

ORDINANCE NUMBER 2 OF 2011

AN ORDINANCE REGULATING THE MANAGEMENT OF STORMWATER WITHIN  
THE BOROUGH OF MCCONNELLSBURG, FULTON COUNTY, PENNSYLVANIA

# TABLE OF CONTENTS

---

<b>TABLE OF CONTENTS</b>	1
<b>ARTICLE I - GENERAL PROVISIONS</b>	<b>3</b>
SECTION 101. SHORT TITLE	3
SECTION 102. STATEMENT OF FINDINGS	3
SECTION 103. PURPOSE	4
SECTION 104. STATUTORY AUTHORITY	5
SECTION 105. APPLICABILITY	5
SECTION 106. REPEALER	6
SECTION 107. SEVERABILITY	6
SECTION 108. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS	6
SECTION 109. DUTY OF PERSONS ENGAGED IN THE DEVELOPMENT OF LAND	6
<b>ARTICLE II - DEFINITIONS</b>	<b>7</b>
<b>ARTICLE III - STORMWATER MANAGEMENT STANDARDS</b>	<b>18</b>
SECTION 301. GENERAL REQUIREMENTS	18
SECTION 302. EXEMPTIONS/MODIFICATIONS	21
SECTION 303. VOLUME CONTROLS	24
SECTION 304. RATE CONTROLS	26
<b>ARTICLE IV - E&amp;S STANDARDS</b>	<b>27</b>
SECTION 401. EROSION AND SEDIMENTATION REQUIREMENTS DURING EARTH DISTURBANCE ACTIVITIES	27
<b>ARTICLE V – RIPARIAN BUFFER STANDARDS</b>	<b>29</b>
SECTION 501. RIPARIAN BUFFER REQUIREMENTS	29
SECTION 502. RIPARIAN BUFFER EASEMENTS	30
<b>ARTICLE VI - DESIGN CRITERIA</b>	<b>31</b>
SECTION 601. DESIGN CRITERIA FOR STORMWATER MANAGEMENT & DRAINAGE FACILITIES	31
SECTION 602. CALCULATION METHODOLOGY	36
<b>ARTICLE VII - SWM SITE PLAN &amp; REPORT REQUIREMENTS</b>	<b>41</b>
SECTION 701. GENERAL REQUIREMENTS	41
SECTION 702. SWM SITE PLAN & REPORT CONTENTS	41
SECTION 703. SWM SITE PLAN & REPORT SUBMISSION	45
SECTION 704. SWM SITE PLAN & REPORT REVIEW	45
SECTION 705. MODIFICATION OF PLANS	46
SECTION 706. RESUBMISSION OF DISAPPROVED SWM SITE PLAN & REPORT	46
SECTION 707. AUTHORIZATION TO CONSTRUCT AND TERM OF VALIDITY	46
SECTION 708. RECORD DRAWINGS, COMPLETION CERTIFICATE AND FINAL INSPECTION	46
<b>ARTICLE VIII - EASEMENTS</b>	<b>47</b>
SECTION 801. EASEMENTS	47
<b>ARTICLE IX - MAINTENANCE RESPONSIBILITIES</b>	<b>48</b>
SECTION 901. FINANCIAL GUARANTEE	48
SECTION 902. MAINTENANCE RESPONSIBILITIES	48
SECTION 903. MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STORMWATER FACILITIES	49
<b>ARTICLE X - INSPECTIONS</b>	<b>50</b>
SECTION 1001. SCHEDULE OF INSPECTIONS	50
SECTION 1002. RIGHT-OF-ENTRY	50

<b>ARTICLE XI - ENFORCEMENT AND PENALTIES</b> .....	<b>52</b>
SECTION 1101. NOTIFICATION.....	52
SECTION 1102. ENFORCEMENT.....	52
SECTION 1103. PUBLIC NUISANCE.....	52
SECTION 1104. SUSPENSION AND REVOCATION .....	53
SECTION 1105. PENALTIES.....	53
SECTION 1106. APPEALS.....	53
<b>ARTICLE XII - PROHIBITIONS</b> .....	<b>54</b>
SECTION 1201. PROHIBITED DISCHARGES AND CONNECTIONS.....	54
SECTION 1202. ROOF DRAINS .....	55
SECTION 1203. ALTERATION OF BMPs .....	55
<b>ARTICLE XIII - FEES AND EXPENSES</b> .....	<b>56</b>
SECTION 1301. GENERAL.....	56
SECTION 1302. EXPENSES COVERED BY FEES .....	56
SECTION 1303. RECORDING OF APPROVED SWM SITE PLAN AND RELATED AGREEMENTS .....	56
<b>APPENDIX A - OPERATION AND MAINTENANCE AGREEMENT</b> .....	<b>1</b>
<b>OPERATION AND MAINTENANCE (O&amp;M) AGREEMENT</b> .....	<b>1</b>
<b>STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)</b> .....	<b>1</b>
<b>APPENDIX B - LOW IMPACT DEVELOPMENT PRACTICES</b> .....	<b>1</b>
<b>APPENDIX C - STORMWATER MANAGEMENT DESIGN CRITERIA</b> .....	<b>1</b>
<b>APPENDIX D – REVIEW FEE REIMBURSEMENT AGREEMENT</b> .....	<b>1</b>
THIS AGREEMENT MUST BE COMPLETED AND SIGNED BY THE LANDOWNER/DEVELOPER/APPLICANT PRIOR TO SUBMISSION.....	1
OF THE SWM SITE PLAN OR ANY OTHER SUBMISSION .....	1
WHICH REQUIRES MUNICIPAL CONSULTANT REVIEW .....	1
<b>REVIEW FEE REIMBURSEMENT AGREEMENT</b> .....	<b>1</b>
<b>APPENDIX E – COVE AND LICKING CREEKS RELEASE RATE MAP</b> .....	<b>1</b>

## **ARTICLE I - GENERAL PROVISIONS**

### **Section 101. Short Title**

This Ordinance shall be known and may be cited as the "McConnellsburg Borough Stormwater Management Ordinance."

### **Section 102. Statement of Findings**

The governing body of McConnellsburg Borough finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of McConnellsburg Borough and all the people of the Commonwealth, their resources, and the environment.
- C. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of streambeds and stream banks thereby elevating sedimentation); destroying aquatic habitat; and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
- D. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.

### **Section 103. Purpose**

The purpose of this Ordinance is to promote health, safety, and welfare within McConnellsburg Borough, Fulton County, by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance through provisions intended to:

- A. Meet legal water quality requirements under state law, including regulations at 25 PA Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the Waters of the Commonwealth.
- B. Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.
- C. Preserve the natural drainage systems to the maximum extent practicable.
- D. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
- E. Maintain existing flows and quality of streams and watercourses.
- F. Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.
- G. Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.
- H. Provide procedures, performance standards, and design criteria for stormwater planning and management.
- I. Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and Best Management Practices (BMPs) that are constructed and implemented.
- J. Provide standards to meet the NPDES permit requirements.

## **Section 104. Statutory Authority**

### **A. Primary Authority:**

McConnellsburg Borough is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), 32 P.S. Section 680.1 et seq., as amended, the "Storm Water Management Act", and the Borough Code, 53 P.S. Section 45101, et seq.

### **B. Secondary Authority:**

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

## **Section 105. Applicability**

This Ordinance shall apply to all areas of McConnellsburg Borough any Regulated Activity within McConnellsburg Borough, and all stormwater runoff entering into McConnellsburg Borough's separate storm sewer system.

Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

"Regulated Activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. "Regulated Activities" include, but are not limited to, the following listed items:

- A. Earth Disturbance Activities
- B. Land Development
- C. Subdivision
- D. Construction of new or additional impervious or semi-pervious surfaces
- E. Construction of new buildings or additions to existing buildings
- F. Diversion or piping of any natural or man-made stream channel
- G. Installation of stormwater management facilities or appurtenances thereto
- H. Installation of stormwater BMPs

See Section 302 of this Ordinance for Exemption/Modification Criteria.

### **Section 106. Repealer**

Any ordinance, ordinance provision(s), or regulation of McConnellsburg Borough inconsistent with any of the provision(s) of this Ordinance is hereby repealed to the extent of the inconsistency only.

### **Section 107. Severability**

In the event that a court of competent jurisdiction declares any section(s) or provision(s) of this Ordinance invalid, such decision shall not affect the validity of any of the remaining section(s) or provision(s) of this Ordinance.

### **Section 108. Compatibility with Other Ordinance Requirements**

Approvals issued and actions taken pursuant to this Ordinance do not relieve the Applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Ordinance shall be followed.

### **Section 109. Duty of Persons Engaged in the Development of Land**

Notwithstanding any provision(s) of this Ordinance, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

## **ARTICLE II - DEFINITIONS**

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

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

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

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

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

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

**Accelerated Erosion** - The removal of the surface of the land through the combined action of human activity and natural processes at a rate greater than would occur because of the natural process alone.

**Agricultural Activities** - Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, 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.

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

**Applicant** - A landowner, developer, or other person who has filed an application for approval to engage in any Regulated Activities at a project site within McConnellsburg Borough.

**Best Management Practices (BMPs)** - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "non-structural" or "structural". "Non-structural" BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff.



"Structural" BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

**BMP Manual** - Shall mean the Pennsylvania Stormwater Best Management Practices Manual as published by the Department of Environmental Protection, Bureau of Watershed Management, document number: 363-0300-002, effective date: December 30, 2006, and as revised.

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

**Cistern** - An underground reservoir or tank used for storing rainwater.

**Conservation District** - The Fulton County Conservation District (FCCD). The Fulton County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 PA Code Chapter 102.

**Culvert** - A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.

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

**Design Storm** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 25-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems. Also see Return Period.

**Designee** - The agent of McConnellsburg Borough and/or agent of the governing body involved with the administration, review, or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.

**Detention Basin** - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**Detention Volume** - The volume of runoff that is captured and released during or after a storm event at a controlled rate.

**Developer** - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.

**Development Site - (Site)** - The specific tract of land for which a Regulated Activity is proposed. Also see Project Site.

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

**Downslope Property Line** - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or piped flow from the site would be directed toward it.

**Drainage Conveyance Facility** - A stormwater management facility designed to convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

**Drainage Easement** - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

**Drainageway** - Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

**Earth Disturbance Activity** - A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Erosion** - The movement of soil particles by the action of water, wind, ice, or other natural forces.

**Erosion and Sediment Pollution Control Plan** - A plan which is designed to minimize accelerated erosion and sedimentation.

