State transportation rights-of-way shall be subject to approval by PADOT.

M. The ability to retain and maximize the groundwater recharge capacity of the area being developed in encouraged.

N. Design of storm water management facilities/controls shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over.

O. A detailed geologic evaluation of the project site may be requested to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified geologist and/or soil scientist; and at a minimum, the evaluation shall address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability.

P. Development or construction which is exempt from a submission and review because of its small size must provide adequate on-site management of storm water to protect neighboring property from harm.

Q. Provisions for management of storm water on small development sites shall be approved by the Municipal Engineer, and no building permit will be granted prior to receiving such approval.

203 Design Standards

All activities regulated herein shall be designed and maintained in accordance with the following requirements:

R. All sites shall limit the rate of storm water run-off so that no greater rate of run-off from the site is permitted than that occurring prior to development. For calculation purposes, the site shall be assumed to be a meadow in good condition (Hydrologic Soils Group "C", run-off curve No. 70).

S. Predevelopment, post development, and the design of runoff control facilities shall be computed for storm frequencies of 2-, 10-, and 100- year storm events. The NRCS 24-hour, Type II rainfall distribution shall be used for all analyses. The design storm, along with the 24-hour total rainfall for these storm frequencies are:

Design Storm	Rainfall (depth in inches)
2 year	2.60
10 year	3.90
100 year	5.50

T. Storm drainage conveyance systems for projects shall be designed to a minimum of a 10-year storm without surcharging inlets; stormwater drainage conveyance systems shall be evaluated for a 100-year storm so as not to endanger life or seriously damage property.

U. The minimum storage capacity for the storm water management system shall be the storage capacity required to accommodate a post-development 2-, 10-, and 100- year, 24 hour frequency storm, to be released at a rate not to exceed the pre-development 2-, 10-, and 100- year, 24-hour storm discharge. For calculation purposes, the site shall be assumed to be a meadow in good condition (Hydrologic Soils Group "C", run-off curve No. 70).

V. Downstream Hydraulic Capacity Analysis (DHC): any DHC analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:

1. Natural or man-made channels or swales must be able to convey the increased run-off associated with a 2-year return period event within their banks at velocities consistent with protection of the

channels from erosion. Acceptable velocities shall be based upon criteria included in the *DEP Erosion and Sediment Pollution Control Program Manual.*

2. Natural or man-made channels or swales must be able to convey the increased 10-year post development storm without creating any hazard to person or property.

3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year return period run-off.

W. Upon the completion of any development activity, it shall be the responsibility of the developer to submit record drawings certified by a Professional Registered Engineer that all storm water management facilities were constructed as approved.

X. All storm water management facilities shall be completed and fully operable before occupancy permits are issued.

Y. All facilities shall be subject to inspection.

Section 204 Design Criteria

Methods of identification and computation and selection of storm water management techniques to be used in complying with the provisions of this Ordinance shall be in accordance with the following criteria:

A. All run-off shall be computed using the USDA Soil Conservation Service Soil-Cover Complex Method. The peak discharge and volumes of run-off shall be determined by using the *Engineering Field Manual, USDA Soil Conservation Service, and by using Urban Hydrology for Small Watersheds, Technical Release No. 55, USDA SCS, June 1986,* or other methods approved by the Armstrong Conservation District.

B. Detention ponds and retention basins shall be designed in accordance with *USDA -NRCS Pond Specification #378* or equivalent.

C. Storm drainage out-fall treatment and/or channel protection shall be provided pursuant to the *Erosion Control Regulations of the Pennsylvania Department of Environmental Resources, 25 PA Code, Section 102.1, et seq.*

D. Structure classification shall be pursuant to *Chapter 105, Water Obstructions and Encroachments, Pennsylvania Department of Environmental Resources (25 PA Code), and Engineering Field Manual, Chapter 6, USDA SCS, 1975 (rev. 1977).*

E. Delineation of soil types shall be pursuant to the *Soil Survey of Armstrong County, Pennsylvania, USDA SCS, prepared in cooperation with the Pennsylvania Department of Environmental Resources, August 1977.*

F. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with *Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control* and in accordance with the Armstrong Conservation District.

