

**CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS**  
**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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**TITLE ONE - Streets, Driveways and Excavations**

- Art. 901. Street Excavations.
- Art. 902. Deliberate Deposit of Snow on Streets or Roadways.
- Art. 903. Rights of Way, Telecommunication Providers.
- Art. 905. Driveways.
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**ARTICLE 901**  
**Street Excavations**

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| <b>901.001 Purpose.</b>                      | <b>901.06 Bond as a guarantee for surface restoration.</b> |
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**CROSS REFERENCES**

Power to regulate - see First Class Twp. Code §1502 (53 P.S. §56557)  
Excavations, grades and fills - see BLDG. Art. 1705

**901.001 PURPOSE.**

These regulations are adopted and implemented to achieve the following general purposes and objectives:

- (a) To regulate the opening, excavation and tunneling under streets and rights-of-way of the Town of McCandless.
- (b) To require a permit and payment of a fee.
- (c) To provide for the protection, refilling, resurfacing and repairing of excavations.
- (d) To prescribe insurance and deposit requirements.
- (e) To prescribe penalties for violations. (Ord. 1332. Passed 7-24-06.)

**901.01 DEFINITIONS.**

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

- (a) "Street" means any public street, avenue, road, square, alley, highway or any other public or private right-of-way or public grounds owned or maintained by the Town of McCandless, and shall include all improved or unimproved areas within these rights-of-way. (Ord. 1332. Passed 7-24-06.)
- (b) "Person" means and includes any natural person, partnership, firm, association or corporation.

The singular shall include the plural and the masculine shall include the feminine and the neuter. (Ord. 659 §1. Passed 9-23-74.)

- (c) "Excavation" means all digging, trenching, tunneling, boring, driving or any other means of disturbing an improved or unimproved area within the street. (Ord. 1332. Passed 7-24-06.)

**901.02 PERMIT REQUIRED.**

It shall be unlawful for any person to cause an excavation in any street within the Town of McCandless unless such person shall first have obtained a permit as herein provided. (Ord. 1332. Passed 7-24-06.)

**901.03 PERMIT APPLICATION; INDEMNITY.**

(a) Any person desiring to make an excavation in any street within the Town of McCandless (Town) shall make application to the Town. Such application shall include all information as required by the Town.

(b) The applicant covenants and agrees that the proposed work shall be done in full compliance with the ordinances of the Town of McCandless and the laws of the Commonwealth of Pennsylvania in relation to such work, and that the applicant shall well and truly save, defend and keep harmless the Town of McCandless from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed excavation and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

(c) Each applicant shall provide the Town of McCandless with three copies of a drawing indicating the location and amount of work to be performed.

(d) All street excavations will comply with the terms as set forth in the “General Provisions and Specifications Regulating Street Excavations”, as adopted by resolution of Town Council. A copy of which will be given to each applicant.  
(Ord. 1332. Passed 7-24-06.)

#### **901.04 INSURANCE.**

(a) Each applicant shall provide the Town of McCandless with an acceptable certificate of insurance naming the Town as an additional insured and indicating the applicant is insured against claims for damages for personal injury, as well as claims for property damage which may arise from or out of the performance of the work, whether by it, his subcontractor, or any one directly or indirectly employed by the applicant. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from all operations whether completed or in progress.

(b) The amount of liability insurance for bodily injury in effect shall not be less than one million dollars (\$1,000,000) for each person, and for property damages not less than one million dollars (\$1,000,000) with an aggregate of not less than two million dollars (\$2,000,000) for each occurrence. Such certificates may be filed with the Town of McCandless on an annual basis.  
(Ord. 1332. Passed 7-24-06.)

#### **901.05 FEES.**

Before any permit for excavation in any street in the Town of McCandless is issued, the applicant shall pay a permit and inspection fee as established by resolution of Town Council.  
(Ord. 1332. Passed 7-24-06.)

#### **901.06 BOND AS GUARANTEE FOR SURFACE RESTORATION.**

(a) Each applicant shall provide the Town of McCandless with a surety bond written by a surety company authorized to do business in the Commonwealth of Pennsylvania, cash or a certified check to guarantee the restoration of the disturbed area of excavation as required by this ordinance in an amount established by resolution of Town Council. Said bond, deposit of cash or certified check shall be retained for one year from the date of completion of the work. In the event the restoration of the surface of the excavated street is deemed to be improper, faulty, defective or not completed in a timely fashion, then in each case the permit holder shall be given a ten day written notice by the Town of McCandless to make such repair or restoration as may be required. Upon the failure of the permit holder to comply with the terms of the notice, the Town of McCandless is hereby authorized to have such repair or restoration completed and to charge the cost thereof to the permit holder. Any subsidence or any other defect which can be attributed to improper restoration within one year of the completion of the work shall be considered to be the responsibility of the permit holder and the permit holder shall be required to correct improper restoration as set forth in this ordinance. At the expiration of the one year, the Town of McCandless shall return or refund to the permit holder the bond, cash, or certified check or that portion of the same to which the permit holder is entitled.

(b) A public utility shall be permitted to file one continuing form of security for street opening work done within the Town of McCandless. Such security is to be in the minimum amount as established by resolution of Town Council.  
(Ord. 1332. Passed 7-24-06.)

**901.07 EMERGENCIES.**

In the event of a leak, explosion or other accident to any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for the same to commence an excavation to remedy such condition before securing a permit provided that application for a permit shall be made immediately and not later than the last business day thereafter, and that all other provisions of this ordinance are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Town of McCandless may proceed to do the work necessary to remedy the situation and the owner or person responsible will be charged for such work on the basis of cost incurred by the Town.  
(Ord. 1332. Passed 7-24-06.)

**901.08 COLLECTING PAYMENT FOR EMERGENCY WORK.**

Payment for any work done by or for the Town of McCandless shall be made by the person made liable therefore under the provisions hereof within thirty days after being invoiced for same. Upon the failure to pay such charges, the charges shall be collectible by the Town of McCandless in the manner provided by law.  
(Ord. 1332. Passed 7-24-06.)

**901.99 PENALTY.**

Any person, whether as principal, employee or agent, violating or assisting in the violation of any of the provisions of this ordinance shall, upon conviction thereof before any Magisterial District Justice in the Town of McCandless, pay a fine of five hundred dollars (\$500.00), and in default of the payment of such fine and costs of prosecution including attorney's fees and costs, shall be imprisoned for not more than thirty days.  
(Ord. 1332. Passed 7-24-06.)

**ARTICLE 902**  
**Deliberate Deposit of Snow on Streets or Roadways**

**902.01 Definitions.****902.02 Deliberate deposit of snow on streets or roadways.****902.99 Penalty.****902.01 DEFINITIONS.**

The following words, when used in this Article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

- (a) "Street" means any public street, avenue, road, square, alley, highway, roadway, or other public way of the Town.
  - (b) "Person" means and includes any natural person, partnership, firm, association or incorporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.
- (Ord. 1283. Passed 3-24-03.)

**902.02 DELIBERATE DEPOSIT OF SNOW ON STREETS OR ROADWAYS.**

No person shall deposit or cause to be deposited snow or ice upon the streets and roads located in the Town of McCandless. Violators shall include the person owning or occupying the property from which the snow or ice is deposited on the street or road as well as the person who actually deposits the snow or ice on the street or road.

(Ord. 1283. Passed 3-24-03.)

**902.99 PENALTY.**

Failure to remove such deposits upon demand shall be a summary offense and shall result in a fine of one hundred fifty dollars (\$150.00).

(Ord. 1283. Passed 3-24-03.)



**ARTICLE 903**  
**Rights of Way, Telecommunication Providers**

<b>903.01</b>	<b>Definitions.</b>	<b>903.09</b>	<b>Liability and indemnification.</b>
<b>903.02</b>	<b>Requirement of a right-of-way permit.</b>	<b>903.10</b>	<b>Reporting requirements.</b>
<b>903.03</b>	<b>Application for a right-of-way permit.</b>	<b>903.11</b>	<b>Sale or transfer of rights of permit holder.</b>
<b>903.04</b>	<b>Duration and suspension of right-of-way permit.</b>	<b>903.12</b>	<b>Performance bond.</b>
<b>903.05</b>	<b>Requirement for a construction permit.</b>	<b>903.13</b>	<b>Termination.</b>
<b>903.06</b>	<b>Fees and expenses.</b>	<b>903.14</b>	<b>Removal.</b>
<b>903.07</b>	<b>Management of the rights-of-way.</b>	<b>903.15</b>	<b>Police powers.</b>
<b>903.08</b>	<b>Construction standards.</b>	<b>903.16</b>	<b>Severability.</b>
		<b>903.17</b>	<b>Equal application.</b>
		<b>903.99</b>	<b>Penalty.</b>

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**903.01 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

- (a) "Applicant" means the person who has applied for a right-of-way permit or a construction permit.
- (b) "Application" means the form prescribed by the Town which the applicant must complete in order to obtain a right-of-way permit.
- (c) "Construction" means the building, erection, alteration or installation in, on or under a right-of-way. It does not include maintenance or repair of equipment in a right-of-way or a single line extension from equipment in the right-of-way.
- (d) "Construction permit" means the document that must be obtained before a person may perform construction in a right-of-way.
- (e) "Emergency" means a condition that poses a clear and immediate danger to life or health, or significant loss of property.
- (f) "Equipment" means any tangible property located or proposed to be located in a right-of-way, including, but not limited to, wires, lines, cables, conduits, pipes, supporting structures or other facilities.
- (g) "In" when used in conjunction with rights-of-way means over, above, in, within, on or under a right-of-way.

- (h) "Maintenance" means repair work of a minor nature that will keep an existing condition from failure or decline.
- (i) "Permit holder" means the person obtaining a right-of-way permit.
- (j) "Person" means any individual, firm, partnership, association, corporation, company or other business entity.
- (k) "Right-of-way" means the surface and space in, on, above and below any real property in which the Town has an interest in law or in equity, including, but not limited to, any public street, boulevard, avenue, road, highway, easement, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, park, green space, or any other place.
- (l) "Restore" or "restoration" means the process by which a right-of-way is returned to a state that is as good or better as its condition before construction.
- (m) "Right-of-way permit" or "permit" means a written authorization granted by the Town to an applicant for use of the rights-of-way in the Town for wires, lines, pipes, cables, conduits, pipes, supporting structures and other facilities.
- (n) "Telecommunications services" means the services offered to customers involving the transmission of video, data and/or voice communications and/or content, both active and interactive, and associated usage.
- (o) "Telecommunications system" means a system used or to be used to provide telecommunication services.
- (p) "Underground equipment" means all equipment that is located wholly or partially underneath a right-of-way. (Ord. 1240. Passed 3-26-01.)

### **903.02 REQUIREMENT OF A RIGHT-OF-WAY PERMIT.**

(a) No person shall enter upon or occupy any right-of-way for the purpose of installing, constructing, maintaining or operating a telecommunications system without first having obtained a right-of-way permit. Any person maintaining or operating a telecommunications system as of the effective date of this article shall also obtain a right-of-way permit.

(b) Before a right-of-way permit is issued, the holder of or applicant for right-of-way permit shall have applied for any and all regulatory approvals, permits or authorizations from the appropriate federal and state authorities, if required. Upon the request of the Town, the applicant shall submit written evidence of its applications for or receipt of all such approvals, permits or authorizations.

(c) Nothing in this article shall be construed as a waiver of any ordinances or regulations of the Town or the Town's right to require prospective or current right-of-way permit holders to secure and remit payment for any and all required permits or authorizations. (Ord. 1240. Passed 3-26-01.)

**903.03 APPLICATION FOR A RIGHT-OF-WAY PERMIT.**

(a) A right-of-way permit shall only be granted after an applicant has completed an application in the form that has been prescribed by the Town, which form may be revised from time to time. Upon request, an applicant shall be provided with a copy of the then current application for a right-of-way permit. The application shall request information regarding the applicant's proposed or actual physical use and occupation of the rights-of-way. Specifically, the application shall request: (1) a brief description of the telecommunications service or services to be offered or provided in or through the Town; (2) specific information regarding the equipment it proposes to place or currently maintains in the right of way; (3) the expected physical burden that such equipment will place or does place on the rights-of-way; and (4) whether the equipment will or does have a detrimental effect on public safety as it relates to the rights-of-way. If the completed application does not fully provide such requested information, the Town may request such additional information as is necessary to enable it to make a determination regarding the physical use and occupation of the rights-of-way by the applicant. The application may request less information from a permit holder applying for a renewal of a right-of-way permit.

(b) Upon submission of a fully completed application to the Town and the accompanying fee, the Town shall review the application as follows. The Town shall grant or deny such applications within forty-five (45) days. If the Town fails to grant or reject such application within the time period specified above, the application shall be deemed approved. In each case, the Town shall review the application to determine whether such use would have a detrimental effect on public safety as it relates to the rights-of-way or would place an undue physical burden on the rights-of-way.

(c) In considering an application, the Town may use such outside experts as it deems necessary. In the event the Town deems it necessary to employ an outside expert to advise the Town with respect to a particular application, the reasonable costs of such expert shall be borne by the applicant. (Ord. 1240. Passed 3-26-01.)

**903.04 DURATION AND SUSPENSION OF RIGHT-OF-WAY PERMIT.**

(a) The right-of-way permit shall be issued for a period of one year. Permit holders may apply for a renewal of a right-of-way permit prior to its expiration. The Town may suspend such right-of-way permit in the event any one or more of the following has occurred:

- (1) The permit holder shall have caused damage to Town property or the right-of-way without the prior consent of the Town (except in the case of an emergency) and without completing proper restoration.
- (2) The permit holder or the permit holder's equipment in the right of way has had a detrimental effect on public safety as it relates to the rights-of-way.
- (3) The permit holder failed to pay any of the fees required under this article.
- (4) The permit holder failed to comply with construction standards in accordance with the provisions contained in Section 903.08.
- (5) The permit holder failed to indemnify, hold harmless and insure the Town in accordance with the provisions contained in Section 903.09.

(b) If the Town has reason to believe that one or more of the above events has occurred, it shall notify the permit holder in writing. The permit holder shall have thirty (30) days to cure the violation, unless the Town reasonably determines that the event is an emergency, in which case the Town may impose a shorter time period to cure the violation.  
(Ord. 1240. Passed 3-26-01.)

#### **903.05 REQUIREMENT FOR A CONSTRUCTION PERMIT.**

(a) Except in the case of an emergency, before commencing any construction in the rights-of-way, a person shall submit to the Town detailed plans of the proposed construction activity. Such plans shall include the type of construction activity, the equipment proposed to be installed or erected, the specific locations of the construction activity and the scheduled beginning and ending dates of all planned construction. Such plans shall also include the name(s), address(es) and experience of any and all subcontractors whom applicant intends to utilize. Such information may be submitted concurrently with an application for a right-of-way permit.

(b) Upon submission of all such information required in subsection (a) above, the Town shall review such information and either grant or deny a construction permit with forty-five (45) days. If the Town fails to grant or deny the construction permit within such time period, the permit shall be deemed granted. In each such case, the Town shall review the information provided herein to determine whether such construction would have a detrimental impact on public safety as it relates to the rights-of-way. The Town may impose conditions on the construction permit regulating the times, locations, and manner of construction to preserve effective traffic flow, prevent hazardous road conditions and/or minimize noise impacts.  
(Ord. 1240. Passed 3-26-01.)

#### **903.06 FEES AND EXPENSES.**

(a) Each new applicant for a right-of-way permit shall include with its application an application fee in the amount of five hundred dollars (\$500.00). This fee is directly related to the Town's costs in reviewing the application (excluding expert costs) and managing the rights-of-way with respect to each permit holder. Such costs in managing the rights-of-way include, but are not limited to, inspection costs, administrative costs, costs of maintaining the rights-of-way and costs of degradation of streets and right-of-way property. This fee will not be refunded in the event the application is denied. If the application is granted, the application fee will apply to the full term of the right-of-way permit of one year. If the applicant applies for a construction permit concurrently with the application for a right-of-way permit, then the application fee contained herein shall apply to both the right-of-way permit and the construction permit.

(b) Each existing permit holder applying for a renewal of its right-of-way permit shall include with its application an annual fee in the amount of three hundred dollars (\$300.00). This fee is directly related to the Town's costs in managing the rights-of-way with respect to each permit holder. Such costs include, but are not limited to, inspection costs, administrative costs, costs of maintaining the rights-of-way and costs of degradation of streets and right-of-way property.

(c) Each applicant for a construction permit shall include with its application an application fee in the amount of two hundred dollars (\$200.00). This fee is directly related to the Town's costs in reviewing the application and determining time, place and manner of restrictions on the construction activity. If the application for a construction permit is denied, this fee shall not be refunded. An escrow account shall be established to pay for any costs incurred by the Town for the review of an application by outside sources. The amount of such escrow shall be established by resolution of Town Council. If the application is granted, then the applicant shall pay, within thirty (30) days of the presentation of a statement, for any other actual costs incurred by the Town. Such actual costs include, but are not limited to, costs of disruption and rerouting of traffic, inspection costs and administrative costs.

(d) Extraordinary Expenses. In addition to the fees set forth above, a permit holder shall pay, within thirty (30) days of the presentation of a statement, any extraordinary or unusual expenses reasonably incurred by the Town as a result of the permit holder's use of the rights-of-way, provided that the Town notifies the permit holder of the expected expenses prior to them being incurred and provides the permit holder with an opportunity to mitigate such expenses. Examples of extraordinary or unusual costs include, but are not limited to, the cost of obtaining and operating a backhoe, dump truck or other heavy equipment used to repair the right-of-way, overtime or special pay for police officers or other emergency services. The statement of such expenses presented to the permit holder shall be directly related to the Town's actual costs.

(e) In the event that payment of any of the fees identified above is not made upon submission of the application or by the date due, the applicant or permit holder shall pay a late payment penalty of simple interest at ten percent (10%) annual percentage rate of the total amount past due. Such penalty shall be in lieu of any other monetary penalty. Acceptance of payment under this Section shall not in any way limit or waive the Town's right to suspend or terminate the permit according to the terms of this article.

(Ord. 1240. Passed 3-26-01.)

### **903.07 MANAGEMENT OF THE RIGHTS-OF-WAY.**

(a) The Town shall have the right to limit the placement of new or additional equipment in the right-of-way if there is insufficient space to reasonably accommodate all requests to occupy and use the rights-of-way. The Town shall consider requests for occupying and using the rights-of-way in the order of receipt of fully completed applications for right-of-way permits. The Town shall strive, to the extent possible, to accommodate all requests, but shall be guided by the physical condition of the right-of-way and whether such use would have a detrimental effect on public safety as it relates to the right-of-way.

(b) The Town shall have the right to monitor the telecommunications systems and the equipment related thereto located in the rights-of-way in order to prevent interference between and among such systems and equipment.

(c) A permit holder shall allow the Town to make inspections of any part of the permit holder's telecommunications system located in the rights-of-way at any time upon three (3) days notice, or, in case of an emergency, upon demand.

(Ord. 1240. Passed 3-26-01.)

**903.08 CONSTRUCTION STANDARDS.**

(a) Whenever a permit holder or any of its subcontractors shall disturb any pavement, sidewalk or other public property in order to perform any underground activities, the permit holder will full comply by registering with Pennsylvania's "One Call" system pursuant to 73 P.S. §176 et seq. Such permit holder shall provide the Town with GPS information showing planned locations and reference points for equipment to be installed. Each permit holder shall perform construction activity in a manner consistent and in compliance with the detailed plans it submitted to the Town and all applicable federal, state and local laws and regulations.

(b) Whenever a permit holder or any of its subcontractors shall cause damage to the right-of-way or to Town property in the right-of-way, the permit holder shall restore such right-of-way or property within thirty (30) days, weather permitting.

(c) The telecommunications system shall not endanger or interfere with the safety of persons or property within the Town. All operating, maintenance, construction and repair personnel shall be thoroughly trained in the safe use of all equipment and in the safe operation of vehicles. Such personnel shall follow all safety procedures required by applicable federal, state and local laws and regulations. The permit holder shall routinely inspect and maintain all areas of the telecommunications system so that conditions that could develop into safety hazards shall be corrected before they become a hazard.

(d) Except in the case of an emergency, at least three (3) days prior to the commencement of any construction activity, permit holder shall notify nearby residents of such construction activity in a manner which is satisfactory to the Town. The name of the permit holder shall be clearly disclosed to such residents.

(e) All construction activity shall be performed in an orderly and workmanlike manner, and in close coordination with public utilities serving the Town following accepted industry construction procedures and practices.

(f) All wires, cables and other equipment shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundles with due respect to engineering considerations.

(g) All wires, cables and other equipment shall be installed underground where required by municipal ordinance or regulation consistent with the same requirement being imposed on all other similarly situated companies, including public utilities.  
(Ord. 1240. Passed 3-26-01.)

**903.09 LIABILITY AND INDEMNIFICATION.**

(a) A permit holder shall, at its sole cost and expense, indemnify and hold harmless the Town, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising out of the permit holder's use or occupancy of the rights-of-way. A permit holder shall defend any actions or proceedings against the Town in which it is claimed that personal injury, including

death, or property damage was caused by the permit holder's use or occupancy of the rights-of-way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification. A permit holder shall not be required to indemnify and hold the Town harmless for claims caused by the Town's negligence, gross negligence or willful misconduct.

(b) A permit holder shall at all times during the life of a permit carry and require its subcontractors to carry liability, property damage, worker's disability, and vehicle insurance in such form and amount as shall be determined by the Town as set forth in the permit. A permit holder shall name the Town as an additional insured on its liability insurance policies. All required insurance coverage shall provide for thirty (30) days notice to the Town in the event of material alteration or cancellation of such coverage prior to the effective date of such material alteration or cancellation. (Ord. 1240. Passed 3-26-01.)

#### **903.10 REPORTING REQUIREMENTS.**

(a) A permit holder shall annually provide the Town, upon application for renewal of the permit, or upon request, the current maps of the horizontal and vertical locations of its existing installations and a summary of all additions and deletions of equipment in the rights-of-way, unless no changes have occurred in the previous year. If no changes have occurred in the previous year, permit holder shall so inform the Town.

(b) A permit holder shall submit to the Town such reasonable information directly related to the permit holder's use and occupation of the rights-of-way as the Town may request. All information provided to the Town shall be maintained by the Town as proprietary and confidential if such information is designated in good faith as such prior to the time it is provided to the Town. (Ord. 1240. Passed 3-26-01.)

#### **903.11 SALE OR TRANSFER OF RIGHTS OF PERMIT HOLDER.**

A right-of-way permit may be transferred or assigned, upon thirty (30) days written notice to the Town, provided that the transferee/assignee agrees in writing to comply with all of the obligations and requirements contained in this article. (Ord. 1240. Passed 3-26-01.)

#### **903.12 PERFORMANCE BOND.**

A permit holder shall be required, prior to construction, to obtain a performance bond in a reasonable amount set by the Town based upon the construction cost of the equipment to be installed in the rights-of-way and the extent of the disturbance of such rights-of-way. The performance bond shall ensure the permit holder's faithful performance of its construction obligations. The Town shall reduce or cancel the bond requirement when construction is completed to the Town's satisfaction. (Ord. 1240. Passed 3-26-01.)

**903.13 TERMINATION.**

(a) In addition to all other rights and powers reserved by the Town, the Town reserves the right to terminate a permit and all rights and privileges of a permit holder for any of the following reasons:

- (1) A permit holder fails, after thirty (30) days prior written notice, to comply with any of the provisions of the permit or this article.
- (2) A permit holder becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt;
- (3) All or part of a permit holder's facilities are sold under an instrument to secure a debt and are not redeemed by the permit holder within ninety (90) days from such sale;
- (4) A permit holder attempts to or does practice any fraud or deceit in its conduct or relations with the Town under the permit;
- (5) The Town condemns all of the property of a permit holder within the Town by the lawful exercise of eminent domain;
- (6) The permit holder abandons the telecommunication system.

(b) No termination shall be effective unless and until the Town Council shall have adopted a resolution setting forth the cause and reason for the termination and the effective date, which resolution shall not be adopted without thirty (30) days prior notice to permit holder and an opportunity for the permit holder to be heard before the Town Council on the proposed resolution. (Ord. 1240. Passed 3-26-01.)

**903.14 REMOVAL.**

(a) Upon expiration or termination of the permit, if the permit is not renewed, the permit holder shall, upon sixty (60) days prior written notice to the permit holder, remove its equipment from the rights-of-way and shall restore said areas. If such removal is not completed within six (6) months of such notice, the Town may deem any property not removed as abandoned and the Town may remove it at the former permit holder's expense. In the event that the permit holder installed and/or operated any underground conduit or pipe which is six inches (6") or more in diameter, permit holder shall fill said conduit or pipe with material in a manner satisfactory to the Town.

(b) During the term of the permit, if the permit holder decides to abandon or no longer use all or part of its telecommunications system, it shall provide the Town with written notice of its decision at least thirty (30) days prior to such decision, which notice shall describe the equipment and its location. The Town shall have the right to require the permit holder to remove the equipment upon sixty (60) days prior written notice to the permit holder. If such removal is not completed within six (6) months of such notice, the Town may remove it at the permit holder's expense. (Ord. 1240. Passed 3-26-01.)

**903.15 POLICE POWERS.**

The Town, by granting any permit under this article, does not waive, lessen, impair or surrender the lawful police powers vested in the Town under applicable federal, state and local laws pertaining to the regulation or use of the rights-of-way. (Ord. 1240. Passed 3-26-01.)

**903.16 SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or word of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this article invalid. (Ord. 1240. Passed 3-26-01.)

**903.17 EQUAL APPLICATION.**

The provisions of this article shall be imposed upon and enforced against all persons requiring a permit from the Town. (Ord. 1240. Passed 3-26-01.)

**903.99 PENALTY.**

If the Town has reason to believe that the permit holder violated any of the terms of this article, it shall notify the permit holder in writing of the nature of the violation and the section of this article which it believes has been violated. The permit holder shall have twenty (20) business days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Town may, in its reasonable judgment, extend the time period to cure. If the violation has not been cured within the time period allowed, it shall be subsequently punishable by a fine of up to one hundred dollars (\$100.00) per day until the violation is cured. (Ord. 1240. Passed 3-26-01.)



**ARTICLE 905**  
**Driveways**

<b>905.01 Permit.</b>	<b>905.04 Liability.</b>
<b>905.02 Definitions.</b>	<b>905.99 Penalty.</b>
<b>905.03 Special requirements.</b>	

**CROSS REFERENCES**

Subdivision driveway standards - see P. & Z. 1371.03  
Grading, excavations and fills - see BLDG. Art. 1705

**905.01 PERMIT.**

No person shall construct, relocate, replace or change in grade the portion of a private driveway within the right-of-way for and onto public roads until he/she has complied with this article and secured a permit from the Town office, which permit shall be signed by the Town Manager or his designee. The Town shall issue a permit to any person complying with this article and, who, in addition, fulfills the following requirements:

- (a) Provides and submits to the Town a plan, in writing, complying with the Town of McCandless Standards for Construction (latest edition) showing the location, size, grade and drainage of the driveway; and
- (b) Pays a permit fee as may be established by the Town for the issuance of such permit; and
- (c) Shows agreement to comply with written instructions and requirements made by the Town in addition to specifications and drawings provided by the applicant.  
(Ord. 1420. Passed 8-27-12.)

**905.02 DEFINITIONS.**

Words and phrases used in this article shall have the following definitions:

- (a) "Private driveway" means a private lane or roadway, not dedicated to public use, and providing access from private buildings or lands to public roads.  
(Ord. 100 §2. Passed 6-17-55.)
- (b) "Permit" means that instrument authorized by Council and signed by the Town Manager or his/her designee, evidencing compliance with Sections 905.01 and 905.04. Such permit must show the name of the property owner, the location of the property and the person doing the work.
- (c) "Person" means any individual, partnership, limited liability corporation, limited liability partnership, corporation, association or governmental body. The singular shall include the plural and the masculine shall include the feminine and neuter.  
(Ord. 1420. Passed 8-27-12.)

- (d) "Public road" means any road, street, alley or highway opened in whole or in part and dedicated for public use by recording, order of court or by other legal act under the laws of this Commonwealth. It includes that unopened portion created of the road width as recorded or otherwise created which does not lie within the traveled cartway of the road. (Ord. 100 §2. Passed 6-17-55.)

**905.03 SPECIAL REQUIREMENTS.**

The Town Manager is hereby authorized to make special requirements in writing to carry out the intent of this article on any application for a permit under this article. (Ord. 1420. Passed 8-27-12.)