**Exceptional Value Waters** - Surface waters of high quality, which satisfies PA Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(b) (relating to anti-degradation).

**Existing Conditions** - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is not forested or undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is documented to generate lower Curve Numbers or Rational "C" Coefficients, such as forested lands.

**FEMA** - The Federal Emergency Management Agency.

**Flood** - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other Waters of the Commonwealth.

**Flood Fringe** - The remaining portions of the one hundred (100) year floodplain outside of the floodway boundary.

**Floodplain** - Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - mapped as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a 100-year flood. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

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

**Freeboard** - A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

**Grade** - A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.

**(To) Grade** - To finish the surface of a roadbed, top of embankment or bottom of excavation.

**Groundwater Recharge** - Replenishment of existing natural underground water supplies.

**HEC-HMS Model Calibrated** - (Hydrologic Engineering Center Hydrologic Modeling System) A computer-based hydrologic modeling technique adapted to the Cove Creek and Licking Creek Watersheds in Fulton County for the Act 167 Plan. The model has been calibrated by adjusting key model input parameters.

**High Quality Waters** - Surface water having quality, which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying PA Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(a).

**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 one of four HSG (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the US 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 interest may be identified from a soil survey report from the local NRCS office or the Fulton County Conservation District.

**Impervious Surface (Impervious Area)** - A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but are not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

**Infiltration Structures** - A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, etc.).

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

**Intermittent Stream** - A stream that has flowing water during certain times of the year, but which ceases to flow occasionally or seasonally during dry periods.

**Karst** - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, steep-sided hills, underground drainage and caves. Karst is formed on carbonate rocks, such as limestone or dolomites and sometimes gypsum.

**Land Development (Development)** - (i) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) Any subdivision of land; (iii) Development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

**Limit of Disturbance** - A line provided on the SWM Site Plan that indicates the total area to be disturbed during a proposed earth disturbance activity.

**Main Stem (Main Channel)** - Any stream segment or other runoff conveyance facility used as a reach in the Fulton County Act 167 HEC-HMS hydrologic model.

**Manning Equation (Manning Formula)** - A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

**Municipality** - McConnellsburg Borough, Fulton County, Pennsylvania.

**National Pollutant Discharge Elimination System (NPDES)** - The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

**NOAA Atlas 14:** - Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, US Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

**Non-point Source Pollution** - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**NRCS** - Natural Resource Conservation Service (previously Soil Conservation Service (SCS)).

**Open Channel** - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

**Outfall** - (i) Point where water flows from a conduit, stream, or drain; (ii) "Point Source" as described in 40 CFR § 122.2 at the point where the Municipality's storm sewer system discharges to surface Waters of the Commonwealth.

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

**Parking Lot Storage** - Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

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

**Person** - An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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

**Pipe** - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

**Planning Commission** - The Planning Commission of McConnellsburg Borough, if it exists.

**Point Source** - Any discernible, confined, or discrete conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pennsylvania Code § 92.1.

**Probable Maximum Flood (PMF)** - The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**Project Site** - The specific area of land where any Regulated Activities in McConnellsburg Borough 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 the Ordinance.

**Rational Formula** - A rainfall-runoff relation used to estimate peak flow.

**Redevelopment** - Earth disturbance activities on land, which has previously been developed.

**Regulated Activities** - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

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

**Release Rate** - The percentage of pre-development peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

**Release Rate District** - Those subwatershed areas in which post-development flows must be reduced to a certain percentage of pre-development flows as required to meet the plan requirements and the goals of Act 167.

**Retention Volume/Removed Runoff** - The volume of runoff that is captured and not released directly into the surface Waters of this Commonwealth during or after a storm event.

**Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the probability of a 25-year storm occurring in any one given year is 0.04 (i.e. a 4% chance).

**Riparian Buffer** - A vegetated area bordering perennial and intermittent streams and wetlands, that serves as a protective filter to help protect streams and wetlands from the impacts of adjacent land uses.

**Riser** - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

**Road Maintenance** - Earth disturbance activities within the existing road right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities. Road maintenance activities that do not disturb the subbase of a paved road such as milling and pavement overlays are not considered earth disturbance activities.

**Rooftop Detention** - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

**Runoff** - Any part of precipitation that flows over the land surface.

**Runoff Capture Volume** - The volume of runoff that is captured (retained) and not released into surface Waters of the Commonwealth during or after a storm event.

**Sediment** - Soils or other materials transported by surface water as a product of erosion.

**Sediment Basin** - A barrier, dam, or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by stormwater runoff.

**Sediment Pollution** - The placement, discharge, or any other introduction of sediment into Waters of the Commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

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

**Seepage Pit/Seepage Trench** - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

**Separate Storm Sewer System** - A conveyance or system of conveyances (including roads with drainage systems, Municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

**Sheet Flow** - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

**Soil Cover Complex Method** - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

**Spillway (Emergency)** - A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

**State Water Quality Requirements** - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of that Pennsylvania Code and the Clean Streams Law – including, but not limited to:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- B. “Existing uses” are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Earth Disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological, and physical characteristics of surface water bodies. After Earth Disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed, and structural integrity of the waterway, to prevent these impacts.
- D. Protection and maintenance of water quality in special protection streams pursuant to 25 PA Code Chapter 93.

**Storage Indication Method** - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

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

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

**Stormwater** - Drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt.

**Stormwater Hotspot** - A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff.



**Stormwater Management Facilities** - Any structure, natural or man-made, that, due to its condition, design, or construction; conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention basins, wet ponds, open channels, storm sewers, pipes and infiltration facilities.

**Stormwater Management Plan** - The Fulton County Stormwater Management Plan for managing stormwater runoff in Fulton County as required by the Act of October 4, 1978, P.L. 864, (Act 167) and known as the "Storm Water Management Act".

**Stormwater Management Site Plan (SWM Site Plan)** - The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this Ordinance.

**Stream Enclosure** - A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses regulated Waters of the Commonwealth.

**Subwatershed Area** - The smallest drainage unit of a watershed for which stormwater management criteria has been established in the Stormwater Management Plan.

**Subdivision** - The division or re-division 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, 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 dwellings, shall be exempt {Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247}.

**Swale** - A low-lying stretch of land that gathers or carries surface water runoff.

**Timber Operations** - See "Forest Management".

**Time of Concentration ( $T_c$ )** - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**USDA** - The United States Department of Agriculture.

**Watercourse** - A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

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

**Watershed** - Region or area drained by a river, watercourse, or other surface water, whether natural or artificial.

**Wetland** - Those areas that are inundated or saturated by surface or groundwater 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 and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

## **ARTICLE III - STORMWATER MANAGEMENT STANDARDS**

### **Section 301. General Requirements**

- A. For all Regulated Activities, unless specifically exempted in Section 302:
1. Preparation and implementation of an approved SWM Site Plan is required.
  2. No Regulated Activities shall commence until the Municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
  3. The SWM Site Plan shall demonstrate that adequate capacity will be provided to meet the Volume and Rate Control Requirements, as described under Sections 303 and 304 of this Ordinance.
  4. The SWM Site Plan approved by the Municipality, shall be on-site throughout the duration of the Regulated Activities.
- B. 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 Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code (including, but not limited to Chapter 102 Erosion and Sediment Control) 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), No. 363-2134-008 (April 15, 2000), as amended and updated.
- C. For all Regulated Activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law, conform to the State Water Quality Requirements, meet all requirements under the Storm Water Management Act and any more stringent requirements as determined by the Municipality.
- D. The Municipality may, after consultation with PADEP and/or FCCD, approve measures for meeting the State Water Quality Requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.
- E. All Regulated Activities shall include, to the maximum extent practicable, measures to:
1. Protect health, safety, and property.

2. Meet the water quality goals of this Ordinance by implementing measures to:
  - a. Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
  - b. Create, maintain, or extend riparian buffers and protect existing forested buffers.
  - c. Provide trees and woodlands adjacent to impervious areas whenever feasible.
  - d. Minimize the creation of impervious surfaces and the degradation of Waters of the Commonwealth and promote groundwater recharge.
  - e. Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
  - f. Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
  - g. Avoid erosive flow conditions in natural flow pathways.
  - h. Minimize soil disturbance and soil compaction.
  - i. Minimize thermal impacts to Waters of the Commonwealth.
  - j. Disconnect impervious surfaces by directing runoff to pervious areas wherever possible, and decentralize and manage stormwater at its source.
3. Applicants are encouraged to incorporate the techniques for Low Impact Development Practices described in the "*Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual)" to reduce the costs of complying with the requirements of this Ordinance and the State Water Quality Requirements.

F. Impervious Areas:

1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
2. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.

3. For projects that add impervious area to a developed parcel, the new impervious area is subject to the requirements of this Ordinance; and any existing impervious area that is within the new proposed limit of disturbance is also subject to the requirements of this Ordinance.
- G. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
    1. Applicant must provide an executed easement for newly concentrated flow across adjacent properties to a drainageway or public right-of-way.
  - H. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.
  - I. Where watercourses traverse a development site, drainage easements (with a minimum width of 20 feet) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement may be required, except as approved by the appropriate governing authority.
  - J. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainage ways shall be subject to approval by PADEP under regulations at 25 PA Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by PADEP, through the General Permit process.
  - K. Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this Ordinance, that will be located in or adjacent to Waters of the Commonwealth (including wetlands), shall be subject to approval by PADEP under regulations at 25 PA Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by PADEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PADEP.
  - L. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than 100-year event.

- M. Any stormwater management facilities regulated by this Ordinance that will be located on, or discharged onto State highway rights-of-ways shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- N. When stormwater management facilities are proposed within 1,000 feet of a downstream Municipality, the stormwater analysis shall be submitted to the downstream Municipal's engineer for review and comment.
- O. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions and geology permit, to reduce the size or eliminate the need for detention facilities.
- P. Infiltration BMPs should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.
- Q. The design of facilities over karst shall include an evaluation and implementation of measures to minimize adverse effects.
  - R. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where it is advantageous to do so. When it is more advantageous to connect directly to storm sewers, then the Municipality may permit it on a case-by-case basis.

