

ARTICLE VI

MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

SECTION 601 LEGISLATIVE INTENT

1. Maintenance of Stormwater Management Facilities is essential for the proper functioning of the Stormwater Management Facilities and for their proper operation. It is the intention of the Board of Supervisors to impose regulations to require the permanent maintenance of Stormwater Management Facilities which exist on the effective date of this Ordinance and which are installed in the future.

2. Alterations to Stormwater Management Facilities which are not performed in accordance with a revised Stormwater Management plan may create unforeseen consequences to downstream property owners. No alterations to Stormwater Management Facilities will be permitted unless the Developer submits a plan as required by this Ordinance and meets all of the standards and criteria of this Ordinance.

SECTION 602 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES DURING DEVELOPMENT

1. Maintenance of Stormwater Management Facilities during development of a Project Site shall be the responsibility of the Developer and the Landowner.

2. The Developer and the Landowner shall maintain Stormwater Management Facilities during Development of a Project Site which shall include but not be limited to:
 - A. Removal of silt from all Stormwater Management Facilities not utilized for sediment and Erosion control measures when 60% of capacity is filled with silt; provided, however, that in no case shall the Sediment level be permitted to build up higher than 1 foot below the principal outlet crest. At this elevation, clean out shall be performed to restore the original design volume to the basin or other Structure. The elevation corresponding to the maximum allowable Sediment level shall be determined and stated in the design data as a distance below the top of the riser. The elevation shall be clearly marked on the riser to enable proper maintenance. Sediment basins must be maintained in conformance with Chapter 102. All sediment must be removed prior to converting the basin or trap to a permanent stormwater facility.

- B. Periodic maintenance of temporary control Stormwater Management Facilities such as replacement of straw bale dikes, straw filters or similar measures.
- C. Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured Areas or Areas where vegetation has not successfully been established.
- D. Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.
- E. Removal of all temporary Stormwater Management control Facilities upon installation of permanent Stormwater Management Facilities at completion of the Development.

SECTION 603 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES ACCEPTED BY THE TOWNSHIP

Where the Board of Supervisors accepts dedication of all or some of the Stormwater Management Facilities following completion, the Board of Supervisors shall require the posting of financial security to secure the structural integrity of said facilities as well as the functioning of said facilities in accordance with the design and specifications as depicted on the approved Stormwater Management plan. The term of the financial security shall be 18 months from the date of acceptance of dedication, and the amount of financial security shall be 15% of the actual cost of installation of said improvements. The financial security shall be of the same type required in Article V with regard to installation of Stormwater Management Facilities.

SECTION 604 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES NOT ACCEPTED BY THE TOWNSHIP UPON COMPLETION OF A DEVELOPMENT

1. It is the purpose and intent of this Ordinance that the Township shall not become responsible for maintenance and supervision of Stormwater Management Facilities unless such facilities are within rights-of-way dedicated to and accepted by the Township or unless such facilities are specifically accepted by the Township. The responsibility for Stormwater Management Facility maintenance falls upon the Developer of the Project Site who shall remain responsible for those areas of the Project Site which are subject to the requirements of this Ordinance. This responsibility may be retained or assigned to third persons Approved by the Township as is deemed most acceptable to the Developer.
2. It is the intent of this Ordinance that the purposes of this Ordinance shall be carried out through the exercise of responsibility of private parties and, therefore, it is anticipated that Stormwater Management plans shall be designed with a view

towards facilities which can effectively be contained within the tracts to be owned and maintained by private parties including Home Owners Associations. To foster this purpose, Stormwater Management Facilities which will not otherwise become part of Township property shall become the responsibility of the individual property owners on whose properties such Stormwater Management Facilities lie, including but not limited to Retention Basins, Detention Basins, sediment basins, energy dissipators, or grassed watercourses, and the Township and the Developer shall enter into an agreement, which shall be recorded, setting forth such maintenance responsibilities. Persons, including Developers, conveying property within a Project Site to another party which contains any Stormwater Management facilities shall include a specific deed reference to such grantee's responsibility for the maintenance and care of the Stormwater Management Facilities as are included within such grantee's property. The deed reference to such Stormwater Management Facilities shall be in the form of a deed restriction imposing responsibilities upon said property owner for the maintenance of the portions of the Stormwater Management Facilities within the boundary lines of said property as may be necessary for proper maintenance of the Stormwater Management Facilities in accordance with the terms of this Ordinance or may be by reference to the recorded agreement with the Township.

