

ORDINANCE NO. 2012 - _____

AN ORDINANCE OF LIBERTY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, ADOPTED TO EFFECTUATE THE ADAMS COUNTY STORMWATER MANAGEMENT PLAN ADOPTED BY ADAMS COUNTY AND APPROVED BY THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ALL PURSUANT TO THE ACT OF OCTOBER 4, 1978, P.L. 864 (ACT 167), 32 P.S. SECTION 680.1, *et seq.*, AS AMENDED, THE "STORMWATER MANAGEMENT ACT." THIS ORDINANCE PROVIDES IN: ARTICLE I – GENERAL PROVISIONS; ARTICLE II – DEFINITIONS; ARTICLE III – STORMWATER MANAGEMENT STANDARDS (INCLUDING GENERAL SITE PLAN REQUIREMENTS, EXEMPTIONS, VOLUME AND RATE CONTROLS, REQUIRED BUFFERS, PROHIBITED DISCHARGES, AND ALTERATIONS OF BEST MANAGEMENT PRACTICES; ARTICLE IV – SPECIFIC REQUIREMENTS FOR SITE PLANS, PROVIDING FOR REVIEW OF PLANS AND INSPECTION OF FACILITIES; ARTICLE V – OPERATION AND MAINTENANCE OF FACILITIES; ARTICLE VI – FEES AND EXPENSES; ARTICLE VII – ENFORCEMENT AND PENALTIES; ARTICLE VIII – ENACTMENT; APPENDIX A – FORM OF MAINTENANCE AND OPERATION AGREEMENT; APPENDIX B – NOXIOUS AND INVASIVE PLANT CONTROL; AND APPENDIX C – OPTIONAL TECHNICAL REVIEW CHECKLIST.

ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the “Liberty Township Stormwater Management Ordinance.”

Section 102. Statement of Findings

The governing body of Liberty Township finds that:

- A. 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.
- B. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.
- C. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of Liberty Township, their resources, and the environment.

Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within Liberty Township and its watersheds by minimizing the harm and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Meet water quality requirements under state law, including regulations at 25 Pa. Code 93, to protect, maintain, reclaim, and restore the existing and designated uses of the waters of the Commonwealth.
- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.

- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and stream beds.
- G. Provide proper operation and maintenance of all stormwater management Best Management Practices that are implemented within the municipality.
- H. Provide standards to meet NPDES permit requirements.

Section 104. Statutory Authority

The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, *et seq.*, as amended, the “Stormwater Management Act.”

Section 105. Applicability

- A. All Regulated Activities, as defined in Article II, and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Ordinance.
- B. Any submission that does not require a stormwater management plan at the time of subdivision or land development will still be required to address stormwater management at the time the individual lots are developed or construction commences, unless said subdivision proposes infrastructure features, such as a cul-de-sac street, for which stormwater management controls are ordinarily required.
- C. Development of the individual lots is subject to stormwater management as defined within the ordinance.

Section 106. Repealer

Any other ordinance provision or regulation of the Municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to give this Ordinance full force and effect to Regulated Activities undertaken after the date of adoption of this Ordinance. All Regulated Activities that were approved pursuant to any prior stormwater management ordinance of the Township are unaffected by any inconsistencies in this Ordinance.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section, clause or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining sections, clauses or provisions of this Ordinance.

Section 108. Compatibility with Other Requirements

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance. In the event of a conflict, between this Ordinance and any other ordinance, the more restrictive ordinance shall apply.

Section 109. Interpretation

Unless otherwise expressly stated, the succeeding shall, for the purposes of this Ordinance, be interpreted in the following manner:

- A. Words used in the present tense also imply the future tense.
- B. Words used in the singular include the plural, and vice versa.
- C. Words of masculine gender include feminine gender, and vice versa.
- D. The words and abbreviation “includes,” “including,” “shall include,” “such as,” and “e.g.” are not limited to the specific example(s) given but are intended to extend the words or words’ meaning(s) to all other instances of like kind and character.
- E. The words “shall,” “required,” or “must” are mandatory; the words “may” and “should” are permissive.

Section 110. Erroneous Permit

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant may be declared void by the Township. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. *See Section 706 for an applicant’s ability to appeal a declaration of invalidity.*

Section 111. 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 shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which adequately protects health, property and water quality.

Section 112. Municipal Liability Disclaimer

- A. Neither the granting of any approval under this Ordinance, nor the compliance with the provisions of this Ordinance, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting there from, or as otherwise imposed by law nor, impose any liability upon the Township for damages to persons or property.

- B. The granting of a permit which includes any stormwater management facilities approved pursuant to the Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.