**Section 302. Exemptions/Modifications**

- A. Under no circumstance shall the Applicant be exempt from implementing such measures as necessary to:
  - 1. Meet State Water Quality Standards and Requirements.
  - 2. Protect health, safety, and property.
  - 3. Meet special requirements for High Quality (HQ) and Exceptional Value (EV) watersheds.
- B. The Applicant must demonstrate, via documentation; to the satisfaction of the Municipality or their designee, that the following BMPs are being utilized to the maximum extent practicable to receive consideration for the exemptions:
  - 1. Design around and limit disturbance of Floodplains, Wetlands, Natural Slopes over 15%, existing native vegetation, and other sensitive and special value features.
  - 2. Maintain riparian and forested buffers.
  - 3. Limit grading and maintain non-erosive flow conditions in natural flow paths.
  - 4. Maintain existing tree canopies near impervious areas.
  - 5. Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.
  - 6. Direct runoff to pervious areas.
- C. The Applicant must demonstrate that the proposed development/additional impervious area will not adversely impact the following:

1. Capacities of existing drainageways and storm sewer systems.
2. Velocities and erosion.
3. Quality of runoff if direct discharge is proposed.
4. Existing known problem areas.
5. Safe conveyance of the additional runoff.
6. Downstream property owners.

D. An Applicant proposing Regulated Activities, after demonstrating compliance with Sections 302.A, 302.B, and 302.C, may be exempted from various requirements of this Ordinance according to the threshold limits provided in the following table:

<b>New Impervious Area [Since the Date of Adoption of this Ordinance] (square footage)</b>	<b>Location in Fulton County</b>	<b>Applicant Must Submit to the Municipality</b>
0 to 2,500	McConnellsburg Borough	- N/A - Exempted
> 2,500	McConnellsburg Borough	Rate Controls, Volume Controls, SWM Site Plan & Report and Record Drawings
0 to 5,000	All Municipalities of Fulton County excluding McConnellsburg Borough	- N/A - Exempted
> 5,000	All Municipalities of Fulton County excluding McConnellsburg Borough	Rate Controls, Volume Controls, SWM Site Plan & Report and Record Drawings

E. The purpose of this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the Applicant has a single and clear set of stormwater management standards to which the Applicant is subject. The Municipality may accept alternative stormwater management controls provided that:

1. The Applicant, in consultation with the Municipality, PADEP and/or FCCD, states that meeting the requirements of the Volume Controls or Rate Controls of this Ordinance is not possible or creates an undue hardship.

2. The alternative stormwater management controls, proposed by the Applicant, are documented to be acceptable to the Municipality, PADEP and/or FCCD for NPDES requirements pertaining to post construction stormwater management requirements.

3. The alternative stormwater management controls are in compliance with all other sections of this Ordinance, including but not limited to sections 301.D, 302.A, 302.B and 302.C.

F. Forest management and timber operations are exempt from Rate and Volume Control requirements and SWM Site Plan preparation requirement of this Ordinance provided the activities are performed according to the requirements of 25 PA Code Chapter 102. It should be noted that temporary roadways and associated landing areas are not exempt.

G. Agricultural activities are exempt from the requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code Chapter 102.

H. For purposes of complying with this ordinance, design policy pertaining to stormwater management facilities for PennDOT and Pennsylvania Turnpike Commission (PTC) roadways and associated facilities are provided in Section 13.7 (Anti-degradation and Post Construction Stormwater Management Policy) of PennDOT Publication No. 13M, Design Manual Part 2 (August 2009), as developed, updated, and amended in consultation with PADEP. As stated in DM-2.13.7.D (Act 167 and Municipal Ordinances), PennDOT and PTC roadways and associated facilities shall be consistent with Act 167 Plans. DM-2.13.7.B (Policy on Anti-degradation and Post Construction Stormwater Management) was developed as a cooperative effort between PennDOT and PADEP. DM-2.13.7.C (Project Categories) discusses the anticipated impact on the quality, volume, and rate of stormwater runoff.

1. When requested by PennDOT or PTC, alternative stormwater management strategies may be applied at the joint approval of PADEP and Fulton County when site limitations (such as limited right-of-way) and constraints (as shown and provided by the Applicant), preclude the ability of the Applicant to meet the enforcement of the stormwater management standards in the Act 167 Plan.

I. The Municipality may, after an Applicant has demonstrated compliance with Sections 302.A, 302.B, and 302.C, grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar



conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

1. All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved, and the minimum modification necessary.

### **Section 303. Volume Controls**

A. The Low Impact Development Practices provided in the BMP Manual and in Appendix B of this Ordinance shall be utilized for all Regulated Activities to the maximum extent practicable.

B. Stormwater runoff Volume Controls shall be implemented using the *Design Storm Method* or the *Simplified Method*. For Regulated Activities equal to or less than one (1) acre, this Ordinance establishes no preference for either method; therefore, the Applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors. All applicable worksheets from Chapter 8 of the BMP Manual must be used when establishing Volume Controls.

1. The *Design Storm Method* (CG-1 in the BMP Manual) is applicable to any sized Regulated Activity. This method requires detailed modeling based on site conditions.

a. Do not increase the post-development total runoff volume when compared to the pre-development total runoff volume for the 2-year/24-hour storm event.

b. For hydrologic modeling purposes:

i. Existing non-forested pervious areas must be considered meadow (good condition) for pre-development hydrologic calculations.

ii. Twenty (20) percent of existing impervious area, when present on the proposed project site, and contained within the new proposed limit of disturbance, shall be considered meadow (good condition) for pre-development hydrologic calculations for re-development.

2. The *Simplified Method* (CG-2 in the BMP Manual) is independent of site conditions and should be used if the *Design Storm Method* is not followed. This method is not applicable to Regulated Activities greater than one (1) acre. For new impervious surfaces:
  - a. Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
  - b. At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e. it shall not be released into surface Waters of the Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
  - c. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first one-half (0.5) inch of the permanently removed runoff should be infiltrated.
  
3. In cases where it is not possible or desirable to use infiltration-based Best Management Practices to partially fulfill the requirements in either Section 303.B.1 or 303.B.2, the following procedure shall be used:
  - a. At a minimum, the following documentation shall be provided to justify the decision to not use infiltration BMPs:
    - i. Description of and justification for field infiltration testing with respect to the type of test and test locations.
    - ii. An interpretive narrative describing existing site soils and their structure as these relate to the interaction between soils and water occurring on the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal high water tables and depth to bedrock, and provide a description of all subsurface elements (fragipans and other restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
    - iii. The documentation must be provided by a Qualified Professional.
  - b. The following water quality pollutant load reductions will be required for all disturbed areas within the proposed Regulated Activity:

Pollutant Load	Units	Required Reduction (%)
Total Suspended Solids (TSS)	Pounds	85
Total Phosphorous (TP)	Pounds	85
Total Nitrate (NO <sub>3</sub> )	Pounds	50

- c. The performance criteria for water quality Best Management Practices shall be determined from the BMP Manual, most current version.

C. Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required when 2,500 square feet or greater of new impervious surface is added. Infiltration test shall be conducted in accordance with BMP Manual. The Municipality shall be notified 24-hours prior to infiltration tests being conducted as to provide an opportunity for the Municipality to witness the tests.

#### **Section 304. Rate Controls**

A. Lands contained within Fulton County that have not had release rates established through detailed Hydrologic Modeling:

1. Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year storms.

B. Lands contained within Fulton County that have had release rates established through detailed Hydrologic Modeling (Cove Creek and Licking Creek Watersheds):

1. Refer to the approved release rate map (contained within Appendix E) for the appropriate Rate Control for the 1-year, 2-year, 10-year, 25-year, 50-year and 100-year storms.

## **ARTICLE IV - E&S STANDARDS**

### **Section 401. Erosion and Sedimentation Requirements During Earth Disturbance Activities**

- A. The applicant shall meet requirements as contained in 25 PA Code, Chapters 92 and 102 as required and applicable as follows:
  1. The implementation and maintenance of erosion and sediment control BMPs.
  2. Development of written plans.
  3. Submission of plans for approval.
  4. Obtaining Erosion and Sediment Control and NPDES permits.
  5. Maintaining plans and permits on site.
- B. Evidence of any necessary plan or permit approval for Earth Disturbance activities from PADEP or the Fulton County Conservation District must be provided to the Municipality.
- C. A copy of the approved Erosion and Sediment Control Plan and any other permit, as required by PADEP or the Fulton County Conservation District, shall be available at the project site at all times if required under Chapter 102.
- D. Construction of temporary roadways (e.g., for utility construction, timber harvesting, etc.) shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 PA Code, Chapters 102 and 105. The Erosion and Sedimentation Control Plan shall be submitted to the Fulton County Conservation District for approval and shall address the following, as applicable:
  1. Design of the roadway system, including haul roads, skid roads, landing areas, trails, and storage and staging areas.
  2. Runoff control structures (e.g., diversions, culverts, detention ponds, etc.).
  3. Stream crossings for both perennial and intermittent streams.
  4. Access to public roadways, including design of rock construction entrance for mud and debris control.
  5. A remediation plan for restoring the disturbed area through re-grading, topsoil placement, reseeding, and other stabilization techniques, as required.

E. Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed include the following:

1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, as to maintain their maximum infiltration capacity.
2. Infiltration BMPs shall be protected from receiving sediment-laden runoff.
3. The source of protection for infiltration BMPs shall be identified (i.e. orange construction fence surrounding the perimeter of the BMP).

## **ARTICLE V – RIPARIAN BUFFER STANDARDS**

### **Section 501. Riparian Buffer Requirements**

- A. Any Regulated Activity exceeding the threshold limits specified in Section 302 having a lake, pond, or an intermittent or perennial stream with defined bed and banks, contained within or along a boundary of a site, shall establish a Riparian Buffer 100-foot wide measured perpendicular from the top of the stream's banks landward and around the perimeter edge of lakes or ponds. The Riparian Buffer shall be located on both sides of all intermittent and perennial streams.
- B. Any Regulated Activity exceeding the threshold limits specified in Section 302 containing a wetland shall establish a Riparian Buffer 25-foot wide measured around the perimeter edge of the wetland.
- C. The intermittent and perennial streams, lakes, ponds, wetlands, and the Riparian Buffer boundaries shall be delineated on the SWM Site Plan.
- D. To the maximum extent practicable, the Riparian Buffer shall be comprised of undisturbed forest. When new Riparian Buffers are established on a previously disturbed site, the Riparian Buffer should consist of native species.
- E. Impervious areas are prohibited to be located within the Riparian Buffer.
- F. Existing uses within the Riparian Buffer are permitted to continue but not be expanded.
- G. The following uses and activities shall be permitted in the Riparian Buffer, provided that the allowable uses and activities do not cause stormwater flow to concentrate and provided that the Riparian Buffer be restored to its original condition, to the maximum extent practical, upon completion of the use or activity:
  - 1. Footpaths, trails and bike paths (5-feet or less in width).
  - 2. Stream crossings and associated road approaches if applicable.
  - 3. Utility lines.
  - 4. Docks.
  - 5. Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers, or aquatic habitat and maintenance activities associated with such projects. These projects include, but are not limited to agricultural and stormwater management best management practices.
  - 6. Maintenance and restoration of the Riparian Buffer.