G. Methods of storm water runoff detention and control which may be utilized if appropriate can be found in the *Pennsylvania Handbook of Best Management Practices for Developing Areas, 1998, PA Department of Environmental Protection, PA Association of Conservation Districts, Inc., Keystone Chapter, Soil and Water Conservation Society, and the US Natural Resources Conservation Service.*

Section 205 Plan Content

The content of the Storm Water Management Plan shall consist of a narrative description of the proposed project, annotated maps, drawings, computations, a schedule of construction, and a Maintenance Plan as per Article VI, Section 602 of this Ordinance. The Storm Water Management Plan shall be prepared by a registered Professional Engineer, and shall contain said Engineer's Seal and Registration Number.

The following information must be shown:

A. the name of the proposed development and the name and address of the developer/property owner(s) and the individual or firm preparing the plan;

B. date of drawings and dates of any revisions;

C. graphic scale (maps shall be drawn at a scale of one (1) inch equals no more than fifty (50) feet;

D. north point;

E. total size and tract boundary with distances marked to the nearest foot and bearings to the nearest degree;

F. existing and proposed use (including the total area of impervious surfaces after construction);

G. existing soil types, flood hazard boundaries, streams, drainage courses, and vegetation;

H. key map showing all existing natural and man-made features beyond the property boundary affected by the project; extent of the watershed and sub-basin which drains through the project site;

I. topographic condition of both existing and proposed elevations at intervals of two (2) feet for land with an average natural slope of four (4) percent (%) or less and at intervals of five (5) feet for land an average natural slope exceeding four (4) percent (%);

J. horizontal and vertical profiles of any existing water-courses, drainage-ways, channels or streams, including hydrologic capacity;

K. construction specifications, including the materials to be used for storm water management facility/control structures;

L. hydraulic, hydrologic, and structural computation for all proposed storm water management facilities/controls and measures;

M. a twenty-foot (20') access easement around all storm water management structures and from such structures to a public right-of-way;

N. if storm water management facilities are off-site, a note on the plan indicating location and responsibility for conveyance and maintenance; all such off-site facilities shall meet the design standards and criteria specified in this Ordinance and shall be included with the plan;

O. a statement, signed by the developer/property owner(s), acknowledging the storm water management facilities/controls to be permanent, and shall be altered or removed only after approval of a revised plan;

P. signature blocks must be placed on the plan for the South Buffalo Township Municipal Engineer and the South Buffalo Township Supervisors (Appendix A).

Section 206 Supplemental Information

In addition to the plan information as listed in Section 202 above, the following information shall be submitted:

A. A written description of:
   1. the overall project concept;
   2. storm water run-off computation as specified;
   3. the effect of the project on run-off volume and rate of flow on adjacent property;
   4. the effect of the project on run-off volume on a municipal storm water drainage system when such will be utilized;
   5. storm water controls both during and after development;
   6. the proposed project development time schedule.

B. A Soil Erosion and Sedimentation Control Plan, including all reviews and approvals, as required by the Pennsylvania Department of Environmental Protection and the Armstrong Conservation District.

C. A declaration of adequacy from District 10 of the Pennsylvania Department of Transportation when utilization of a PADOT storm drainage system is proposed.

D. A description of the maintenance measures for the storm water management facilities/controls in accordance with Article VI Improvements Responsibilities of this Ordinance.

Section 207 Best Management Practices (BMP's) Techniques

A. Temporary BMP's

Methods of storm water runoff detention and control, and erosion and sediment control techniques which may be utilized as temporary storm water management facilities/controls:

1. Diversion
2. Filter Bag
3. Inlet Protection - Block & Gravel Entrance
4. Inlet Protection - Excavated Drain
5. Inlet Protection - Fabric Inlet
10. Sediment Trap
11. Silt Fence
12. Stabilized Construction
13. Straw Bale Barrier
14. Stream Bank

Stabilization
6. Interim Stabilization
7. Outlet Stabilization Structure Protection
8. Sediment Basin
9. Water Quality Inlet
15. Temporary Stream Crossing
16. Tree Preservation and
17. Trench Plug