**905.04 LIABILITY.**

Nothing in this article shall be construed to create a liability on the part of the Town to any person erecting a driveway in compliance with this article. The Town may remove, change or destroy any private driveway or parts thereof lying in a public road in the same manner, and with no greater liability than existed before this article was enacted. (Ord. 100 §7. Passed 6-17-55.)

**905.99 PENALTY.**

Any person violating any provision of this article shall, upon summary conviction thereof be fined not more than one thousand dollars (\$1,000) for each offense and, in default of the payment of such fine and costs of prosecution, shall be imprisoned for a period not to exceed more than sixty (60) days. (Ord. 1420. Passed 8-27-12.)

**ARTICLE 907**  
**Objects in Road Right-of-Way**

**907.01 Objects in road right-of-way.**

**907.99 Penalty.**

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**907.01 OBJECTS IN ROAD RIGHT-OF-WAY.**

(a) No trees, bushes, shrubs or hedges may be planted or allowed to grow so that any part is closer than three feet from the curb or the edge of an uncurbed pavement, or allowed to infringe on the clear-sight triangle required by the Land Development and Subdivision Regulations.

(b) No object may be built or placed closer than three feet from the curb or the edge of an uncurbed pavement or within the above clear-sight triangle.

(c) Public Transit Shelters may be permitted at public transit stops if the location and installation has been approved in accordance with a Request for Proposal issued by the Town of McCandless.

(Ord. 1316. Passed 3-28-05.)

**907.99 PENALTY.**

Any violation of the provisions of this Article shall be considered a summary offense and the violator shall be fined not more than three hundred dollars (\$300.00) for each offense, plus costs of prosecution.

(Ord. 1316. Passed 3-28-05.)



**ARTICLE 909**  
**Street Acceptance and Dedication**

**909.01 Procedure.****909.02 Previously adopted roads.**

**CROSS REFERENCES**

Subdivision design standards - see P. & Z. Art. 1371

Dedication of subdivision streets - see P. & Z. Art. 1373

Grading, excavations and fills - see BLDG. Art. 1705

**909.01 PROCEDURE.**

In the case of private roads which have never been taken over by the Town of McCandless or its predecessor, the Township of McCandless, and where the owners of the property abutting such road petition the Town to take over the road as a Town road, the following policy is hereby established:

- (a) The petition to take over such road, whether by deed, or right of way or by acceptance in accordance with a dedication recited in a recorded plan, shall be signed by 100 percent of the property owners on such road.
- (b) The petition must contain a provision that the petitioners will waive any claims for damages and also provide that any necessary easements for drainage will be granted to the Town without cost. The petitioners must all agree to execute a deed or right of way fifty feet in width if the road cannot be taken over by simple acceptance of a dedication in a recorded plan.
- (c) The petitioners shall post with the Town, in cash, the estimated engineering fee for a preliminary study to determine the estimated construction cost of the project and will be given credit in accordance with the amount posted by each property owner against the final assessment if the road is constructed.
- (d) Upon receipt of the preliminary study and the estimated construction cost, the Town shall advise the petitioners thereof and it will then be determined whether the petitioners wish to commit themselves to the completion of the project.
- (e) Assuming approval by the petitioners, the Town shall then take over the road by ordinance either by acceptance of a dedication on a recorded plan or after receiving a deed or right of way from all of the property owners and will thereafter maintain the road as a Town road.
- (f) The Town shall employ an engineer to proceed with final drawings and specifications, shall secure bids and shall let the contract for the street improvement. The Town shall install a permanent-type road with concrete curbs in accordance with Town specifications for road construction in new subdivision plans. Authority for such action shall be contained in an ordinance directing the paving, draining and curbing of the road in question and establishing the grade thereof.

- (g) When the improvement has been completed, the total cost of the project shall be computed, and the Town shall pay one-third of the cost from general Town funds and the abutting property owners shall be assessed the remaining two-thirds of the cost of the improvement.
- (h) In assessing the abutting property owners, the Town shall use a front foot assessment with the following exceptions:
  - (1) Average lot width shall be used if the lot is quite irregular in shape.
  - (2) Lots having only flankage (the side yard as contrasted to the street upon which the residence faces) shall be assessed on the same front foot basis as other lots for all distance over 100 feet, but for the first 100 feet only one-third of the flankage will be assessed at the aforementioned two-thirds of the cost of the project.
- (I) Notice of assessments shall be given the affected property owners by the Town Attorney, and, if the assessments are not paid within thirty days, they shall be liened in accordance with law. A five percent penalty is set by law and a six percent interest rate is also set by law, and runs from the time of the completion of the improvement. However, in an effort to aid residents in their desire to secure permanent roads, an installment plan may be arranged between the affected individual and the Town Attorney, whereby no interest will be charged except in the case of delinquency in an installment payment, at which time interest will then be charged in full. A semi-annual or annual installment payment plan may be arranged as follows:
  - (1) If the amount of the assessment is three hundred dollars (\$300.00) or less, payment must be made within one year. Payments may be made in two installments (one-half presently and one-half in a lump sum at any time within one year), or in three installments (one-third presently, one-third within six months and one-third within one year).
  - (2) If the amount of the assessment is three hundred one dollars (\$301.00) to six hundred dollars (\$600.00), the maximum time for payment is two years, based upon a semi-annual or annual installment arrangement whereby an appropriate proportionate amount is paid.
  - (3) If the amount of the assessment is six hundred one dollars (\$601.00) or over, the maximum time for payment is three years, on a semi-annual or annual installment basis as previously mentioned, with an appropriate installment being presently paid. (Res. 16-75 §1. Passed 11-24-75.)

### **909.02 PREVIOUSLY ADOPTED ROADS.**

In those instances where property owners abut a road presently maintained and previously adopted as a Town (or Township) road, the abutting property owners may petition the Town Council to install a new, permanent road in accordance with current Town specifications for roads in new subdivisions provided the petition is signed by 100 percent of the residents along such road and provided that all the petitioners will waive any claims for damages, will assure the granting of necessary drainage easements to the Town without cost to the Town and provided further that the necessary cost is advanced for a preliminary engineering study. The Town shall make the preliminary study, and if all the petitioners are in agreement as to the cost estimate, construction of the permanent road together with necessary drainage facilities and concrete curbs and gutters will proceed and the manner of assessment and payment of such assessment will be as set for in Section 909.01.

(Res. 16-75 §2. Passed 11-24-75. )

**ARTICLE 911**  
**Sidewalks**

<b>911.01</b> Definition.	<b>911.04</b> Notice of violation; noncompliance; cost recovery.
<b>911.02</b> Purpose.	<b>911.05</b> Sidewalk specifications.
<b>911.03</b> Duty of property owner.	<b>911.06</b> Intergovernmental cooperation. <b>911.99</b> Penalty.

**CROSS REFERENCES**

Paving, curbing and repairing sidewalks - see First Class Twp. §2303 et seq.  
(53 P. S. § 57303 et seq. )  
Sidewalks in subdivisions - see P. & Z. 1371.03(b)

**911.01 DEFINITION.**

The term "sidewalk" as used in this article, means and includes all paved pedestrian pathways situated within public street rights of way and abutting private or public property.  
(Ord. 743 §102. Passed 8-28-78.)

**911.02 PURPOSE.**

The purpose of this article is to insure that sidewalks are adequately maintained and kept in a state of good repair in order to reduce or otherwise eliminate any condition that would constitute a hazard to or result in possible injuries to the pedestrian public.  
(Ord. 743 §103. Passed 8-28-78.)

**911.03 DUTY OF PROPERTY OWNER.**

It shall be the responsibility of the owner of the abutting property to keep the sidewalk immediately in front of or along any portion of his property in good order and repair, and at all times free and clear of all obstruction to safe and convenient passage. This shall include keeping and maintaining such sidewalks free and clear of all dirt, trash and similar debris, including the removal of snow and ice, and also includes keeping and maintaining the sidewalk free of any merchandise, sign or other unauthorized structure or appurtenance.  
(Ord. 743 §201. Passed 8-28-78; Ord. 1329. Passed 3-27-06.)

**911.04 NOTICE OF VIOLATION; NONCOMPLIANCE; COST RECOVERY.**

In the event a property owner fails to properly maintain the sidewalk in front of his property in accordance with Section 911.03, a notice of violation shall be issued by the Town and sent to the property owner by registered or certified mail. The property owner shall take the steps necessary to correct such violation(s) within a reasonable period of time but in no case shall any violation remain uncorrected for a period of more than thirty days from the date of receipt of the notice of violation. Failure to comply shall subject the property owner to the penalties contained in Section 911.99. If the property owner continues to fail to comply with such notice, the government unit with control over the street (whether in fee or by easement) may make the necessary repairs, remove any obstructions or eliminate any hazard to pedestrian safety. In the event that the government unit making the repairs is not the Town, the Town may reimburse that government unit for the cost of the same. When the Town has incurred the costs or reimbursed another government unit for such costs, those costs, together with a penalty of ten percent (10%), shall be paid by the delinquent property owner and be collected by an action of assumpsit, or the Town Council may file a municipal lien against the property.  
(Ord. 743 §202. Passed 8-28-78; Ord. 1329. Passed 3-27-06.)

**911.05 SIDEWALK SPECIFICATIONS.**

(a) Installation, repair or replacement of sidewalks or sections thereof shall be in accordance with current Town specifications. These specifications shall be made available to the property owner to insure that the proper requirements are met.  
(Ord. 743 §301. Passed 8-28-78.)

(b) Sidewalks installed along County or State roads shall meet the specifications established by the County or State. (Ord. 804 §1. Passed 10-27-80.)

**911.06 INTERGOVERNMENTAL COOPERATION.**

(a) The Town may, at its sole discretion, enter into sidewalk agreements with other government units owning streets within the Town to provide for enforcement of Section 911.04 against property owners with sidewalks abutting or contained within such streets. Such agreements may obligate the Town to reimburse such government unit for any costs it incurs in making the necessary repairs, removing any obstructions or eliminating any hazard to pedestrian safety in regards to sidewalks.

(b) Any agreements entered into by the Town pursuant to the authorization set forth in this Article shall be approved by resolution of the Town Council and shall be in a form approved by the Town Attorney.

(c) No sidewalk agreement shall constitute a waiver of the Town's governmental immunity for any reason whatsoever.  
(Ord. 1329. Passed 3-27-06.)

**911.99 PENALTY.**

Each property owner or agent who violates any provision of this article shall, upon conviction, be fined not more than three hundred dollars (\$300.00).  
(Ord. 743 §401. Passed 8-28-78.)

**ARTICLE 912**  
**Flood Plain Construction and Development Requirements**

<b>912.01</b>	<b>Statutory authorization.</b>	<b>912.07</b>	<b>Existing structures in identified Flood Plain Areas.</b>
<b>912.02</b>	<b>General provisions.</b>	<b>912.08</b>	<b>Variances.</b>
<b>912.03</b>	<b>Administration.</b>	<b>912.09</b>	<b>Definitions.</b>
<b>912.04</b>	<b>Identification of Flood Plain Areas.</b>		
<b>912.05</b>	<b>Technical provisions.</b>		
<b>912.06</b>	<b>Activities requiring special permits.</b>		

**CROSS REFERENCES**

Municipal control - see 32 P.S. §301 et seq.

**912.01 STATUTORY AUTHORIZATION.**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt flood plain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Town Council of the Town of McCandless (hereinafter Town) does hereby order as follows.  
(Ord. 1440. Passed 8-25-14.)

**912.02 GENERAL PROVISIONS.**

- (a) Intent. The intent of this article is to:
- (1) Promote the general health, welfare, and safety of the community.
  - (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - (3) Minimize danger to public health by protecting water supply and natural drainage.
  - (4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
  - (5) Comply with federal and state flood plain management requirements.
- (b) Applicability.
- (1) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Town unless a Permit has been obtained from the Flood Plain Administrator.

- (2) A Permit shall not be required for minor repairs to existing buildings or structures.

(c) Abrogation and Greater Restrictions. All prior Ordinances are hereby repealed in whole or in part to the extent inconsistent herewith. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.

(d) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the article, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.

- (e) Warning and Disclaimer of Liability.

(1) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any identified flood plain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

(2) This article shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.  
(Ord. 1440. Passed 8-25-14.)

### **912.03 ADMINISTRATION.**

(a) Designation of the Flood Plain Administrator. The Land Use Administrator within the Planning Office is hereby appointed to administer and enforce this ordinance and is referred to herein as the Flood Plain Administrator.

(b) Permits Required. A Permit shall be required before any construction or development is undertaken within any designated flood plain or floodway area or any area within fifty (50) feet of the top of bank of a stream area of the Town.

- (c) Duties and Responsibilities of the Flood Plain Administrator.

(1) The Flood Plain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(2) Prior to the issuance of any permit, the Flood Plain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- (3) In the case of existing structures, prior to the issuance of any Development/Permit, the Flood Plain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- (4) During the construction period, the Flood Plain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- (5) In the discharge of his/her duties, the Flood Plain Administrator shall have the authority to enter any building, structure, premises or development in the identified flood plain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- (6) In the event the Flood Plain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Flood Plain Administrator shall revoke the Permit. The Town shall seek any legal means necessary to remedy the violation.
- (7) The Flood Plain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- (8) The Flood Plain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

(d) Application Procedures and Requirements.

- (1) Application for such a Permit shall be made, in writing, to the Flood Plain Administrator on forms supplied by the Town. Such application shall contain the following:
  - A. Name and address of applicant.
  - B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.
  - D. Site location including address.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- (2) If any proposed construction or development is located entirely or partially within any identified flood plain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Flood Plain Administrator to determine that:
  - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
  - D. Structures will be anchored to prevent floatation, collapse, or lateral movement.
  - E. Building materials are flood-resistant.
  - F. Appropriate practices that minimize flood damage have been used.
  - G. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- (3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Flood Plain Administrator to make the above determination:
- A. A completed Permit Application Form.
  - B. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - 1. North arrow, scale, and date;
    - 2. Topographic contour lines, if available;
    - 3. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - 4. The location of all existing streets, drives, and other access ways; and
    - 5. The location of any existing bodies of water or watercourses, identified flood plain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - 1. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - 2. The elevation of the base flood;
    - 3. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
  - D. The following data and documentation:
    - 1. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and
    - 2. Detailed information concerning any proposed flood proofing measures and corresponding elevations.
    - 3. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point on the property and no increase at any point off the property.

4. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.  
Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
  5. Detailed information needed to determine compliance with Section 912.05(c)(5), Storage, and Section 912.05(d), Development Which May Endanger Human Life, including:
    - a. The amount, location and purpose of any materials or substances referred to in Sections 912.05(c)(5) and 912.05(d) which are intended to be used, produced, stored or otherwise maintained on site.
    - b. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 912.05(d) during a base flood.
  6. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- (4) Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Flood Plain Administrator and an escrow in an amount established by Town Resolution and an amount sufficient to cover the cost of engineering reviews and where necessary engineering inspections.

(e) Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified flood plain area to be considered for approval may be submitted by the Flood Plain Administrator to any other appropriate agencies and/or individuals including the Town engineer. (e.g. planning commission, municipal engineer, etc.) for review and comment.

(f) Changes. After the issuance of a Permit by the Flood Plain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Flood Plain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Flood Plain Administrator for consideration.

(g) Placards. In addition to the Permit, the Flood Plain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Flood Plain Administrator.

(h) Start of Construction.

- (1) Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Flood Plain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (2) Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Flood Plain Administrator to approve such a request.

(i) As Built Drawing. An as built drawing is required after completion of the project. An occupancy permit will be issued by the Flood Plain Administrator after the Town engineer indicates the project is completed as designed. The drawing shall show at a minimum:

- (1) The base flood elevation.
- (2) All buildings in the development.
- (3) Lowest floor elevation.
- (4) Lowest adjacent ground elevation to structure.
- (5) Topography in one foot increments as applicable.
- (6) Streets and street elevations as applicable.

(j) Enforcement.

- (1) Notices. Whenever the Flood Plain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Flood Plain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
  - A. Be in writing;
  - B. Include a statement of the reasons for its issuance;
  - C. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
  - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;

- E. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this article.
- (2) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Flood Plain Administrator or any other authorized employee of the municipality shall be guilty of a misdemeanor and upon conviction shall pay a fine to the Town, of not more than six hundred dollars (\$600.00) plus costs of prosecution with each day of violation constituting a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time.
- (k) Appeals.
- (1) Any person aggrieved by any action or decision of the Flood Plain Administrator concerning the administration of the provisions of this article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Flood Plain Administrator on forms supplied by the Town.
- (2) Upon receipt of such appeal the Zoning Hearing Board shall hear the case at its next regularly scheduled meeting but not less than 30 days after receiving the appeal. The applicant shall post the notice of appeal in a conspicuous location on the property. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- (3) Any person aggrieved by any decision of the Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act. (Ord. 1440. Passed 8-25-14.)

#### **912.04 IDENTIFICATION OF FLOOD PLAIN AREAS.**

- (a) Identification. The identified flood plain area shall be:
- (1) Any areas of the Town, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 26, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,
- (2) Any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Town and declared to be a part of this article.

(b) Description and Special Requirements of Identified Flood Plain Areas. The identified flood plain area shall consist of the following specific areas:

- (1) The Floodway Area/District Identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information, such as PADEP's definition for un-studied streams, for those special flood plain areas where no floodway has been identified in the FIS.
  - A. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - B. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (2) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
  - A. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- (3) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified flood plain area which is nearest the construction site.

In lieu of the above, the Town may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

(c) Changes in Identification of Area. The identified flood plain area may be revised or modified by the Town where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data. See Section 912.05(a)(2) for situations where FEMA notification is required.

(d) Boundary Disputes. Should a dispute concerning any identified flood plain boundary arise, an initial determination shall be made by the Town Engineer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. Pennsylvania Municipalities Planning Code rules governing Zoning Hearing Board applications shall be applicable. The burden of proof shall be on the appellant.

(e) Jurisdictional Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce flood plain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3. (Ord. 1440. Passed 8-25-14.)

### **912.05 TECHNICAL PROVISIONS.**

(a) General.

(1) Alteration or Relocation of Watercourse.

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
- B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- C. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

(2) When a community proposes to permit the following encroachments:

- Any development that causes a rise in the base flood elevations within the floodway; or
- Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

- A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- B. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of flood plain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
- C. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

- (3) Any new construction, development, uses or activities allowed within any identified flood plain area shall be undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances and regulations.
  - (4) Within any Identified Flood Plain Area (See Section 912.04(b)), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (b) Elevation and Floodproofing Requirements.
- (1) Residential Structures.
    - A. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
    - B. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 912.04(b)(3).
    - C. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
  - (2) Non-residential Structures.
    - A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
      1. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
      2. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
    - B. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 912.04(b)(3).
    - C. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
- (3) Space below the lowest floor.
- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  2. The bottom of all openings shall be no higher than one (1) foot above grade.
  3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- (5) Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
  - B. Floor area shall not exceed UCC standards.
  - C. The structure will have a low damage potential.
  - D. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
  - E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
  - F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
  - G. Sanitary facilities are prohibited.

- H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  2. The bottom of all openings shall be no higher than one (1) foot above grade.
  3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(c) Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified flood plain area:

- (1) Fill. If fill is used, it shall:
  - A. Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - B. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
  - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - D. Be no steeper than one (1) vertical to three (3) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Flood Plain Administrator, Town Engineer and Town Council;
  - E. It shall be the responsibility of the applicant to show that the fill will not adversely affect properties or cause an increase in flood elevations on any properties other than the property under consideration not exceeding one (1) foot; and
  - F. All provisions of the Town grading ordinance must be met.
- (2) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties in accordance with the Town Stormwater Management Ordinance.
- (3) Water and Sanitary Sewer Facilities and Systems.
  - A. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - C. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

- D. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.
- (4) Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (5) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- (6) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in subsection (d), Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood proofed to the maximum extent possible.
- (7) Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- (8) Anchoring.
- A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- B. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (9) Floors, Walls and Ceilings.
- A. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- B. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- D. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
- (10) Paints and Adhesives.
- A. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- B. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- C. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- (11) Electrical Components.
- A. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

- B. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (12) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (13) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- (14) Uniform Construction Code Coordination. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this article.  
International Building Code (IBC) 2009 or the latest edition thereof:  
 Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.  
International Residential Building Code (IRC) 2009 or the latest edition thereof:  
 Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.
- (d) Development Which May Endanger Human Life.
- (1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
- A. Will be used for the production or storage of any of the following dangerous materials or substances; or,
- B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- C. Will involve the production, storage, or use of any amount of radioactive substances;
- shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
- Acetone
  - Ammonia
  - Benzene
  - Calcium carbide
  - Carbon disulfide
  - Celluloid
  - Chlorine
  - Hydrochloric acid
  - Hydrocyanic acid
  - Magnesium
  - Nitric acid and oxides of nitrogen
  - Petroleum products (gasoline, fuel oil, etc.)
  - Phosphorus
  - Potassium

- Sodium
  - Sulfur and sulfur products
  - Pesticides (including insecticides, fungicides, and rodenticides)
  - Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any Floodway Area, any structure of the kind described in subsection (a)(1), above, shall be prohibited.
  - (3) Within any Identified Flood Plain Area, any new or substantially improved structure of the kind described in subsection (a)(1), above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  - (4) Where permitted within any Identified Flood Plain Area, any new or substantially improved structure of the kind described in subsection (a)(1), above, shall be:
    - A. Elevated, or in the case of a non-residential structure elevated or designed, and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation,
    - B. Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

(e) Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Flood Plain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(f) Special Requirements for Manufactured Homes.

- (1) Within any Floodway Area/District, manufactured homes shall be prohibited.
- (2) Within any Identified Flood Plain Areas, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (3) Where permitted within any Identified Flood Plain Area, all manufactured homes meeting Town requirements, and any improvements thereto, shall be:
  - A. Placed on a permanent foundation.
  - B. Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation.
  - C. Anchored to resist flotation, collapse, or lateral movement.
  - D. Have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.

- (4) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer and Town requirements. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- (5) Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

(g) Special Requirements for Recreational Vehicles. Recreational vehicles in Zones A, A1-30, AH and AE must either:

- (1) Be on the site for fewer than 180 consecutive days,
- (2) Be fully licensed and ready for highway use, or
- (3) Meet the permit requirements for manufactured homes in subsection (f) hereof. (Ord. 1440. Passed 8-25-14.)

#### **912.06 ACTIVITIES REQUIRING SPECIAL PERMITS.**

(a) General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Flood Plain Area unless a Special Permit has been issued by the Town:

- (1) The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - A. Hospitals.
  - B. Nursing homes.
  - C. Jails or prisons.
  - D. Assisted Living Facilities.
  - E. Daycare of any type.
  - F. Stormwater Management BMP Facilities.
- (2) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(b) Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:

- (1) A written request including a completed Permit Application Form.
- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - A. North arrow, scale and date;
  - B. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;

- C. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - D. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - E. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - F. The location of the flood plain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  - G. The location of all proposed buildings, structures, utilities, and any other improvements; and
  - H. Any other information which the municipality considers necessary for adequate review of the application.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- A. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - B. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
  - D. Detailed information concerning any proposed floodproofing measures;
  - E. Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - F. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - G. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (5) The following data and documentation:
- A. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - B. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
  - C. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

- D. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
- E. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
- F. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
- G. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- H. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- I. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

(c) Application Review Procedures. Upon receipt of an application for a Special Permit by the Town the following procedures shall apply in addition to those of Section 912.03:

- (1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Allegheny County Department of Economic Development certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Town engineer for review and comment.
- (2) If an application is received that is incomplete, the Town shall notify the applicant in writing, stating in what respect the application is deficient.
- (3) If the Town decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (4) If the Town approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- (5) Before issuing the Special Permit, the Town shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Town.
- (6) If the Town does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- (7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Town and the applicant, in writing, of the reasons for the disapproval, and the Town shall not issue the Special Permit.

(d) Special Technical Requirements.

- (1) In addition to the requirements of Section 912.05, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 912.05 or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- (2) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    1. The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
    2. The lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
    3. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
  - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Town and the Department of Community and Economic Development.  
(Ord. 1440. Passed 8-25-14.)

**912.07 EXISTING STRUCTURES IN IDENTIFIED FLOOD PLAIN AREAS.**

(a) Existing Structures. The provisions of this article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of subsection (b) hereof shall apply.

(b) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Flood Plain Area:

- (1) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- (2) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (3) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.
- (4) The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

- (5) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (6) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this article.  
(Ord. 1440. Passed 8-25-14.)

### **912.08 VARIANCES.**

(a) General. If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Town may, upon request, grant relief from the strict application of the requirements.

(b) Variance Procedures and Conditions. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 912.03(k) and the following:

- (1) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- (2) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.
- (3) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 912.06) or to Development Which May Endanger Human Life (Section 912.05(d)).
- (4) If granted, a variance shall involve only the least modification necessary to provide relief.
- (5) In granting any variance, the Town shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this article.
- (6) Whenever a variance is granted, the Town shall notify the applicant in writing that:
  - A. The granting of the variance may result in increased premium rates for flood insurance.
  - B. Such variances may increase the risks to life and property.
- (7) In reviewing any request for a variance, the Town shall consider, at a minimum, the following:
  - A. That there is good and sufficient cause.
  - B. That failure to grant the variance would result in exceptional hardship to the applicant.
  - C. That the granting of the variance will
    1. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

2. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (8) A complete record of all variance requests and related actions shall be maintained by the Town. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood. (Ord. 1440. Passed 8-25-14.)

### **912.09 DEFINITIONS.**

(a) General. Unless specifically defined below, words and phrases used in this article shall be interpreted so as to give this article its' most reasonable application.

(b) Specific Definitions.

- (1) Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (2) Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood" or one-percent (1%) annual chance flood).
- (3) Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- (4) Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- (5) Basement - any area of the building having its floor below ground level on all sides.
- (6) Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- (7) Development - any man-made 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 manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- (8) Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.
- (9) Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- (10) Flood - a temporary inundation of normally dry land areas.
- (11) Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (12) Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (13) Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (14) Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (15) Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (16) Historic structures - any structure that is:
  - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - 1. By an approved state program as determined by the Secretary of the Interior or
    - 2. Directly by the Secretary of the Interior in states without approved programs.
- (17) Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this article.
- (18) Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

- (19) Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (20) Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit or exit access requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- (21) New construction - structures for which the start of construction commenced on or after September 26, 2014 and includes any subsequent improvements to such structures. Any construction started after June 18, 1980 and before September 26, 2014 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- (22) New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by a community.
- (23) Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- (24) Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated June 18, 1980, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- (25) Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated June 18, 1980, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- (26) Recreational vehicle - a vehicle which is:
  - A. Built on a single chassis;
  - B. Not more than 400 square feet, measured at the largest horizontal projections;
  - C. Designed to be self-propelled or permanently towable by a light-duty truck,
  - D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (27) Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

- (28) Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
- (29) Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a flood plain.
- (30) Special flood hazard area (SFHA) - means an area in the flood plain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1 A30, AE, A99, or, AH.
- (31) Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Flood Plain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (32) Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- (33) Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two 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: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- (34) Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

- (35) Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (36) Uniform Construction Code (UCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State flood plain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- (37) Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.  
(Ord. 1440. Passed 8-25-14.)



**TITLE THREE - Utilities**

- Art. 913. Stormwater Management.
- Art. 915. Certification of Sanitary Sewer Status.
- Art. 917. Sewers.
- Art. 919. Waste Discharge Into Sewers.

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**ARTICLE 913  
Stormwater Management**

**EDITOR'S NOTE:** This Article authorizes the promulgation of standard design criteria for stormwater management and soil erosion and sedimentation control as adopted by resolution of Town Council.

**913.01 General provisions.**  
**913.02 Design provisions.**

**913.03 Operational provisions.**  
**913.04 Enforcement and penalties.**

**CROSS REFERENCES**

- Plan contents and procedures - see P. & Z., Articles 1342, 1345 and 1369
- Status of the plan after final approval - see P. & Z., Article 1345
- Town of McCandless Standard Design Criteria for Stormwater Management and Soil Erosion and Sedimentation Control (*Latest Edition*)
- Article 1705, Grading, Excavation and Fills
- Article 1715, Timber Harvesting

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**913.01 GENERAL PROVISIONS.**

**Section 913.100 Purpose**

In order to protect the health, safety, and general welfare of the residents of the Town of McCandless, as well as to protect, sustain, and enhance the surface and ground water resources of the Town, drainage and stormwater management practices shall be utilized as directed herein to achieve the following goals and objectives:

- 913.101 Accommodate site development and redevelopment in a manner that protects public safety and that is consistent with (or re-establishes) the natural hydrologic characteristics of each watershed and sustains ground water recharge, stream baseflows, stable stream channel (geomorphology) conditions, the carrying capacity of streams and their floodplains, ground water and surface water quality, and aquatic living resources and their habitats.