7. Minor private recreational uses for the property owner. Such uses include benches, fire rings, and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages, dwellings or similar structures.
- H. Riparian Buffers shall be maintained in a manner consistent with sound forest management practices. In the absence of a site specific maintenance plan, the following maintenance guidelines apply:
1. Riparian Buffers shall be inspected periodically for evidence of excessive sediment deposition, erosion or concentrated flow channels. Prompt action shall be taken to correct these problems and prevent future occurrence.
  2. Trees presenting an unusual hazard of creating downstream obstructions shall be removed. Such material shall be removed from the Riparian Buffers or cut into sections small enough so as to prevent the possibility of creating obstructions downstream. Wherever possible, large stable debris should be conserved.
  3. Vegetation should be inspected periodically to ensure diverse vegetative cover and vigorous plant growth consistent with Riparian Buffers objectives.
  4. Remove invasive plant species that may threaten the integrity of the Riparian Buffer.
  5. Periodic cutting of trees with the Riparian Buffer may be necessary to promote vigorous growth and encourage regeneration.
  6. Excessive use of fertilizers, pesticides, herbicides, and other chemicals shall be avoided. These products should be used only when absolutely necessary to maintain Riparian Buffers vegetation.

#### **Section 502. Riparian Buffer Easements**

- A. For all required Riparian Buffers, an easement shall be provided in accordance with Section 801 and recorded in accordance with Section 1303 of this Ordinance.

## **ARTICLE VI - DESIGN CRITERIA**

### **Section 601. Design Criteria for Stormwater Management & Drainage Facilities**

#### **General Design Guidelines:**

Stormwater shall not be transferred from one watershed to another, unless (1) the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property; (2) the effect of the transfer does not alter the peak rate discharge onto adjacent lands; or (3) easements from the affected landowner(s) are provided.

Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a pre-development flow type condition.

Innovative stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, drywells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PADEP, provided they are accompanied by detailed engineering plans and performance capabilities and supporting site specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Municipal Engineer (a pre-application meeting is suggested).

All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.

No outlet structure from a stormwater management facility, or swale, shall discharge directly onto a Municipal or State roadway.

The basin bottom of all stormwater management facilities and underground infiltration/storage facilities shall be located a minimum of two (2) feet above the seasonal high groundwater table or other soil limiting zone. The basin bottom of stormwater facilities may be lowered if adequate sub-surface drainage, which does not alter the existing water table level, is provided.

Any stormwater management facility may be required to be fenced with a minimum four (4) foot high fence of material acceptable to the Municipality. Gates with a minimum opening of ten (10) feet shall be provided for access.

Stormwater management facilities excavated to carbonate rock must either be fitted with an impervious clay liner, or over-excavated four (4) feet and refilled with a suitable material mix. Suitable backfill material is subject to the approval of the Municipal Engineer.



The specific type, location, and number of landscaping and plantings shall be provided for each stormwater management facility and clearly be shown in detail on the SWM Site Plan.

Stormwater Management Facilities (with a depth of water equal to or greater than 3 feet measured from the lowest point inside a facility to the crest of the emergency spillway):

Any stormwater management facility designed to store runoff and requiring a berm or earthen embankment, shall be designed to provide an emergency spillway to handle peak rate of stormwater runoff up to and including the 100-year post-development flow, with a blocked primary outlet structure. The height of embankment must be set as to provide a minimum one (1) foot of freeboard through the spillway, above the maximum water surface elevation, computed when the spillway functions for the 100-year post-development inflow, with a blocked outlet structure. The primary outflow structure must be designed to pass all design storms (up to and including the 100-year event) without discharging through the emergency spillway. The maximum water depth within any stormwater management facility shall be no greater than eight (8) feet when functioning through the primary outlet structure.

Emergency spillways shall be armored to prevent erosion during the 100-year post-development flow, with blocked primary outlet structure. Synthetic liners or rip-rap may be used, and calculations sufficient to support proposed armor must be provided. An earthen plug must be used to accurately control the spillway invert if rip-rap is the proposed armoring material. Emergency spillway armor must extend up the sides of the spillway, and continue at full width to a minimum of ten (10) feet past the toe of slope.

A stormwater management facility berm cross sections must be at least five (5) feet wide at the top, and eight (8) feet wide through the emergency spillway. For fill embankments, the side slopes shall be no steeper than 3:1 on the inside of the facility and 2:1 on the outside of the facility. For cut slopes, the side slopes shall be no steeper than 2:1.

A cutoff and key trench of impervious material shall be provided under all embankments four (4) feet or greater in height.

Soils used for the construction of stormwater management facilities shall have low-erodibility factors ("K" factors) (refer to E&S Manual) and be identified on the SWM Site Plan. Trash racks must be provided to prevent clogging of primary outflow structure stages for all orifices equivalent to twelve (12) inches or smaller in diameter.

Anti-seep collars must be provided on all outflow culverts in accordance with the methodology contained in the latest edition of the E&S Manual. An increase in seepage length of 15 percent must be used in accordance with the requirements for permanent anti-seep collars.

Conventional, non-BMP stormwater management facilities (i.e. dry detention basins) must empty over a period of time not less than 24 hours and not more than 72 hours from the end of the facility's inflow hydrograph. Infiltration tests performed at the facility locations and

proposed basin bottom depths, in accordance with the BMP Manual, must support time-to-empty calculations if infiltration is a factor in the sizing of the stormwater management facility.

Impervious low-flow channels are not permitted within stormwater management facilities to promote water quality and groundwater recharge for frequent storm events. Facilities designed as water quality / infiltration BMPs may have a bottom slope of zero. Minimal maintenance, saturation tolerant vegetation must be provided in basins designed as water quality / infiltration BMPs. Conventional, non-BMP stormwater management facilities must have a minimum slope of 1% extending radially out from the primary outlet structure. Water storage below the lowest outlet structure stage (i.e. dead storage) is permitted in stormwater management facilities designed as water quality / infiltration BMPs.

Stormwater management facilities bottom elevations must be greater than adjacent floodplain elevations (FEMA or HEC-RAS analysis). If no floodplain is defined, bottom elevations must be higher than existing ground elevations fifty (50) feet from top of stream bank in the facilities vicinity.

Basin outflow culverts discharging into floodplains must account for tailwater. Tailwater corresponding to the 100-year floodplain elevation may be used for all design storms, or the Applicant may elect to determine flood elevations of the adjacent watercourse for each design storm. The floodplain is assumed to be fifty (50) feet from top of stream bank in areas where a floodplain is not designated, or where no other evidence is provided.

Exceptions to these requirements may be made at the discretion of the Municipality for BMPs that retain or detain water, but are of a much smaller scale than traditional stormwater management facilities.

## Storm Sewer Facilities:

Storm sewers must be able to convey post-development runoff from a ten (10) year design storm without surcharging inlets where appropriate. When connecting to an existing storm sewer system, the Applicant must demonstrate that the proposed system will not exacerbate any existing stormwater problems and that adequate downstream capacity exists.

A minimum pipe size of fifteen (15) inches in diameter shall be used in all roadway systems (public or private) proposed for construction. Pipes shall be designed to provide a minimum velocity of two and one-half (2 1/2) feet per second when flowing full, but in all cases, the slope shall be no less than 0.5%. Arch pipe of equivalent cross-sectional area may be substituted in lieu of circular pipe where cover or utility conflict conditions exist.

In proposed curbed roadway sections, the maximum encroachment of water on the roadway pavement shall not exceed half of a through travel lane or one (1) inch less than the depth of curb during the ten (10) year design storm of five (5) minute duration. Gutter depth shall be verified by inlet capture/capacity calculations that account for road slope and opening area. The maximum distance between inlets in curbed roadway sections shall be no more than 600 feet, however access to underground pipes shall be provided every 300 feet.

Standard Type "C" inlets with 8" hoods shall be used along vertical concrete curbs roadway networks. Type "C" inlets with 10" hoods that provide a 2" sump condition may be used with approval of the Municipal Engineer when roadway longitudinal slopes are 1.0% or less.

For inlets containing a change in pipe size, the elevation for the crown of the pipes shall be the same or the smaller pipe's crown shall be at a higher elevation.

All inlets shall provide a minimum 2" drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.

On curbed sections, a double inlet shall be placed at the low point of sag vertical curves, or an inlet shall be placed at the low point and on each side of the low point at a distance not to exceed 100 feet, or at an elevation not to exceed 0.2 feet above the low point.

At all roadway low points, swales and easements shall be provided behind the curb or swale and through adjacent properties to channelize and direct any overflow of stormwater runoff away from dwellings and structures.

Inlets shall be placed so drainage cannot cross intersections or street centerlines.

All inlets in paved areas shall have heavy duty bicycle safe grating consistent with PennDOT Publication 72M. A note to this effect shall be added to the SWM Site Plan or inlet details therein.

Inlets must be sized to accept the specified pipe sizes without knocking out any of the inlet corners. All pipes entering or exiting inlets shall be cut flush with the inlet wall. A note to this effect shall be added to the SWM Site Plan or inlet details therein.

Inlets shall have weep holes covered with geotextile fabric placed at appropriate elevations to completely drain the sub grade prior to placing the base and surface course on roadways.

Inlets, junction boxes, or manholes greater than five (5) feet in depth shall be equipped with ladder rungs and shall be detailed on the SWM Site Plan.

Inlets shall not have a sump condition in the bottom (unless designed as a water quality BMP). Pipes shall be flush with the bottom of the box or concrete channels shall be poured.

Inlets, manholes, pipes, and culverts shall be constructed in accordance with the specifications set forth in PennDOT's Publication 408, latest edition, and as detailed in the PennDOT's Publication 72M - Standards for Roadway Construction (RC), latest edition, or as approved by the Municipal Engineer. All material and construction details (inlets, manholes, pipe trenches, etc.), must be shown on the SWM Site Plan, and a note added that all construction must be in accordance with PennDOT's Publication 408 and PennDOT's Publication 72M, latest edition. A note shall be added to the plan stating that all frames, concrete top units, and grade adjustment rings shall be set in a bed of full mortar according to Publication 408.

Accessible drainage structures shall be located on continuous storm sewer system at all vertical dislocations, at all locations where a transition in storm sewer pipe sizing is required, at all vertical and horizontal angle points exceeding five (5) degrees, and at all points of convergence of two (2) or more storm sewer pipes.