B. Permanent BMP's

Methods of storm water runoff detention and control, and erosion and sediment control techniques which may be utilized as permanent storm water management facilities/controls:

1. Bioretention
2. Constructed Treatment Wetland
3. Critical Area Planting
4. Diversion
5. Energy Dissipator Management
6. Filter Strip
7. Grass Swale
8. Infiltration Trench & Dry Well
9. Lined Channel
10. Outlet Stabilization Structure
11. Permanent Stabilization Structure
12. Vegetative Stabilization
13. Dry Pond
14. Wed Pond
15. Riparian Corridor
16. Riparian Forested Buffer
17. Rooftop Runoff Management
18. Closed Sand Filter
19. Open Sand Filter
20. Slope Drain

C. The use of other control methods which meet the criteria of this Ordinance will be permitted when approved by the Municipal Engineer.

D. Various combinations of methods may be tailored to suit the particular requirements and features of the project area.

Section 208 Additional E&S Control Design Standard for BMP's

A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.

B. Infiltration BMPs shall not be constructed nor receive run-off until the entire contributory drainage area to the infiltration BMP has received final stabilization.

Article III
Plan Submission, Review, and Modification

Section 301 Plan Submission and Review

A. Two (2) copies of the Storm Water Management Plan shall be submitted to the Municipal Engineer (ME) for review and comment and shall be accompanied by any requisite fees as set forth per the Agreement between South Buffalo Township and the Municipal Engineer (ME).

B. The ME shall review the plan submission and shall provide written comments and recommendations to the Applicant and to South Buffalo Township.

C. Should the plan submission be determined to be inadequate, the ME will forward a deficiency letter to the Applicant and to South Buffalo Township.

D. Should the plan submission be determined to be adequate, the ME will forward an approval letter to the Applicant and to South Buffalo Township.

E. South Buffalo Township shall not approve any activity regulated by this Ordinance that is found to be inadequate.

F. Permits for all activities that require additional state or federal issuance shall be obtained prior to final approval by South Buffalo Township for the activities regulated by this Ordinance.

G. The Applicant shall be responsible for submitting one (1) copy of As-Built drawings of all storm water management facilities/controls to the ME and one (1) copy shall be submitted to South Buffalo Township.

H. The ME will review the As Built for consistency with the preapproved plan submission.

Section 302 Plan Modifications

A. Any modification to an approved Storm Water Management Plan which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which are necessary because soil or other conditions are not as stated on the approved application (as determined by the ME), shall be resubmitted for review by the ME and must be noted on the plan as a revision to the Plan.

B. All modifications to an approved plan that have not been resubmitted and reviewed by the ME shall be considered a violation of this Ordinance.

Article IV
Inspections

Section 401 Schedule of Inspections

A. The municipal assignee shall inspect all phases of the installation of the permanent storm water management facilities/controls at the cost of the Applicant.

B. During any stage of the work, if the municipal assignee determines that the permanent storm water management facilities/controls are not being installed in accordance with this Ordinance and per the approved plan, the South Buffalo Township Supervisors shall revoke any existing permits until a revised plan is submitted to the Municipal Engineer and approved.

Article V
Fees and Expenses

Section 501 Review Fees

The fees required by this Ordinance are by Resolution of the South Buffalo Township Supervisors and have been established per the Agreement between the South Buffalo Township Supervisors and the Municipal Engineer. All fees shall be paid by the Applicant.

Section 502 Inspection Fees

All fees associated with inspection of the storm water management facility/controls shall be the responsibility of the Applicant.

Article VI
Improvements Responsibilities

Section 601 Improvements Guarantee

A. The Applicant shall provide a financial guarantee to South Buffalo Township for the timely installation and proper construction of all storm water management facilities/controls as required by this Ordinance equal to one hundred ten (110) percent (%) of the total cost of construction of the required facilities/controls as per the PA Municipalities Planning Code, Act 247, Article V, Section 509 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval and Section 511 Remedies to Effect Completion of Improvements, and Article V-A, Municipal Capital Improvement.

B. No improvement guarantee shall be released by the Municipality until all storm water management facilities/controls have been inspected and found to be properly installed.

