

**ARTICLE I**

**GENERAL PROVISIONS**

**SECTION 101      AUTHORITY**

The Board of Supervisors of Carroll Township pursuant to the Pennsylvania Storm Water Management Act, Act of October 4, 1978, P.L. 864, No. 167, as amended, the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, re-enacted and amended by Act 170 of 1988, as amended, and the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, re-enacted and amended July 10, 1947 P.L. 1481, No. 567, and as subsequently amended, hereby enacts and ordains this Ordinance as the Carroll Township Storm Water Ordinance.

**SECTION 102      SHORT TITLE**

This Ordinance shall be known and may be cited as "The Carroll Township Stormwater Management Ordinance - 2011."

**SECTION 103      STATEMENT OF FINDINGS**

The governing body of the Carroll Township finds that:

1. Stormwater runoff from lands modified by human activities threatens public health and safety by causing increased runoff flows and velocities, which overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater.
2. 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 stream-beds 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.
3. These impacts happen mainly through a decrease in natural infiltration of stormwater.
4. A comprehensive program of stormwater management, including reasonable regulation of development and other activities causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of Carroll Township and all the people of the Commonwealth, their resources, and the environment.

5. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
6. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by Carroll Township.

## **SECTION 104      PURPOSE**

The Board of Supervisors enacts this Ordinance to further the health, safety and welfare of existing and future Township residents and to protect and preserve the Township's environment. The Board of Supervisors also intends by enacting this Ordinance:

1. To minimize both quantitative and qualitative Stormwater impacts resulting from new land Development which would adversely affect the health, safety, and welfare of all aspects of life in the Township.
2. To maintain the pre-Development water balance in watersheds and subwatersheds containing first-order and other especially sensitive streams in the Township, and to work to restore natural hydrologic regimes wherever possible throughout the stream system.
3. To maintain the pre-Development volume of groundwater recharge to recharge the groundwater table, stream baseflow, existing wells, existing wetlands and other important groundwater functions.
4. To prevent significant increase in surface Runoff volumes of frequent storm events, pre-Development to post-Development, which worsen Flooding downstream, enlarge Floodplains, erode stream banks, and create other Flood-related health, welfare, or property losses; and to work to reduce Runoff volumes to natural levels.
5. To diffuse Runoff as much as possible and discourage flow-concentrating discharge structures.
6. To maintain pre-Development peak rates of discharge, site-by-site, so as not to worsen Flooding at adjacent downstream sites, and to work to restore peak Runoff rates to natural levels.
7. To minimize non-point source pollutant loadings to ground and surface waters generally throughout the Township.
8. To control Runoff rates and volumes and Erosion and sedimentation problems at their source by regulating activities that cause such problems.
9. To minimize impacts on stream temperatures.

10. To manage Stormwater through approaches and practices which require a minimum of structures and which rely on natural processes to the maximum.
11. To utilize and preserve the desirable existing natural drainage systems within the Township.
12. To maintain the existing flows and quality of Watercourses in the Township and the Commonwealth.
13. To preserve and restore the Flood carrying capacity of Watercourses.
14. To permit and encourage the retention of open land uses so located and utilized and to guide incompatible Development into more appropriate zoning districts. In the interest of public health, safety, and welfare, the regulations of this Ordinance are designed and intended to protect Floodplain areas subject to and necessary for Floodwaters.
15. To regulate uses, activities, and Development which, acting alone or in combination with other existing or future uses, activities, and Development, will cause unacceptable increases in Flood heights, velocities and frequencies.
16. To provide for proper maintenance of all permanent Stormwater Management BMP's constructed in the Township.
17. To encourage provision of riparian buffer networks within the Township.
18. Meet legal water quality requirements under state law, including regulations at Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
19. Provide Standards to meet NPDES Requirements

## **SECTION 105**

## **APPLICABILITY**

This Ordinance provides regulations for the design, installation, and maintenance of Stormwater Management Facilities; for the design and installation of Erosion and sedimentation control measures; and for the conduct of activities of involving Land Disturbances.