All storm drainage piping (equal to or greater than 12") discharging to the ground surface shall be provided with either reinforced concrete headwalls and end sections or plastic and metal pipe end sections compatible with the pipe size involved in accordance with PennDOT Publication 408 and Publication 72M.

Outlet protection shall be provided at all surface discharge points with storm drainage piping (equal to or greater than 12") in order to minimize erosion consistent with the E&S Manual.

Pavement base drain shall be provided at all low point in cut areas, toe of slope areas, and other areas as dictated by proven engineering principles and design judgment. All base drain shall be in accordance with PennDOT Publication 408.

#### Swale Conveyance Facilities:

Swales must be able to convey post-development runoff from a 10-year design storm with six (6) inches of freeboard to top of the swale.

Swales shall have side slopes no steeper than 3:1.

All swales shall be designed, labeled on the SWM Site Plan, and details provided to adequately construct and maintain the design dimension of the swales.

Swales shall be designed for stability using velocity or shear criteria. Velocity criteria may be used for channels with less than 10% slope. Shear criteria may be used for all swales. Documentation must be provided to support velocity and/or shear limitations used in calculations.

Where swale bends occur, the computed velocities or shear stresses shall be multiplied by the following factor for the purpose of designing swale erosion protection:

- a. 1.75 – When swale bend is 30 to 60 degrees
- b. 2.00 – When swale bend is 60 to 90 degrees
- c. 2.50 – When swale bend is 90 degrees or greater

Swales must be designed for both temporary and permanent conditions in accordance with the latest E&S Manual.

#### **Section 602. Calculation Methodology**

- A. All calculations shall be consistent with the guidelines set forth in the BMP Manual.

B. Stormwater runoff from all development sites shall be calculated using either the Rational Method or a Soil Cover Complex methodology. Methods shall be selected by the Qualified Professional based on the individual limitations and suitability of each method for a particular site.

C. Rainfall Values:

1. Rational Method – The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.
2. Soil Cover Complex Method – The Soil Conservation Service Type II, 24-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or consistent with the following table.

Return Interval (Year)	24-hour Rainfall Total (inches)
1	2.31
2	2.77
10	4.01
25	4.82
50	5.50
100	6.24

D. Peak Flow Rates:

1. Rational Method – May be used for drainage areas up to 20 acres. Extreme caution should be used by the Qualified Professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
  - a. The use of the Modified Rational Method to design stormwater management facilities must be pre-approved by the Municipal Engineer.
2. Soil Cover Complex Method – May be used for any size of drainage areas. This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration.
3. For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).

E. Runoff Coefficients:

1. Rational Method – Use Table C-1 (Appendix C).
2. Soil Cover Complex Method – Use Table C-2 (Appendix C).
3. For the purposes of pre-development peak flow rate and volume determination, existing non-forested pervious areas conditions shall be considered as meadow (good condition).
4. For the purposes of pre-development peak flow rate and volume determination, twenty (20) percent of existing impervious area, when present on the project site, and contained within the new proposed limit of disturbance, shall be considered meadow (good condition) for pre-development hydrologic calculations for re-development.

F. Design Storm:

1. All drainage facilities (inlets, pipes, and swales) shall be designed to safely convey the 10-year storm.
2. All stormwater management facilities shall be verified by routing the proposed 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year hydrographs through the facility using the storage indication (Modified Puls) method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.
3. The stormwater management and drainage system shall be designed to safely convey the post-development 100-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.
4. All culvert or bridges proposed to convey runoff under a Municipal road shall be designed to pass the 50-year design storm with a minimum one (1) foot of freeboard measured below the lowest point along the top of the roadway.
5. All design within State or Federal right-of-ways or that falls under the design criteria of any higher authority must meet the requirements of that agency in addition to meeting the minimum requirements of this Ordinance.

G. Time of Concentration:

1. Time of concentration shall be computed using the NRCS Segmental Method as described in TR-55 (SCS 1986 or most current update). The length of sheet flow shall be limited to 100-feet. The Manning's "n" Roughness Coefficient for TR-55 sheet flow can be found in Table C-4 (Appendix C). Time of concentration for channel and pipe flow shall be computed using Manning's equation.
2. For sites with insignificant channelized flow and less than 20% imperviousness coverage, the time of concentration may be computed using the NRCS equation for lag time:

$$\text{Time of Concentration} = T_c = [(T_{lag}/.6) * 60] \text{ (minutes)}$$

$$T_{lag} = L^{0.8} \frac{(S+1)^{0.7}}{1900\sqrt{Y}}$$

Where:

$T_{lag}$  = Lag time (hours)

L = Hydraulic length of watershed (feet)

Y = Average overland slope of watershed (percent)

S = Maximum retention in watershed as defined by:  $S = [(1000/CN) - 10]$

CN = NRCS Curve Number for watershed as defined by the NRCS Loss Method

3. Additionally, the following provisions shall apply to calculations for time of concentration:
  - a. The time of concentration used in stormwater computations for existing conditions should be the longest time of concentration provided by either the TR-55 method or the NRCS Lag method.
  - b. The post-development time of concentration shall never be greater than the pre-development time of concentration for any watershed or subwatershed.
  - c. The minimum time of concentration for any watershed shall be five (5) minutes.
  - d. The designer must provide computations for all pre-development time of concentration paths. A five (5) minute time of concentration may not be assumed for pre-development.



- e. Undetained fringe areas (areas that are not tributary to a stormwater facility but where a reasonable effort has been made to convey runoff from all new impervious coverage to best management practices) may be assumed to represent the pre-development conditions for purpose of time of concentration calculations.
- H. Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining pre-development flows. If left undisturbed during construction activities, areas draining to closed depressions may also be removed from peak runoff rates in the post-development analysis. New, additional contributing runoff shall not be directed to existing sinkholes or closed depressions.
- I. Where uniform flow is anticipated, the Manning's equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. The Manning's equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from Table C-3 (Appendix C). Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the ten (10) year design event is contained below the top of grate for each inlet box.
- J. The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and approval of the Municipality.

## **ARTICLE VII - SWM SITE PLAN & REPORT REQUIREMENTS**

### **Section 701. General Requirements**

For any of the activities regulated by this Ordinance and not eligible for the exemptions provided in Section 302, the final approval of subdivision and/or land development plans, the issuance of any land use or occupancy permit, or the commencement of any land disturbance activity, may not proceed until the Applicant has received written approval of a SWM Site Plan from the Municipality.

### **Section 702. SWM Site Plan & Report Contents**

The SWM Site Plan & SWM Site Report shall consist of all applicable calculations, maps, and plans. All SWM Site Plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat and well organized; otherwise, the SWM Site Plan shall be rejected.

If applicable, appropriate sections from the Municipal Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plan.

#### **A. SWM Site Plan shall included (but not limited to):**

1. Plans no larger than 24-inch x 36-inch sheets and in a form that meets the requirements for recording in the Office of the Recorder of Deeds of Fulton County.
2. The name of the development; name and location address of the property site; name, address, and telephone number of the Applicant/Owner of the property; and name, address, telephone number, email address, and engineering seal of the individual preparing the SWM Site Plan.
3. The date of submission and dates of all revisions.
4. A graphical and written scale on all drawings and maps.
5. A north arrow on all drawings and maps.
6. A location map at a minimum scale of one (1) inch equals one-thousand (1,000) feet.
7. Metes and bounds description of the entire tract perimeter.
8. Existing and final contours at intervals of two (2) feet.

9. Existing waterbodies within the project area including streams, lakes, ponds, field delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths.
10. The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within fifty (50) feet of property lines.
11. A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
12. Soil names and boundaries with identification of the Hydraulic Soil Group classification.
13. The proposed limit of disturbance line and associated proposed disturbed acres.
14. Proposed structures, roads, paved areas, and buildings, including plans and profiles of roads and paved areas and floor elevations of buildings.
15. Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.
16. The location and clear identification of the nature of permanent stormwater BMPs.
17. The location of all erosion and sedimentation control facilities.
18. A minimum twenty (20) foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Municipality or their designees access to all easements via the nearest public right-of-way.
19. Construction details for all drainage and stormwater BMPs.
20. Construction details of any improvements made to sinkholes.
21. Identification of short-term and long-term ownership, operations, and maintenance responsibilities.

## 22. Notes and Statements:

- a. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without prior approval by the Municipality.
- b. A statement referencing the Operation and Maintenance (O&M) Agreement and stating that the O&M Agreement is part of the SWM Site Plan.
- c. A note indicating that Record Drawings will be provided for all permanent, post-construction stormwater management facilities prior to occupancy, or the release of financial security.
- d. The following signature block for the Qualified Professional preparing the SWM Site Plan:

"I, \_\_\_\_\_, hereby certify that the Stormwater Management Plan meets all design standards and criteria of the McConnellsburg Borough Stormwater Management Ordinance."

### B. SWM Site Report shall include (but not limited to):

1. The name of the development; name and location address of the property site; name, address, and telephone number of the Applicant/Owner of the property; and name, address, telephone number, email address, and engineering seal (if applicable) of the Qualified Professional preparing the SWM Site Report.
2. Project description narrative including expected project time schedule.
3. Location map showing the project site and its location relative to release rate districts.
4. Drainage area maps for all watersheds and inlets depicting the time of concentration paths.
5. A detailed description of the existing site conditions. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
6. Complete hydrologic, hydraulic and structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.
7. Description of, justification, and actual field results for infiltration testing with respect to the type of test and test location for the design of infiltration BMPs.

8. Calculations showing the total drainage area and impervious area loading rates to each BMP.
  9. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing municipal stormwater collection system that may receive runoff from the project site.
  10. Description of the proposed changes to the land surface and vegetative cover including the type and amount of impervious area to be added.
  11. All applicable worksheets from Chapter 8 of the BMP Manual when establishing volume controls.
  12. Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.
- C. Supplemental information to be provided prior to recording of the SWM Site Plan, as applicable:
1. Signed and executed Operations and Maintenance Agreement (Appendix A).
  2. Signed and executed easements, as required for all on-site and off-site work.
  3. An Erosion and Sedimentation Control Plan & approval letter from the Fulton County Conservation District.
  4. A NPDES Permit.
  5. Permits from PADEP and ACOE.
  6. A Geologic Assessment.
  7. A Wetland Delineation Report.
  8. A Highway Occupancy Permit from PennDOT when utilization of a PennDOT storm drainage system is proposed or when proposed facilities would encroach onto a PennDOT right-of-way.