Section 602 Maintenance Responsibilities

A. The plan submission shall include an Operation and Maintenance Plan prepared by a Registered Professional Engineer. The Operation and Maintenance Plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the controls.

B. The Operation and Maintenance Plan shall establish responsibilities for the continuous operation and maintenance of all proposed controls, consistent with the following:

1. If a development site is to be maintained in a single ownership or if sewer and other public improvements are to be privately owned and maintained, then the ownership and maintenance of storm water control facilities/controls shall be the responsibility of the property owner or private management entity.

2. The governing body of South Buffalo Township shall make the final determination on the continuing maintenance responsibilities prior to final approval. The governing body reserves the right to reject the ownership and operating responsibility for any or all storm water management facilities/controls.

3. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to South Buffalo Township, storm water facilities/controls may also be dedicated to and maintained by South Buffalo Township, provided the Township agrees to accept the dedications.

Section 603 Maintenance Agreement - Privately Owned Facilities/Controls

A. Prior to final approval of the site's Storm Water Management Plan, the applicant/property owner(s) shall sign and record a Maintenance Agreement (Appendix B) covering all privately owned storm water facilities/controls.

B. Other items may be included in the Maintenance Agreement where determined necessary to guarantee the satisfactory maintenance of all facilities/controls. The Maintenance Agreement shall be subject to the review and approval of the South Buffalo Township Solicitor.

Section 604 Municipal Storm Water Maintenance Fund

A. If storm water facilities/controls are accepted by South Buffalo Township for dedication, the Applicant/Developer/Property Owner may be required to pay a specified amount to South Buffalo Township to be deposited in a Municipal Storm Water Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

   If the storm water management facility/control(s) are to be owned and maintained by South Buffalo Township, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Municipal Engineer will establish the estimated costs utilizing information submitted to the Township by the Applicant/Property Owner(s).

B. If after ten (10) years, there is any amount remaining in the Municipal Storm Water Maintenance Fund less the cost of inspection over the previous ten (10) years, the unused portion of the Maintenance Fund deposit will be returned to the depositor upon written request.

Section 605 Post-Construction Maintenance Inspections

A. All storm water facilities/controls shall be inspected by a Professional Engineer at the expense of the Applicant or Property Owner based on the following schedule unless agreed otherwise by South Buffalo Township:

1. Annually for the first five (5) years.
2. Once every three (3) years thereafter.
3. During or immediately after the cessation of a 100 year or greater storm event.

B. The Professional Engineer conducting the inspection shall submit a report to the South Buffalo Township Supervisors regarding the condition of the facility and recommending any necessary repairs.

Article VII
Enforcement & Penalties

Section 701 Right-of-Entry

Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the condition of the storm water facility/controls in regard to any aspect regulated by this Ordinance.

Section 702 Notification of Violation

A. Whenever any person shall have violated the terms of this Ordinance, the Applicant or person(s) responsible for the violations shall be notified in writing and shall be directed to comply with all terms of this Ordinance within ten (10) days, or such additional period, not to exceed thirty (30) days, as the Township deems necessary and reasonable.

B. Further, provided the Applicant or person(s) responsible for the violation does not make the necessary and required corrections, South Buffalo Township may make the necessary and required corrections and charge the Applicant or person(s) responsible for the cost, plus penalties as specified herein for failure to comply.

C. Such Notice of Violation must be delivered in writing by certified mail or by posting of the property in a conspicuous place.

Section 703 Enforcement

A. The governing body of South Buffalo Township or the Township designee is hereby authorized and directed to enforce all of the provisions of this Ordinance.

B. All inspections regarding compliance shall be the responsibility of the municipality.

Section 704 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.

Section 705 Penalties

Any person who fails to comply with this Ordinance within the period stated in the Notice of Violation shall, upon conviction thereof, be guilty of a summary offense:

A. And shall be sentenced to pay a penalty of not more than Three Hundred ($300.00) Dollars.

B. Each and every day of continued violation shall constitute a separate violation.

C. In the event that the owner, developer, or person(s) responsible fails to comply with the terms of this Ordinance within the time specified:

1. The municipality may take any actions necessary to remove the public nuisance, or

2. The municipality 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.

3. The cost of removal, fine, and penalties herein above mentioned may be entered by South Buffalo Township Supervisors as a lien against such property in accordance with existing provisions of law.