1. The provisions, regulations, limitations, and restrictions of this Ordinance governing design and installation of Stormwater Management Facilities and submission of Stormwater Management plans shall apply to all of the following Regulated Activities:
  - A. Development of any kind where the Subdivision and Land Development Ordinance of Carroll Township requires filing a Subdivision or Land Development Plan unless such Development constitutes a Regulated Minor Activity as set forth in Section 105.2, or

- B. Removal of ground cover, grading, filling or excavation equal to or in excess of 5,000 square feet, or
- C. Outdoor storage, including storage of material (rock, soil, etc.) where ground contact is equal to or exceeds 5,000 square feet or where material is placed either on slopes exceeding 8%, Floodplains, or in Drainageways, or
- D. Construction of an Impervious or Semi-Impervious Surface, whether initially or cumulatively, that is equal to or exceeds 5% of Lot Area or 5000 square feet, whichever is greater, or
- E. Installation or Modification of Stormwater Management Facilities and appurtenances thereto, or
- F. Diversion or piping of any natural or man-made stream Channel, or
- G. Any disturbance to land that, in the opinion of the Township, is critical in terms of protection of steep slopes, wetlands, and other environmentally sensitive features and in terms of protection of adjoining properties, or
- H. Any other activities where the Township determines that said activities may affect any existing Watercourse, Stormwater Management Facility, or Stormwater drainage patterns.

In determining whether such activity constitutes a Regulated Activity, the limitations shall apply to the entire Lot existing on the effective date of this Ordinance whether or not such activity is conducted in phases or sections.

2. The provisions, regulations, limitations, and restrictions of this Ordinance governing design and installation of Stormwater Management Facilities and submission of an application for a Stormwater Management permit shall apply to all of the following Regulated Minor Activities:
  - A. Regulated activities that create Earth Disturbance Activities equal to or less than 2,000 square feet are exempt from the peak rate control
  - B. Regulated activities that create Earth Disturbance Activities greater than 2,000 square feet and equal to or less than 5000 square feet are exempt only from the peak control requirement of this ordinance.
  - C. Construction of an Impervious or Semi-Impervious Surface, whether initially or cumulatively, that is less than (i) 5% of Lot Area or (ii) greater than 200 square feet but less than 5,000 square feet, whichever is smaller, or
  - D. The application for a Stormwater Management permit should be in accordance with the requirements in Section 306 of this ordinance.

In determining whether such activity constitutes a Regulated Minor Activity, the limitations shall apply to the entire Lot existing on the effective date of this Ordinance whether or not such activity is conducted in phases or sections.

3. The provisions, regulations, limitations, and restrictions of this Ordinance governing maintenance of Stormwater Management Facilities shall apply to all Stormwater Management Facilities existing on the date of this Ordinance or installed after the date of this Ordinance and shall apply to all persons responsible for maintenance of such Stormwater Management Facilities and all persons who own or occupy the land upon such Stormwater Management Facilities are located.
4. The provisions, regulations, limitations, and restrictions of this Ordinance governing grading, Erosion and sedimentation control, excavation, and other Land Disturbance activities shall apply to all persons performing any such activities within the Township and to all Landowners of Lots upon which such activities are performed.
5. No person shall use or modify any land or Watercourse, and no person shall disturb, move, strip or modify the earth, and no person shall build, install or extend any structure or other Impervious Surface or Semi-pervious Surface without full compliance with the terms of this Ordinance and other applicable regulations.
6. It shall be the responsibility of the Developer and the owner of the land to insure that all contractors, agents, or other persons comply with all requirements of this Ordinance and with any approved Stormwater Management plan or Stormwater Management permit.

## **SECTION 106 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 imply 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’ s or words’ meaning(s) to all other instances of like kind and character.
- E. The words “person”, “applicant”, or “developer” include, a partnership, corporation, or other legal entity, as well as an individual.

F. The words “shall”, “required”, or “must” are mandatory; the words “may”and “should” are permissive.

**SECTION 107**

**ERRONEOUS PERMIT**

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.