- 913.102 Reduce and minimize the volume of stormwater generated.
- 913.103 Protect natural infiltration and ground water recharge rates in order to sustain ground water supplies and stream baseflows.
- 913.104 Maintain runoff characteristics of the site after completion of development that are consistent with the carrying capacity and stable channel conditions of the receiving streams.
- 913.105 Protect water quality by removing and/or treating pollutants prior to discharge to ground and surface waters throughout the Town, and to protect, restore, and maintain the chemical, physical, and biological quality of ground and surface waters.
- 913.106 Protect in-stream channels and geomorphology conditions of the receiving streams; protect their flood carrying capacity and aquatic habitats and to reduce in-stream erosion and sedimentation.
- 913.107 Reduce flooding impacts and prevent a significant increase in surface runoff rates and volumes, predevelopment to post-development, which could worsen flooding downstream in the watershed, enlarge floodplains, erode stream banks and create other flood-related health-welfare-property losses; in general, to preserve and restore the natural flood-carrying capacity of streams and their floodplains.
- 913.108 Protect adjacent lands from adverse impacts of direct stormwater discharges.
- 913.109 Ensure effective long-term operation and maintenance of all permanent stormwater management facilities.
- 913.110 Maintain natural drainage patterns and encourage the use of natural drainage systems.
- 913.111 Treat and release stormwater as close to the source of runoff as possible using a minimum of structures and maximizing reliance on natural processes.
- 913.112 Maintain the existing water balance in all watersheds, sub-watersheds, and streams in the Town, and protect and/or restore natural hydrologic characteristics and habitats wherever possible throughout the watershed systems.
- 913.113 Address certain requirements of the Municipal Separate Storm Sewer System (MS4) National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Regulations.
- 913.114 Reduce the impacts of runoff from existing developed sites undergoing redevelopment while encouraging development and redevelopment in urban areas and areas designated for growth.
- 913.115 Meet water quality requirements under State law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain “existing uses” and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in “special protection” streams.

**Section 913.200                    General Provisions****Section 913.201                    Statutory Authority**Primary Authority:

The Town of McCandless is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the “Storm Water Management Act”

Secondary Authority:

The Town also is empowered to regulate land use activities that affect stormwater runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

**Section 913.202                    Applicability**

The standards contained herein shall apply to all Regulated Activities within the Town. In addition, all local, county and State erosion and sedimentation control approvals must be in place to proceed with any Regulated Activity.

- 913.202.1     Activities regulated by this article include, but are not limited to, the following:
- A.     Land development and redevelopment.
  - B.     Subdivision.
  - C.     Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).
  - D.     Construction of new buildings or additions to existing buildings.
  - E.     Diversion or piping of any natural or man-made stream channel.
  - F.     Installation of stormwater management facilities or appurtenances thereto.
  - G.     Any Earth Disturbances or any activities that involve the alteration or development of land or removal of trees and vegetation in a manner that may affect post construction stormwater runoff.
  - H.     All stormwater runoff entering the Town’s separate storm sewer system.
- 913.202.2     Redevelopments shall conform to the requirements contained in Section 913.401.3.C, when more than a two thousand (2,000) square foot area of an existing facility is reconstructed, following the demolition, or partial demolition of that facility. The area determination shall be made using the footprint of the area being reconstructed, including all impervious and semi-

impervious surfaces proposed in the reconstructed area and including the increased area of any parking lot required to support the reconstructed facility. The area of the parking lot required to support the reconstructed facility shall be determined using the Town Zoning Ordinance requirements for parking. The presence of existing impervious or semi-impervious surfaces in pre-developed conditions does not justify a waiver of this provision.

### Section 913.203 Exemptions

- 913.203.1 With the approval of Town Council, the following activities may be exempted from on-site stormwater runoff control. An exemption shall apply only to the requirement for on-site stormwater facilities and the preparation of a Stormwater Management Plan. All other stormwater management design elements, such as a storm sewer system, road culverts, erosion and sedimentation control, and runoff quality, shall be required. All exemption requests must be filed with the Town Land Use Administrator and approved by the Engineer.
- A. Regulated Activities smaller than 400 sq. ft. are exempt from the requirements of this article to implement SWM BMPs, unless the activity is found to be a significant contributor to pollution of the Waters of this Commonwealth.
  - B. Small Project Exemption. Activities having a Disturbed Area of less than five thousand (5,000) square feet are exempt from the Peak Rate Control requirements of this article. These projects shall comply with the Water Quality Volume standards contained in Section 913.401.3.A and the Extended Detention requirement contained in Section 913.403.1.A. The “Small Project Standardized SWM Guidance” document provided in Appendix F was prepared to assist Applicants in meeting this requirement for **individual lots only**. The reduced site plan requirements contained in the “Small Project Standardized SWM Guidance” document shall apply.
  - C. Emergency Exemption. Emergency maintenance work performed for the protection of public health, safety and welfare may be exempted from the requirements in this article to obtain approval for a Stormwater Management Plan before commencement of the activity; however, a written description of the scope and extent of any emergency work performed shall be submitted to the Town within two (2) calendar days of the commencement of the activity. If the Town finds that the work is not an emergency, then the work shall cease immediately and may not resume until a written Stormwater Management Plan is submitted and approved.

- D. Maintenance Exemption. Any maintenance to an existing stormwater management system made in accordance with plans and specifications approved by the Engineer or the Town.
- E. Gardening. Use of land for gardening for home consumption.
- F. Agricultural Activities. Agriculture when operated in accordance with a conservation plan, nutrient management plan or erosion and sedimentation control plan approved by the Allegheny County Conservation District, including activities such as growing crops, rotating crops, tilling of soil and grazing animals. Installation of new or expansion of existing farmsteads, animal housing, waste storage and production areas having impervious surfaces that result in a net increase in impervious surface of less than one thousand (1,000) square feet are exempt from the requirement to submit a written Stormwater Management Plan.
- G. Forest Management. Forest management operations, which are consistent with a sound forest management plan as filed with the Town Land Use Administrator and which follow the Pennsylvania Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry." Such operations are required to have an erosion and sedimentation control plan.

#### **Section 913.204      Definitions**

**AASHTO** - American Association of State Highway & Transportation Officials. The web site home page for AASHTO is <http://transportation1.org/aashtonew/>

**ACT 167** - The Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. §§680.1-680.17, as amended).

**ACT 167 Plan (or watershed plan)** - The plan for managing stormwater runoff throughout a designated watershed adopted by Allegheny County as required by the Pennsylvania Storm Water Management Act.

**Agricultural Activity** - The work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an Agricultural Activity.

**Applicant** - A landowner, developer or other person who has filed an application for approval to engage in any Regulated Earth Disturbance activity at a project site in the Town.

**Attenuate** – To reduce the magnitude of the flow rate by increasing the time it takes to release a specified volume of runoff (for example the 1 year, 24 hour storm event). Attenuation is a method of reducing the peak flow rates for post development compared to the peak flow rates in predevelopment.

**Aquifer** - A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield useful quantities of ground water to wells and springs.

**Baseflow** – Portion of stream discharge derived from ground water; the sustained discharge that does not result from direct runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

**Best Management Practice (BMP)** – Methods, measures or practices and facilities to prevent or reduce surface runoff and/or water pollution, including but not limited to, structural and non-structural stormwater management practices and facilities and operation and maintenance procedures.

**ACCD** – Allegheny County Conservation District

**ACHD** – Allegheny County Health Department

**CFS** – Cubic Feet per Second.

**Channel** - A natural or artificial watercourse that conveys, continuously or periodically, flowing water.

**Conservation Design** - A series of holistic land development design practices that maximize protection of key land and environmental resources, preserve significant concentrations of open space and greenways, evaluate and maintain site hydrology, and ensure flexibility in development design to meet community needs for complementary and aesthetically pleasing development. Conservation Design encompasses the following objectives: conservation/enhancement of natural resources, wildlife habitat, biodiversity corridors and greenways (interconnected open space); minimization of environmental impact resulting from a change in land use (minimum disturbance, minimum maintenance); maintenance of a balanced water budget by making use of site characteristics and infiltration; incorporation of unique natural, scenic and historic site features into the configuration of the development; preservation of the integral characteristics of the site as viewed from adjoining roads; and reduction in maintenance required for stormwater management practices. Such objectives can be met on a site through an integrated development process that respects natural site conditions and attempts, to the maximum extent possible, to replicate or improve the natural hydrology of a site.

**Conservation District** - A conservation district, as defined in section 3(c) of the Conservation District Law (3 P. S. § 851(c)), which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion and sediment control program in this Commonwealth.

**Concentrated Storm Runoff** - Surface runoff from rainfall events, which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

**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 or To Detain** - The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage.

**Detention Basin** - An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

**Development Site (Site)** - See Project Site.

**Discharge** - To release water from a project, site, aquifer, drainage basin or other point of interest (verb); The rate and volume of flow of water such as in a stream, generally expressed in cubic feet per second (volume per unit of time) (noun).

**Disturbed Area** - An un-stabilized land area where an Earth Disturbance is occurring or has occurred.

**Ditch** - An artificial waterway for irrigation or stormwater conveyance.

**Drainage Area** - That land area contributing runoff to a single point and that is enclosed by a ridge line.

**Drainage System** - All facilities and natural features used for the movement of stormwater through and from a drainage area, including, but not limited to, any and all of the following; conduits, pipes and appurtenant features: channels, ditches, flumes, culverts, streets, swales, gutters as well as all watercourses, water bodies and wetlands.

**EPA** - Environmental Protection Agency.

**Earth Disturbance** - 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; the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Easement** - A right of use of a specified portion of land of another for a specified purpose.

**Engineer** - A professional engineer duly appointed as the Municipal engineer and/or the Stormwater Management Engineer for the Town.

**Erosion** – The wearing away of land surface by water or wind which occurs naturally from weather or runoff, but is often intensified by human activity.

**Existing Condition** – The dominant land cover during the five (5) year period immediately preceding a proposed Regulated Activity.

**Facility** – Any residential or commercial building, or impervious or semi-impervious surface.

**FEMA** – Federal Emergency Management Agency.

**Floodplain** - Any land area susceptible to inundation by water from any natural source or delineated by applicable Federal Emergency Management Agency (FEMA) maps and studies as being a special flood hazard area.

**Floodway** - The channel of the watercourse and those portions of the adjoining floodplains that is 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.

**Forest Management / Timber Operations** - Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

**First Order Stream** – Upper-most perennial tributary in a watershed that has not yet confluenced with another perennial stream. The confluence of two first order streams forms a “second” order stream.

**Freeboard** - Freeboard is the difference between the elevation of the design flow in the emergency spillway (usually the 100 year peak elevation) and the top elevation of the settled basin embankment (that is, top of berm). The minimum freeboard shall be one (1) foot.

**Ground Water** – Water that occurs in the subsurface and fills or saturates the porous openings, fractures and fissures of underground soils and rock units.

**Hotspots** – An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrologic Soil Group (HSG)** - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D.

**Hydrology** – The study of the properties, distribution, circulation and effects of water on the Earth’s surface, soil and atmosphere.

**Hydrograph** - A graph of discharge versus time for a selected point in the drainage system.

**Impervious Cover** – See “Impervious Surface”.

**Impervious Surface** - A surface (area), which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clayey soils, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces. Net Increase of Impervious Surface refers to the difference between the existing impervious coverage and the total impervious surface proposed.

**Infiltration** – Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolates downward to recharge ground water.

**Intensity** - The depth of accumulated rainfall per unit of time.

**Intermittent Stream** – A defined channel in which surface water is absent during a portion of the year, as ground water levels drop below the channel bottom.

**Karst** – A type of topography that is formed over limestone or other carbonate rock formations by dissolving or solution of the rock by water, and that is characterized by closed depressions, sinkholes, caves, a subsurface network of solution conduits and fissures through which ground water moves, and no perennial surface drainage features.

**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 of the PA Municipalities Planning Code.

**Level Spreader** – A low earthen berm constructed perpendicular to the direction of slope and extending across the width of the slope for the purpose of intercepting surface runoff and spreading it behind the berm to enhance infiltration and reduce erosion and runoff from the slope. The purpose of a level spreader is to prevent concentrated, erosive flows from occurring and to spread out stormwater runoff uniformly over the ground as sheet flow.

**Loading** – The total amount (generally measured in pounds or kilograms per acre per year) of material (sediment, nutrients, oxygen-demanding material, or other chemicals or compounds) brought into a lake, stream or water body by inflowing streams, runoff, direct discharge through pipes, ground water, the air (aerial or atmospheric deposition) and other sources over a specific period of time (often annually).

**Maintenance** -The action taken to restore or preserve the as-built functional design of any facility or system.

**Meadow Condition** - A natural groundcover with less than one viable tree of a DBH of six (6) inches or greater per fifteen hundred (1,500) square feet within ten (10) years of application; a cover condition for which SCS curve numbers have been assigned or to which equivalent rational method runoff coefficients have been assigned.

**MS4** - Municipal Separate Storm Sewer System.

**NOAA** - National Oceanic and Atmospheric Administration.

**NRCS** - Natural Resources Conservation Service.

**National Pollution Discharge Elimination System (NPDES)** - Created in 1972 under the Clean Water Act to authorize discharges to local receiving waters only pursuant to governmental permits, in an effort to reduce point source and non-point source pollutants.

**New Development** - Any activity regulated by this article that is not considered a redevelopment as defined in this article.

**Non-structural Stormwater Management Practices** - Passive, site design approaches or regulatory approaches that positively impact water quality and reduce or minimize the generation of stormwater runoff without requiring the construction of specific or discrete stormwater management control structures.

**Open Channel** - Any natural or man-made watercourse or conduit in which water flows with a free surface.

**Open Vegetated Channel** - Also known as swales, grass channels, and biofilters. These systems are used for the conveyance, retention, infiltration and filtration of stormwater runoff.

**PACD** - Pennsylvania Association of Conservation Districts.

**PADEP** - Pennsylvania Department of Environmental Protection.

**Pasture Condition** - A ground cover of grassland or range with continuous forage for grazing and greater than 75% ground cover and lightly or only occasionally grazed; a cover condition for which the Soil Conservation Service curve numbers have been assigned or to which equivalent rational method runoff coefficients have been assigned.

**Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.

**PennDOT** - Pennsylvania Department of Transportation.

**Percolation Rate** - The rate of movement of water under hydrostatic pressure through interstices of rock or soil. For stormwater analysis, it is typically measured as a distance per unit of time (e.g., inches per hour).

**Pervious Area** - Any area not defined as impervious.

**Predevelopment Assumption** - The ground cover assumption used when analyzing the stormwater runoff characteristics of a drainage area prior to the proposed development.

**Project Site** - The specific area of land where any Regulated Activities in the Town are planned, conducted or maintained.

**Qualified Professional** – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this article.

**Rainfall Intensity** -The depth of accumulated rainfall per unit of time.

**Rate** - Volume per unit of time.

**Receiving Waters** – Any water bodies, watercourses or wetlands into which surface waters flow.

**Recharge** – The replenishment of ground water through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

**Redevelopment** - An existing, developed property and/or a graded, altered and compacted site (as of or after the date of adoption of this article) that is proposed for reconstruction involving the demolition or partial demolition of the property.

**Regulated Activities** - Any Earth Disturbances or any activities that involve the alteration or development of land in a manner that may affect post construction stormwater runoff.

**Regulated Earth Disturbance Activity** – Activity involving Earth Disturbance subject to regulation under 25 Pa. Code Chapters 92, Chapter 102, or the Clean Streams Law.

**Release Rate Percentage** - The percentage of predevelopment peak rate of runoff from a watershed subarea (as delineated in the Act 167 watershed plan), which defines the allowable post-development peak discharge from any development site in that subarea.

**Retention or To Retain** - The prevention of direct discharge of stormwater runoff into receiving waters or water bodies by temporary or permanent containment in a pond or depression; examples include systems which discharge by percolation to ground water, exfiltration, and/or evaporation processes and which generally have residence times of less than three days.

**Retention Basin** - An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Retention basins may also be designed to permanently retain additional stormwater runoff. Retention basins are designed to retain a permanent pool of water during dry weather.

**Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every twenty-five years.

**Riparian** – Pertaining to anything connected with or immediately adjacent to the banks of a stream or other body of water.

**Riparian Buffer** – An area of land adjacent to a body of water and managed to maintain the integrity of stream channels and shorelines to (1) reduce the impact of upland sources of pollution by trapping, filtering and converting sediments, nutrients and other chemicals, and (2) supply food, cover and thermal protection to fish and other wildlife.

**Runoff** –see **Stormwater**

**SLAMM – Source Loading and Management Model.** This model is based on small storm hydrology and pollutant runoff from urban land uses. Pollutant sources are identified and both structural and nonstructural stormwater practices can be accounted for in the model.

**SCS** – Soil Conservation Service.

**SWMM – Stormwater Management Model.** EPA developed this model for analyzing stormwater quantity and quality associated with runoff from urban areas. Both single event and continuous simulation can be performed on catchments having storm sewers, or combined sewers and natural drainage, for prediction of flows, stages and pollutant concentrations. Information on SWMM is available at <http://www.epa.gov/ceampubl/swater/swmm/index.htm>.

**Sediment** – Fragmented material that originated from weathering rocks and decomposing organic material that is transported by, suspended in, and eventually deposited in the streambed.

**Sedimentation** – Occurs when sediment particles that have been suspended within flowing water are deposited on the stream bottom or floodplain.

**Semi-Impervious Surface** – A surface that allows a certain amount of rainfall or runoff to be abstracted or infiltrated into the substratum of the area. Gravel is considered a semi-impervious surface.

**Sheet Flow** – A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

**Special Flood Hazard Area** - Those areas identified by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIA) as floodway area (FW), flood fringe area (FF), and general floodplain area (FA); where determined by the Town, identified alluvial soils may be included as well.

**State Water Quality Requirements** - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Pennsylvania Code Title 25 and the Clean Streams Law.

**Storm Event** - The storm of a specific duration, intensity, and frequency.

**Stormwater or Runoff** - The flow of water overland and/or in water bodies that results from and occurs during and immediately following a rainfall event.

**Stormwater Management BMPs** - Is abbreviated as **SWM BMPs** or **BMPs** throughout this article.

**Stormwater Management Engineer** – A professional engineer hired or appointed by the Town for the review of stormwater management related issues.

**Stormwater Management Plan** - The approved detailed analysis, design, and drawings of the stormwater management system required for all construction.

**Stormwater Management Practices** - The designed and/or constructed features which infiltrate, treat, collect, convey, channel, store, inhibit, or divert the movement of stormwater; such practices include structural and non-structural practices.

**Structure** - Anything constructed or installed with a fixed location on the ground, or attached to something having a fixed location on the ground.

**Structural Stormwater Management Practices** - Any measures that require the design and construction of a facility to help reduce or eliminate a non-point source of pollution and control stormwater.

**Subarea (subbasin)** - A portion of the watershed (basin) that has similar hydrological characteristics and drains to a common point.

**Subdivision** – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

**Subgrade** -The top elevation of graded and compacted earth underlying roadway pavement.

**Swale** - An artificial or natural waterway which may contain contiguous areas of standing or flowing water only following a rainfall event, or is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake, or is designed to take into account the soil erodibility, soil percolation, slope, slope length, and contributing drainage area so as to prevent erosion and reduce the pollutant concentration of any discharge.

**Total Site Area (Site Area)** – Total area of the parcel(s) being developed.

**USDA** – United States Department of Agriculture.

**USDOT FHWA** – United States Department of Transportation Federal Highway Administration.

**Water Body** - Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline and receives surface water flow.

**Watercourse** – A permanent or intermittent stream or other body of water, whether natural or man-made, which gathers or carries surface water.

**Water Table** – The uppermost level of saturation of pore space or fractures by subsurface water in an aquifer. Seasonal High Water Table refers to a water table that rises and falls with the seasons due either to natural or man-made causes.

**Waters of the Commonwealth** - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**Watershed** - Land area that drains to a common water body or downstream point.

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

**Wetlands** - Land areas that are inundated or saturated by surface or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (wetlands generally include swamps, marshes, bogs, and similar areas); or areas that are defined and delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the United States Army Corps of Engineers, the United States Environmental Protection Agency, or the Pennsylvania Department of Environmental Protection.

**Woodland Condition** - A natural groundcover with more than one viable tree of a DBH (diameter at breast height) of six (6) inches or greater per fifteen hundred (1,500) square feet which existed within ten (10) years of application; a cover condition for which SCS curve numbers have been assigned or to which equivalent rational method runoff coefficients have been assigned.

## **Section 913.205 Requirements**

913.205.1 The management of stormwater on site, both during and upon completion of the disturbances associated with activities permitted under Section 913.202, shall be accomplished in accordance with the standards and criteria of this article. The design of any temporary or permanent facilities and structures and the utilization of any natural drainage systems shall be in full compliance with this article.

The intent of these design standards is to encourage environmentally sound stormwater management practices that provide necessary drainage facilities while protecting the hydrologic characteristics and water quality of the site and watershed. Developments shall be required to incorporate stormwater management controls. Stormwater management design shall blend into the natural environment and be aesthetically integrated into the site design.

913.205.2 Applicants shall refer to the Pennsylvania Storm Water Best Management Practices Manual, as amended, Pennsylvania Handbook of Best Management Practices for Developing Areas (PACD, 1998), the 2000 Maryland Stormwater Design Manual (MDE, 2000) or other appropriate references for guidance in the design of stormwater management facilities most appropriate to individual site conditions. Objectives for design are to reduce the volume of stormwater generated, infiltrate runoff at its source to the maximum extent possible, achieve water quality improvement at the source or during conveyance, and provide for peak flow attenuation. Applicants shall examine design alternatives by viewing them in a series. In addition, Applicants are strongly encouraged to use structural and nonstructural stormwater management practices that reduce or eliminate the need for detention basins.

- 913.205.3 All SWM design work must be completed by a Qualified Design Professional. All designs proposing the use of a SWM retention or detention facility with outlet structure(s) shall be completed by a professional engineer licensed in the State of Pennsylvania.
- 913.205.4 All development activity within a Special Flood Hazard Area designated by the Federal Emergency Management Agency (FEMA) shall comply with floodplain provisions of Article 1342 of the Town Code and this paragraph. All development shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream, unless an approval is received from PA DEP. The natural conveyance characteristics of the site and the receiving floodplain shall be incorporated into the stormwater management practices proposed for the site.
- 913.205.5 The stormwater management system shall not create an adverse impact on stormwater quantity or quality in either upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be addressed in the stormwater management plan prepared for the development. No stormwater management plan shall be approved until it is demonstrated that the runoff from the project shall not adversely impact downstream areas.
- 913.205.6 Existing Wetlands shall not be used to meet the minimum design requirements for stormwater management or stormwater runoff quality treatment, except when used as part of a treatment train that incorporates a portion of the outer zone (filter strip) of the wetland's riparian buffer as a stormwater outfall.
- 913.205.7 All proposed stormwater management systems shall be designed to prevent the pollution of ground water resources by stormwater, promote safety, minimize health hazards, preserve natural features and provide infiltration and ground water recharge where appropriate. Neither submission of a plan under the provision herein nor compliance with the provisions of these Regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.
- 913.205.8 Where deemed necessary by the Engineer, or as addressed in an approved Act 167 stormwater management plan, the Applicant shall construct storm drains to handle on-site runoff; to the maximum extent permitted under the Municipalities Planning Code and Act 167, or any amendments thereto, provide on-site/off-site drainage easements; and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed.
- 913.205.9 Where watercourses traverse a development site, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easements shall prohibit excavation, the placing of fill or structures, except as needed for roadways, driveways and walkways, or any alterations that may adversely affect the flow of stormwater within any portions of the easement, and require the establishment and protection of riparian buffers.

- 913.205.10 For all Regulated Activities, stormwater management BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this article and to meet all requirements under Pennsylvania Code Title 25, the Clean Streams Law, and the Storm Water Management Act.
- 913.205.11 Any Regulated Activity that may affect the stormwater flows toward or onto a State or County highway right-of-way or facility shall be designed, implemented, operated, and maintained in accordance with the regulations of the Pennsylvania Department of Transportation (PennDOT) or Allegheny County, as the case may be.
- 913.205.12 At the time of application for a building permit for any approved lot created by a subdivision and/or improved as a land development project, issuance of the permit shall be conditioned upon adherence to the terms of this article.
- 913.205.13 Stormwater discharges to critical areas with sensitive resources (e.g., special protection waters, cold water fisheries, recharge areas, water supply reservoirs, etc.) may be subject to additional performance criteria or may need to utilize or restrict certain stormwater management practices.
- 913.205.14 For all Regulated Earth Disturbance Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Earth Disturbance Activities (e.g., during construction) to meet the purposes and requirements of this article and to meet all requirements under the Pennsylvania Code Title 25 and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008, as amended and updated.
- 913.205.15 No regulated earth disturbance activities within the Town shall commence until the requirements of this article are met.
- 913.205.16 Post-construction water quality protection shall be addressed as required by the Stormwater Management requirements contained in this article.
- 913.205.17 Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Section 913.500.
- 913.205.18 All best management practices (BMPs) used to meet the requirements of this article shall conform to the State Water Quality Requirements, and any more stringent requirements as required by the Town.
- 913.205.19 Techniques described in Appendix B (Non-Structural Stormwater Management Practices) of this article are encouraged, because they reduce the costs of complying with the requirements of this article and the State Water Quality Requirements.

- 913.205.20 In selecting the appropriate BMPs or combinations thereof, the Applicant shall consider the following:
- A. Total contributing area.
  - B. Permeability and infiltration rate of the site soils.
  - C. Slope and depth to bedrock.
  - D. Seasonal high water table.
  - E. Proximity to building foundations and wellheads.
  - F. Erodibility of soils.
  - G. Land availability and configuration of the topography.
  - H. Peak discharge and required volume control.
  - I. Stream bank erosion.
  - J. Efficiency of the BMPs to mitigate potential water quality problems.
  - K. The volume of runoff that will be effectively treated.
  - L. The nature of the pollutant being removed.
  - M. Maintenance requirements.
  - N. Creation/protection of aquatic and wildlife habitat.
- 913.205.21 Transference of runoff from one DEP designated Act 167 watershed to another shall be prohibited unless approved by the Town.

**Section 913.206 Reserved.**

**Section 913.207 Watercourses and Stormwater Collection Systems**

- A. This section shall pertain to any and all persons making any change of land in the Town that will block, close, impede, or divert any existing drain, or block, close, impede, or divert any watercourse or stormwater collection system.
- B. The provisions of this section are established with the following intentions:
  - 1. Preventing the creation of swamps, bogs, pools of drainage flow, stagnant water or other similar conditions that do, or threaten to, injuriously affect the health and welfare of the residents of the Town.
  - 2. Safeguarding the residents of the Town from consequences of flood and stormwaters diverted from their accustomed courses.
- C. Prohibited Acts
  - 1. No person shall block, close, impede or divert any watercourse or drain in the Town.
  - 2. No person shall cause discharge or drainage into a sewer line in or into a drain or watercourse without first obtaining a written permit from the Town.
  - 3. No person shall make any construction on or adjacent to any street, alley or other public thoroughfare in the Town in such manner as to block, partially block or bridge any gutter, drain or watercourse in or adjacent to such street, alley or other public thoroughfare without first obtaining a written permit from the Town.

4. No one shall be permitted to direct or divert water onto or into a public street or public street right-of-way so as to cause an accumulation of water or ice which in the opinion of the Town Manager or Police Chief constitutes a safety hazard.
5. No person shall throw, drop, or deposit into any of the storm sewers within the Town, any garbage, refuse, rubbish, petroleum, chemical products, liquid wastes, grass, tree or brush trimmings, or any litter, as defined by Town ordinance.

**D. Permit; Prerequisites.**

The Town shall issue a written permit authorizing any installation or construction, otherwise a violation of Section 913.207C only after:

1. All Applicable Permits from the PA DEP, U.S. Army Corps of Engineers, and the Allegheny County Conservation District have been issued.
2. The receipt of a dated request signed by the person desiring such installation or construction. If such request contemplates the installation of a sewer line, then such request shall set forth such information as will adequately locate the beginning and end of the sewer line, the type of sewer line to be used, the thickness of the wall of the sewer line to be used, the material from which the sewer line is constructed and the amount, contents and location of fill, if any, that will be placed over the sewer line to be installed. The request for any other installation or construction must set forth the proposed installation and/or construction in such detail as shall be requested by the Town.
3. The Town ascertains that the construction and/or installation described above does not threaten to create any such condition as is sought to be avoided by the intent of this Article.
4. The applicant has furnished such engineering plans, specifications and information, or has agreed to reimburse the Town for the preparation of such engineering plans, specifications and information, as, in the opinion of the Town, may be required for a proper evaluation of the particular installation or construction.  
(Ord. 1363. Passed 10-27-08.)