Section 706 Appeals

A. Appeals to the South Buffalo Township Supervisors

Any person aggrieved by any action of the municipal assignee (duly authorized municipal representative) may appeal in writing to the South Buffalo Township Supervisors within ten (10) days of that action.

B. Appeals to Court:

Any person aggrieved by a decision of the South Buffalo Township Supervisors or their municipal assignee (duly authorized municipal representative) may appeal to the Armstrong County Court of Common Pleas within thirty (30) days of that decision.

Article VIII
Interpretation and Definitions

Section 801 Language Interpretations

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used or occupied".

Section 802 Definitions

The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section. All words and terms not defined herein shall be used with a meaning of standard usage.

Accelerated Erosion
The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

Agricultural Activities
The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures.

Alteration
As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant
A landowner or developer who has filed an application for approval of storm water management controls.

Assignee
The agent for South Buffalo Township involved with the administration, review or enforcement of any provision of this Ordinance by contract or memorandum of understanding.

Bioretention
Two types of bioretention facilities exist: off-line area and on-line areas.
Off-line Areas - consist of sand and soil mixtures planted with native plants, which receive runoff from overland flow or from a diversion structure in a traditional drainage system.
On-line Areas - consist of sand and soil mixtures planted in grass swales or other conveyance systems that have been modified to enhance pollutant removal by quiescent settling and biofiltration.

BMP (Best Management Practice)
Storm water structures, facilities and techniques to maintain or improve the water quality of surface run-off.

Channel Erosion
The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

Conservation District
The Armstrong County Conservation District.

Constructed Treatment Wetland
Artificial shallow water-filled basins that have been planted with emergent plant vegetation designed to achieve specific stormwater water-quality objectives before the water is discharged.

Critical-Area Planting
Consists of planting vegetation, such as trees, shrubs, vines, grasses or legumes, on highly erodible or critically eroding areas (does not include trees planted

mainly for wood products).

Culvert
A structure with appurtenant works which carries a stream under or through an embankment or fill.

Dam
An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semi-fluid.

Design Storm
The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. 10-yr. storm) and duration (e.g. 24-hour), and used in computing storm water management control systems.

Detention Basin
An impoundment structure designed to manage storm water run-off by temporarily storing the run-off and releasing it at a predetermined rate.

Developer
A person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, who undertakes the activities covered by this Ordinance.

Diversion
A channel constructed across a slope with a supporting ridge on the downslope side.

Drainage Easement
Aright granted by a property owner to a grantee, allowing the use of private land for storm water management purposes.

Energy Dissipator
A structure that reduces high energy levels in water flows to reduce or prevent erosion.

Filter Bag
A bag constructed of nonwoven geotextile fabric that filters sediment-laden waters passing thorough it.

Filter Strip
A vegetated or forested boundary characterized by uniform mild slopes.

Erosion
The removal of soil, stone, and other surface materials by the action of natural elements.

Erosion and Sediment Pollution Control Plan
A plan which is designed to minimize accelerated erosion and sedimentation pursuant to 25 PA Code, Chapter 102.

Flood Plain
Any land area susceptible to being inundated by water from any natural source and specified by the Department of Environmental Protection.

Floodway
The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood.

Forest Management Operations
All activities connected with growing and harvesting of forest products including the site preparation, cultivation and logging of trees, and the construction and maintenance of roads

Grading
The act of excavating and/or filling land for the purpose of changing natural slope.

Grass Swale
A constructed open-channel drainageway.

Ground-water Recharge
Replenishment of existing natural underground water supplies.

Impervious Surface
A surface which prevents the penetration of water into the ground.

Infiltration Structure
A structure designed to direct run-off into the ground, such as french drains, seepage pits, or seepage trenches.

Infiltration Trench and Dry Well

Excavated trenches in which stormwater runoff is collected and percolated to the surrounding soil.

Inlet
A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Inlet Protection-Block and Gravel
A sediment control barrier formed around a storm drain inlet by using standard concrete blocks and gravel.