### **Section 703. SWM Site Plan & Report Submission**

- A. The Applicant shall submit the SWM Site Plan & Report for the Regulated Activity.
- B. Five (5) copies of the SWM Site Plan & Report shall be submitted to the Municipality.
- C. Additional copies shall be submitted as requested by the Municipality, Fulton County Planning Commission, Fulton County Conservation District or PADEP.

### **Section 704. SWM Site Plan & Report Review**

- A. The Municipality shall require receipt of a complete SWM Site Plan & Report as specified in this Ordinance. The Municipality shall review the SWM Site Plan & Report for consistency with the purposes, requirements, and intent of this Ordinance.
- B. The Municipality shall not approve any SWM Site Plan & Report that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan & Report is found to be deficient, the Municipality may disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Municipality may accept submission of modifications.
- C. The Municipality shall notify the Applicant in writing within forty-five (45) calendar days whether the SWM Site Plan & Report is approved or disapproved if the SWM Site Plan & Report is not part of a Subdivision or Land Development Plan. If the SWM Site Plan & Report involves a Subdivision or Land Development Plan, the timing shall follow the Subdivision and Land Development process according to the Municipalities Planning Code.
- D. The Municipality shall not issue a land use permit for any Regulated Activity if the SWM Site Plan & Report has been found to be inconsistent with this Ordinance, as determined by the Municipality. All required permits from PADEP must be obtained prior to issuance of a land use permit.

### **Section 705. Modification of Plans**

- A. A modification to a submitted SWM Site Plan & Report 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 SWM Site Plan as determined by the Municipality, shall require a resubmission of the modified SWM Site Plan in accordance with this Ordinance.

### **Section 706. Resubmission of Disapproved SWM Site Plan & Report**

- A. A disapproved SWM Site Plan & Report may be resubmitted with the revisions addressing the Municipality's concerns documented in writing, to the Municipality in accordance with this Ordinance. The applicable Municipal Review Fee must accompany a resubmission of a disapproved SWM Site Plan & Report.

### **Section 707. Authorization to Construct and Term of Validity**

- A. The Municipality's approval of a SWM Site Plan & Report authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Municipality may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Municipality signs the approval for a SWM Site Plan. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if Record Drawings of these facilities has not been approved within this time, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits or approvals.

### **Section 708. Record Drawings, Completion Certificate and Final Inspection**

- A. The Applicant shall be responsible for providing Record Drawings of all stormwater BMPs included in the approved SWM Site Plan. The Record Drawings and an explanation of any discrepancies with the approved SWM Site Plan shall be submitted to the Municipality.
- B. The Record Drawings shall include a certification of completion signed by a Qualified Professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM Site Plan & Report.
- C. After receipt of the Record Drawings and certification of completion, the Municipality may conduct a final inspection.

## **ARTICLE VIII - EASEMENTS**

### **Section 801. Easements**

- A. Easements shall be established to accommodate the existence of drainageways.
- B. Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to: detention facilities (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
- X. Easements are required for all areas used for off-site stormwater control.
- Δ. Easements shall be provided for all Riparian Buffers.
- E. All easements shall be a minimum of twenty (20) feet wide.
- Φ. Easements shall provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Municipality or their designees access to all easements via the nearest public right-of-way.
- Γ. Where possible, easements shall be centered on side and/or rear lot lines.
- H. The following note shall be placed on the recorded plan, "Nothing shall be planted or placed within the easement which would adversely affect the function of the easement, or conflict with any conditions associated with such easement."
- I. A note shall be placed on the SWM Site Plan identifying the party responsible for assuring the continued functionality and required maintenance of any easement.



## **ARTICLE IX - MAINTENANCE RESPONSIBILITIES**

### **Section 901. Financial Guarantee**

- A. The Applicant shall provide a Financial Guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance, equal to 110% of the full construction cost of the required controls in accordance with the Municipalities Planning Code.
- B. At the completion of the project and as a prerequisite for the release of the Financial Guarantee, the Applicant shall:
  - 1. Provide a certification of completion from an engineer, architect, surveyor or other qualified professional, verifying that all permanent facilities have been constructed according to the SWM Site Plan & Report and approved revisions thereto.
  - 2. Provide a set of Record Drawings.
  - 3. Request a final inspection from the Municipality to certify compliance with this Ordinance, after receipt of the certification of completion and Record Drawings by the Municipality.

### **Section 902. Maintenance Responsibilities**

- A. The SWM Site Plan & Report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
- B. The SWM Site Plan & Report for the project site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principals:
  - 1. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Municipality, stormwater control facilities/BMPs may also be dedicated to and maintained by the Municipality.
  - 2. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the owner or private management entity.

3. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
  4. The SWM Site Plan & Operation and Maintenance (O&M) Agreement shall be recorded as a restrictive deed covenant that runs with the land.
  5. The Municipality may take enforcement actions against an Applicant for failure to satisfy any provision of this Ordinance.
- C. The Municipality, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan & Report. The Municipality may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Municipality will accept the facilities. The Municipality reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- D. If the Municipality accepts ownership of stormwater BMPs, the Municipality may, at its discretion, require a fee from the Applicant to the Municipality to offset the future cost of inspections, operations, and maintenance.
- E. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM Site Plan, or to allow the property to remain in a condition, which does not conform to an approved SWM Site Plan, unless the Municipality grants an exception in writing.

### **Section 903. Maintenance Agreement for Privately Owned Stormwater Facilities**

- A. Prior to final approval of the SWM Site Plan & Report, the Applicant shall sign the Operation and Maintenance (O&M) Agreement (Appendix A) covering all stormwater control facilities that are to be privately owned. The Operation and Maintenance (O&M) Agreement shall be recorded with the SWM Site Plan and made a part hereto.
- B. Other items may be included in the Operation and Maintenance (O&M) Agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The Operation and Maintenance (O&M) Agreement shall be subject to the review and approval of the Municipality and the Municipal Solicitor.
- C. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the Operation and Maintenance (O&M) Agreement, the Municipality may perform the services required and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property.

## **ARTICLE X - INSPECTIONS**

### **Section 1001. Schedule of Inspections**

- A. PADEP or its designees normally ensure compliance with any permits issued, including those for stormwater management. In addition to PADEP compliance programs, the Municipality or their municipal assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.
- B. During any stage of Earth Disturbance Activities, if the Municipality determines that the temporary or permanent stormwater management facilities are not being installed in accordance with the approved SWM Site Plan, the Municipality shall revoke any existing permits or approvals until a revised SWM Site Plan is submitted and approved as specified in this Ordinance.
- C. Stormwater BMPs shall be inspected by the landowner, or the landowner's designee according to the inspection schedule described on the SWM Site Plan for each BMP.
  - 1. The Municipality may require copies of the inspection reports, in a form as stipulated by the Municipality.
  - 2. If such inspections are not conducted or inspection reports not submitted as scheduled, the Municipality, or their designee, may conduct such inspections and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property.
    - a. Prior to conducting such inspections, the Municipality shall inform the owner of its intent to conduct such inspections. The owner shall be given thirty (30) days to conduct required inspections and submit the required inspection reports to the Municipality.

### **Section 1002. Right-of-Entry**

- A. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times, upon any property within the Municipality, to inspect the implementation, condition, or operations and maintenance of the stormwater BMPs in regard to any aspect governed by this Ordinance.
- B. Stormwater BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
- C. Persons working on behalf of the Municipality shall have the right to temporarily locate on any stormwater BMP in the Municipality such devices, as are necessary, to conduct monitoring and/or sampling of the discharges from such stormwater BMP.

D. Unreasonable delay in allowing the Municipality access to a stormwater BMP is a violation of this Ordinance.

## **ARTICLE XI - ENFORCEMENT AND PENALTIES**

### **Section 1101. Notification**

- A. In the event that a person fails to comply with the requirements of this Ordinance, an approved SWM Site Plan, or fails to conform to the requirements of any permit or approval issued hereunder, the Municipality shall provide written notification, via certified mail, of the violation to the Landowner indicated on the O&M Agreement. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
- B. Failure to comply within the time specified shall subject such person to the penalties provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

### **Section 1102. Enforcement**

- A. The municipal governing body is hereby authorized and directed to enforce all of the provisions of this Ordinance. The approved SWM Site Plan shall be on file at the project site throughout the duration of the construction activity. The Municipality or their designee may make periodic inspections during construction.
- B. Adherence to Approved SWM Site Plan:
  - 1. It shall be unlawful for any person, firm, or corporation to undertake any Regulated Activity on any property except as provided for by an approved SWM Site Plan and pursuant to the requirements of this Ordinance.
  - 2. It shall be unlawful to alter or remove any control structure required by the SWM Site Plan pursuant to this Ordinance.
  - 3. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM Site Plan.

### **Section 1103. Public Nuisance**

- A. A violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

## **Section 1104. Suspension and Revocation**

- A. Any approval or permit issued by the Municipality may be suspended or revoked for:
  - 1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or Operation and Maintenance (O&M) Agreement.
  - 2. A violation of any provision of this Ordinance 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 or permit may be reinstated by the Municipality when:
  - 1. The Municipality or their designee has inspected and approved the corrections to the violation(s) that caused the suspension.
  - 2. The Municipality is satisfied that the violation(s) has been corrected.
- C. An approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new approval under the provisions of this Ordinance.

## **Section 1105. Penalties**

- A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense and upon conviction, shall be subject to a fine of not more than \$600.00 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 Municipality, through its solicitor or other lawful agent appointed by McConnellsburg Borough, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

## **Section 1106. Appeals**

- A. Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Ordinance, may appeal to the Municipality within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Ordinance, may appeal to the Fulton County Court of Common Pleas within thirty (30) days of the Municipality's decision.

## ARTICLE XII - PROHIBITIONS

### Section 1201. Prohibited Discharges and Connections

Any drain (including indoor drains and sinks), or conveyance whether on the surface or underground, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system or Waters of the Commonwealth is prohibited.

Any drain or conveyance connected from a commercial or industrial land use to the Municipality's separate storm sewer system, which has not been documented in plans, maps, or equivalent records, and approved by the Municipality is prohibited.

No person shall allow, or cause to allow, discharges into the Municipality's separate storm sewer system or into surface Waters of the Commonwealth, which are not composed entirely of stormwater, except: (1) as provided in subsection 1201.D below, and (2) discharges allowed under a state or federal permit.