**913.02 DESIGN PROVISIONS.**

**Section 913.208 Permit Requirements by Other Government Entities**

- 913.208.1 All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- 913.208.2 Work within natural drainage ways, or Waterways of the Commonwealth, subject to permit by DEP under 25 Pa. Code Chapter 105 and U.S. Army Corps of Engineers 401 and 404 permitting.
- 913.208.3 Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.

- 913.208.4 Any stormwater management facility that would be located on a State highway right-of-way, or require access from a State highway, shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- 913.208.5 Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

**Section 913.209 Erosion and Sediment Control During Regulated Earth Disturbance Activities**

- 913.209.1 No Regulated Earth Disturbance activities within the Town shall commence until the Town receives a copy of any required approvals from the Conservation District or DEP for an Erosion and Sediment Control Plan.
- 913.209.2 The PADEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- 913.209.3 In addition, under 25 Pa. Code Chapter 92, a DEP “NPDES Construction Activities” permit is required for Regulated Earth Disturbance activities.
- 913.209.4 Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Town.
- 913.209.5 A copy of the Erosion and Sediment Control plan and any required permits, as required by DEP regulations, shall be available at the project site at all times.
- 913.209.6 Additional erosion and sediment control design standards and criteria are recommended to be applied where infiltration BMPs are proposed and shall include the following.
- A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.
  - B. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has achieved final stabilization

**Section 913.210 Prohibited Discharges and Connections**

913.210.1 No person in the Town shall allow, or cause to allow, stormwater discharges into the Town's separate storm sewer system and or Waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Subsection 913.210.2. below, and (2) discharges allowed under a State or Federal permit.

913.210.2 The following discharges are authorized unless they are determined to be significant contributors to pollution to the Waters of this Commonwealth:

A.	Discharges from fire fighting activities.	H.	Uncontaminated water from foundation or from footing drains.
B.	Potable water sources including dechlorinated water line and fire hydrant flushings.	I.	Flows from riparian habitats and wetlands.
C.	Irrigation drainage.	J.	Lawn watering.
D.	Routine external building washdown (which does not use detergents or other compounds).	K.	Pavement wash waters 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.
E.	Air conditioning condensate.	L.	Dechlorinated swimming pool discharges.
F.	Water from individual residential car washing.	M.	Uncontaminated groundwater.
G.	Spring water from crawl space pumps.		

913.210.3 In the event that the Town determines that any of the discharges identified in Section 913.210.2 significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Town or PADEP will notify the responsible person to cease the discharge.

913.210.4 Nothing in this Section shall affect a discharger's responsibilities under State law.

913.210.5 All chemically treated swimming pool discharges, such as backwash water, etc., are not permitted to be discharged into the Town's Separate Storm Sewer System.

913.210.6 A direct connection of a swimming pool discharge line to the Town's Separate Storm Sewer System is prohibited.

- 913.210.7 It is strongly encouraged that all swimming pool discharge water be conveyed into the Sanitary Sewer System. In situations where swimming pool discharge water which meets the State Water Quality Requirements as identified under PA Code Title 25, Chapter 93 is proposed to drain to the Town's Separate Storm Sewer System, the following protocol must be used:
- A. The Owner of the Swimming Pool must provide to the Town a Hold Harmless Agreement which shall release the Town from any liability in the event that the swimming pool discharge results in degradation of the watercourse into which the pool water is discharged.
  - B. A Laboratory Analysis must be provided to the Town prior to authorizing a discharge of the pool waters to the Town's Separate Storm Sewer System. The analysis must be performed by a Certified and Bonded Laboratory in the Commonwealth of Pennsylvania independent from the Pool Operator. The Analysis must document that the pool water meets the State Water Quality Requirements as identified under PA Code Title 25, Chapter 93 at the time of the discharge
  - C. The Owner of the Swimming Pool shall provide in the Hold Harmless Agreement that the Owner will pay any fines levied against the Town and expenses incurred by the Town in the event that the swimming pool discharge is discovered to have negatively impacted a waterway of the Commonwealth, the receipt of a Certified Laboratory Analysis by the Town notwithstanding.
- 913.210.8 Existing roof drain, underdrain, and sump pump discharges should be directed to a lawn area or other pervious areas. However, this discharge should not be directed toward structures on adjacent properties. If required by the Town, the discharge shall be directed to a stone sump or infiltration BMP. If approved by the Town the discharge may also be directly connected to the storm sewer system.
- 913.210.9 If a direct connection of roof drains or stormwater runoff is permitted by the Town, the storm lateral shall be constructed in accordance with the Town of McCandless Standard Design Criteria for Stormwater Management and Soil Erosion & Sedimentation Control (Latest Edition). A cleanout shall be constructed near the Right-of-Way Line (approximately ten (10) feet from the edge of pavement) for Municipal Inspection Purposes. The Town reserves the right to access and inspect the stormwater inspection port as deemed necessary for MS4 compliance documentation.
- 913.210.10 Any private storm sewer must be equipped with BMP's to address runoff quality if the development plan is not equipped with a regional stormwater management facility containing BMP's. BMP measures shall be privately owned and maintained and must be implemented on the system on private property prior to the inspection port.

- 913.210.11 The applicant must demonstrate that the stormwater discharge meets State Water Quality Requirements in accordance with Section 913.403 and PA Code Title 25, Chapter 93.
- 913.210.12 No person shall construct private facilities for stormwater management purposes within the Public Right of Way.
- 913.210.13 If a storm lateral connection is proposed to traverse a property other than that which it serves, a private easement agreement must be recorded with Allegheny County. A copy of this agreement must be provided to the Town prior to the issuance of a Permit.

### **Section 913.300 Stormwater Management Plan**

For all Regulated Activities not eligible for exemptions pursuant to Section 913.203 of this article, the Applicant shall submit a stormwater management plan and report prepared by a Professional Engineer, licensed in the Commonwealth of Pennsylvania, which shall contain, but not be limited to, the following: (Final copies of all plans, specifications and reports shall also be submitted to the Town in Adobe PDF format.)

- 913.301 A suitable map of the watershed for any and all named streams within which the project is proposed (a United States Geological Survey quadrangle map is usually sufficient) with existing and proposed development areas presented on the map. The site must also be shown on a watershed key map, as found in Appendix A, indicating the location of the site within the Pine Creek or Deer Creek watersheds.
- 913.302 Suitable maps and drawings showing all existing natural and constructed drainage facilities affecting the subject property.
- 913.303 Hydrologic (watershed) and water feature boundaries, including all areas flowing to the proposed project, existing streams (including first order and intermittent streams), springs, lakes, ponds, or other bodies of water within the project area.
- 913.304 Sufficient topographical information with elevations to verify the location of all ridges, streams, etc. (two-foot contour intervals within the project's boundaries and for proposed offsite improvements; for slopes greater than fifteen percent (15%), five (5)-foot contours are acceptable).
- 913.305 Notes pertaining to and locations of, existing standing water, areas of heavy seepage, springs, wetlands, streams, and hydrologically sensitive areas. The Water Quality Standards use designation prescribed by 25 PA Code Chapter 93 must also be provided on the plan.
- 913.306 General type of soils within the drainage areas with Hydrologic Soil Groups noted. The estimated permeabilities in inches per hour, and location and results of all soil tests and borings (if needed) should also be shown on the plan.

- 913.307 100-year flood elevations for any Special Flood Hazard Areas on or within one hundred (100) feet of the property. For redevelopment sites, also show the ten (10) and fifty (50)-year flood elevations for any Special Flood Hazard Areas on or within one hundred (100) feet of the property. The source of these elevations shall also be shown on the plans.
- 913.308 Description of current and proposed ground cover and land use. The total area and percent impervious cover shall be noted. Current ground cover and land use should be based on the latest aerial photography of the area.
- 913.309 A wetland delineation report for the project site with a location map identifying wetland areas if any were found.
- 913.310 A plan of the proposed stormwater drainage system attributable to the activity proposed, including runoff calculations, stormwater management practices to be applied both during and after development, and the expected project time schedule.
- 913.311 The design computations for all proposed stormwater drainage systems, including storm-drain pipes, inlets, runoff control measures and culverts, drainage channels, and other features, facilities, and stormwater management practices.
- 913.312 A grading plan, including all areas of disturbance of the subject activity. The total area of disturbance shall be noted in square feet and acres. Topographic contours showing the existing and proposed final contours at an interval of two feet; in areas having slope of greater than 15% a five-foot contour interval may be used.
- 913.313 A plan of the erosion and sedimentation procedures to be utilized as required by Town ordinance and State Regulations.
- 913.314 The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any other stormwater collection system that may receive runoff from the project site and specifics of how erosion and flooding impacts to adjacent properties will be avoided or otherwise mitigated.
- 913.315 A plan showing the proposed grading and projected house locations to assure that upslope runoff will not be directed toward new or existing homes. Drainage paths and slopes should be shown on this plan to clearly convey the intent of the grading plan.
- 913.316 An operation and maintenance plan consistent with the requirements of Section 913.500. Such a plan should clearly explain how the proposed facilities operate and the functions they serve.

- 913.317 The name of the development, the name and address of the property owner and Applicant, and the name and address of the individual or firm preparing the plan.
- 913.318 A north arrow, submission date, graphic scale and revision dates as applicable shall be included on each page of all plans submitted.
- 913.319 Complete delineation of the flow paths used for calculating the time of concentration for the pre-developed and post-developed conditions.
- 913.320 Construction details sufficient to completely express the intended stormwater design components consistent with this article.
- 913.321 Floodplain boundaries for the 100 year frequency storm are to be shown for all waterways with a drainage area of 150 acres or greater.
- 913.322 A listing of all permits required for the site providing the status of the permit application(s) and approval(s).

**Section 913.400 Stormwater Management Design Standards**

**913.401 Design Goals, Principles and Standards**

**913.401.1 Design Goals**

Applicants shall adhere to a holistic design process incorporating the goals listed below. The objective is to achieve post-development hydrologic conditions that are consistent with the predevelopment ground cover assumption for new development (refer to Section 913.402.2) and improve the runoff conditions for redevelopment (refer to Section 913.401.3.C). The design goals are:

- A. Minimize the volume of runoff that must be collected, conveyed, treated and released by stormwater management facilities;
- B. Maintain the natural infiltration process and rate, and infiltrate runoff at its source when appropriate;
- C. Remove and/or treat pollutants at the source or during conveyance;
- D. Provide for peak flow attenuation, as needed; and
- E. Attenuate runoff to protect the tributaries of the receiving stream.

**913.401.2 General Principles**

The following general principles apply to all applicable activities pursuant to Section 913.202.

- A. Incorporate Conservation Design practices to minimize the amount of stormwater generated on a site, encourage the disconnection of impervious land cover, and maximize the use of pervious areas for stormwater treatment and on-site rainfall infiltration.
- B. Infiltration of surface water runoff at its source is to be a mechanism for stormwater management based on hydrologic soil group (or infiltration testing). Infiltration practices include, but are not limited to, those referenced in Section 913.403.2.A and as outlined in the publications listed in Section 913.403. Infiltration practices shall adhere to the following criteria:
1. In choosing methods of infiltration, preference shall be given to a combination of surface and subsurface infiltration methods.
  2. Applicants shall first consider minimum disturbance/minimum maintenance techniques combined with site grading that distributes runoff to reduce concentration. Next, Applicants shall consider depression areas combined with subsurface infiltration practices followed by other subsurface measures, including, but not limited to, porous paving and perforated pipe storage.
  3. The use of multiple infiltration features and facilities that provide for the following is encouraged:
    - a. Discourage concentration of flows,
    - b. Encourage disconnection of flows,
    - c. Infiltrate as close to the source of runoff as possible, and
    - d. Reduce visual impact.
  4. Where high water tables, subsurface contamination, slope stability concerns, or other site constraints preclude achieving the required infiltration volume, additional Conservation Design practices and alternative stormwater management practices should be implemented to reduce to the maximum extent practicable the total volume of stormwater released to streams. Applicant shall follow the stormwater runoff hierarchy of Section 913.403.1.A.
  5. Infiltration areas should be designed to maintain a broad and even infiltration pattern which existed prior to development. Such facilities should use the natural topography and vegetation in order to blend in with the site. Infiltration designs which do not provide this may be used if the Applicant demonstrates to the Town's satisfaction that alternative approaches would be more effective and more harmonious with their existing environment and as easily maintained.
  6. Above ground stormwater infiltration facilities should be as shallow as possible while still achieving the requirements of this article.
- C. Water quality improvement shall be achieved in conjunction with or as part of infiltration practices. Water quality improvements shall also be provided for drainage areas not otherwise addressed by infiltration practices either at the source of runoff and/or during conveyance away from the source of runoff.

- D. To reduce the need for large retention and/or detention basins designed to satisfy the peak flow attenuation and extended detention requirements, other innovative stormwater management practices located close to the source of runoff generation shall be considered, including a combination of practices (e.g., rooftop storage, open vegetated channels, bioretention, pervious pavement systems and infiltration trenches).
- E. When designing stormwater management facilities to satisfy the peak flow attenuation and extended detention requirements (refer to Section 913.401.3.B.2), the effect of structural and non-structural stormwater management practices implemented as part of the overall site design may be taken into consideration when calculating total storage volume and release rates.
- F. Site hydrology and natural infiltration patterns shall guide site design, construction and vegetation decisions. All channels, drainage ways, swales, natural streams and other surface water concentrations shall be considered and where possible incorporated into design decisions.

### **913.401.3 Minimum Performance Criteria**

- A. The following minimum performance standards shall apply to all applicable activities, whether they are new development or redevelopment, pursuant to Section 913.202.1.
  - 1. Water quality treatment of stormwater runoff shall be provided for all discharges prior to release to a receiving water body. If a stormwater management practice does not provide water quality treatment, then water quality best management practices shall be utilized prior to the runoff entering the stormwater management practice.
  - 2. Water quality management shall be provided through the use of structural and/or non-structural stormwater management practices. Water quality stormwater management practices shall be designed to reduce or eliminate solids, sediment, nutrients, and other potential pollutants from the site. It is presumed that a stormwater management practice complies with this requirement if it is:
    - a. Designed according to the specific performance criteria outlined in Section 913.205.2.
    - b. Constructed in accordance with all permits and approved plans and specifications; and
    - c. Maintained per an approved operation and maintenance plan or agreement or, in lieu of that, in accordance with customary practices.
  - 3. Stormwater discharges from land uses or activities with higher potential for pollutant loadings (hotspots) may require the use of specific structural stormwater management practices and pollution prevention practices. In addition, stormwater from a hotspot land use shall be provided with proper pretreatment prior to infiltration. For the purpose of this article, the sites/facilities listed in Section 913.401.3.A.4, below, are considered hotspots.

4. Certain industrial sites may be required to prepare and implement a stormwater pollution prevention plan and file notice of intent as required under the provision of the EPA Industrial Stormwater NPDES Permit Requirements. Other industrial sites storing significant quantities of chemicals/wastes should also prepare a prevention plan. Sites that are required by EPA to prepare a plan include, but are not limited to:
    - a. Vehicle salvage yards and recycling facilities;
    - b. Vehicle and equipment cleaning facilities;
    - c. Fleet storage areas for buses, trucks etc.;
    - d. Marinas (service and maintenance);
    - e. Facilities that generate or store hazardous materials.
  5. Conveyance structures/channels shall be designed and adequately sized so as to protect the properties receiving runoff from impacts of flooding and erosion. Where necessary, and to the maximum extent permitted under the Municipalities Planning Code and Act 167, or any amendments thereto, a drainage easement from adjoining properties shall be obtained to ensure the drainage way and the property and shall also establish the operation and maintenance requirements for the drainage way.
  6. All stormwater management practices shall have an Operation and Maintenance Plan pursuant to Section 913.503 of this article, and if to be privately owned, an enforceable Operation and Maintenance Agreement per Section 913.504 of this article to ensure the system functions as designed and to provide remedies for system failure. A draft of that agreement may be found in Appendix C of this article.
  7. Stormwater runoff generated from development and discharged directly into a jurisdictional wetland or waters of the United States and their adjacent wetlands shall be treated by an approved stormwater management practice prior to release into a natural wetland and shall not be used to meet the minimum design requirements for stormwater management or stormwater runoff quality treatment, except when used as part of a treatment train that incorporates a portion of the outer zone (filter strip) of the wetland's riparian buffer as a stormwater outfall. In such instances, the discharge velocity from the terminal end of a pipe or associated energy dissipation practice shall not exceed two feet per second for the two-year frequency storm event. Where such a management strategy is used, all feasible methods shall be used to convert concentrated flow to uniform, shallow sheet flow before entering the outer zone of the wetland's riparian buffer. In addition, it shall be demonstrated that such an approach will not cause erosion.
- B. The following minimum performance standards shall apply to all applicable **new development** activities, pursuant to Section 913.202.1.

1. Water quality improvement shall be achieved in conjunction with or as part of infiltration practices (if used). Water quality improvements shall also be provided for drainage areas not otherwise addressed by infiltration practices either at the source of runoff and/or during conveyance away from the source of runoff. Stormwater quality management practices shall be designed to capture and treat stormwater runoff generated by the one-inch rainfall event. Refer to Section 913.403.1.B for Water Quality Volume design standards and assumptions. Stormwater quality management practice selection, design and implementation shall be based upon appropriate reference materials, as provided in Section 913.205.2.
  2. The post development peak discharge rate shall not exceed the predevelopment peak discharge rate multiplied by the “subbasin release rate percentage” (where determined in Act 167 watersheds) for the 2-year, 10-year, 25-year, and 100-year 24-hour storm events pursuant to the predevelopment cover assumption described in Section 913.402.2. Refer to Appendix A for release rate percentages information.
  3. Facilities capable of attenuating rainfall runoff shall be provided and be designed to attenuate the runoff volume from the 1-year 24-hour storm event for at least 24 hours.
  4. Stormwater shall be infiltrated and/or discharged within the same drainage area of the stream receiving the runoff from the development site prior to development.
  5. Structural and non-structural stormwater management practices that make best possible use of infiltration on-site shall be considered in all site designs, when appropriate.
- C. The following minimum performance standards shall apply to all applicable **redevelopment** activities, pursuant to Section 913.202.2.
1. One of the following minimum performance standards shall be accomplished. Selection of the performance standard shall be whichever is most appropriate for the given site conditions:
    - a. Reduce the total impervious cover on the site (e.g., by replacement of pavement with pervious planting areas or green roof systems) by at least twenty-five percent (25%), based on a comparison of existing impervious cover to proposed impervious cover, or
    - b. Provide facilities designed to attenuate the runoff volume from the one (1) year 24-hour post development storm event for at least 24 hours, or
    - c. Provide facilities to insure that the post development peak discharge rate shall not exceed the predevelopment peak discharge rate multiplied by the “subbasin release rate percentage” (where determined in Act 167 watersheds) for the 2-year and 10-year 24-hour storm events. A predevelopment cover CN of 71 and a time of concentration of not less than 10 minutes shall be assumed.

2. In addition to the minimum performance standards for redevelopment areas in Section 913.401.3.C above, water quality improvements shall be provided for drainage areas not otherwise addressed by infiltration practices either at the source of runoff and/or during conveyance away from the source of runoff. Stormwater quality management facilities shall be designed to capture and treat one-quarter of one inch (0.25") of runoff from all pavement areas (i.e. parking lots, pavements and non-covered sidewalks). Roof area may be excluded from this calculation.

### 913.402 Stormwater Runoff Calculation Criteria

In addition to the infiltration and water quality requirements of this article, peak flow from those activities resulting in increases in impervious surface and/or re-grading and compaction shall be attenuated consistent with the following stormwater calculation methods:

- 913.402.1 The following design storms shall be used for analysis of the pre and post development conditions. These values are applicable to the Soil-Cover-Complex Method:

Return Period (years)	24 Hour Storm (inches)
1	2.00
2	2.35
10	3.30
25	3.91
100	4.92

The precipitation values for each frequency storm listed above were abstracted from the precipitation frequency estimates developed by the National Oceanic and Atmospheric Administration as set forth in NOAA Atlas 14, Volume 2 (NOAA June 2004). The NOAA data are available from the Hydrometeorological Design Studies Center of the National Weather Service.

- 913.402.2 The following assumptions shall be used for runoff calculations:
- A. For new development sites, the ground cover used as the **predevelopment** assumption for runoff calculations shall be as follows:
1. Wooded sites shall use a ground cover of woodland in good condition. Portions of a site having more than one viable tree of a DBH (Diameter at breast height (**DBH**) is the diameter of the tree stem 4 1/2 feet above the ground) of six (6) inches or greater per fifteen hundred (1,500) square feet shall be considered wooded where such trees existed within ten (10) years of application. If there is evidence of logging within the ten (10) year period logged area shall be considered as woodland in good condition.

2. Agricultural sites shall use a ground cover of pasture in good condition.
  3. All other portions of a site shall use a ground cover of meadow in good condition.
  4. All watershed area(s) contributing to the point of interest including off-site area shall be considered.
  5. For redevelopment sites, see Section 913.401.3.C.
- B. The runoff curve numbers listed in the table below shall be used in developing the runoff calculations for the ground covers noted in Section 913.402.2.A. These values are referenced from the Urban Hydrology for Small Watersheds Technical Release No. 55 (USDA, 1986). Coefficients for equivalent ground cover conditions shall be used if a runoff method other than the Soil Cover Complex Method is used.

Ground Cover	Hydrologic Soil Group Curve Numbers			
	A	B	C	D
Woodland	30	55	70	77
Meadow	30	58	71	78
Grass	39	61	74	80

- C. Impervious cover shall have a curve number of 98.
- D. Gravel pavement shall have a curve number of 89.
- E. All new grass and lawn areas that are to be graded or disturbed shall have a curve number of 80.
- F. Average antecedent moisture conditions, or AMC II, shall be used (for the Soil Cover Complex Method only for example, TR-55, TR-20).
- G. A type II distribution storm (for the Soil Cover Complex Method only for example, TR-55, TR-20).
- H. For time of concentration calculations, sheet flow lengths shall not exceed 100 feet and shallow concentrated flow lengths shall not exceed 1000 feet.
- I. The kinematic "n" value in the sheet flow equation should be applied as per the following table. (Values taken from TR-55)

Impervious Surfaces	0.011
Agricultural Lands	0.17
Grass, Lawn, or Open Space	0.24
Wooded Areas	0.40

- 913.402.3 In all plans and designs for stormwater management systems and facilities submitted to the Engineer for approval, stormwater peak discharge and runoff shall be determined through the use of the NRCS Soil Cover Complex Method as set forth in Urban Hydrology for Small Watersheds, Technical Release No. 55 (USDA, 1986), with specific attention given to antecedent moisture conditions, flood routing, time of concentration, and peak discharge specifications included therein and in Hydrology National

Engineering Handbook, Section 4, (USDA, 1985) both by the U.S. Department of Agriculture, Natural Resources Conservation Service. Note that when TR-55 is used for natural system-based approaches and practices encouraged herein, calculations must be performed on a detailed small sub-area basis. Use of Technical Release No. 20 and other methods listed in Table 1 are also acceptable. The design professional's selection of a specific method shall be based on the suitability of the method for the given project site conditions with due consideration to the limitations of the method chosen. Table 1 herein summarizes the computational methods available.

Table 1  
ACCEPTABLE COMPUTATION METHODOLOGIES FOR STORMWATER  
MANAGEMENT PLANS

METHOD	SOURCE	APPLICABILITY
TR-20 or commercial Package Based on TR-20	USDA - NRCS	When use of full model is desirable or necessary
TR-55 or Commercial Package Based on TR-55	USDA - NRCS	Applicable for plans within the model's limitations
HEC - HMS	U.S. Army Corps of Engineers	When full model is desirable or necessary
PSRM	Penn State University	When full model is desirable or necessary
VT/PSUHM	Virginia Polytechnic Institute & Penn State University	When full model is desirable or necessary
HEC-1	U.S. Army Corps of Engineers	When full model is desirable or necessary
SWMM or commercial package based on SWMM	U.S. EPA	Most applicable in urban areas
Small Storm Hydrology Method (as included in SLAMM)	PV & Associates, or the website <a href="http://www.winslamm.com">www.winslamm.com</a>	Calculation of runoff volume from urban and suburban areas

- 913.402.4 A Modified Rational Method analysis may be used for drainage areas and/or development sites smaller than one (1) acre when permitted by the Engineer. The term “Modified Rational Method” used herein refers to a procedure for manipulation of the basic rational method techniques to reflect the fact that storms with durations greater than the normal time of concentration for a basin will result in a larger volume of runoff even though the peak discharge is reduced. The methodology and model chosen for use shall be well documented as being appropriate for use in this region, and all relevant assumptions, methodologies, calculations and data used shall be provided to the Engineer for review. Information on the Modified Rational Method is presented in the Recommended Hydrologic Procedures for Computing Urban Runoff from Small Watersheds in Pennsylvania (PADEP, 1982).
- 913.402.5 Rainfall intensities used for the Modified Rational Method shall be based on the precipitation frequency estimates developed by the National Oceanic and Atmospheric Administration as set forth in NOAA Atlas 14.
- 913.402.6 The Rational Method (that is,  $Q = CIA$ ) shall be used for calculations of the peak rate of runoff for the design of storm sewers and drainage swales but **not** for the design of stormwater management facilities where a full hydrograph is needed. The equation representing the Rational Method is comprised of the following (in English units):
- $Q$  = Peak flow rate, cubic feet per second (CFS)  
 $C$  = Runoff coefficient, dependent on land use/cover  
 $I$  = Design rainfall intensity, inches per hour  
 $A$  = Drainage area, acres.
- 913.402.7 Runoff characteristics of off-site areas that drain through a proposed development shall be considered and be based on the existing conditions in the off-site area.
- 913.402.8 Impervious Area Flash (IAF) Analysis
- An Impervious Area Flash (IAF) analysis shall be conducted for all sites. The analysis requires that the watershed impervious area be modeled without the pervious areas within the watershed. The time of concentration for the watershed should also be determined from the impervious areas only. If the IAF results in a higher post-development peak runoff rate than the post-development watershed analysis, then this higher value must be used for the final design of the stormwater management facility.

### Section 913.403 Standards for Stormwater Management Practices

The Pennsylvania Stormwater Best Management Practices Manual shall serve as a guide for the design of stormwater management practices. Additional design guidance may also be obtained from other related sources, including the 2000 Maryland Stormwater Design Manual, Volumes I and II (MDE, 2000), Design of Stormwater Filtering Systems (CWP, 1996), and the American Society of Civil Engineers Manual and Report on Engineering Practice, No. 87, Urban Runoff Quality Management (ASCE, 1998) for the design of stormwater runoff quality control features for site development. A list of references is provided with this article. The Water Quality Volume design measures used herein are partially based on the methodology expressed in the Maryland manual referenced above.

Pursuant to the design options recommended in the above documents, the following standards shall be adhered to:

#### 913.403.1 Extended Detention, Water Quality Volume, Infiltration & Nonstructural BMP Credits Criteria

The following sizing criteria shall be followed at all sites required to meet the standards of this article.

##### A. Extended Detention

1. Detain the 1-year, 24-hour design storm using the SCS Type II distribution. Provisions shall be made so that the 1-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured. (i.e., the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation potential.
2. Detention basins shall detain the 1-year storm event and allow it to naturally infiltrate and recharge the groundwater table if possible. All subsequent orifices and control structures for the 2, 10, 25, and 100-year storm events shall be placed above the maximum water surface elevation of the 1-year storm.
3. Flow from off-site areas must be considered as pass-through flow if it is conveyed through the BMP and should be modeled as "pre-developed conditions" for the one year storm event only.

##### B. Water Quality Volume

1. Treatment of the Water Quality Volume (WQv) of stormwater prior to its release to receiving waters or water bodies shall be provided at all developments where stormwater management is required. The WQv equals the storage volume needed to capture and treat the runoff from storms of one (1) inch or less. Runoff from the first one (1) inch of rainfall transports most of the total pollutant load.

The WQv is based on the following equation:

$$\text{WQv} = [(P)(Rv)(A)]/12 \text{ (acre-feet)}$$

Where:

P = rainfall depth in inches (set to 1 inch)

Rv = volumetric runoff coefficient,  $0.05 + 0.009(I)$  where I is percent impervious cover

A = site area (acres).