Inlet Protection-Excavated Drain
A type of inlet protection in which an area at the approach to a storm drain drop inlet or curb inlet is excavated.

Inlet Protection-Fabric Insert
A fabric sack suspended inside a catch basin.

Interim Stabilization
The stabilization of disturbed areas with erosion blankets, mulching, or a temporary vegetative cover until permanent cover can be established.

Land Development
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; (c) a subdivision of land.

Land/Earth Disturbance
Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity which causes land to be exposed to erosion.

Lined Channel
Channels that incorporate erosion-resistant linings on banks and bottoms to resist scour and erosion. Lining materials may include riprap, gabion mattresses, or interlocking paving blocks, concrete, or synthetic fabrics.

Municipality
The Township of South Buffalo, Armstrong County, Pennsylvania.

NRCS
Natural Resources Conservation Service, US. Department of Agriculture, formerly known as Soil Conservation Service.

Outlet
Points of water disposal from a stream, river, lake, or artificial drain.

Outlet Stabilization Structure
A physical device composed of rock, grouted riprap, or concrete rubble that is placed at the outlet of a pipe.

Peak Discharge
The maximum rate of flow of water at a given point and time resulting from a storm event.

Pennsylvania Municipalities Planning Code
Act of 1968, July 31, P.L. 805, No.247 as reenacted and amended.

Permanent Vegetative Stabilization
The establishment of perennial vegetative cover on disturbed areas.

Pond-Dry
A permanent storm water management facility that temporarily stores incoming stormwater but is typically dry between storm events. To qualify as a BMP, dry ponds incorporate extended detention of runoff derived from small rainfall events.

Pond, Wet
A permanent storm water management facility that stores water as a means of enhancing water quality through sediment settlement and stores an additional capacity of water above the permanent pool for detaining stormwater runoff.

Retention Basin
A basin in which the run-off from a given flood event is stored and is not discharged into the downstream drainage system during the flood event.

Riparian Corridor Management
Structural measures and management policies designed to restore or enhance the beneficial hydrologic properties of natural stream corridors (including flood and adjacent upland buffers).

Riparian Forested Buffer
Land that adjoins and is immediately upgradient from rivers or streams that are vegetated with a combination of trees, shrubs, and herbaceous plants.

Rooftop Runoff Management
Modifications to conventional building design that retard runoff originating from roofs. Modifications include: vegetated roof covers, roof gardens, and vegetated building facades.

Run-off
That part of precipitation which flows over the land.

Sand Filter, Closed
A treatment system that treats runoff by settling and filtering through sand and then collected in underground pipes and discharged to a storm drain, a stream, or a channel.

Sand Filter, Open
A treatment system that treats runoff by diverting the flow into a self-contained bed of sand. Enhanced Open Sand Filters use layers of peat, limestone, or topsoil, and also may have a grass cover crop. Run-off from Open Sand Filters is then collected in underground pipes and can be discharged into a storm drain system, a stream, a channel, or infiltrated to groundwater.

SCS
Soil Conservation Service, U.S. Department of Agriculture, now known as Natural Resources Conservation Service (NRCS).

Sediment
Solid material, both mineral and organic, that is in suspension is being transported, or has been moved from its site of origin by water.

Sedimentation
The process by which mineral or organic matter is accumulated or deposited by the movement of water.

Sediment Basin
A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other water transported material.

Sediment Trap
Temporary control measures that have raised embankments that impound runoff

and outlet structures that retard the release of impounded water. Are used for reducing sediment pollution from small disturbed drainage areas.

Silt Curtain
A temporary geotextile (filter fabric) barrier installed within a waterbody that controls coarse sediment by creating a settling area.

Silt Fence
A temporary barrier of entrenched geotextile (filter fabric) stretched across and attached to supporting posts that is used to intercept sediment-laden runoff from small drainage areas.

Slope Drain
A temporary pipe for draining the top of a slope and conveying the water to a stable discharge point at the bottom of a slope without causing erosion.

Soil-Cover Complex Method
A method of run-off computation publicized in "*Urban Hydrology for Small Watersheds*", Technical Release No. 55, June 1986.