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

-Discharges from fire fighting activities	-Flows from riparian habitats and wetlands
-Potable water sources including dechlorinated water line and fire hydrant flushings	-Uncontaminated water from foundations or from footing drains
-Irrigation drainage	-Lawn watering
-Air conditioning condensate	-Dechlorinated swimming pool discharges
-Springs	-Uncontaminated groundwater
-Water from crawl space pumps	-Water from individual residential car washing
-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	-Routine external building washdown (which does not use detergents or other compounds)

In the event that the Municipality or PADEP determines that any of the discharges identified in subsection 1201.D, significantly contribute to pollution of Waters of the Commonwealth, or is so notified by PADEP, the Municipality will notify the responsible person(s) to cease the discharge.

Upon notice provided by the Municipality or PADEP under subsection 1201.E, the discharger will have a reasonable time, as determined by the Municipality or PADEP, to cease the discharge, consistent with the degree of pollution caused by the discharge.

Nothing in this Section shall affect a discharger's responsibilities under Commonwealth Law.

**Section 1202. Roof Drains**

- A. Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

**Section 1203. Alteration of BMPs**

- A. No person shall modify, remove, fill, landscape, or alter any existing stormwater BMP, facilities, areas, or structures unless it is part of an approved maintenance program, without the written approval of the Municipality.
- B. No person shall place any structure, fill, landscaping, or vegetation into a stormwater BMP, facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the Municipality.



## **ARTICLE XIII - FEES AND EXPENSES**

### **Section 1301. General**

- A. The fee required by this Ordinance is the Municipal Review Fee. The Municipal Review Fee shall be established by the Municipality to defray review costs incurred by the Municipality, the Municipal Engineer, and any other professional consultant. The Applicant shall pay all fees.

### **Section 1302. Expenses Covered by Fees**

- A. The fees required by this Ordinance shall, at a minimum, cover:
1. Administrative and Clerical Costs.
  2. Review of the SWM Site Plan & Report by the Municipality.
  3. Pre-construction meetings.
  4. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
  5. Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM Site Plan.
  6. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

### **Section 1303. Recording of Approved SWM Site Plan and Related Agreements**

- A. The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM Site Plan, shall record the following documents in the Office of the Recorder of Deeds of Fulton County, within thirty (30) days of approval of the SWM Site Plan by the Municipality:
1. The SWM Site Plan.
  2. Operations and Maintenance (O&M) Agreement (Appendix A).
  3. Easements under Section 801.
- B. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

This ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this the 2nd day of FEBRUARY, 2011, by the  
McConnellsburg Borough Council, Fulton County, PA, in public session duly assembled.

BY: Travis O. Bard  
Travis O. Bard

BY: Richard L. Buterbaugh, II  
Richard L. Buterbaugh, II

BY: Patsy L. Frazier  
Patsy L. Frazier

BY: James M. Shaffer  
James M. Shaffer

BY: James H. Smith  
James H. Smith

BY: Patrick S. Booth  
Patrick S. Booth

BY: David A. Washabaugh, IV  
David A. Washabaugh, IV

ATTEST:

Jack D. Fields  
Jack D. Fields (SEAL)

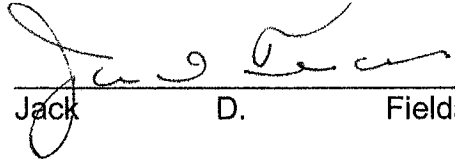
APPROVED BY:

DATE:

Michael L. Chilcote, Sr.  
Michael L. Chilcote, Sr., Mayor

2/2, 2011

I hereby certify that the foregoing Ordinance was advertised in the Fulton County News on January 19+26, 2011, a newspaper of general circulation in the Borough of McConnellsborg and was duly enacted and approved as set forth at a regular meeting of the McConnellsborg Borough Council held on February , 2011.

  
\_\_\_\_\_  
Jack D. Fields,

Secretary

**APPENDIX A - OPERATION AND MAINTENANCE AGREEMENT**

**OPERATION AND MAINTENANCE (O&M) AGREEMENT**  
**STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and McConnellsburg Borough, Fulton County, Pennsylvania, (hereinafter "Municipality");

**WITNESSETH**

**WHEREAS**, the Landowner is the owner of certain real property as recorded by deed in the land records of Fulton County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

**WHEREAS**, the Landowner is proceeding to build and develop the Property; and

**WHEREAS**, the SWM Site Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

**WHEREAS**, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

**WHEREAS**, the Municipality requires, through the implementation of the SWM Site Plan, that stormwater BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors and assigns.

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

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the approved SWM Site Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents, and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the property and take whatever action is deemed necessary to maintain said BMPs. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality. The Landowner may be subjected to the Penalties Section of the applicable Ordinance.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Municipality.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.

7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMPs by the Landowner or Municipality.

8. The Municipality may inspect the BMPs whenever necessary to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Fulton County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For McConnellsburg Borough:

\_\_\_\_\_

For the Landowner:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_ (McConnellsburg Borough)

County of Fulton, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my said County and State.

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

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

**APPENDIX B - LOW IMPACT DEVELOPMENT PRACTICES**

## **LOW IMPACT DEVELOPMENT PRACTICES ALTERNATIVE APPROACHES FOR MANAGING STORMWATER RUNOFF**

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional stormwater approach for development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality, as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate runoff depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approaches:

- ◆ **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern - streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimize the amount of grading on site.
- ◆ **Protecting Natural Depression Storage Areas.** Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.



- ◆ **Avoiding Introduction of Impervious Areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways, and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.
- ◆ **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are: routing of roof runoff over lawns; and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff and should help reduce concentration of runoff to a single point in the development.
- ◆ **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. The routing of roof drains and crowning the driveway to allow runoff to discharge to pervious areas is desirable as the pervious area essentially acts as a filter strip.
- ◆ **Reducing the Use of Storm Sewers.** By reducing the use of storm sewers for draining streets, parking lots, and backyards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a "reasonable" time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.
- ◆ **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing cartway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets, which ultimately could lower maintenance and maintenance related costs.
- ◆ **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.
- ◆ **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.
- ◆ **Reducing Building Setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.

- ◆ **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development "clusters" the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include: reduced potential of downstream flooding, reduced water quality degradation of receiving streams and water bodies, enhancement of aesthetics, and reduction of development costs. Beneficial results include: more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

**APPENDIX C - STORMWATER MANAGEMENT DESIGN CRITERIA**

**TABLE C-1 - RATIONAL METHOD RUNOFF COEFFICIENTS**

Hydrologic Soil Group and Slope Range

Land Use	A			B			C			D		
	0 to 2%	2 to 6%	6+%	0 to 2%	2 to 6%	6+%	0 to 2%	2 to 6%	6+%	0 to 2%	2 to 6%	6+%
Cultivated Land	0.08 <sup>a</sup>	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14 <sup>b</sup>	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential 1/8 acre	0.25	0.28	0.31	0.27	0.30	0.35	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Residential 1/4 acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Residential 1/3 acre	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Residential 1/2 acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Residential 1 acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.90
Streets	0.70	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open Space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

**NOTES:**

- <sup>a</sup> Runoff coefficients for storm recurrence intervals less than 25 years.
- <sup>b</sup> Runoff coefficients for storm recurrence intervals of 25 years or more.

Source: Rawls, W.J., S.L. Long, and R.H. McCuen, 1981. Comparison of Urban Flood Frequency Procedures. Preliminary Draft Report prepared for the Soil Conservation Service, Beltsville, Maryland.

**TABLE C-2 - RUNOFF CURVE NUMBERS (FROM NRCS (SCS) TR-55)**

Runoff Curve Numbers for Urban Areas					
Cover Description		Curve Numbers for Hydrologic Soil Groups			
<i>Cover Type and Hydrologic Condition</i>	<i>Average Percent Impervious Area</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Fully Developed Urban Areas (Vegetation Established)</i>					
Open Space (lawns, parks, golf courses, etc):					
Poor Condition (grass cover < 50%)		68	79	86	89
Fair Condition (grass cover 50% to 75%)		49	69	79	84
Good Condition (grass cover > 75%)		39	61	74	80
Impervious Areas:					
Paved Parking Lots, Roofs, Driveways, etc.		98	98	98	98
Streets and Roads:					
Paved: Curbed and Storm Sewers		98	98	98	98
Paved: Open Ditches		83	89	92	93
Gravel		76	85	89	91
Dirt		72	82	87	89
Urban Districts:					
Commercial and Business	85%	89	92	94	95
Industrial	72%	81	88	91	93
Residential Districts by Average Lot Size:					
1/8 Acres or less	65%	77	85	90	92
1/4 Acre	38%	61	75	83	87
1/3 Acre	30%	57	72	81	86
1/2 Acre	25%	54	70	80	85
1 Acre	20%	51	68	79	84
2 Acres	12%	46	65	77	82

**Runoff Curve Numbers for Cultivated Agricultural Lands**

Cover Description			Curve Numbers for Hydrologic Soil Groups			
Cover Type	Treatment	Hydrologic Condition	A	B	C	D
Fallow	Bare Soil	--	77	86	91	94
	Crop Residue Cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Row Crops	Straight Row (SR)	Poor	72	81	88	91
		Good	67	78	85	89
	SR + CR	Poor	71	80	87	90
		Good	64	75	82	85
	Contoured (C)	Poor	70	79	84	88
		Good	65	75	82	86
	C + CR	Poor	69	78	83	87
		Good	64	74	81	85
	Contoured & Terraced (C & T)	Poor	66	74	80	82
		Good	62	71	78	81
	C & T + CR	Poor	65	73	79	81
		Good	61	70	77	80
Small Grain	SR	Poor	65	76	84	88
		Good	63	75	83	87
	SR + CR	Poor	64	75	83	86
		Good	60	72	80	84
	C	Poor	63	74	82	85
		Good	61	73	81	84
	C + CR	Poor	62	73	81	84
		Good	60	72	80	83
	C & T	Poor	61	72	79	82
		Good	59	70	78	81
	C & T + CR	Poor	60	71	78	81
		Good	58	69	77	80
Close Seeded or Broadcast Legumes Or Rotation Meadow	SR	Poor	66	77	85	89
		Good	58	72	81	85
	C	Poor	64	75	83	85
		Good	55	69	78	83
	C & T	Poor	63	73	80	83
		Good	51	67	76	80