2. The formula assumes approximately five percent (5%) runoff from pervious surfaces, and ninety percent (90%) runoff from impervious surfaces. A minimum of 0.2 inches per acre of runoff volume shall be met at sites or in drainage areas that have less than fifteen percent (15%) impervious cover.
3. Drainage areas having no impervious cover and no proposed disturbance during development may be excluded from the WQv calculations. However, designers are encouraged to incorporate water quality treatment practices for these areas.
4. Stormwater Quality Treatment: The final WQv shall be treated by an acceptable stormwater management practice(s) from those described in this Section or as approved by the Town.
5. For new developments and redevelopments, infiltration is considered an acceptable method of satisfying part or all of the Water Quality Volume.
6. For new developments, the WQv requirements of this section shall be sized and designed in conjunction with the standards under Section 913.403.1.A.
7. As a basis for design, the following assumptions may be made:
  - a. Multiple Drainage Areas: When a project contains or is divided by multiple drainage areas, the WQv volume shall be addressed for each drainage area.
  - b. Offsite Drainage Areas: The WQv shall be based on the impervious cover of the proposed site. Offsite existing impervious areas may be excluded from the calculation of the water quality volume requirements.

C. Infiltration Volume

Where possible, all of the Water Quality Volume should be treated using infiltration BMPs. The following calculation shall be used to determine the minimum recharge goal for the site.

<b>Recharge Volume (<math>Re_v</math>), (acre-feet)</b>	
Fraction of $WQ_v$ , depending on soil hydrologic group.	
$Re_v = (S)(A_i)$ Where; S = soil specific recharge factor in inches	
$A_i$ = the measured impervious cover	
Hydrologic Soil Group	Soil Specific Recharge Factor (S)
A	<i>0.40 inches of runoff</i>
B	<i>0.25 inches of runoff</i>
C	<i>0.10 inches of runoff</i>
D	<i>0.05 inches of runoff</i>

1. Infiltrated volume may be subtracted from the total site  $WQ_v$
2. Infiltration should not be considered for sites or areas of sites that have activities that may allow pollution to be infiltrated. For example the use of infiltration for the runoff of a service station's paved lot would not be appropriate, although roof water from the service station may be infiltrated.
3. Infiltration should only be used when in the opinion of a professional engineer it will not contribute to slope instability or cause seepage problems into basements or developed down-gradient areas.
4. If more than one hydrologic soil group is present at a site, a composite recharge volume shall be computed based upon the proportion of total site area within each hydrologic soil group.
5. All infiltration facilities shall be set back at least twenty (20) feet from all structures with sub-grade elements (e.g., basements, foundation walls).
6. All infiltration facilities shall be set back at least twenty (20) feet from all property lines and road rights of way.
7. A detailed, onsite infiltration test is required at the location of all infiltration BMP's.

D. Credits for Use of Nonstructural BMPs

The developer may obtain credits for the use of nonstructural BMPs using the procedures outlined below. Examples of nonstructural credit calculations are provided in Appendix E.

1. Volume Reduction Method #1: Natural Area Conservation.

A water quality volume reduction can be taken when undisturbed natural areas are conserved on a site, thereby retaining their pre-development hydrologic and water quality characteristics. Under this method, a designer would be able to subtract the conservation areas from the total site area when computing the water quality protection volume. An added benefit is that the post-development peak discharges will be smaller, and hence, water quantity control volumes will be reduced due to lower post-development curve numbers or rational formula "C" values.

**Rule: Subtract conservation areas from total site area when computing water quality protection volume requirements.**

Criteria:

- a. Conservation area cannot be disturbed during project construction and must be protected from sediment deposition. The conservation area shall be protected with a safety fence until construction has been completed. After construction the area shall be posted with signage indicating that it is a conservation area.
- b. Shall be protected by limits of disturbance clearly shown on all construction drawings
- c. Shall be located within an acceptable conservation easement instrument that ensures perpetual protection of the proposed area. The easement must clearly specify how the natural area vegetation shall be managed and boundaries will be marked [Note: managed turf (e.g., playgrounds, regularly maintained open areas) is not an acceptable form of vegetation management]
- d. Shall have a minimum contiguous area requirement of 10,000 square feet
- e. R is kept constant when calculating WQ
- f. Must be forested or have a stable, natural ground cover.

2. Volume Reduction Method #2: Stream Buffers

This reduction can be taken when a stream buffer effectively treats storm water runoff. Effective treatment constitutes treating runoff through overland flow in a naturally vegetated or forested buffer. Under the proposed method, a designer would be able to subtract areas draining via overland flow to the buffer from total site area when computing water quality protection volume requirements. The design of the stream buffer treatment system must use appropriate methods for conveying flows above the annual recurrence (1-yr storm) event.

**Rule: Subtract areas draining via overland flow to the buffer from total site area when computing water quality protection volume requirements.**

Criteria:

- a. The minimum undisturbed buffer width shall be 50 feet from top of bank
- b. The maximum contributing length shall be 150 feet for pervious surfaces and 75 feet for impervious surfaces
- c. The average contributing slope shall be 3% maximum unless a flow spreader is used. In no case shall the average contributing slope be greater than 10%.
- d. Runoff shall enter the buffer as overland sheet flow. A flow spreader can be installed to ensure this

- e. Buffers shall remain as naturally vegetated or forested areas and will require only routine debris removal or erosion repairs
  - f. R is kept constant when calculating WQ
  - g. Not applicable if overland flow filtration/groundwater recharge reduction is already being taken
3. Volume Reduction Method #3: Enhanced Swales

This reduction may be taken when enhanced swales are used for water quality protection. Under the proposed method, a designer would be able to subtract the areas draining to an enhanced swale from total site area when computing water quality protection volume requirements. An enhanced swale can fully meet the water quality protection volume requirements for certain kinds of low-density residential development (see Volume Reduction Method #5). An added benefit is the post-development peak discharges will likely be lower due to a longer time of concentration for the site.

**Rule: Subtract the areas draining to an enhanced swale from total site area when computing water quality protection volume requirements.**

Criteria:

- a. This method is typically only applicable to moderate or low density residential land uses (3 dwelling units per acre maximum)
- b. The maximum flow velocity for water quality design storm shall be less than or equal to 1.0 foot per second
- c. The minimum residence time for the water quality storm shall be 5 minutes
- d. The bottom width shall be a maximum of 6 feet. If a larger channel is needed use of a compound cross section is required
- e. The side slopes shall be 3:1 (horizontal:vertical) or flatter
- f. The channel slope shall be 3 percent or less
- g. R is kept constant when calculating WQ

4. Volume<sup>v</sup> Reduction Method #4: Overland Flow Filtration/Groundwater Recharge Zones

This reduction can be taken when “overland flow filtration/infiltration zones” are incorporated into the site design to receive runoff from rooftops or other small impervious areas (e.g., driveways, small parking lots, etc). This can be achieved by grading the site to promote overland vegetative filtering or by providing infiltration or “rain garden” areas. If impervious areas are adequately disconnected, they can be deducted from total site area when computing the water quality protection volume requirements. An added benefit will be that the post-development peak discharges will likely be lower due to a longer time of concentration for the site.

**Rule: If impervious areas are adequately disconnected, they can be deducted from total site area when computing the water quality protection volume requirements.**

Criteria:

- a. Relatively permeable soils (hydrologic soil groups A and B) should be present
- b. Runoff shall not come from a designated hotspot
- c. The maximum contributing impervious flow path length shall be 75 feet
- d. Downspouts shall be at least 10 feet away from the nearest impervious surface to discourage “re-connections”
- e. The disconnection shall drain continuously through a vegetated channel, swale, or filter strip to the property line or structural storm water control
- f. The length of the “disconnection” shall be equal to or greater than the contributing length
- g. The entire vegetative “disconnection” shall be on a slope less than or equal to 3 percent
- h. The surface impervious area tributary to any one discharge location shall not exceed 5,000 square feet
- i. For those areas draining directly to a buffer, reduction can be obtained from either overland flow filtration or stream buffers (See Method #2)
- j. R is kept constant when calculating WQ

5. Volume Reduction Method #5: Environmentally Sensitive Large Lot Subdivisions

This reduction can be taken when a group of environmental site design techniques are applied to low and very low density residential development (e.g., 1 dwelling unit per 2 acres [du/ac] or lower). The use of this method can eliminate the need for structural storm water controls to treat water quality protection volume requirements. This method is targeted towards large lot subdivisions and will likely have limited application.

**Rule: Targeted towards large lot subdivisions (e.g. 2 acre lots and greater). The requirement for structural facilities to treat the water quality protection volume may be waived.**

Criteria:

- a. For Single Lot Development:
  - i. Total site impervious cover is less than 15%
  - ii. Lot size shall be at least two acres
  - iii. Rooftop runoff is disconnected in accordance with the criteria in Method #4
  - iv. Grass channels are used to convey runoff versus curb and gutter

- b. For Multiple Lots:
  - i. Total impervious cover footprint shall be less than 15% of the area
  - ii. Lot areas should be at least 2 acres, unless clustering is implemented. Open space developments should have a minimum of 25% of the site protected as natural conservation areas and shall be at least a half-acre average individual lot size
  - iii. Grass channels should be used to convey runoff versus curb and gutter (see Method #3)
  - iv. Overland flow filtration/infiltration zones should be established (see Method #4)

#### 913.403.2 Stormwater Infiltration Practices

- A. In selecting the appropriate infiltration BMPs, the Applicant shall consider the following:
  - 1. Permeability and infiltration rate of the site soils.
  - 2. Slope and depth to bedrock.
  - 3. Seasonal high water table.
  - 4. Proximity to building foundations and well heads.
  - 5. Erodibility of soils.
  - 6. Land availability and topography.
  - 7. Slope stability.
  - 8. Effects on nearby properties and structures.
- B. A detailed soils evaluation of the project site shall be performed to determine the suitability of infiltration BMPs. The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock and slope stability. The general process for designing the infiltration BMP shall be:
  - 1. Analyze hydrologic soil groups as well as natural and man-made features within the watershed to determine general areas of suitability for infiltration BMPs.
  - 2. Provide field testing data to determine appropriate percolation rate and/or hydraulic connectivity.
  - 3. Design infiltration BMPs for required stormwater volume based on field-determined capacity at the level of the proposed infiltration surface.
- C. Soil characteristics, as subject to the specific considerations below:
  - 1. Infiltration BMPs are particularly appropriate in hydrologic soil groups A and B, as described in the Natural Resources Conservation Manual TR-55.
  - 2. Low-erodibility factors (“K” factors) are preferred for the construction of basins.

3. There must be a minimum depth of 48 inches between the bottom of any facility and the seasonal high water table and/or bedrock (limiting zones), except for infiltration BMPs receiving only roof runoff which shall be placed in soils having a minimum depth of 24 inches between the bottom of the facility and the limiting zone.
  4. There must be an infiltration and/or percolation rate sufficient to accept the additional stormwater load, and to drain completely as determined by field tests.
  5. The infiltration system shall have positive overflow controls to prevent storage within 1 foot of the finished surface or grade.
  6. Infiltration rates shall not be used for computing the storage volume of the infiltration system.
  7. Surface inflows shall be designed to prevent direct discharge of sediment into the infiltration system.
- D. The recharge volume provided at the site shall be directed to the most permeable hydrologic soil group available, except where other considerations apply such as in limestone geology.
- E. Any infiltration BMP shall be capable of completely infiltrating the impounded water within 48 hours. The 48 hour period is to be measured from the end of the 24 hour design storm.
- F. The Town may require additional analyses for stormwater management facilities proposed for susceptible areas such as:
1. Strip mines.
  2. Storage areas for salt, chloride, other materials for winter deicing.
  3. Unstable and Steep Slopes.
- G. During the period of land disturbance, runoff shall be controlled prior to entering any proposed infiltration area. Areas proposed for infiltration BMP's shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
- H. Infiltration BMP's shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.
- I. Infiltration facilities shall be selected based on suitability of soils and site conditions. Acceptable infiltration facilities include, but are not limited to: filter strips or stormwater filtering systems (for example bioretention facilities, sand filters), open vegetated channels (that is, dry swales and wet swales), infiltration trenches, dry wells, infiltration basins, porous paving systems, retention basins, wet extended detention ponds, riparian corridor management, riparian forested buffers, rooftop runoff management systems, and sand filters (closed or open).
- J. Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system

- K. All infiltration facilities shall be set back at least twenty (20) feet from all structures with sub-grade elements (e.g., basements, foundation walls).
- L. All infiltration facilities that serve more than one (1) lot and are considered a common facility shall have a private drainage easement. The easement shall provide to the Town the right of access.
- M. If detailed infiltration study is required, the following guidelines shall be followed:  
Soil evaluations shall be performed to determine the feasibility and extent to which infiltration systems can be used. The evaluation shall be performed by a qualified, licensed geologist, geotechnical/civil engineer or soil scientist and, at a minimum, address soil types, soil permeability, depth to bedrock, limitations of soils, presence/absence of carbonate geology susceptibility to subsidence and/or sinkhole formation and subgrade stability. The testing and evaluation should be completed at the preliminary design stage.  
Infiltration requirements shall be based on the portions of the site that are permeable prior to disturbance and the degree to which development will reduce the permeability of the site. Permeability of the site shall be determined based on the detailed evaluations described herein. Use of stormwater management facilities to retain stormwater for infiltration should be applied to all areas where the soils evaluation indicates favorable conditions. Areas generally not favorable for infiltration shall still be provided with an appropriate water quality practice.  
Soil infiltration tests shall be performed to an equivalent depth or elevation of the bottom of the proposed infiltration areas. These tests shall follow the procedures of percolation test holes as established by the Allegheny County Health Department (ACHD) for on-lot septic systems or Appendix C – Site Evaluation and Soil Testing in the PA Stormwater BMP Manual.  
The testing shall include a test pit and percolation test holes. The test hole shall be excavated to a depth so that the presence or absence of bedrock and/or seasonal high water table can be determined. A soil log describing the soils present in each test pit shall be performed. All test holes used for evaluating the percolation rate shall be pre-soaked in accordance with the procedures established by the ACHD. The location and number of test pits and percolation holes shall be determined based on the type(s) of stormwater management facilities being designed. Acceptability of infiltration rates shall be based on sound engineering judgment and recommended design considerations described in the design manuals listed in the references or other source material acceptable to the Engineer.
- N. The following design and construction standards shall be followed when planning and constructing infiltration BMPs.

1. The lowest elevation of the infiltration area shall be at least two (2) feet above the Seasonal High Water Table and bedrock.
2. Where roof drains are designed to discharge to infiltration facilities, they shall have appropriate measures to prevent clogging by unwanted debris (for example, silt, leaves and vegetation). Such measures shall include, but are not limited to, leaf traps, gutter guards and cleanouts.
3. All infiltration facilities shall have appropriate positive overflow controls to prevent storage within one (1) foot of the finished surface or grade, unless a specific amount of surface storage away from pedestrian and vehicular traffic is provided and such areas infiltrate the stored volume within 48 hours after the end of the 24-hour design storm.
4. All infiltration facilities shall be designed to infiltrate the stored volume within 48 hours after the end of the 24-hour design storm.
5. All surface inflows shall be treated to prevent the direct discharge of sediment into the infiltration facility. Accumulated sediment reduces stormwater storage capacity and ultimately clogs the infiltration mechanism. No sand, salt or other particulate matter may be applied to a porous (pervious) surface for winter ice conditions.
6. During site construction, all infiltration practice components shall be protected from compaction due to heavy equipment operation or storage of fill or construction material. Infiltration areas shall also be protected from sedimentation. Areas that are accidentally compacted or graded shall be remediated to restore soil composition and porosity. Adequate documentation to this effect shall be submitted for review by the Engineer. All areas designated for infiltration shall not receive runoff until the contributory drainage area has achieved final stabilization.
7. The following procedures and materials shall be required during the construction of all subsurface facilities:
  - a. Excavation for the infiltration facility shall be performed with equipment that will not compact the bottom of the seepage bed/trench or like facility.
  - b. The bottom of the bed and/or trench shall be scarified prior to the placement of aggregate.
  - c. Only clean aggregate with documented porosity, free of fines, shall be allowed.
  - d. The tops and sides of all seepage beds, trenches, or like facilities shall be covered with drainage fabric. Fabric shall meet the specifications of PennDOT Publication 408, Section 735, Construction Class 1.

- e. Perforated distribution pipes connected to centralized catch basins and/or manholes with the provision for the collection of debris shall be provided in all facilities. Where perforated pipes are used to distribute stormwater to the infiltration practice, stormwater shall be distributed uniformly throughout the entire seepage bed/trench or like facility.

### 913.403.3 Open Vegetated Channels

- A. Open Vegetated Channels are conveyance systems that are engineered to also perform as water quality and infiltration facilities. Such systems can be used for the conveyance, retention, infiltration, and filtration of stormwater runoff.
- B. Open Vegetated Channels primarily serve a water quality function (WQv), they also have the potential to augment infiltration. Examples of such systems include, but are not limited to: dry swales, wet swales, grass channels, and biofilters. Open Vegetated Channels are primarily applicable for land uses such as roads, highways, residential developments (dry swales only) and pervious areas.
- C. Open Vegetated Channels shall be designed to meet the following minimum standards:
  - 1. The channel shall be designed to safely convey the **ten (10) year** frequency storm event with a freeboard of at least twelve (12) inches. Freeboard is the difference between the elevation of the design flow in the channel and the top elevation of the channel.
  - 2. The peak velocity of the runoff from the **ten (10) year storm** shall be non-erosive for the soil and ground cover provided in the channel.
  - 3. The longitudinal slope shall be no greater than four percent (4%).
  - 4. Channels shall be trapezoidal in cross section.
  - 5. Channels shall be designed with moderate side slopes of four (4) horizontal to one (1) vertical. Flatter side slopes may be necessary under certain circumstances.
  - 6. The maximum allowable ponding time in the channel shall be less than 48 hours.
  - 7. Channels (for example, dry swales) may require an underdrain in order to function and dewater.
  - 8. Channels shall be designed to temporarily store the WQv within the system for a maximum period of 48 hours and a minimum period of one (1) hour.
  - 9. Landscape specifications shall address the grass species, wetland plantings (if applicable), soil amendment and hydric conditions present along the channel.

10. Accumulated sediment within the channel bottom shall be removed when twenty-five percent (25%) of the original WQv volume has been exceeded. The channel shall be provided with a permanent concrete cleanout marker that indicates the twenty-five percent (25%) loss level.
  11. Check dams along the channel length may be warranted.
  12. The bottom of dry swales shall be situated at least two (2) feet above the seasonal high water table.
- D. Additional design information for Open Vegetated Channels is available in Design of Roadside Channels with Flexible Linings, HEC 15, FHWA, September 2005.

#### 913.403.4 Retention Basins

- A. Retention basins shall be designed to create a healthy ecological community with sufficient circulation of water to prevent the growth of unwanted vegetation and mosquitoes or other vectors. If circulation cannot be provided via natural means, then artificial aeration and circulation shall be provided. Care shall be taken to landscape retention basins in accordance with Section 913.404.
- B. The retention basin shall be of sufficient size to allow the appropriate aquatic community needed to maintain healthy pond ecology and avoid mosquitoes capable of carrying West Nile Virus and other diseases. The Allegheny County Health Department, Pennsylvania Fish and Boat Commission, the Natural Resource Conservation Service, the Pennsylvania Extension Service, or other qualified professional consultant shall be consulted during the design of these facilities in order to ensure the health of aquatic communities and minimize the risk of creating mosquito breeding areas.
- C. An outlet structure shall be designed to allow complete drainage of the pond for maintenance.
- D. The design of a retention basin shall include the determination of the proposed site's ability to support a viable permanent pool. The design shall take into account such factors as the available and required rate and quality of dry weather inflow, the stormwater inflow, seasonal and longer-term variations in ground water table, and impacts of potential pollutant loadings.
- E. Sediment storage volume equal to at least twenty percent (20%) of the volume of the permanent pool shall be provided.

- F. A sediment forebay with a hardened bottom shall be provided at each inlet into the retention basin. The forebay storage capacity shall at minimum be ten percent (10%) of the permanent pool storage. The forebay shall be designed to allow for access by maintenance equipment for periodic cleaning. A permanent concrete cleanout maker shall be installed in the forebay to indicate the level where 25% for the forebay storage has been used.
- G. Emergency spillways shall be sized and located to permit the safe passage of stormwater flows from an un-attenuated 100-year post-development storm with 1 foot of freeboard. The maximum velocities in vegetated spillways excavated in otherwise undisturbed soil shall be analyzed based upon the velocity of peak flow in the emergency spillway during an assumed clogged primary outlet condition. Where maximum velocities exceed design standards contained in the Engineering Field Manual for Conservation Practices (USDA, SCS, July 1984) suitable lining shall be provided. All emergency spillways placed on fill materials shall be lined. Lining for emergency spillways shall incorporate native colors and materials where possible including mono slab revetments, grass pavers, rip rap and native stone.
- H. Basin and pond embankments must be designed by a professional engineer registered in the State of Pennsylvania. The design must include an investigation of the subsurface conditions at the proposed embankment location to evaluate settlement potential, groundwater impacts, and the need for seepage controls. The submittal of a geotechnical report from a geotechnical engineer for any embankment over 10 feet in effective height or posing a significant hazard to downstream property or life is required. The selection of fill materials must be subject to approval of the design engineer. Fill must be free of frozen soil, rocks over six inches, sod, brush, stumps, tree roots, wood, or other perishable materials. Embankment fills less than 10 feet in fill height must be compacted using compaction methods that would reasonably guarantee that the fill density is at least 90% of the maximum density as determined by standard proctor (ASTM-698). All embankment fills more than 10 feet in fill height must be compacted to at least 90% of the maximum density as determined by standard proctor (ASTM-698) and must have their density verified by field density testing. A PADEP Dam permit is required for embankments having a maximum depth of water, measured from the upstream toe of the dam to the top of the dam at maximum storage elevation, of greater than 15 feet; and/or for ponds having contributory drainage area of greater than 100 acres; and/or for impoundments of greater than 50 acre-feet.
- I. The embankment's interior and exterior slopes may not be steeper than 3:1 (3 horizontal to 1 vertical).

- J. The minimum embankment width shall be 5' for embankments less than 3' in height, 10' if the embankment is between 3.1' and 9.9' in height and 15' if the embankment is higher than 10'.
- K. Existing ponds or permanent pool basins can be used for stormwater management provided that it can be demonstrated that the ponds are structurally sound and meet the design requirements herein.
- L. Inlet structures and outlet structures shall be separated to the greatest extent possible in order to maximize the flow path through the retention basin.
- M. Retention basins shall be designed to provide a length-to-width ratio of at least 3L:1W as measured in plan view (for example, a ratio of 4L:1W is too narrow).
- N. The retention basin depth shall average three (3) to six (6) feet.
- O. The interior slope of the pond shall be 4H:1V or flatter. A five-foot (5') wide bench around the pond perimeter at an elevation is required 1' below the permanent water surface elevation. A structural or vegetative barrier may be required by the Town.
- P. Any side slopes below the permanent water surface level shall not exceed 3H:1V. Interior side slopes above the permanent water surface level shall not exceed 3H:1V.
- Q. Stabilization. Proper stabilization structures, including stilling basins, energy dissipaters, and channel lining shall be constructed at the outlets of all retention basins and emergency spillways. The stabilization structures shall control water to: avoid erosion; reduce velocities of released water and direct water so that it does not interfere with downstream activities.
- R. Energy dissipaters shall be installed to prevent erosion and/or initiate sheet flow at points where pipes or drainage ways discharge to or from basins. Energy dissipaters shall comply with criteria in Hydraulic Design of Energy Dissipaters for Culverts and Channels, HEC 14, FHWA, July, 2006. Such facilities shall be both functional and harmonious with the surrounding environment; for example, native rock shall be used in constructing dissipaters where practical.

- S. Discharge Points. The minimum distance between a proposed basin discharge point (including the energy dissipater, etc.) and a downstream property boundary shall in no case be less than twenty (20) feet. Where there is discharge onto or through adjacent properties prior to release to a stream, designers shall demonstrate how downstream properties are to be protected. The Engineer may require that the setback distance be increased based upon factors such as topography, soil conditions, the size of structures, the location of structures, and discharge rates. A drainage easement may also be required.
- T. Outlet Structures. Outlet structures shall meet the following specifications:
1. To minimize clogging and to facilitate cleaning and inspecting, outlet pipes shall have an internal diameter of at least fifteen (15) inches and a minimum grade of one percent (1%).
  2. Bentonite plugs shall be provided on all outlet pipes within a constructed berm.
  3. All principal outlet structures shall be built using reinforced concrete with watertight construction joints.
  4. The use of architecturally treated concrete, stucco, painted surface or stone facade treatment shall be considered for enhancing the outlet structure. Such facilities shall be both functional and harmonious in design with the surrounding environment.
  5. Outlet pipes shall be constructed of reinforced concrete with rubber gaskets in conformance with AASHTO M170, M198 and M207, or smooth interior HDPE pipe in conformance with AASHTO M252 or M294.
  6. Basin outlet structures shall have childproof non-clogging trash racks over all design openings exceeding twelve (12) inches in diameter except those openings designed to carry perennial stream flows. Periodic cleaning of debris from trash racks shall be included in the operation and maintenance plan.
  7. Anti-vortex devices, consisting of a thin vertical plate normal to the basin berm, shall be provided at the top of all circular risers or standpipes.
- U. An easement 25 feet in width must be provided around the top perimeter of all retention facilities. This easement shall remain clear of any structures, sheds, retaining walls, swing sets, stored debris, etc. The entire 25 foot easement, unless otherwise approved by the Town, must remain on the applicant's property.

- V. All detention facilities shall be provided with an access road (with a legal easement) for maintenance purposes. The design criteria for such access roads shall be as follows:
1. Access roads shall be a minimum of ten (10) feet wide and have a maximum grade of fifteen percent (15%).
  2. Access must be provided from a public street to the berm of the facility so that equipment can obtain access to the outlet control works without entering the water impoundment area.
  3. Access Roads with gradients of 3% or less are permitted to be constructed with a stabilized base material and natural surface or equal as approved by the Town.
  4. Access Roads with gradients of 10% or less are permitted to be constructed with a stabilized base material and Bituminous Seal Coat Surface in accordance with PennDOT Publication 408, Section 470 or equal as approved by the Town.
  5. A permanent easement must be provided for the access roadway from the public right-of-way to the stormwater detention facility. This easement shall be a minimum of twenty-five (25) feet in width.
  6. Access roads with gradients exceeding 10% shall be constructed with full depth bituminous pavement or concrete surfacing as approved by the Town.
  7. Where deemed necessary by the Town, a permanent gate shall be provided for the access roadway. The design for the gate must be submitted and approved by the Town.

913.403.5 Detention Basins

- A. The landscape standards of Section 913.404 shall apply.
- B. The maximum interior side slopes shall not exceed four (4) horizontal to one (1) vertical (4H:1V). The minimum required slope for the basin bottom is two percent (2%). A level bottom is acceptable, provided the designer demonstrates to the Town's satisfaction that the basin bottom will be landscaped with appropriate wetland vegetation pursuant to Section 913.404. In addition, Detention Basins of sufficient size and slope may serve other functions as well, including recreational uses which do not hinder or conflict with the function of the detention basin.
- C. Inlet Structures. The inlet pipe invert into a basin shall be set above the 1 year quality storm elevation or a minimum of six (6) inches above the basin floor or lining so that the pipe can adequately drain after rainstorms. Inlets shall discharge into areas of the basin that slope toward the outlet structure.

- D. Inlet structures and outlet structures shall be separated to the greatest extent possible in order to maximize the flow path through the retention basin.
- E. Low Flow Channels. Low flow channels constructed of concrete or asphalt are not permitted. Where low flow channels are necessary, they shall be composed of a natural or bioengineered material. Low flow channels shall be designed to promote water quality and slow the rate of flow through the basin. Low flow channels may also be designed to infiltrate where practical. The minimum slope of a low flow channel shall be 1 percent.
- F. Outlet Structures. Outlet structures shall meet the following specifications:
1. To minimize clogging and to facilitate cleaning and inspection, outlet pipes shall have an internal diameter of at least fifteen (15) inches and a minimum grade of one percent (1%).
  2. Bentonite plugs shall be provided on all outlet pipes within a constructed berm.
  3. All principal outlet structures shall be built using reinforced concrete with watertight construction joints.
  4. The use of architecturally treated concrete, stucco, painted surface or stone facade treatment shall be considered for enhancing the outlet structure. Such facilities shall be both functional and harmonious in design with the surrounding environment.
  5. Outlet pipes shall be constructed of reinforced concrete with rubber gaskets in conformance with AASHTO M170, M198 and M207, or smooth interior HDPE pipe in conformance with AASHTO M252 or M294.
  6. Energy dissipation facilities that convert concentrated flow to uniform shallow sheet flow shall be used where appropriate.
  7. Basin outlet structures shall have childproof, non-clogging trash racks overall design opening exceeding twelve (12) inches in diameter except those openings designed to carry perennial stream flows.
  8. Anti-vortex devices, consisting of a thin vertical plate normal to the basin berm, shall be provided at the top of all circular risers or standpipes.