3. Required maintenance of Stormwater Management Facilities shall include at a minimum the following:
 - A. Maintaining vegetated channels and other areas according to specifications in the DEP *Soil Erosion and Sedimentation Control Manual*.
 - B. Reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not been successfully established.
 - C. Mowing as necessary and where permitted to maintain adequate stands of grass and to control weeds.
 - D. Removal of silt from all permanent structures which trap silt or sediment in order to keep the material from building up in the grass waterways thus reducing their capacity.
 - E. Regular inspection of the areas in question to assure proper maintenance and care.
 - F. Removal of silt from all permanent drainage Structures in order to maintain the design storage volumes. Regular maintenance programs shall be established and maintained.
4. The storm water management agreement and deed restrictions identified above shall also include notice that in the event the individual property owner should fail

to comply with the terms of this Ordinance for the maintenance and care of the land in question, the Township shall have the authority to carry out those duties hereby imposed upon individual property owners. The Township may, after giving notice to an individual property owner that he is not properly maintaining the areas subject to this Ordinance, and by making demand that such compliance shall be made within the time period set forth in the notification, enter upon said property and take such actions as may be required to bring the area into compliance with this Ordinance. The Township shall further have the right to file a municipal lien against such property for the cost of maintenance work carried out under this Section, plus a penalty of 10% of the costs of such work. The Township shall in addition to the filing of a municipal lien have any other remedies provided by law against any property owner who should fail to comply with the terms of this Ordinance.

SECTION 605 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES BY PRIVATE ENTITY

In cases where permanent maintenance of Stormwater Management Facilities is to be performed by a private entity, such as a homeowners' association or a condominium unit owners' association, such entity shall be responsible for the maintenance of such facilities and shall enter into a legally binding agreement with the Township. Such agreement shall provide the Township rights in accordance with Section 705 of the Pennsylvania Municipalities Planning Code relating to the maintenance of common open space should the private entity fail to adequately maintain the Stormwater Management facilities.

SECTION 606 MAINTENANCE OF EXISTING STORMWATER MANAGEMENT FACILITIES

Stormwater Management Facilities existing on the effective date of this Ordinance on individual lots which have not been accepted by the Township or for which maintenance responsibility has not been assumed by private entity such as a homeowners' association shall be maintained by the individual property owners. Such maintenance shall include at a minimum those items set forth in Section 604 above. If the Township determines at any time that any permanent storm water management facility has been eliminated, altered, blocked through the erection of structures or the deposit of materials, or improperly maintained, the Township may determine that such condition constitutes a nuisance and shall notify the property owner of corrective measures which are required, and provide for a reasonable period of time, not to exceed 30 days, within which the property owner shall take such corrective action. If the property owner does not take the required corrective action, the Township may either perform the work or contract for the performance of the work and bill the property owner for the cost of the work plus a penalty of 10% of the cost of the work. If such bill is not paid by the property owner within 30 days, the Township may file a municipal claim against the property upon which the work was performed in accordance with applicable laws.

SECTION 607 ALTERATION OF STORMWATER MANAGEMENT FACILITIES

No person shall modify, remove, fill, landscape or alter Stormwater Management Facilities which may have been installed on a property unless a Stormwater Management plan has been approved which authorizes such Modification, removal, filling, landscaping or alteration. No person shall place any structure, fill, landscaping or vegetation into a Stormwater Management Facility or within a drainage Easement which will limit or alter the functioning of the facility or Easement in any manner.

SECTION 608 RIGHT OF ENTRY ONTO PRIVATE PROPERTY

Upon presentation of proper credentials, duly authorized representatives of the Township may enter, at reasonable times, upon any property, within the Township, to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

SECTION 609 INSPECTIONS OF LAND DISTURBANCES RELATED TO SUBDIVISION OR LAND DEVELOPMENT

All Land Disturbance work shall be performed in accordance with an inspection and Construction control schedule Approved by the Township Engineer as part of the Stormwater Management plan. The Township Engineer should be consulted for guidance regarding the timing and other details of necessary inspections. No work shall proceed to a subsequent phase, including the issuance of the Certificate of Occupancy, until inspected and Approved by the Township Engineer or his designee, who shall then file a report thereon with the Township.

SECTION 610 LAND DISTURBANCES NOT RELATED TO SUBDIVISION OR LAND DEVELOPMENT

The timing and frequency of inspections of Land Disturbance activities not related to the Subdivision/land Development process shall be determined by the Township Engineer prior to final approval of the Stormwater Management plan. Adherence to that schedule shall be a condition of plan Approval.