Stabilized Construction Entrance
A stabilized pad with a roughened surface, located at points where traffic will be entering or leaving a construction site from a public right-of-way, street, alley, sidewalk, or parking area. Also known as "tire cleaning strips".

Straw Bale Barrier
A temporary barrier consisting of a row of entrenched and anchored straw bales or similar material used to intercept sediment-laden runoff from small drainage areas of disturbed soil.

Stream Bank Stabilization
A collection of methods for stabilizing stream banks by vegetative and mechanical means.

Storm Frequency
The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years.

Storm Sewer
The drainage run-off from the surface of the land resulting from precipitation, snow, or ice melt.

Storm Water
The total amount of precipitation reaching the ground surface.

Storm Water Management Facility/Control
Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects storm water run-off. /Typical storm water management facilities/controls include, but are not limited to, detention basins, open channels, storm sewers, pipes, and infiltration structures.

Swale
A low lying stretch of land which gathers or carries surface water run-off.

Temporary Stream Crossing
A bridge, culvert, or ford placed across a waterway for short-term use by construction vehicles or heavy equipment.

Tree Preservation and Protection
The protection of desirable trees from mechanical and other injury during land-disturbing and construction activity.

Trench Plug
Temporary or permanent barriers installed at regular intervals in pipe trenches.

USDA
United States Department of Agriculture.

Watercourse
A stream of water, river, brook, creek, or a channel or ditch for water, whether natural or manmade.

Watershed
The entire region or area drained by a river or other body of water, whether natural or artificial; a drainage basin or sub-basin.

Water Quality Inlet
A three-stage underground retention system designed for removing heavy particulates and absorbed hydrocarbons from stormwater runoff. Also known as oil-grit separators.

Wetland

Those areas that are inundated with water or saturated by surface ground water at a frequency and duration sufficient to support, and that under normal circumstance do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

Article IX
Enactment

Section 901 Effective Date

The provisions of this Ordinance shall be effective from and after June (month), 14 (day), 20 04 (year).

ORDAINED AND ENACTED by the Supervisors of South Buffalo Township, Armstrong County, Pennsylvania this June (month), 14 (day), 20 04 (year).

South Buffalo Township Supervisors

ATTEST: _____
Secretary

APPENDIX A
Signature Blocks

South Buffalo Township
Municipal Engineer:

The Municipal Engineer has reviewed and hereby certifies that this Storm Water Management Plan meets all design standards and criteria of the South Buffalo Township Storm Water Management Ordinance.

_____
South Buffalo Municipal Engineer

South Buffalo Township Supervisors:

The South Buffalo Township Supervisors, upon recommendation from the Municipal Engineer, has approved this Storm Water Management Plan this ___ day of _____, in the year 2____.

ATTEST:

_____ _____

South Buffalo Twp. Secretary South Buffalo Twp. Supervisor

APPENDIX B

South Buffalo Township
Storm Water Management
Maintenance Agreement

THIS AGREEMENT, made and entered into this _____ day of _____,
(month)

in the year 20____, by and between, _____

(hereinafter the "Property Owner"), and South Buffalo Township, Armstrong County; Pennsylvania, (hereinafter "Municipality").

WITNESSETH

WHEREAS, the Property Owner is the owner of certain real estate as recorded

by deed in the land records of Armstrong County, Pennsylvania, Deed Book ,

Page _____, (hereinafter "Property").

WHEREAS, the Property Owner is proceeding to build and develop Property;
and

WHEREAS, the Storm Water Management Plan (hereinafter "Plan") for the Property is expressly made a part hereof, as approved or to be approved by the Municipality, provides for the detention, retention, and control of storm water within the confines of the Property; and

WHEREAS, the Municipality and the Property Owner, his successors, heirs, and assigns agree that the health, safety, and welfare of the residents of South Buffalo Township require that on-site storm water management facilities or controls be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the approved Plan, that storm water management facilities/controls as shown on the Plan be constructed and adequately maintained by the Property Owner, his successors, heirs, and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water management facilities/controls shall be constructed by the Property Owner, his successors, heirs, and assigns, in accordance with the terms, conditions and specifications identified in the approved Plan.