- G. Emergency spillways shall be sized and located to permit the safe passage of stormwater flows from an un-attenuated 100-year post-development storm with 1 foot of freeboard. The maximum velocities in vegetated spillways excavated in otherwise undisturbed soil shall be analyzed based upon the velocity of peak flow in the emergency spillway during an assumed clogged primary outlet condition. Where maximum velocities exceed design standards contained in the Engineering Field Manual for Conservation Practices (USDA, SCS, July 1984) suitable lining shall be provided. In general, emergency spillways should not be located in fill areas; all such facilities placed on fill materials shall be lined. Lining for emergency spillways shall incorporate native colors and materials where possible, including mono slab revetments, grass pavers, rip rap and native stone.
- H. Basin and pond embankments must be designed by a professional engineer registered in the State of Pennsylvania. The design must include an investigation of the subsurface conditions at the proposed embankment location to evaluate settlement potential, groundwater impacts, and the need for seepage controls. The submittal of a geotechnical report from a geotechnical engineer for any embankment over 10 feet in effective height or posing a significant hazard to downstream property or life is required. The selection of fill materials must be subject to approval of the design engineer. Fill must be free of frozen soil, rocks over six inches, sod, brush, stumps, tree roots, wood, or other perishable materials. Embankment fills less than 10 feet in fill height must be compacted using compaction methods that would reasonably guarantee that the fill density is at least 90% of the maximum density as determined by standard proctor (ASTM-698). All embankment fills more than 10 feet in fill height must be compacted to at least 90% of the maximum density as determined by standard proctor (ASTM-698) and must have their density verified by field density testing. A PADEP Dam permit is required for embankments having a maximum depth of water, measured from the upstream toe of the dam to the top of the dam at maximum storage elevation, of greater than 15 feet; and or for ponds having contributory drainage area of greater than 100 acres; and or for impoundments of greater than 50 acre-feet.
- I. The embankment's interior slopes shall not be steeper than 4H:1V. (4 horizontal to 1 vertical). The exterior slopes shall not be steeper than 3H:1V.
- J. Except where special erosion protection measures are provided, all disturbed areas shall be graded evenly, topped with 4 inches of topsoil, fertilized, seeded, and mulched by methods approved by the Town. Seed mixes including crown vetch shall not be permitted.

- K. The minimum embankment width shall be 5' for embankments less than 3' in height, 10' if the embankment is between 3.1' and 9.9' in height and 15' if the embankment is higher than 10'.
- L. A structural or vegetative barrier may be required by the Town.
- M. Energy dissipaters shall be installed to prevent erosion and/or initiate sheet flow at points where pipes or drainage ways discharge to or from basins. Level Spreaders shall be used only where the maximum slope between the discharge point and the waterway does not exceed five (5%) percent. Energy dissipaters shall comply with criteria in Hydraulic Design of Energy Dissipaters for Culverts and Channels, HEC 14, FHWA, July, 2006. Such facilities shall be both functional and attractive; for example, native rock shall be used in constructing dissipaters where practical.
- N. Stabilization. Proper stabilization structures, including stilling basins, energy dissipaters, and channel lining, shall be constructed at the outlets of all basins and emergency spillways. The stabilization structures shall control water to avoid erosion, reduce velocities of released water and direct water so that it does not interfere with downstream activities.
- O. Discharge Points. The minimum distance between a proposed basin discharge point (including the energy dissipater, etc.) and a downstream property boundary shall in no case be less than twenty (20) feet. Where there is discharge onto or through adjacent properties prior to release to a stream, designers shall demonstrate how downstream properties are to be protected. The Engineer may require that the setback distance be increased based upon factors such as topography, soil conditions, the size of structures, the location of structures, and discharge rates. A drainage easement may also be required.
- P. A sediment forebay with a hardened bottom shall be provided at each inlet into the detention basin. The forebay storage capacity shall at minimum be ten (10) percent of the permanent pool storage. The forebay shall be designed to allow for access by maintenance equipment for periodic cleaning.
- Q. A private easement, 25 feet in width, must be provided around the top perimeter of all detention facilities. This easement shall remain clear of any structures, sheds, retaining walls, swing sets, stored debris, etc. The entire 25 foot easement must remain on the applicant's property.

- R. All detention facilities shall be provided with an access road (with a legal easement) for maintenance purposes. The design criteria for such access roads shall be as follows:
1. Access roads shall be a minimum of ten (10) feet wide and have a maximum grade of fifteen percent (15%).
  2. Access must be provided from a public street to the berm of the facility so that equipment can obtain access to the outlet control works without entering the water impoundment area.
  3. Access Roads with gradients of 3% or less are permitted to be constructed with a stabilized base material and natural surface or equal as approved by the Town.
  4. Access Roads with gradients of 10% or less are permitted to be constructed with a stabilized base material and Bituminous Seal Coat Surface in accordance with PennDOT Publication 408, Section 470 or equal as approved by the Town.
  5. A permanent easement must be provided for the access roadway from the public right-of-way to the stormwater detention facility. This easement shall be a minimum of twenty-five (25) feet in width.
  6. Access roads with gradients exceeding 10% shall be constructed with full depth bituminous pavement or concrete surfacing as approved by the Town.
  7. Where deemed necessary by the Town, a permanent gate shall be provided for the access roadway. The design for the gate must be submitted and approved by the Town.

913.403.6 Conveyance Systems (Open Channels, Drainageways, and Storm Sewers)

- A. Applicants are encouraged to design conveyance systems that encourage infiltration and improve water quality wherever practicable.
- B. All conveyance systems shall convey stormwater to the nearest established stream channel as approved by the Engineer or storm sewer system.
- C. All conveyance systems shall have the appropriate erosion and/or energy dissipation controls installed.
- D. Conveyance systems should not be installed parallel and near the top or bottom of major embankments to avoid the possibility of slope failure.
- E. Wherever conveyance channels are necessary, drainage shall be maintained by an open channel with landscaped banks designed to carry the 25-year, 24-hour stormwater runoff from upstream contributory areas. The Engineer may increase the design storm, as conditions require. All open channels shall be designed with one (1) foot of freeboard above the design water surface elevation of the design runoff condition.

- F. Flood relief channels shall be provided and designed to convey the runoff from the 100-year, 24-hour storm, such that a positive discharge of this runoff to an adequate receiving stream or conveyance system occurs without allowing this runoff to encroach upon other properties.
- G. Storm sewers and their appurtenant facilities shall be designed to convey the runoff from the 25 year, 24 hour storm. At no time shall the hydraulic grade line or energy grade line exceed the top of any inlet or manhole. Supporting calculations to document compliance with this requirement must be provided to the Engineer for review and approval.
- H. All storm inlets, manholes, endwalls, and headwalls shall be constructed in accordance with the Town Standard Specifications, Design Standards, and Details. (Latest edition)
- I. Storm inlets shall be placed at all street intersections and should be placed on the tangent and not the curved portions of any street. If possible, inlets shall be placed at lot lines to avoid potential conflicts with driveways.
- J. Storm inlets which are deeper than five (5) feet in depth shall have ladder bars installed.
- K. A subarea drainage area map delineating the area draining to each inlet point of the storm sewer system is required to be part of the stormwater management plan.
- L. All storm sewer pipe proposed for public dedication, either to the Town or a Homeowner's Association, shall be greater than or equal to fifteen (15) inches in diameter.
- M. All storm sewer pipe proposed for public dedication under the cartway must be constructed of a minimum Class III Reinforced Concrete Pipe (RCP) or as approved by the Town.
- N. No corrugated metal pipe may be used for storm sewers to be dedicated to the Town or a Homeowner's Association.
- O. The minimum grade on any storm sewer pipe shall be one percent (1%) unless otherwise approved by the Engineer.
- P. Concrete anchors, per the Town Standard Specifications, Design Standards, and Details (Latest Edition), shall be required where the storm sewer pipe slope exceeds twenty percent (20%).
- Q. Manholes and/or inlets shall not be spaced more than three hundred (300) feet apart for pipe sizes up to twenty-four (24) inches in diameter and not more than four hundred fifty (450) feet apart for larger pipe sizes.

- R. Where drainage swales are used in lieu of, or in addition to storm sewers, they shall be designed to carry the required runoff without erosion and in a manner not detrimental to the properties they cross. Drainage swales shall provide a minimum grade of two percent (2%) but shall not exceed a grade of nine percent (9%). Drainage swales used strictly for conveyance are not the same as Open Vegetated Channels. Design standards for Open Vegetated Channels are provided under Section 913.403.3 of this article.
- S. On streets that must contain curbing, storm sewers shall be placed in front of the curbing. To the greatest extent possible, storm sewers shall not be placed directly under curbing. At curbed street intersections, storm inlets shall be placed in the tangent section of the road.
- T. Use of grassed swales or open vegetated swales in lieu of curbing to convey, infiltrate and/or treat stormwater runoff from roadways is encouraged. Inlets shall be placed at the center of the shoulder swale draining the street and shall be located no closer than four (4) feet from the edge of the cartway.
- U. The developers shall obtain or grant a minimum twenty (20)-foot-wide, private drainage easement over all storm sewers, drainage swales, channels, etc., that are a component of the stormwater management system when located within undedicated land. All permanent detention basins and/or other stormwater management facilities providing stormwater control for other than a single residential lot shall be located within a defined, private drainage easement that allows proper legal access and maintenance vehicle access.
- V. No property owner shall obstruct or alter the flow, location or carrying capacity of a stream, channel or drainage swale to the detriment of any other property owner, whether upstream or downstream. All subdivision and/or land development plans containing streams, channels, drainage swales, storm sewers or other conveyance systems that cross property boundaries, existing or proposed, or whose discharge crosses such boundaries shall contain a note stating the above.
- W. Water Quality Inlets and/or Bioretention Areas. Storm drainage systems that collect runoff from parking areas and/or loading areas exceeding 10,000 square feet of impervious coverage and discharge to stormwater management systems, including surface or subsurface infiltration systems, shall have a minimum of one (1) water quality inlet or bioretention area per each acre of drainage area. The purpose of water quality inlets is to remove oil, grease, and heavy

particulates or total suspended solids, hydrocarbons and other floating substances from stormwater runoff. Methods other than water quality inlets or bioretention areas may be permitted if the Applicant demonstrates to the Town's satisfaction that any such alternative will be as effective and as easily maintained. Periodic cleaning of these systems shall be addressed in the Operation and Maintenance Plan submitted to the Town.

All bioretention areas should be designed as per the guidelines set forth in the PA Stormwater BMP Manual.

#### 913.403.7 Underground Detention Facilities

- A. Underground detention tanks shall utilize the largest practicable pipe diameter in order to provide ease of access and maintenance.
- B. Design measures must be implemented to prevent pipe floatation and allow for visual inspection capabilities, adequate pipe ventilation, and access maintenance.
- C. Underground facilities shall be designed parallel to existing and/or proposed contours.
- D. The underground facilities shall be designed to include overflow controls able to pass the unattenuated 100 year peak storm without overtopping the access point.
- E. Open grated risers must be provided at either end of the facility and at all terminal ends and junctions for maintenance and venting purposes. A minimum of 2 accesses must be provided.
- F. Maximum life expectancy of the underground system shall also be a design consideration for pipe material specifications. The use of corrugated metal pipe (CMP) for underground facilities proposed for ownership and maintenance by the Town is prohibited.
- G. For underground rock sumps, refer to Appendix F of this article.

### **Section 913.404**

#### **Landscaping of Stormwater Management Facilities**

Stormwater management facilities shall be landscaped in accordance with the following standards.

- 913.404.1 Landscaping shall be required in and around all constructed stormwater management facilities with a minimum surface area of one thousand (1,000) square feet for the purposes of:

- A. Assisting in the management of stormwater;
- B. Stabilizing the soil within such facilities to minimize and control erosion;
- C. Enhancing the visual appearance of such facilities; and
- D. Mitigating maintenance problems commonly associated with the creation of such facilities.

913.404.2 A planting plan and planting schedule shall be submitted in accordance with the following:

- A. Wet meadows including floors of stormwater management facilities.
  - 1. Wet meadows and floors of stormwater management facilities shall be planted with non-invasive plants native to western Pennsylvania such as wildflowers and non-invasive grasses, the intent being to create a mixed meadow of such plantings, where appropriate. Selection of plantings shall be based on whether the area in question is usually well drained or permanently wet and whether the area will be used for recreation purposes. No woody plants shall be planted within the saturated zone (phreatic line) of a stormwater management facility or on a berm constructed for impounded water.
  - 2. Seeding by drills, corrugated rollers, cyclone or drop seeders or hand seeding of such areas is preferred; however, hydroseeding followed by hydromulching can be used on wet ground and steep slopes.
  - 3. Fertilizers, as a nutrient supplement, shall not be used unless it is documented that soil conditions warrant such use and the nutrient applied does not exceed plant uptake. Soil for planting of wildflowers shall contain not less than three percent (3%) or more than ten percent (10%) organic matter, as determined by an agricultural chemist, with certification of the test before planting.
  - 4. Seeding shall take place either between April 1 and May 15 or between September 1 and October 15. Planting areas shall be soaked to maintain a consistent level of moisture for at least four (4) to six (6) weeks after planting. For seeding recommendations, reference the DEP's E&S Pollution Control Program Manual.
  - 5. Once established, a single annual mowing when plants are dormant should be sufficient to maintain a wet meadow and/or floor of a stormwater management practice.
- B. Wet edges that remain wet all or most of the year shall be planted with wildflowers, grasses and shrubs. Plants to be located on rims or banks, which remain dry most of the year, shall be planted with species tolerant of dry soil conditions.

- C. Wooded areas
1. Where stormwater management facilities adjoin wooded areas, trees and shrubs shall be selected and planted outside the practice so as to blend with existing surroundings.
  2. Plantings in such areas shall be of sufficient density to eliminate the need for mowing.
  3. It is recommended that clusters of trees and shrubs be planted around stormwater management facilities but well away from outfalls and any constructed berms, where applicable, to provide for wildlife habitat, wind control and buffering and screening.
  4. Vegetation shall be planted during appropriate times of the year, predominantly between late March and mid May or from early October until evidence of ground freezing, depending upon the species selected. Most deciduous trees and shrubs can be planted in either spring or fall. Evergreens are best planted in late summer or early fall.
- D. Slopes
1. Where slopes are gentle, a mixture of meadow grasses and wildflowers (for wet meadows) shall be planted.
  2. On steep slopes as defined by the Town's Code of Ordinances, dense spreading shrubs (shrubs tolerant of dry soils) shall be planted. Heavy mat mulch shall be used during the period of establishment.
  3. No woody plant materials or trees shall be located on a constructed or natural berm acting as the impoundment structure of a stormwater management practice. Trees shall be located downstream of an impoundment berm a sufficient distance from the toe of the constructed slope to assure that the toe of the slope is outside the dripline of the species planted at maturity but in no case less than fifteen (15) feet.
- E. In cases where stormwater management facilities are to be located in proximity to wetlands or waterways, the Applicant's planting plan and schedule shall consider the sensitive conditions existing therein and be modified accordingly to reflect existing flora.
- F. Stormwater management facilities shall be screened in a manner which complements the existing landscape and provides sufficient access for maintenance.

### **Section 913.405 Stream Buffer Requirements**

Stream buffers shall be provided as per the following requirements:

- 913.405.1 A minimum stream buffer width of 50 feet landward in each direction from the top of stream banks is required for all waterways having both a defined bank and a contributing watershed area of greater than 100 acres.

- 913.405.2 A minimum stream buffer width of 15 feet landward in each direction from the centerline of the waterway is required for smaller waterways having a contributing watershed area of less than 100 acres and greater than 10 acres.
- 913.405.3 The stream buffer area should be maintained in a natural state.
- 913.405.4 When wetland(s) extend beyond the edge of the required buffer width, the buffer shall be adjusted so that the buffer consists of the extent of the wetland plus a 25-foot zone extending beyond the wetland edge.
- 913.405.5 Stream buffer averaging may be applied to account for encroachments such as road crossings. The following criteria must be met in order to utilize buffer averaging on a development site:
- A. All waterways with defined bed and bank must be mapped and the total waterway length on the property proposed for buffer averaging must be calculated.
  - B. Buffer averaging is required for water quality buffers that have stream crossings.
  - C. An overall average buffer width of at least 50 feet must be achieved within the boundaries of the property to be developed. Stream buffer corridors on adjoining properties cannot be included with buffer averaging on a separate property, even if owned by the same property owner.
  - D. The average width must be calculated based upon the entire length of stream bank that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.
  - E. Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed encompasses both sides of a stream, buffer averaging can be applied to both sides of the stream, but must be applied to both sides of the stream independently.
  - F. On each stream bank, the total width of the buffer shall not be less than 25 feet at any location, except at approved stream crossings. Those areas of the buffer having a minimum width of 25 feet (or less at approved stream crossings) can comprise no more than 50 percent of the buffer length.
- 913.405.6 Stream buffer locations and widths should be illustrated on all subdivision plans with notations requiring that they be maintained in a natural state.

- 913.405.7 Stream buffers should be illustrated on all grading and erosion and sedimentation control plans. The defined stream buffer location should be properly recorded. The recording should provide a plan illustrating the stream buffer location, width and the requirement that it be maintained in a natural state. (Ord. 1363. Passed 10-27-08.)

### **913.03 OPERATIONAL PROVISIONS.**

#### **Section 913.500 Operation and Maintenance Responsibilities**

##### **913.501 General Responsibilities**

- 913.501.1 The owner of stormwater management facilities shall be responsible for the proper operation and maintenance of those facilities during and after construction. An Operation and Maintenance Plan consistent with the requirements of Section 913.503 shall be prepared for review and approval by the Engineer and shall be executed and signed by the Town and Applicant.
- 913.501.2 The Owner of the stormwater management facilities for a property shall be responsible for the proper installation and function of those facilities in accordance with the approved Stormwater Management Plan. All temporary soil erosion and sedimentation control measures shall be removed or converted to their permanent configuration in accordance with an approved erosion control plan. This requirement in no way precludes the authority of the Allegheny County Conservation District to determine when sufficient stabilization has occurred on a site in order to convert to the permanent stormwater management facilities.
- 913.501.3 Dedication and Acceptance of Stormwater Management Facilities.
- A. Upon completion of construction of stormwater management facilities shown on an approved subdivision or land development plan and within ninety (90) days after approval of such construction, the Applicant shall submit a written offer of such stormwater management facilities for dedication to the Town. Said offer shall include a deed of dedication covering said facilities together with satisfactory proof establishing an Applicant's clear title to said property. Such documents are to be filed with the Land Use Administrator for review by the Town Attorney. Deeds of dedication for stormwater management facilities may be accepted by resolution of the Town at a regular meeting thereof. The offer of these facilities does not constitute an acceptance by the Town.
- B. The Town may require that stormwater management facilities remain undedicated, with operation and maintenance the responsibility of individual lot owners or a homeowners association or similar entity, or an organization capable of carrying out maintenance responsibilities.

- C. Regardless of ownership, the Applicant shall submit a written offer deeding an access and/or drainage easement to the Town pursuant to Section 913.502. Such easement shall cover the stormwater management facilities, any drainage to and from such facilities, and shall clearly permit Town entry for inspection and/or maintenance purposes.
- D. Regardless of ownership, the Applicant shall submit an actual “as built” plan to the Town for the stormwater management facilities required per the approved Stormwater Management Plan. The “as built” plan shall show all final design specifications for all permanent stormwater management facilities including, but not limited to, pipe material and diameter, inlet, outlet and overflow elevations, 2’ contours for all detention/retention basins and drainage swales and a comparison of “as-built” capacities compared to the capacities of the approved design facilities and shall be prepared and certified by a licensed professional engineer. The “as built” plan shall be based on an actual field survey performed by a licensed professional land surveyor. The surveyor shall certify as to the accuracy of the plan. The “as built” plan shall be submitted to the Town for review by the Engineer. Any performance and/or financial securities established for the project shall include requirements for submittal of “as built” plans.
- E. The “as-built” plan(s) shall be submitted to the Town in a digital format or formats approved by the Town

913.501.4 Inspection of Stormwater Management BMP Controls

- A. The Town Engineer or a designated representative shall inspect the construction and permanent operation and maintenance of all temporary and permanent Stormwater Management BMP Controls for the development site.
- B. A note must be placed on the recorded subdivision and land development drawings as follows: *As per the Approved Stormwater Management Plan, the Town shall have the Right of access to the on-site stormwater management facilities for the right of inspection and maintenance. In the event that the Owner, assigns or heirs do not adequately maintain the facility, the Owner, assigns or heirs shall reimburse the Town for all costs associated with said maintenance. The aforementioned rights granted to the Town in no way diminish the responsibility of the Owner, assigns or heirs of said maintenance, and no liability will be assumed by the Town or its representatives associated with the required access for maintenance and inspection purposes.*

- C. The permittee shall notify the Engineer forty-eight (48) hours in advance of the completion of the following key development phases:
1. Prior to starting any construction to review the proposed BMPs on site.
  2. At the completion of preliminary site preparation, including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities BMPs.
  3. During construction of the permanent BMPs at such times as specified by the Town Engineer.
  4. Completion of permanent BMPs, including established ground covers and plantings.
  5. Completion of any final grading, vegetative control measures, or other site restoration work done in accordance with the approved plan and permit.
- D. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Town Engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.
- E. If, during construction, the contractor or permittee identifies any site conditions, such as subsurface soil conditions; or alterations in surface or subsurface drainage, which could affect the feasibility of the approved stormwater facility BMPs, he must notify the Town Engineer within twenty-four (24) hours of the discovery of such condition and request a field inspection. The Town Engineer shall determine if the condition requires a stormwater plan modification.
- F. In cases where stormwater facility BMPs are to be installed in areas of landslide-prone soils or other special site conditions exist, the Town may require special precautions such as soil tests and core borings, full-time resident inspectors, and/or similar measures. All costs of any such measures shall be borne by the permittee.

### **Section 913.502**

### **Ownership and Maintenance**

All stormwater management facilities identified within an approved Stormwater Management Plan shall be owned and maintained by one, or a combination of, the following entities:

## 913.502.1 Private Ownership

- A. Where individual on-lot stormwater management facilities are proposed, the subdivision and/or land development plan shall contain a note in a form satisfactory to the Town Attorney designating the entity responsible for operation and maintenance of the on-lot facilities consistent with an approved Operation and Maintenance Plan and, in the event that the responsible person or entity fails to do so, granting to the Town the right but not the duty to enter upon the premises to repair or restore said facilities, to charge and assess the costs thereof to the owner, including a reasonable allowance for overhead, and to enforce said charges and assessments by lien upon the property. In addition, the deed for each lot shall contain a perpetual covenant binding the grantee and all successors in interest designating the responsibility for operation and maintenance of the on-lot facilities essentially in the following form:

*"UNDER AND SUBJECT, nevertheless, to the following conditions and restrictions: Prior to any Earth Disturbance for which stormwater management facilities are required by the Town, Grantee shall construct the permanent stormwater management facilities as shown on the stormwater management plan (the "Plan") prepared by <NAME>, P.E., dated <DATE> and last revised <DATE> and approved by the Town; thereafter, the Grantee, his heirs, executors, administrators, successors and assigns (the "Owner"), at his sole cost and expense, shall operate, maintain and repair said stormwater management facilities on the lot in accordance with said Plan, so that the facilities shall at all times continue to operate and function in the same manner and capacity as they were designed. In the event of the failure of the Owner to comply with these conditions and restrictions, the Town shall have the right at the sole discretion of the Town to have said stormwater management facilities repaired or restored as required and the costs thereof plus a reasonable allowance for overhead shall be assessed to the Owner; said assessment shall be a charge and a continuing lien upon the property herein. The Town, before it may exercise this right, shall notify the Owner by certified mail of its intention to take the aforesaid action. The notice shall set forth in what manner the Owner has neglected the operation and maintenance of or repair to the stormwater management facilities, and if the Owner fails, within a period of ninety (90) calendar days, to correct or repair the items listed in the notice from the Town, then and only then, may the Town exercise this right."*

- B. In addition to the above, developers of parcels with more than one (1) dwelling unit shall record in the Office of Recorder of Deeds for Allegheny County a declaration of covenants and restrictions in a form satisfactory to the Town Attorney describing the responsibility for operation and maintenance of the on-lot facilities, consistent with an approved Operation and Maintenance Plan, prior to the sale of any individual lots. The terms of this covenant and restriction shall run with the land and be binding upon the initial grantees of each lot within the subdivision, his, her or their heirs, administrators, successors or assigns.

913.502.2 Homeowners or Condominium Association Ownership

Where a homeowners' association is created to own and manage common facilities, the subdivision and/or land development plan shall contain a note in a form satisfactory to the Town Attorney designating the entity responsible for construction and/or maintenance of the stormwater management facilities consistent with an approved Operation and Maintenance Plan and, in the event that the responsible entity fails to do so, granting to the Town the right but not the duty to enter upon the premises to repair or restore said facilities, to charge and assess the costs thereof plus a reasonable allowance for overhead to each owner of property within the development and to enforce said charges and assessments by lien upon each property within the development. In addition, the developer shall record in the office of Recorder of Deeds for Allegheny County a declaration of covenants in a form satisfactory to the Town Attorney setting forth the rights and responsibilities of the homeowners' association for operation and maintenance of the stormwater management facilities, prior to the sale of individual lots. The terms of this covenant and restriction shall run with the land and be binding upon the initial grantees of each lot within the subdivision, his, her or their heirs, administrators, successors and assigns.

913.502.3 Town Ownership

Where the Town has accepted an offer of dedication of the permanent stormwater management facilities, the Town shall be responsible for operation and maintenance. Town ownership notwithstanding, the Applicant is required to prepare a Stormwater Management Plan and an Operation and Maintenance Plan, as defined herein. Upon approval of the stormwater management facilities by the Town, the Applicant shall provide a lump sum long-term maintenance payment to the Town, to be reserved and used at all times by the Town only for costs of operation and maintenance of the dedicated facilities, as follows:

- A. Long-term Maintenance Payment – the long-term maintenance payment shall be in an amount equal to the present value of operation and maintenance costs for the facilities for a ten-year period. The long-term maintenance payment shall be based on a ten-year cost estimate prepared by the Applicant’s engineer and reviewed and approved by the Engineer. The amount of the payment shall include all costs of operation and maintenance which shall include but not be limited to, typical operation and maintenance costs as well as costs such as landscaping and planting, tax payments required and construction of any kind associated with the use, benefit and enjoyment of the facilities by the owners. In particular, a description of routine facility operation and day-to-day management requirements and a description of projected maintenance actions and schedules necessary to ensure proper operation of stormwater management facilities shall be submitted for review and approval to the Engineer.
- B. Documentation. The terms of the long-term maintenance payment shall be documented as part of the Stormwater Management Plan and the Operation and Maintenance Plan.

**Section 913.503****Operation and Maintenance Plan**

An Operation and Maintenance Plan shall be prepared by an engineer licensed to practice in the Commonwealth of Pennsylvania that identifies the ownership, operation and maintenance responsibilities and as-built conditions for all stormwater management facilities. At a minimum, the Operation and Maintenance Plan shall include the following:

- 913.503.1 Any obligations concerning perpetuation and/or maintenance of natural drainage or infiltration facilities, and other facilities identified within the Stormwater Management Plan. Ownership of and responsibility for operation and maintenance of stormwater management facilities, including names and contact information, shall be required.
- 913.503.2 A description of the permanent stormwater management facilities on the site, explaining how each facility is intended to function and operate over time. All drainage and access easements shall be depicted and any site restrictions to be recorded against the property shall be identified on the recorded plan. All such easements and restrictions shall be perfected to run with the land and be binding upon the landowner and any successors in interest.
- 913.503.3 A description of the actions, budget and schedule for operating and maintaining the stormwater management facilities. This description should be written in a clear manner, consistent with the knowledge and understanding of the intended user.