Runoff Curve Numbers for Other Agricultural Lands					
Cover Description		Curve Numbers for Hydrologic Soil Groups			
Cover Type	Hydrologic Condition	A	B	C	D
Pasture, Grassland, or Range – Continuous Forage for Grazing	Poor	68	79	86	89
	Fair	49	69	79	84
	Good	39	61	74	80
Meadow – Continuous Grass, Protected from Grazing and Generally Mowed for Hay	--	30	58	71	78
Brush – Brush, Weed, Grass Mixture with brush the major element	Poor	48	67	77	83
	Fair	35	56	70	77
	Good	30	48	65	73
Woods – Grass Combination (orchard or tree farm)	Poor	57	73	82	86
	Fair	43	65	76	82
	Good	32	58	72	79
Woods	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30	55	70	77
Farmsteads – Buildings, Lanes, Driveways and Surrounding Lots.	--	59	74	82	86

**TABLE C-3 – MANNING’S EQUATION “n” ROUGHNESS COEFFICIENTS**

Description	Manning's "n"
Smooth-Wall Plastic Pipe	0.011
Concrete Pipe	0.012
Smooth-Lined Corrugated Metal Pipe	0.012
Corrugated Plastic Pipe	0.024
Annular Corrugated Steel And Aluminum Alloy Pipe (Plain or Polymer Coated)	
68 mm × 13 mm (2 2/3 in × 1/2 in) Corrugations	0.024
75 mm × 25 mm (3 in × 1 in) Corrugations	0.027
125 mm × 25 mm (5 in × 1 in) Corrugations	0.025
150 mm × 50 mm (6 in × 2 in) Corrugations	0.033
Helically Corrugated Steel And Aluminum Alloy Pipe (Plain or Polymer Coated)	
75 mm × 25 mm (3 in × 1 in), 125 mm × 25 mm (5 in × 1 in), or 150 mm × 50 mm (6 in × 2 in) Corrugations	0.024
Helically Corrugated Steel And Aluminum Alloy Pipe (Plain or Polymer Coated)	
68 mm × 13 mm (2 2/3 in × 1/2 in) Corrugations	
a. Lower Coefficients*	
450 mm (18 in) Diameter	0.014
600 mm (24 in) Diameter	0.016
900 mm (36 in) Diameter	0.019
1200 mm (48 in) Diameter	0.020
1500 mm (60 in) Diameter or larger	0.021
b. Higher Coefficients**	0.024
Annular or Helically Corrugated Steel or Aluminum Alloy Pipe Arches or Other Non- Circular Metal Conduit (Plain or Polymer Coated)	0.024
Vitrified Clay Pipe	0.012
Ductile Iron Pipe	0.013
Asphalt Pavement	0.015
Concrete Pavement	0.014
Grass Medians	0.050
Grass – Residential	0.030
Earth	0.020
Gravel	0.030
Rock	0.035
Cultivated Areas	0.030 - 0.050
Dense Brush	0.070 - 0.140
Heavy Timber (Little undergrowth)	0.100 - 0.150
Heavy Timber (with underbrush)	0.40
Streams:	
Some Grass And Weeds (Little or no brush)	0.030 - 0.035
Dense Growth of Weeds	0.035 - 0.050
Some Weeds (Heavy brush on banks)	0.050 - 0.070

Notes:

- \* Use the lower coefficient if any one of the following conditions apply:
  - a. A storm pipe longer than 20 diameters, which directly or indirectly connects to an inlet or manhole, located in swales adjacent to shoulders in cut areas, shoulders in cut areas or depressed medians.
  - b. A storm pipe which is specially designed to perform under pressure.

- \*\* Use the higher coefficient if any one of the following conditions apply:
  - a. A storm pipe which directly or indirectly connects to an inlet or manhole located in highway pavement sections or adjacent to curb or concrete median barrier.
  - b. A storm pipe which is shorter than 20 diameters long.
  - c. A storm pipe which is partly lined helically corrugated metal pipe.



**TABLE C-4 – MANNING’S EQUATION “n” ROUGHNESS COEFFICIENTS FOR TR-55 TIME OF CONCENTRATION CALCULATIONS (SHEET FLOW)**

Surface Description	Manning's "n" <sup>1</sup>
Smooth Surfaces (Concrete, Asphalt, Gravel, or Bare Soil)	0.011
Fallow (No Residue)	0.050
Cultivated Soils:	
Residue Cover (less than or equal to 20%)	0.060
Residue Cover (greater than 20%)	0.170
Grass:	
Short Grass Prairie	0.150
Dense Grasses <sup>2</sup>	0.240
Bermudagrass	0.410
Range (Natural)	0.130
Woods: <sup>3</sup>	
Light Underbrush	0.400
Dense Underbrush	0.800

Notes:

1. The “n” values are a composite of information compiled by Engman (1986).
2. Includes species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass, and native grass mixtures.
3. When selecting “n”, consider cover to a height of about 0.1 feet. This is the only part of the plant cover that will obstruct sheet flow.

**APPENDIX D – REVIEW FEE REIMBURSEMENT AGREEMENT**

THIS AGREEMENT MUST BE COMPLETED AND SIGNED BY THE  
LANDOWNER/DEVELOPER/APPLICANT PRIOR TO SUBMISSION  
OF THE SWM SITE PLAN OR ANY OTHER SUBMISSION  
WHICH REQUIRES MUNICIPAL CONSULTANT REVIEW

## REVIEW FEE REIMBURSEMENT AGREEMENT

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and McConnellsburg Borough, Fulton County, Pennsylvania, (hereinafter "Municipality");

### WITNESSETH .

**WHEREAS**, the Landowner is the owner of certain real property as recorded by deed in the land records of Fulton County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

**WHEREAS**, the Landowner is proceeding to build and develop the Property; and

**WHEREAS**, the Landowner has submitted a SWM Site Plan for review and approval by the Municipality (hereinafter referred to as the "Plan") for the property identified herein; and

**WHEREAS**, the Landowner has requested and/or requires the Municipal approval and/or review of the Plan and/or proposal, and the Municipality is willing to authorize its professional consultants to review said Plan and/or proposal upon execution of this Agreement, and upon deposit of an escrow account according to the current Fee Schedule.

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

1. The Landowner and Municipality hereby authorize and direct the Municipality's professional consultants, to review Landowner's plans or proposals, and to make such recommendations as may be necessary with respect to such plans in accordance with all applicable Municipality ordinances, and State and Federal rules and regulations.
2. The Landowner and Municipality acknowledge that the Municipality will incur costs and fees relating to the review of Landowner's Plans by its professional consultants, and Landowner agrees to pay and/or reimburse the Municipality for such costs in accordance with this Agreement.
3. The Landowner shall pay the professional consultant's charges and fees for the following: (a) review of any and all SWM Site Plans & Reports, studies, or other correspondence relating to the Landowners submission; (b) attendance at any and all meetings relating to Landowner's Plan; (c) preparation of any reports, legal documents, or other correspondence relating to Landowner's Plan or proposal; and (d) administrative cost and incurred expenses relating to the administration of this Agreement. It is understood by the execution of this Agreement that the Landowner specifically accepts the Fee Schedule currently in effect in the Municipality.
4. The Landowner hereby agrees to deposit with the Municipality the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), payable as cash in U.S. Dollars or check drawn on a Pennsylvania bank, as security for the payment of all costs and expenses, charges and fees as set forth in Paragraph 3 above, upon execution of this Agreement, which shall be held in a non-interest-bearing account by the Municipality. In the event that the above deposited escrow fund shall fall below fifty percent (50%) of the original deposit, the Landowner shall immediately, upon receipt of written notice from the Municipality or its agent(s), deposit sums with the Municipality necessary to replenish the account to its original balance. In the event that this is insufficient to pay current Municipality incurred expenses, Landowner agrees to pay the total amount currently due for Municipality incurred expenses without delay in addition to re-establishing the base account balance. The Municipality will use its best efforts to advise the Landowner of the impending likelihood that its costs have exceeded the required escrow account sums as described above.
5. Landowner and Municipality agree that upon completion of the Municipality's review of Landowner's Plan or proposal, all unused portions of the escrow account as described above shall be returned to the Landowner upon written request to the Municipality.
6. Landowner and Municipality acknowledge that the Ordinance and appropriate Fee Schedules require Landowner to pay Municipality's professional consultant fees relating to this plan or project, and in the event that Landowner fails to provide sufficient funds in the above-described revolving escrow account upon fifteen (15) days written notice to the Landowner or make the initial deposit payment described above within five (5) days of the date of this Agreement, Landowner shall be in default of this Agreement. In the event of Landowner's default, the Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop the subject property until such time as the terms

of this Agreement are strictly met by Landowner. Moreover, final approval or further review may be denied or delayed until such time as the terms of this Agreement are strictly met by Landowner.

7. Landowner and the Municipality further agree that all fees or costs arising out of this Agreement shall be paid prior to the issuance of any permit, occupancy or otherwise, for the use, improvement or construction of the buildings as proposed on the Landowner's Plan. The Landowner agrees and acknowledges that no permit, occupancy or otherwise, or recordable plans, shall be released by the Municipality until all outstanding professional consultant fees and costs are paid to the Municipality, and provided that the Landowner is not in default under this Agreement.

8. The Landowner may at any time terminate all further obligations under this Agreement by giving fifteen (15) days written notice to the Municipality that it does not desire to proceed with the development as set forth on the Plan and upon receipt of such written notice by the Landowner to the Municipality, the Landowner shall be liable to the Municipality for its costs and expenses incurred to the date and time of its receipt of the notice, plus the applicable administrative costs and expenses as outlined in Paragraph 3 above.

9. The Landowner and the Municipality further agree that the Municipality shall have the right and privilege to sue the Landowner or then property owner in assumpsit for reimbursement or to lien the property or both, in its sole discretion, for any expense in excess of the then current balance of funds on deposit with the Municipality in accordance with this Agreement incurred by the Municipality by reason of any review, supervision and inspection of Landowner's project by its professionals including, but not limited to, the Municipal Engineer and Solicitor. The Municipality's election of its remedies under this paragraph shall not constitute a waiver of any other remedies the Municipality may have.

10. The Landowner and the Municipality acknowledge that this Agreement represents their full understanding as to the Municipality's reimbursement for professional or consultant services.

11. This Agreement shall be binding on and insure to the benefit of the successors and assigns of Landowner. The Municipality shall receive thirty (30) days advance written notice from Landowner of any proposed assignment of Landowner's rights and responsibilities under this Agreement.

ATTEST:

WITNESS the following signatures and seals:  
(SEAL)

For McConnellsburg Borough:

\_\_\_\_\_

For the Landowner:

ATTEST:

\_\_\_\_\_ (McConnellsburg Borough)

County of Fulton, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my said County and State.

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

# APPENDIX E – COVE AND LICKING CREEKS RELEASE RATE MAP