2. The Property Owner, his successors, heirs, and assigns, shall maintain the storm water management facility/controls in good working condition, acceptable to the Municipality, in a way that the facility/controls are performing as per their intended design functions.

3. The Property Owner, his successors, heirs, and assigns, hereby grants permission to the Municipality, the duly authorized municipal representatives/assignees and /or employees, upon presentation of identification if requested, to enter upon the Property at reasonable times, and to inspect the storm water management facilities/controls whenever the Municipality deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities/controls. The inspection shall cover the entire facility, berms, outlet structures, pond area, access roads, etc. When inspections are conducted, the Municipality shall give the Property Owner, his successors, heirs, and assigns, copies of the Inspection Report with findings and evaluations. At a minimum, maintenance inspections shall be performed in accordance with the following schedule:
   * Annually for the first five (5) years after construction of the facility/control.
   * Once every three (3) years thereafter, or
   * During or immediately upon the cessation of a 100 year or greater precipitation event.

4. All reasonable costs for said inspections and inspection reports shall be born by the Property Owner and payable to the Municipality.

5. The Property Owner shall convey to the Municipality, adequate easements and/or rights-of-way to assure access for periodic inspections by the Municipality.

6. In the event the Property Owner, his successors, heirs, and assigns, fail to maintain the storm water management facilities/controls in good working

condition acceptable to the Municipality, the Municipality may enter upon the Property and take such necessary and prudent action to maintain said storm water management facilities/controls and to charge the costs of the maintenance and/or repairs to the Property Owner, his successors, heirs, and assigns. This provision shall not be construed as to allow the Municipality to erect any structure of a permanent nature on the land of the Property Owner, outside of any easement belonging to the Municipality.

7. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.

8. The Property Owner, his successors, heirs, and assigns, will perform maintenance in accordance with the approved maintenance schedule for the storm water management facilities/controls including sediment removal as outlined on the approved Plan.

9. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Property Owner's or his successors, heirs, and assigns' failure to perform such work, the Property Owner, his successors, heirs, and assigns, shall reimburse the Municipality upon demand, within thirty (30) days of receipt of invoice thereof, for all costs incurred by the Municipality hereunder. If not paid within said thirty (30) day period, the Municipality may enter a lien against the property in the amount of such costs, or may proceed to recover the costs through proceedings in equity or at law as authorized under the provisions of the PA Municipalities Planning Code, Act 247.

10. The Property Owner, his successors, heirs, and assigns, shall indemnify the Municipality and the authorized agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the Municipality for the construction, presence, existence or maintenance of the storm water management facilities/controls by the Property Owner, his successors, heirs, and assigns.

11. In the event a claim is asserted against the Municipality, the authorized agents or employees, the Municipality shall promptly notify the Property Owner, his successors, heirs, and assigns and they shall defend, at their own expenses, any suit based on such claim. If any judgment or claims against the

Municipality, the authorized agents or employees shall be allowed, the Property Owner, his successors, heirs, and assigns shall pay all costs and expenses in connection therewith.

12. In the advent of any emergency or the occurrence of special or unusual circumstances or situations, the Municipality may enter the Property, if the Property Owner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety, and welfare of the citizens is at jeopardy. However, the Municipality shall notify the Property Owner of any inspection, maintenance, or repair undertaken within five (5) days of the activity. The Property Owner shall reimburse the Municipality for those costs.

This Agreement shall be recorded among the land records of Armstrong County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Property Owner, his administrators, executors, heirs, and assigns and any other successor in interest, in perpetuity.

_____
South Buffalo Township Supervisor, Chairman

(SEAL)

_____
South Buffalo Township Supervisor, Vice Chairman

_____
South Buffalo Township Supervisor

ATTEST: _____
South Buffalo Township Secretary

_____
Property Owner

_____
Property Owner

WITNESS: _____

I, _____, a Notary Public in Armstrong County,

Pennsylvania, whose commission expires on the____ day of _____, 20 _____,

do hereby certify that _____ whose name(s) is/are signed

to the foregoing Agreement bearing date of the _____ day of _____ _____,

20_____, has acknowledged the same before me.

GIVEN UNDER MY HAND THIS _____ day of _____, 20 _ _____.

_____

(SEAL) **Notary Public**