- 913.503.4 A general description of operation and maintenance activities and responsibilities for facilities held in common or on-lot, including but not limited to, lawn care, vegetation maintenance, clean out of accumulated debris and sediment (including from grates, trash racks, inlets, etc.), liability insurance, maintenance and repair of stormwater management facilities, landscaping and planting, payment of taxes and construction of any kind associated with the use, benefit and enjoyment of the facilities by the owners. In particular, a description of routine facility operation and day-to-day management requirements (as needed) and a description of routine maintenance actions and schedules necessary to ensure proper operation of stormwater management facilities shall be submitted.
- 913.503.5 Assurances that no action will be taken by any lot owner to disrupt or in any way impair the effectiveness of any stormwater management system, setting forth in deed restrictions the ability of the Town to take corrective measures if it is determined at any time that stipulated permanent stormwater management facilities have been eliminated, altered, or improperly maintained, including the ability of the Town to cause the work to be done and lien all costs plus a reasonable overhead allowance against the property should the required corrective measures not be taken by the lot owner, following written notification, within a period of time set by Engineer.
- 913.503.6 Parties responsible for the long term operation and maintenance of stormwater management facilities shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten (10) years. These records shall be submitted to the Town as established by the Operation and Maintenance Plan or if otherwise required by the Town.
- 913.503.7 A note must be placed on the recorded subdivision and land development drawings as follows: *“As per the Approved Stormwater Management Plan, the Town shall have the Right of access to the on-site stormwater management facilities for the right of inspection and maintenance. In the event that the Owner, assigns or heirs do not adequately maintain the facility, the Owner, assigns or heirs shall reimburse the Town for all costs associated with said maintenance if the Town exercises its right to maintain the facility. The aforementioned rights granted to the Town in no way diminish the responsibility of the Owner, assigns or heirs of said maintenance, and no liability will be assumed by the Town or its representatives associated with the required access for maintenance and inspection purposes.”*

**Section 913.504****Operations and Maintenance Agreement**

- 913.504.1 The owner of any land upon which permanent stormwater management facilities and/or BMPs will be placed, constructed or implemented, as described in an approved Stormwater Management Plan and the Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Allegheny County, within 15 days of approval of the Operations and Maintenance Plan by the Town:

- A. The Operations and Maintenance Plan, or a summary thereof,
  - B. Operations and Maintenance Agreement, and
  - C. Access and/or drainage Easements.
- 913.504.2 The Operation and Maintenance Agreement shall be substantially the same as the sample agreement in Appendix C of this article.
- 913.504.3 Other items or conditions may be included in the Operation and Maintenance Agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater facilities and BMPs. The agreement shall be subject to the review and approval of the Town.
- 913.504.4 The Town may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with Section 913.500 of this article.

**Section 913.505 Stormwater Facility Maintenance Fund**

- 913.505.1 Persons installing storm water storage facilities will be required to pay a specified amount to the Town Stormwater Facility Maintenance Fund to help defray costs of periodic inspections and annual maintenance expenses. The amount of the deposit shall be determined as follows:
- A. If the storage facilities are to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Town for a period of ten (10) years, as estimated by the Engineer. After that period of time, inspections will be performed at the expense of the Town.
  - B. If the storage facilities are to be owned and maintained by the Town, the deposit shall cover the estimated annual costs for maintenance and inspections for ten (10) years. The Engineer will establish the estimated annual maintenance costs utilizing information submitted by the applicant.
  - C. The amount of the deposit to the Maintenance Fund, covering annual inspection and maintenance costs, shall be converted to present worth of the annual series values. The Engineer or Land Use Administrator shall determine the present worth equivalents which shall be subject to the final approval of the Governing Body.
  - D. If a storage facility is proposed, which also serves as a recreation facility such as a lake or ballfield, the Town may reduce or waive the amount of the maintenance fund deposit based on the value of the land for public recreational purposes.

- 913.505.2 If any storage facility (whether publicly or privately owned) is subsequently eliminated due to the installation of storm sewers or another storage facility (e.g., a distributed storage facility), the unused portion of Maintenance Fund may 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.

### **Section 913.600 Plan Submission, Review and Review Fees**

Plan Submission will be according to the requirements set forth in the Subdivision and Land Development Ordinance, or as required by the Town Land Use Administrator.

- 913.600 Review
- 913.600.1 The Engineer shall review the Stormwater Management Plan for consistency with the Stormwater Ordinance. Any Stormwater Management Plan found incomplete shall not be accepted for review and shall be returned to the Applicant.
- 913.600.2 The Engineer shall review the Stormwater Management Plan for any subdivision or land development against the subdivision and land development ordinance provisions not superseded by this Ordinance.
- 913.600.3 When required by regulation, the County Conservation District shall review and approve the Erosion & Sedimentation Control Plan for consistency with PADEP's Chapter 102 regulations.
- 913.600.4 For activities regulated by this Ordinance, the Engineer shall notify the Town whether or not the Stormwater Management Plan is consistent with the Ordinance.

Should the Stormwater Management Plan be determined to be consistent with the Stormwater Management Ordinance, the Engineer shall forward an approval letter to the Town Land Use Administrator who will then forward a copy to the Applicant.

Should the Stormwater Management Plan be determined to be inconsistent with the Stormwater Management Ordinance, the Engineer shall forward a disapproval letter to the Town Land Use Administrator who will then forward a copy to the Applicant. The disapproval letter shall cite the reason(s) and specific Ordinance sections for the disapproval. Disapproval may be due to inadequate information to make a reasonable judgment as to compliance with the stormwater management plan. Any disapproved Stormwater Management Plans may be revised by the Applicant and resubmitted to the Town consistent with this Ordinance. Direct submissions to the Engineer will not be considered official and are discouraged.

- 913.600.5 For Regulated Activities specified in Section 913.200 of this article, which require a building permit, the Engineer shall notify the Town Building Inspector in writing, within a time frame consistent with the Town Building Code and/or Town Subdivision Ordinance, whether the Stormwater Management Plan is consistent with the Stormwater Management Ordinance and forward a copy of the approval/disapproval letter to the Applicant. Any disapproved Stormwater Management plan may be revised by the Applicant and resubmitted consistent with this article.
- 913.600.6 For regulated activities under this article that require an NPDES permit Application, the Applicant shall forward a copy of the Engineer's letter stating that the Stormwater Management Plan is consistent with the stormwater management ordinance to the County Conservation District. PADEP and the County Conservation District may consider the Engineer's review comments in determining whether to issue a permit.
- 913.600.7 The Town shall not grant preliminary or final approval to any subdivision or land development for Regulated Activities specified in Section 913.200 of this article if the Stormwater Management Plan has been found to be inconsistent with the Stormwater Management Ordinance, as determined by the Engineer. All required permits from PADEP must be obtained prior to approval of any subdivision or land development.
- 913.600.8 No building permits shall be issued for any Regulated Activity specified in Section 913.200 of this article if the Stormwater Management Plan has been found to be inconsistent with the Stormwater Management Ordinance, as determined by the Engineer, or without considering the comments of the Engineer. All required permits from PADEP must be obtained prior to issuance of a building permit.
- 913.600.9 The Applicant shall be responsible for completing record as-built 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 Engineer for final approval. In no case shall the Town approve the record drawings until the Town receives a copy of an approved Highway Occupancy Permit from the PennDOT District Office, NPDES permit, and any other applicable permits or approvals, from PADEP or the County Conservation District. The above permits and approvals must be based on the record drawings. The record drawings must include copies of all applicable permits and approvals.

- 913.600.10 The Town's approval of a Stormwater Management Plan shall be valid for a period not to exceed five (5) years commencing on the date that the Town approves the 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 have not been approved within this time period, then the Town may consider the Stormwater Management Plan disapproved and may revoke any and all permits. Stormwater Management Plans that are considered disapproved by the Town shall be resubmitted in accordance with Section 913.603 of this article.

#### Modification of Plans

- 913.600.11 A modification to a Stormwater Management Plan under review by the Town for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the Stormwater Management Plan as determined by the Engineer, shall require a resubmission of a modified Stormwater Management Plan consistent with this article and shall be subject to review as specified in Section 913.600 of this article.

- 913.600.12 Resubmission of Disapproved Stormwater Plans

A disapproved Stormwater Management Plan may be resubmitted; with the revisions addressing the Engineer's concerns documented in writing, and addressed to the Town Land Use Administrator in accordance with Section 913.600 of this article and distributed accordingly and shall be subject to review as specified in Section 913.600 of this article. Any applicable Town Review and Inspection Fee must accompany a resubmission of a disapproved Stormwater Management Plan.

- 913.600.13 Town Stormwater Plan Review and Inspection Fees

- 913.600.14 Fees may be established from time-to-time by the Town in accordance with applicable laws to defray plan review and construction inspection costs incurred by the Town. All fees shall be paid by the Applicant at the time of Stormwater Management Plan submission.

- 913.600.15 Any fees established pursuant to this article may include, but not necessarily be limited to, any of the following:
- A. Administrative costs.
  - B. The review of the Stormwater Management Plan by the Town, County (if applicable), Allegheny County Conservation District (if applicable) and the Engineer(s).
  - C. The site inspections.
  - D. The inspection of stormwater management facilities and Stormwater Management improvements during construction.

- E. The final inspection upon completion of the stormwater management facilities.
- F. Any additional work required to enforce any permit provisions regulated by this article, correct violations, and assure proper completion of stipulated remedial actions.  
(Ord. 1363. Passed 10-27-08.)

#### **913.04 ENFORCEMENT AND PENALTIES.**

##### **Section 913.700 Compatibility with Other Ordinance Requirements**

Permits and approvals issued pursuant to this article shall not relieve the Applicant of the responsibility to comply with or to secure other required permits or approvals for activities regulated by any other applicable code, rule, act, statute or ordinance. This article shall not preclude the inclusion in such other permit of more stringent requirements concerning regulation of stormwater and erosion. Where a conflict exists between a provision within this article and that of the PADEP Phase II NPDES regulations, as amended, or any other ordinance of the Town, the more stringent requirements shall govern.

##### **Section 913.800 Enforcement and Penalties**

###### **913.801 Right-of-Entry**

Upon presentation of proper credentials, the Town may enter at reasonable times upon any property within the Town to inspect the condition of stormwater structures and facilities which have been accepted and are maintained by the Town, in regard to any aspect regulated by this article. In case of an immediate threat to property or to the health, safety and welfare of the residents of the Town, the Town may enter any property within the Town to inspect, maintain or repair stormwater structures or facilities, whether privately maintained or accepted and maintained by the Town.

###### **913.802 Inspection**

SWM BMPs should be inspected by the land owner/developer (including the Town for dedicated facilities) according to the following list of frequencies:

- A. Annually for the first 5 years.
- B. Once every 3 years thereafter,
- C. During or immediately after the cessation of a significant rainfall event.

## 913.803

## Enforcement

## A. Public Nuisance

1. The violation of any provision of this article is hereby deemed a Public Nuisance.
2. Each day that a violation continues shall constitute a separate violation.

## B. Enforcement

1. Whenever the Town finds that a person has violated a prohibition or failed to meet a requirement of this article, the Town may order compliance by written notice to the responsible person. Such notice may require without limitation:
  - a. The performance of monitoring, analyses and reporting;
  - b. The elimination of prohibited connections or illegal discharges;
  - c. Cessation of any violating discharges, practices or operations;
  - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
  - e. Payment of a fine to cover administrative and remediation costs;
  - f. The implementation of stormwater BMPs; and
  - g. Operation and maintenance of stormwater BMPs.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the 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 will be done by the Town or its designee and the expense thereof shall be charged to the violator pursuant to Section 913.805 of this Ordinance.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this article. All such penalties shall be deemed cumulative and shall not prevent the Town from pursuing any and all other remedies available in law or equity.

## 913.804

## Suspension and Revocation

- A. Any approval for a Regulated Activity issued may be suspended or revoked, in whole or in part, by the Town for:
  1. Non-compliance with or failure to implement any provision of the approval.

2. A violation of any provision of this article or any other applicable law, Ordinance, rule or regulation relating to the Regulated Activity.
  3. The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
- B. A suspended approval may be reinstated by the Town when:
1. The Town has inspected and approved the corrections to the violations that caused the suspension.
  2. The Town is satisfied that the violation has been corrected.
- C. An approval that has been revoked by the Town cannot be reinstated. The Applicant may apply for a new approval under the provisions of this article.
- D. Prior to revocation or suspension of a permit, if there is no immediate danger to life, public health, or property the Town may notify the land owner/developer to discuss the non-compliance.

**913.805****Penalties**

- A. Anyone violating the provisions of this article shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than \$1000.00 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- B. In addition, the Town may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this article. 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.

**913.806****Appeals**

Any person aggrieved by any decision of the Town, relevant to the provisions of this article, may appeal to the County Court Of Common Pleas in the county where the activity has taken place within thirty (30) days of the Town's decision.

**Section 913.900****Repealer**

Any Ordinance or Ordinance provision of the Town inconsistent with any of the provisions of this article is hereby repealed to the extent of the inconsistency only; provided, however, that this repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate,

pursue or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which would have constituted a violation of such prior ordinance or ordinance provision. All of said ordinance or ordinance provisions shall remain in full force and effect and are not repealed hereby as they pertain to such acts and to the processing of such plans filed prior to the effective date of this article, which are protected from the effect of intervening ordinances by Section 508(4) of the Pennsylvania Municipalities Planning Code.

**Section 913.1100 Severability**

Should any section or provision of this article be declared invalid by a court of competent jurisdiction, such determination of invalidity shall not affect the validity of the remaining provisions of this article.  
(Ord. 1363. Passed 10-27-08.)



**ARTICLE 915**  
**Certification of Sanitary Sewer Status**

<b>915.01</b>	<b>Definitions.</b>	<b>915.05</b>	<b>Rules and regulations.</b>
<b>915.02</b>	<b>Sale, transfer, assignment, without evidence of compliance prohibited.</b>	<b>915.06</b>	<b>No conflict with general police powers.</b>
<b>915.03</b>	<b>Evidence of compliance, document of certification, application.</b>	<b>915.07</b>	<b>Severability.</b>
<b>915.04</b>	<b>Temporary document of certification.</b>	<b>915.08</b>	<b>Regulation of dye testing by the Commonwealth or by Allegheny County.</b>
		<b>915.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Public sewer connections - see S.U. & P.S. 917.04

Waste discharge into sewers - see S.U. & P.S. Art. 919

**915.01 DEFINITIONS.**

As used in this article, certain words and terms are defined as follows:

- (a) "Dye and/or smoke test" means any commonly accepted method of testing wherein dye and/or smoke is introduced into the storm, surface or sub-surface water collection system and downspout of real estate property to determine if any illegal storm water or surface water is entering the sanitary sewer system. (Ord. 1049 §1. Passed 3-10-91.)
- (b) "Document of Certification, evidence of compliance" means an official statement from the McCandless Township Sanitary Authority ("MTSA") stating that there are no illegal storm or surface water connections into the sanitary sewer system on the specific property which is being sold, transferred or assigned. This Document of Certification shall be in effect for the life of the building for which it was obtained and for so long as the property is again not sold, transferred or assigned. (Ord. 1291. Passed 11-24-03.)

- (c) “Illegal storm or surface water connections” means the connection of any basement seepage, surface water, sub-surface drains, downspouts, roof drainage or surface areaway drainage into the sanitary sewer system.
- (d) “Municipal lien and property tax verification letter” means a written letter from the proper official of the Town of McCandless concerning municipal liens and property taxes.
- (e) “Person” means any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority or other entity recognized by law as the subject of rights and duties. (Ord. 1049 §1. Passed 3-10-91.)
- (f) “Temporary Document of Certification” means a temporary statement of certification from the proper officer of the McCandless Township Sanitary Authority (“MTSA”), issued pursuant to the terms of Section 915.04.
- (g) “The McCandless Township Sanitary Authority” (“MSTA”) means the municipal authority operating the Town’s sanitary sewer system and responsible for administration of the program of testing and certification. (Ord. 1291. Passed 11-24-03.)

**915.02 SALE, TRANSFER, ASSIGNMENT, WITHOUT EVIDENCE OF COMPLIANCE PROHIBITED.**

After the effective date of this section, it shall be unlawful for any person to sell, transfer or assign any real estate within the Town on which a building or improvement exists, without first delivering to the purchaser, transferee or assignee, a Document of Certification or a Temporary Document of Certification from the proper officers of the McCandless Township Sanitary Authority. (Ord. 1291. Passed 11-24-03.)

**915.03 EVIDENCE OF COMPLIANCE, DOCUMENT OF CERTIFICATION, APPLICATION.**

(a) Any person selling, transferring or assigning real estate located within the Town (hereinafter applicant) shall make application on a form furnished by The McCandless Township Sanitary Authority (“MTSA”) at least fourteen (14) days before the date of sale, transfer or assignment. The MTSA or a plumber designated by MTSA who is registered and licensed by the Allegheny County Health Department shall perform a dye test on the property to be sold, transferred or assigned within fourteen (14) days of the date of the application. The plumber shall complete the appropriate portions on the form that the property has been dye tested, and certify the results of such test. In the event that there are no illegal storm or surface water connections, the MTSA shall issue a Document of Certification upon the payment of an amount to be set by resolution of the Board of Directors of MTSA. When an illegal storm or surface connection is discovered by the means of the above-mentioned testing, no Document of Certification will be issued until the illegal connections are removed, inspected and approved by the MTSA.

(b) A sanitary sewer dye test of the McCandless Township Sanitary Authority may be substituted for that required under this Section 915.03 when the property has been dye tested under the MTSA Comprehensive Sewer Inspection Program within eighteen (18) months of the date of such a test conducted by the MTSA.

(c) The MTSA shall maintain a list of plumbers who are registered and licensed by the Allegheny County Health Department who shall perform the dye tests authorized herein at the request of MTSA at the fees set by resolution of the MTSA.  
(Ord. 1291. Passed 11-24-03.)

**915.04 TEMPORARY DOCUMENT OF CERTIFICATION.**

A Temporary Document of Certification may be issued at The McCandless Township Sanitary Authority's (MTSA's) sole discretion only under the following circumstances:

- (a) When such testing cannot be performed because of weather conditions, the applicant shall provide the McCandless Township Sanitary Authority with security in accordance with the fee schedule to be approved by the Board of Directors of MTSA to guarantee that the appropriate test will be performed. The applicant shall cause to have performed the appropriate test at such time as weather conditions make such testing possible. In addition, the applicant shall provide a signed written acknowledgment from the applicant and the purchaser, transferee or assignee of the real estate, agreeing to correct, at the sole expense of the applicant and/or the purchaser, transferee or assignee any violations that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit any purchaser, transferee or assignee from requiring the applicant to reimburse the purchaser, transferee or assignee for any costs incurred, provided, nevertheless, that primary liability shall run with the land and no such agreement shall affect the Town's or MTSA's enforcement powers or excuse the current owner from performance.
- (b) When illegal storm water or surface water connections have been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the applicant, the applicant may apply to the MTSA for a Temporary Document of Certification which may only be issued when the applicant provides the MTSA with all of the following:
- (1) Cash security in the amount of the contract for the completion of the necessary remedial work is posted with the MTSA; and
  - (2) An agreement by the purchaser, transferee or assignee to be responsible for all cost overruns related to the remedial work, together with a license to the MTSA to enter upon the property to complete such work in case of default by the contractor. The MTSA shall determine, by regulation, when such Temporary Document of Certification shall expire, at which time the security shall be forfeited, and the MTSA may use the security to have the necessary remedial work completed.

(Ord. 1291. Passed 11-24-03.)

**915.05 RULES AND REGULATIONS.**

The McCandless Township Sanitary Authority is hereby authorized, empowered and directed to make rules and regulations for the operation and enforcement of this Article as it deems necessary, which shall include, but not be limited to:

- (a) Establishing acceptable forms of security or guarantees;
- (b) Establishing the forms of application, fees and purchaser acknowledgments;
- (c) Limiting the times of year in which Temporary Documents of Certification are available for reasons of weather;
- (d) Setting standards for dye and/or smoke tests to be administered by registered plumbers prior to issuance of Documents of Certification.
- (e) Such other rules and regulations as are necessary for the operation and enforcement of this article.

(Ord. 1049 §5. Passed 3-10-91; Ord. 1291. Passed 11-24-03.)

**915.06 NO CONFLICT WITH GENERAL POLICE POWERS.**

Nothing in this article shall limit, in any fashion whatsoever, the Town's right to enforce its ordinances or the laws of the Commonwealth of Pennsylvania. Nothing in this article shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

(Ord. 1049 §6. Passed 3-10-91.)

**915.07 SEVERABILITY.**

The provisions of this article are severable, and if any section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid or unconstitutional, the remaining portions of this article shall not be affected or impaired thereby. (Ord. 1049 §8. Passed 3-10-91.)

**915.08 REGULATION OF DYE TESTING BY THE COMMONWEALTH OR BY ALLEGHENY COUNTY.**

The provisions of this article providing for dye testing and issuance of Documents of Certification shall be modified to the extent required by any mandates of the Commonwealth of Pennsylvania or of Allegheny County relating to such programs of testing and compliance.

(Ord. 1291. Passed 11-24-03.)

**915.99 PENALTY.**

(a) Whoever fails, neglects or refuses to comply with any of the terms or provisions of this article, or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction before any issuing authority, be sentenced to pay a fine of six hundred dollars (\$600.00) and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed ninety days. (Ord. 1049 §9. Passed 3-10-91.)

(b) Each day that the violation continues after the expiration of the appropriate period of notice shall constitute a separate offense.  
(Ord. 1291. Passed 11-24-03.)



**ARTICLE 917**  
**Sewers**

EDITOR'S NOTE: The McCandless Sanitary Authority owns and operates the sewer system and sets rates for its utilization.

<b>917.01</b>	<b>Definitions.</b>	<b>917.07</b>	<b>Cleaning and filling abandoned septic tanks.</b>
<b>917.02</b>	<b>Permit for private or community system.</b>	<b>917.08</b>	<b>Prohibited discharges.</b>
<b>917.03</b>	<b>Public sewer to be used if accessible.</b>	<b>917.09</b>	<b>Inspection of construction and connections.</b>
<b>917.04</b>	<b>Public sewer connections.</b>	<b>917.10</b>	<b>Periodic testing authorized.</b>
<b>917.05</b>	<b>Tapping permit.</b>	<b>917.99</b>	<b>Penalty.</b>
<b>917.06</b>	<b>Prohibited connections.</b>		

**CROSS REFERENCES**

Sewage connections - see First Class Twp. Code §2401 et seq.  
(53 P.S. §57401 et seq.)  
Privies, septic tanks, etc. - see GEN. OFF. 705.05

**917.01 DEFINITIONS.**

For the purpose of this article, the following terms are defined:

- (a) "Private system" means all or part of a device or devices intended to treat or dispose of the sewage from a single residence, building or occupied parcel of land on the individual parcel.
- (b) "Community system" means all or part of a device or devices intended to treat or dispose of the sewage of equivalent volume of domestic sewage from two or more residences, buildings or occupied parcels of land.
- (c) "Sewage" means waste water discharged from any plumbing fixture.
- (d) "Person" means an individual, firm, corporation, partnership or association.  
(Ord. 229 §1. Passed 6-29-59.)

**917.02 PERMIT FOR PRIVATE OR COMMUNITY SYSTEM.**

No person shall cause to be installed on any piece or parcel of ground under his ownership, care or control, either a private system or a community system, unless a permit has been obtained from the Director of the Allegheny County Health Department. A permit must also be obtained from the Secretary of Health of the Commonwealth of Pennsylvania when a community system is to be installed.

(Ord. 229 §2. Passed 6-29-59.)

**917.03 PUBLIC SEWER TO BE USED IF ACCESSIBLE.**

(a) No person shall construct a private system or community system where public sewers are reasonably accessible.

(Ord. 229 §3. Passed 6-29-59.)

(b) No person shall continue a private system or community system on any parcel or piece of ground abutting on or contiguous to or reasonably accessible to any public sewers of adequate capacity to carry the additional volume.

(Ord. 229 §4. Passed 6-29-59; Ord. 799 §1. Passed 7-28-80.)

**917.04 PUBLIC SEWER CONNECTIONS.**

(a) Requirement. Every owner of property in the Town whose property abuts upon any line of the sanitary sewers of the Town or the Town Sanitary Authority, shall connect, at his own cost, the building, buildings or other structures located on such property with the sanitary sewers of the Town or the Authority for the purpose of disposing of all drainage as is customarily disposed of in a system of sanitary sewers. In the case of a sanitary sewer line constructed in a public street or highway right of way, property on either side of the street or highway shall be considered as abutting the sewer line.

(b) Other Disposal Methods Prohibited. No owner, lessee or occupier of any property abutting on any line of the sanitary sewer system of the Town or Authority shall employ any means, either by septic tank, mine hole or otherwise, for the disposal of sanitary sewage, other than into and through the sanitary sewers of the Town or Authority.

(c) Notice to Connect. Where any structure on abutting property as aforesaid is now or hereafter may be connected to any septic tank or using any method by which sanitary sewage is disposed of or eliminated other than through the sanitary sewer system of the Town or Authority, it shall be the duty of the Town Secretary or other person authorized by Council to notify the owner, lessee or occupier of such structure in writing, either by personal service, certified mail or registered mail, to disconnect the same and make proper connections for the discharge and disposal of sewage through the sanitary sewer system of the Town or the Authority as hereinafter provided, within sixty days after receipt of such notice. However, notwithstanding anything herein or hereafter contained to the contrary, no owner, lessee or occupier of such structure shall be required to tap where his sewage would not by natural gravity flow into the sanitary sewer.

(d) Failure To Connect; Action by Town. In case any owner of property adjoining or adjacent to such sewer neglects or refuses to connect with and use the sewers for such period of service, sixty days after notice to do so has been served upon him, either by personal service, certified mail or by registered mail as aforesaid, the Town or its agents or the Authority or its agents may enter upon such property and construct such connection. In such case, the Town Secretary or the Authority Secretary, or other authorized person shall forthwith upon completion of the work send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay the bill, a municipal lien for such construction shall be filed within six months of the date of completion of the construction of the connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

(Ord. 285 §1-4. Passed 8-1-60.)

(e) Written Reports of and Required Repairs of Deteriorating or Poorly Constructed Laterals and Sewer Service Connections. The Authority is authorized in the course of its program of repair, rehabilitation, maintenance and replacement of publicly owned treatment works of the Authority, when it identifies deteriorating or poorly constructed laterals and sewer service connections, causing infiltration and inflow of extraneous waters into the publicly owned treatment works of The McCandless Township Sanitary Authority, to provide written notice to the property owner or owners as to the condition of such laterals and sewer service connections, together with a statement that such deteriorating or poorly constructed laterals and sewer service connections must, at the property owner's expense, be promptly repaired, replaced or rehabilitated within sixty (60) days of receipt of said notice. A copy of all written reports prepared by the Authority in connection with its examination of deteriorating or poorly constructed laterals and sewer service connections shall be provided to the Town.  
(Ord. 1203. Passed 5-26-98.)

**917.05 TAPPING PERMIT.**

Any person required to connect with the sewer system of the Town or the Authority, shall make application for a tapping permit on forms furnished by the Town or the Authority, and shall set forth in the application, the character of the structure and use, the lot number and location, and the name of the person who is to make the connection and shall pay the required fee for the tapping. (Ord. 285 §5. Passed 8-1-60.)

**917.06 PROHIBITED CONNECTIONS.**

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at any time, now or hereafter, be connected with the sanitary sewers of the Town or the Authority. (Ord. 285 §6. Passed 8-1-60.)

**917.07 CLEANING AND FILLING ABANDONED SEPTIC TANKS.**

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall hereafter be maintained upon any premises from which connection with any of the Town or Authority sewers shall have been made. The Town may, at its discretion require every such privy vault, cesspool, septic tank, mine hole or other receptacle within thirty days after final enactment of this section (August 1, 1960), in the case of premises now connected with a sewer, and within thirty days after connection with a sewer in the case of premises hereafter so connected, to be abandoned, cleansed and filled under the direction and supervision of the Town or the Authority. Any such privy vault, cesspool, septic tank, mine hole or other receptacle not abandoned, cleansed and filled as required by this section shall constitute a nuisance and such nuisance may be abated on order of the Town or the Authority as provided by law, at the expense of the owner of such property.  
(Ord. 285 §7. Passed 8-1-60.)

**917.08 PROHIBITED DISCHARGES.**

No person, firm or corporation connected to the Town or Authority sewer system shall connect any roof drain thereto or permit, allow or cause to enter into such sewer system any storm water or surface water or any sewage from any property other than that for which the permit was issued, or any other substance, liquid, gas or solid which is prohibited by the terms of any other rule, regulation or ordinance adopted by the Town or the Authority for the operation of the sewer system.  
(Ord. 285 §8. Passed 8-1-60.)

**917.09 INSPECTION OF CONSTRUCTION AND CONNECTIONS.**

The construction of all private sewers or laterals and their connections with any lines of the sewer system shall be done in accordance with the plans and specifications established by the Town and the Authority as the same may be from time to time amended, copies of which are on file at the McCandless Municipal Building. All construction and connections shall be inspected by the Town or Authority engineers before being covered.  
(Ord. 285 §9. Passed 8-1-60.)

**917.10 PERIODIC TESTING AUTHORIZED.**

(a) No property owner or property user in the sewer system shall discharge, or permit the discharge of any storm water, surface water, roof runoff, subsurface drainage, foundation drains, driveway drainage, cooling water or unpolluted industrial process water into said Sanitary Sewer System.

(b) The McCandless Township Sanitary Authority is hereby authorized to conduct random periodic smoke and/or dye tests, and any other appropriate test or inspection, without cost to the residents of the Town of McCandless, of all existing sewer systems and structures in the Town of McCandless for compliance with this article and other laws pertaining to sewer systems and structures. (Ord. 1203. Passed 5-26-98.)

(c) Every owner, lessee or occupier of land within the Town shall submit to dye testing by the McCandless Township Sanitary Authority, which Authority has been designated, authorized, constituted and appointed by the Town of McCandless as its sole and exclusive agent for such testing purposes. The owner, lessee or occupier of the land shall permit said testing upon request of the McCandless Township Sanitary Authority to conduct such testing. Testing will not be required when the owner, lessee or occupier of the land produces a valid Document of Certification issued by the Town of McCandless Inspector in accordance with Ordinance No. 1049, or issued by MTSA in accordance with Ordinance No. 1203, which Document of Certification shall be sufficient proof of compliance for purposes of Ordinance No. 1049 for a period of eighteen (18) months from the date of issuance.  
(Ord. 1291. Passed 11-24-03.)

(d) When illegal storm water or surface water connections have been discovered, all necessary remedial work to correct such connection shall be completed by the owner, lessee or occupier of the premises, weather permitting, within forty-five days of the date such party receives notification of the illegal connection.  
(Ord. 1203. Passed 5-26-98.)

**917.99 PENALTY.**

(a) Any person who violates any provision of Article 917, except for Sections 917.04(e) or 917.10, shall for every offense, be fined not more than six hundred dollars (\$600.00) together with costs, or shall be imprisoned for not more than ninety (90) days, or both, at the discretion of the court. Each day that the violation continues after the expiration of the appropriate period of notice shall constitute a separate offense.

(b) Any person, firm or corporation who is found to have violated any order of the Authority and/or the Town, or who willfully violated or failed to comply with any provision of Sections 914.04(e) or 917.10 and the orders, rules, regulations and permits issued hereunder shall pay a fine of two hundred fifty dollars (\$250.00) following adjudication by a District Justice for each violation. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct violation. In addition to the penalties provided herein, the Authority and the Town may recover penalties, damages, costs, reasonable attorney fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person or user found to have violated Sections 917.04(e) or 917.10 or the orders, rules, regulations, and permits issued hereunder.

(c) Upon final adjudication that a violation of Sections 917.04(e) or 917.10 exists and refusal or failure to act by the property owner to undertake the repair, replacement or rehabilitation identified by written notice as herein provided, The McCandless Township Sanitary Authority shall have the right to enter onto the subject property to conduct the necessary work to bring the property into compliance with Sections 917.04(e) or 917.10 at the expense of the property owner, and further, upon the failure of the property owner to pay said expense, the McCandless Township Sanitary Authority shall have the right to file a lien against the subject property for the amount of said expense, together with costs of filing and perfecting such lien. (Ord. 1291. Passed 11-24-03.)



**ARTICLE 919**  
**Waste Discharge Into Sewers**

<b>919.01</b>	<b>Definitions.</b>	<b>919.05</b>	<b>Severability.</b>
<b>919.02</b>	<b>Toxic substances and pollutants prohibited.</b>	<b>919.06</b>	<b>Provisions limited to ALCOSAN facilities.</b>
<b>919.03</b>	<b>Specific substances prohibited.</b>	<b>919.99</b>	<b>Penalty.</b>
<b>919.04</b>	<b>Prohibitions generally; pretreatment regulations.</b>		

**CROSS REFERENCES**

Pennsylvania Clean Streams Act - see 35 P.S. §691.1 et seq.  
Pennsylvania Sewage Facilities Act - see 35 P.S. §750.1 et seq.  
Pennsylvania Solid Waste Management Act - see 35 P. S. §6018.101

**919.01 DEFINITIONS.**

As used in this article, the following terms shall have the meaning hereinafter designated:

- (a) "ALCOSAN" means the Allegheny County Sanitary Authority including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.
- (b) "Corrosive waste" means a waste or substance which has any of the following properties:
  - (1) It is aqueous and has a pH of less than or equal to five or greater than or equal to ten, as determined by pH meter.
  - (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 in.) per year at a test temperature of 55° (130° F).
- (c) "Reactive/explosive waste" means a waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of but is not limited to the following properties:
  - (1) It is normally unstable and readily undergoes violent change without detonating.
  - (2) It reacts violently with water.
  - (3) It forms potentially explosive mixtures with water.

- (4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
  - (5) It is a cyanide or sulfide bearing waste which can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
  - (6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
  - (7) It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
  - (8) It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.
- (d) “Hazardous waste” means all wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261.
- (e) “Ignitable waste” means a waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN Treatment Facility which as any of but is not limited to the following properties:
- (1) It is liquid with a flash point less than 60° C (140° F) using the test methods specified in 40 CFR 261.21.
  - (2) It is an oxidizer as defined in 49 CFR 173.151.
- (f) “Interference” means a discharge originating in the Town which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal; and
  - (2) Therefore is a cause of a violation of any requirement of ALCOSAN’s National Pollutant Discharge Elimination System (hereinafter referred to as “NPDES”) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in the State Sludge Management Plan prepared pursuant to subtitle D of the Solid Waste Disposal Act, the Clean Air Act, and the Toxic Substance Control Act.
- (g) “The McCandless Township Sanitary Authority” means the municipal authority responsible for the operation of sanitary sewer collection facilities within the area of the Town for which treatment of such sewage waste is provided by ALCOSAN facilities.

- (h) "Pass-through" means any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN's NPDES permit (including an increase in the magnitude or duration of a violation).
- (I) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents or assigns.
- (j) "pH" means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (k) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or other industrial, municipal, or agricultural waste discharged into water.
- (l) "Pollution" means the man made or man induced alteration of the chemical, physical, biological and/or radiological integrity of water.
- (m) "The Act" means the Federal Water Pollution Control Act also known as The Clean Water Act, as amended, 33 USC 1251 et seq.
- (n) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA, pursuant to Section 307(A) of the Act.
- (o) "Waste water" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.
- (p) "Waters of the Commonwealth" means all streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems or other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of Pennsylvania or any portion thereof. (Ord. 1143 §1. Passed 4-24-95.)

#### **919.02 TOXIC SUBSTANCES AND POLLUTANTS PROHIBITED.**

No person shall introduce or cause to be introduced directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Town and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other waste water which will:

- (a) Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities; or
  - (b) Pass through ALCOSAN's treatment plant or other facilities.
- (Ord. 1143 §2. Passed 4-24-95.)

**919.03 SPECIFIC SUBSTANCES PROHIBITED.**

No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the Town and transmitting substances into the facilities of ALCOSAN any of the following:

- (a) Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant;
  - (b) Any ignitable, reactive, explosive, corrosive or hazardous waste, except as provided for by ALCOSAN's rules and regulations;
  - (c) Any waste water with a temperature greater than 140° F (60°C);
  - (d) Any waste which exceeds the naturally occurring background levels for either Alpha, Beta, or Gamma radiation and/or any waste water containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations;
  - (e) Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of ALCOSAN's facility or facilities discharging into the ALCOSAN system;
  - (f) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety;
  - (g) Pathological wastes from a hospital or other medical establishment;
  - (h) Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition;
  - (I) Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants unless the discharge of such sludges and other materials is specifically approved by ALCOSAN;
  - (j) Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities; or
  - (k) Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in noncompliance with sludge use or disposable criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State laws or regulations applicable to the treatment or disposal of such effluent or such product.
- (Ord. 1143 §3. Passed 4-24-95.)

**919.04 PROHIBITIONS GENERALLY; PRETREATMENT REGULATIONS.**

(a) No person shall take any action or cause to be done anything in violation of any rule or regulation of ALCOSAN.

(b) The pretreatment regulations of the Allegheny County Sanitary Authority are incorporated into this article by reference as though fully set forth herein.  
(Ord. 1143 §4. Passed 4-24-95.)

**919.05 SEVERABILITY.**

The provisions of this article are severable, and the invalidity of any section, clause, sentence, or provision of this article shall not affect or impair the validity of any other part of the article which can be given effect without the invalid part of parts.  
(Ord. 1143 §6. Passed 4-24-95.)

**919.06 PROVISIONS LIMITED TO ALCOSAN FACILITIES.**

The provisions of this article are expressly limited to facilities of ALCOSAN or any sewer, pipe or other conveyance located in the Town and transmitting substances into the facilities of ALCOSAN and expressly excludes any such sewer, pipe or other conveyance which does not transmit substances into the facilities of ALCOSAN,  
(Ord. 1143 §8. Passed 4-24-95.)

**919.99 PENALTY.**

Any person violating any provision of this article shall, upon conviction, be punished by a fine not to exceed the sum of one thousand dollars (\$1,000), for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding thirty days. Each day a violation is continued shall constitute a separate offense. In addition, any person violating any provision of the ALCOSAN pretreatment regulations may be subject to administrative and civil penalties as provided for by the pretreatment regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to twenty-five thousand dollars (\$25,000) per day, per violation as provided for by the Publicly Owned Treatment Works Penalty Law, 35 P.S. 752.1 et seq. Authority to so enforce the pretreatment regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Town or to the McCandless Township Sanitary Authority.  
(Ord. 1143 §5. Passed 4-24-95.)



**TITLE FIVE - Services**

Art. 925. Garbage Collection.

Art. 927. Solid Waste Storage, Collection and Disposal.

Art. 929. Recycling.

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**ARTICLE 925  
Garbage Collection**

**925.01 Compliance.**

**925.99 Penalty.**

**925.02 Contract for collection.**

**CROSS REFERENCES**

Power to regulate - see First Class Twp. Code §1502  
(53 P. S. § 56527)

Littering - see GEN. OFF. Art. 705

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**925.01 COMPLIANCE.**

Pursuant to the Act of June 24, 1931, P.L. 1206 as amended by Act. No. 78, enacted July 1, 1955, the Town does hereby and hereafter prohibit the collection of garbage, rubbish or other refuse materials except in accordance with the terms and authority of this article.  
(Ord. 121 §1. Passed 4-19-56.)

**925.02 CONTRACT FOR COLLECTION.**

The Town shall hereafter contract with one or more persons, partnerships, corporations, associations or companies for exclusive collection of garbage, rubbish and other refuse materials within the geographic limits of the Town. The contract shall be binding upon the Town and the contractors for not less than one year nor more than three years, and provide for a complete service to the residents of the Town. The proper officers of the Town are hereby authorized to enter such contract upon approval by Council.  
(Ord. 121 §2. Passed 4-19-56.)

**925.99 PENALTY.**

Any person, firm, partnership or corporation violating any provision of this article shall be fined not more than one hundred dollars (\$100.00) together with costs for each offense and upon failure to pay such fine shall be imprisoned not more than thirty days. Each day that any person, firm, partnership or corporation shall continue to violate or fail to comply with any requirement of this article shall be considered a separate offense.  
(Ord. 121 §3. Passed 4-19-56.)



**ARTICLE 927**  
**Solid Waste Storage, Collection and Disposal**

<b>927.01</b>	<b>Definitions.</b>	<b>927.05</b>	<b>Collection and disposal charges.</b>
<b>927.02</b>	<b>Prohibited activities.</b>	<b>927.06</b>	<b>Arbitration.</b>
<b>927.03</b>	<b>Standards for storage of solid waste.</b>	<b>927.07</b>	<b>Injunction powers.</b>
<b>927.04</b>	<b>Standards and regulations for collection.</b>	<b>927.08</b>	<b>Separability.</b>
		<b>927.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Solid Waste Management Act - see 35 P.S. §6018.101 et seq.

**927.01 DEFINITIONS.**

(a) The following words and phrases as used in this article shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

- (1) "Act or Act 97" means the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980.)
- (2) "Agricultural waste" means poultry and livestock manure, or residual materials in liquid or solid form, generated in the production, and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forest, or other agricultural lands.
- (3) "Bulky waste" means large items of solid waste including but not limited to large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.
- (4) "Commercial establishment" means any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
- (5) "Construction and demolition waste" means all municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

- (6) "Department" means the Pennsylvania Department of Environmental Resources (DER).
- (7) "Disposal" means the incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.
- (8) "Domestic waste or household waste" means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.
- (9) "Garbage" means any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.
- (10) "Hauler or private collector" means any person, firm, copartnership, association or corporation who has been licensed by the Town or its designated representative to collect, transport, and dispose of refuse for a fee as herein prescribed.
- (11) "Hazardous waste" means any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical, or infectious characteristics may:
  - A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
  - B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (12) "Industrial establishment" means any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.
- (13) "Institutional establishment" means any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, day care centers, schools and universities.
- (14) "Municipal waste" means garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous materials resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludges not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.
- (15) "Municipality" means the Town of McCandless, Allegheny County, Pennsylvania.

- (16) "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, State institution or agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.
- (17) "Processing" means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.
- (18) "Refuse" means all solid waste materials which are discarded as useless.
- (19) "Residual waste" means any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act". Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law".
- (20) "Rubbish" means all nonputrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.
- (21) (EDITOR'S NOTE: Former subsection (a)(21) was deleted by Ordinance 1398.)
- (22) "Sewage treatment residues" means any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.
- (23) "Solid waste" means any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.
- (24) "Storage" means the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.
- (25) "Transportation" means the off-site removal of any solid waste at any time after generation.

- (26) "Transfer station" means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

(b) In this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.  
(Ord. 1017 §2. Passed 11-27-89.)

### **927.02 PROHIBITED ACTIVITIES.**

(a) No person shall accumulate or permit to accumulate upon any public or private property within the Municipality, any garbage, rubbish, bulky waste or any other municipal or residual solid waste except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

(b) No person shall burn any solid waste within the Municipality except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

(c) No person shall dispose of any solid waste in the Municipality except in accordance with the provisions of this article, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

(d) No person shall haul, transport, collect or remove any solid waste from public or private property within the Municipality without first securing a license to do so in accordance with the provisions of this article.

(e) (EDITOR'S NOTE: Former subsection (e) hereof was repealed by Ordinance 1398.)

(f) No person shall salvage or reclaim any solid wastes within the Municipality except at an approved and permitted resource recovery facility under Act 97 and any Department rules and regulations adopted pursuant to Act 97.

(g) No person shall throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Municipality except as provided in this article.  
(Ord. 1017 §3. Passed 11-27-89.)

### **927.03 STANDARDS FOR STORAGE OF SOLID WASTE.**

(a) The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.  
(Ord. 1017. Passed 11-27-89.)

(b) Any person producing municipal waste shall obtain a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

(Ord. 1398. Passed 8-22-11.)

(c) Any person storing municipal waste for collection shall comply with the following preparation standards:

- (1) All municipal waste shall be drained of free liquids before being placed in storage containers.
- (2) All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.  
(Ord. 1017. Passed 11-27-89.)
- (3) Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and placed into compostable paper bags. Tree twigs or limbs no greater than four (4) inches in diameter may be bundled. Bundles shall be no more than four feet (4') in length.
- (4) Newspapers and magazines shall be placed in approved containers.  
(Ord. 1398. Passed 8-22-11.)
- (5) When specified by the Municipality or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

(d) All municipal waste shall be stored in containers approved by the Municipality or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:

(Ord. 1017. Passed 11-27-89.)

- (1) Reusable containers shall be as approved by the Town.
- (2) Reusable containers for individual residences shall meet specifications approved by the Town to facilitate collection.
- (3) Disposable plastic bags or sacks are acceptable containers for trash that does not fit into containers specified by the Town. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top and shall be securely tied at the top for collection.
- (4) All containers, either reusable or disposable, shall also comply with minimum national standards.
- (5) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
- (6) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, and drained, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
- (7) Containers shall be used and maintained so as to prevent public nuisances.

- (8) Containers shall be placed by the owner or customer at a collection point specified by the Municipality or its designated representative. Containers shall not be placed at the curb or collection point or side of the road before 7:00 p.m. on the day prior to the pickup.
- (9) With the exception of pickup days when the containers are placed out for collection, the containers shall be stored on the owner or customer premises at all times, and not curbside or along the edge of a road which is not curbed.
- (10) Bulk waste items shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.

(e) The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this article. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Municipality.

(Ord. 1017 §4. Passed 11-27-89; Ord. 1398. Passed 8-22-11.)

#### **927.04 STANDARDS AND REGULATIONS FOR COLLECTION.**

(a) The Municipality shall contract with a private collector or collectors for the collection of all garbage, rubbish and bulky wastes from individual residents and multi-family residential sources with two or less units to provide this essential residential collection service.

(Ord. 1398. Passed 8-22-11.)

(b) All households and homeowners shall utilize the residential collection service provided by the Municipality. (Ord. 1017. Passed 11-27-89.)

(c) All multi-family residential sources (with more than two units), commercial, institutional, and industrial establishments shall individually contract collection service with the Municipality's collector or any other properly licensed waste hauler of their choice.

(d) The Municipality or its contracted hauler shall give notice of residential collection schedules. (Ord. 1398. Passed 8-22-11.)

(e) All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The Municipality reserves the right to require more frequent collection when deemed necessary.

(f) Residential collection schedules shall be published regularly by the Municipality or its contracted hauler.

(Ord. 1017 §5. Passed 11-27-89.)

(g) All residential solid waste collection shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 6:00 p.m. or on Saturdays between the hours of 6:00 a.m. and 6:00 p.m., unless prior approval of any exception has been granted by the municipality. No collection, hauling or transporting of solid waste shall be permitted on Sunday.

(h) All commercial, institutional, public and industrial lunchroom and office solid waste collection shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 10:00 p.m. or on Saturdays between the hours of 6:00 a.m. and 10:00 p.m., unless prior approval of any exception has been granted by the municipality. No collection, hauling or transporting of solid waste shall be permitted on Sunday.  
(Ord. 1413. Passed 6-25-12.)

(i) All licensed haulers and haulers under contract with the Municipality shall comply with the following standards and regulations:  
(Ord. 1017 §5. Passed 11-27-89.)

- (1) All municipal waste collected within the Municipality shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan - 1990 or on subsequent revisions thereto.  
(Ord. 1047. Passed 2-25-91.)
- (2) Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97 and must be licensed by the Allegheny County Health Department.
- (3) All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
- (4) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.
- (5) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition. (Ord. 1017 §5. Passed 11-27-89.)

#### **927.05 COLLECTION AND DISPOSAL CHARGES.**

(a) Annual fee schedules (if appropriate) shall be published by the Municipality based on any competitively bid residential collection service contract that may be awarded by the Municipality.

(b) The Municipality's contracted hauler and other licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal services provided to residential, commercial, institutional or industrial sources within the Municipality.  
(Ord. 1017 §6. Passed 11-27-89.)

(c) It is the responsibility of the property owner to pay for solid waste collection and disposal services provided to one and two-family residential units.  
(Ord. 1398. Passed 8-22-11.)

#### **927.06 ARBITRATION.**

(a) Whenever any disputes arise between a homeowner and the contractor, the contractor shall be responsible to meet with Town officials and the aggrieved party prior to arbitration. If the dispute is not settled, the contractor may then proceed to arbitration.

(b) In the event of any dispute concerning any of the provisions of this contract, the dispute shall be submitted to a Board of Arbitration, consisting of one person selected by the contractor, one person selected by the Town, and one other person selected by the first two appointees. Every effort will be made to make a prompt determination of the dispute. (Ord. 1017 §7. Passed 11-27-89.)

(c) This section does not apply to issues dealing with payment for services. (Ord. 1330. Passed 4-24-06.)

**927.07 INJUNCTION POWERS.**

The Municipality may petition the Court of Common Pleas of Allegheny County, Pennsylvania for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this article. (Ord. 1017 §8. Passed 11-27-89.)

**927.08 SEPARABILITY.**

In the event that any section, paragraph, sentence, clause, or phrase of this article be declared unconstitutional or invalid for any reason, the remainder of such article shall not be invalidated by such action. (Ord. 1017 §10. Passed 11-27-89.)

**927.99 PENALTY.**

Any person who has violated or permitted the violation of any provision of this Article shall be deemed guilty of a summary offense and shall be fined not more than five hundred dollars (\$500.00), and pay any amount owed for hauler or private collector services, if applicable; plus all court costs, including reasonable attorney fees incurred by the Town or its hauler or private collector as a result thereof. Each day a violation is committed or is permitted to continue shall constitute a separate offense. (Ord. 1243. Passed 4-23-01.)

**ARTICLE 929**  
**Recycling**

<b>929.01</b>	<b>Definitions.</b>	<b>929.07</b>	<b>Existing recycling operations.</b>
<b>929.02</b>	<b>Establishment of Program/ grant of power.</b>	<b>929.08</b>	<b>Recycling of materials.</b>
<b>929.03</b>	<b>Lead acid batteries.</b>	<b>929.09</b>	<b>Enforcement and administration.</b>
<b>929.04</b>	<b>Separation and collection.</b>	<b>929.10</b>	<b>Franchise or license.</b>
<b>929.05</b>	<b>Ownership of recyclable materials.</b>	<b>929.11</b>	<b>Repeal and severability.</b>
<b>929.06</b>	<b>Collection by unauthorized persons.</b>	<b>929.12</b>	<b>Modifications.</b>
		<b>929.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Municipal Waste Planning, Recycling and Waste Reduction Act - see  
53 P.S. §4000.101 et seq.

**929.01 DEFINITIONS.**

(a) The following words and phrases used throughout this article shall have the following meanings:

- (1) "Act 101" means the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.
- (2) "Aluminum" means empty all-aluminum beverage or food cans.
- (3) "Bi-metal containers" means empty food or beverage containers consisting of steel and aluminum.
- (4) "Collector" means the entity or entities authorized by the Town to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Town to collect recyclable materials from those properties.
- (5) "Commercial establishments" means those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than two dwelling units.
- (6) "Community activities" means events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

- (7) "Corrugated paper" means structural paper material with an inner core shaped in rigid parallel furrows and ridges.
- (8) "Ferrous containers" means empty steel or tin coated food or beverage containers
- (9) "Glass containers" means bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.
- (10) "High grade office paper" means all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.
- (11) "Institutional establishment" means those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.
- (12) "Lead acid batteries" includes but is not limited to automotive, truck and industrial batteries that contain lead.
- (13) "Leaf waste" means leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.
- (14) (EDITOR'S NOTE: Former subsection (a)(14) was repealed by Ordinance 1398.)
- (15) "Multi-family housing properties" means any properties having two or more dwelling units per structure.
- (16) "Municipal establishment" means public facilities operated by the Town and other governmental and quasi-governmental authorities.
- (17) "Municipal waste" means any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.
- (18) "Municipality" means the Town of McCandless.
- (19) (EDITOR'S NOTE: Former subsection (a)(19) was repealed by Ordinance 1398.)

- (20) "Person(s)" means owners, lessees, and occupants of residences and commercial, municipal and institutional establishments.
- (21) "Plastic containers" means empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Town may stipulate specific types of plastic which may be recycled.
- (22) "Recyclable materials" means materials generated by residences and commercial, municipal and institutional establishments which are specified by the Town and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office papers, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Town or specified in future revisions to Act 101. The recyclable materials selected by the Town may be revised from time to time as deemed necessary by the Town.
- (23) "Recycling" means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials.
- (24) "Residences" means any occupied single or multi-family dwellings having up to two dwelling units per structure for which the Town provides municipal waste collection service.
- (25) "Source separated recyclable materials" means those materials separated at the point of origin for the purpose of being recycled.
- (26) "Waste" means a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the PA Department of Environmental Resources for beneficial use.  
(Ord. 1018 §2. Passed 11-27-89.)

#### **929.02 ESTABLISHMENT OF PROGRAM/GRANT OF POWER.**

(a) The Town hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Town for which waste collection is provided by the Town or any other collector. Collection of the recyclable materials shall be made at least once per week by the Town, its designated agent, or any other solid waste collectors operating in the Town and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The Recycling Program shall also contain a sustained public information and education program.

(b) Specific program regulations are provided as an attachment to original Ordinance 1018. Council is empowered to make changes to program regulations as necessary, as described in Section 929.09. Subsequent changes in the program regulations may be made through approval of Council and public notice and notification of all affected parties.

(c) This article is ordained pursuant to the Town Home Rule Charter.  
(Ord. 1018 §3. Passed 11-27-89.)

#### **929.03 LEAD ACID BATTERIES.**

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this article.

(Ord. 1018 §4. Passed 11-27-89.)

#### **929.04 SEPARATION AND COLLECTION.**

(a) All persons who are residents of the Town shall separate all of those recyclable materials designated by the Town from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.

- (1) Persons in residences shall separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Town for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Town and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Town shall be responsible for leaving the allocated container within the residence or shall pay the replacement cost of such container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this article.
- (2) An owner, landlord, or agent of an owner or landlord of a multifamily rental housing property with more than two units shall comply with its recycling responsibilities by establishing a collection system at each property. The collection system shall include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. If recyclable materials are collected by a collector other than the Town or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Town reporting the tonnage of materials recycled during the previous year.

(b) All persons shall separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

(c) Persons shall separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Town generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this subsection if that person submits documentation to the Town annually indicating that the designated recyclable materials are being recycled in an appropriate manner. If recyclable materials are collected by a collector other than the Town or its authorized agent, occupants of such establishments shall submit an annual report to the Town reporting the tonnage of materials recycled during the previous year. (Ord. 1018 §5. Passed 11-27-89.)

#### **929.05 OWNERSHIP OF RECYCLABLE MATERIALS.**

All recyclable materials placed by persons for collection by the Town or authorized collector pursuant to this article shall, from time of placement at the curb, become the property of the Town or the authorized collector, except as otherwise provided by Section 929.07. Nothing in this article shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection. (Ord. 1018 §6. Passed 11-27-89.)

#### **929.06 COLLECTION BY UNAUTHORIZED PERSONS.**

It shall be a violation of this article for any person, firm or corporation, other than the Town or one authorized by Council or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Town or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. 1018 §7. Passed 11-27-89.)

#### **929.07 EXISTING RECYCLING OPERATIONS.**

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from Council or other entity responsible for authorizing collection of recyclable materials to make such a collection. (Ord. 1018 §8. Passed 11-27-89.)

**929.08 RECYCLING OF MATERIALS.**

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this article. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Town Manager, or his designee, in writing.  
(Ord. 1018 §9. Passed 11-27-89.)

**929.09 ENFORCEMENT AND ADMINISTRATION.**

(a) The Town Manager or his designee is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this article as deemed necessary, including, but not limited to:

- (1) Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.
- (2) Establishing collection procedures for recyclable materials.
- (3) Establishing reporting procedures for amounts of materials recycled.
- (4) Establishing procedures for the distribution, monitoring and collection of recyclable containers.
- (5) Establishing procedures and rules for the collection of leaf waste.

(b) The Town reserves the right not to collect municipal waste containing recyclable materials in combination with nonrecyclable materials.

(Ord. 1018 §10. Passed 11-27-89.)

**929.10 FRANCHISE OR LICENSE.**

The Town may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

(Ord. 1018 §11. Passed 11-27-89.)

**929.11 REPEAL AND SEVERABILITY.**

All ordinances or parts of ordinances inconsistent with this article are hereby repealed to the extent of such inconsistency. Should any part of this article be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this article. It is hereby declared that such parts as are legal would have been erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Town that such remainder shall be and remain in full force and effect.

(Ord. 1018 §12. Passed 11-27-89.)

**929.12 MODIFICATIONS.**

The Town may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in Section 929.09.

(Ord. 1018 §13. Passed 11-27-89.)

**929.99 PENALTY.**

(a) Any person, firm or corporation who violates the provisions of this article shall receive an official written warning of noncompliance for the first and second offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.

(b) Except as hereinafter provided, any person, firm or corporation who violates any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), and costs of prosecution for each and every offense.  
(Ord. 1018 §10. Passed 11-27-89.)