

TOWNSHIP OF BETHEL

ORDINANCE NO. 1991-2

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT REGULATIONS IN THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA, PROVIDING A TITLE FOR THE ORDINANCE, STATEMENT OF FINDINGS RE RUNOFF PROBLEMS, PURPOSE OF ORDINANCE-TO CONTROL ACCELERATED RUNOFF, REFERENCE TO STATUTORY AUTHORITY, APPLICABILITY OF ORDINANCE TO CERTAIN SITUATIONS, MODIFICATIONS OF STANDARDS IN CERTAIN CASES, DISCLAIMER OF LIABILITY, DEFINITIONS, SUBMISSIONS AND STATUS OF RESIDUE, APPLICABLE REGULATIONS, STORMWATER CALCULATIONS, PLAN AND REPORT INCLUDING METHOD OF CALCULATING, TYPE OF STORM EVENT TO CALCULATE FOR, TYPE OF PIPE TO BE USED, RETENTION-DETENTION FACILITIES, AND OTHER MANAGEMENT, CONSTRUCTION AND MAINTENANCE REQUIREMENTS, DESIGN OF DETENTION FACILITIES, INCLUDING REQUIRED PERMITS, SPILLWAY DESIGN, GRADING REQUIREMENTS, INSPECTIONS, MAINTENANCE BY PRIVATE ENTITY, MAINTENANCE BY INDIVIDUAL LOT OWNERS, MAINTENANCE NOTE ON PLANS, PENALTY FOR FAILURE TO MAINTAIN, INCONSISTENT ORDINANCES OR SECTIONS THEREOF REPEALED, SEVERABILITY FOR CERTAIN SITUATIONS, MORE STRINGENT REQUIREMENT RULE UNDER OTHER LAWS AND CODES, PRESUBMISSION REQUESTED IN CERTAIN CASES, PENALTIES FOR VIOLATION AND EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. TITLE

This Ordinance shall be known as the BETHEL TOWNSHIP STORMWATER MANAGEMENT ORDINANCE OF 1991.

SECTION 2. STATEMENT OF FINDINGS

The governing body of the Municipality finds that:

A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood 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 flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

B. A comprehensive program of stormwater management, including reasonable regulation of development and activities

causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of the Municipality and all the people of the Commonwealth, their resources and the environment.

SECTION 3. PURPOSE

The purpose of the Ordinance is to promote the public health, safety and welfare by minimizing the damages described in Section 1 of this Ordinance by provisions designed to:

A. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.

B. Utilize and preserve the desirable existing natural drainage systems.

C. Maintain the existing flows and quality of streams and water courses in the Municipality and the Commonwealth.

D. Preserve and restore the flood carrying capacity of streams.

E. Provide for proper maintenance of all permanent stormwater management structures which are constructed in the Municipality.

F. Insure adequate drainage of all low points along the lines of streets.

G. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

H. Establish criteria for computing stormwater runoff.

I. Provide positive drainage away from on-site sewage disposal facilities and away from buildings.

SECTION 4. STATUTORY AUTHORITY

The Municipality is empowered to regulate these activities by authority of the Act of May 1, 1933 (P.L. 103, No. 69) reenacted and amended by the Act of July 10, 1947 (P.L. 1481, No. 567) as further amended, the "Second Class Township Code", and by authority of the Act of October 4, 1978, (P.L. 864, Act 167), the "Storm Water Management Act".

SECTION 5. APPLICABILITY

The following activities are included within the scope of this Ordinance:

- A. Land Development
- B. Subdivision
- C. Land Disturbances
- D. Construction of new or additional impervious areas (including buildings) in excess of 10,000 square feet.
- E. Diversion or piping of any natural or man-made stream channel.
- F. Installation of stormwater systems or appurtenances thereto

SECTION 6. MODIFICATIONS

A. Modification of these provisions by the Township Supervisors: The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Township Supervisors may modify or extend said provisions in individual cases as may be deemed necessary in the public interest as set forth hereinafter, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Ordinance. If the literal compliance with any mandatory provisions of these regulations is shown to a majority of the Township Supervisors present at a prescheduled public meeting to be unreasonable as applied to the property to be subdivided or developed, the Township Supervisors may grant a Waiver of the requirements of this Ordinance insofar as they are found to be unreasonable as applied to the particular property for which a modification is sought, all as more fully set forth in the definition of "Waiver" in this Ordinance.

B. Modification to approved plans: No changes, erasures, modifications or revisions shall be made in any documentation after approval has been made by the Supervisors, unless the said documentation is first resubmitted and approved by the Township Supervisors. In all cases "as built" plans must be provided prior to final release of security during the improvements phase.

SECTION 7. WARNING AND DISCLAIMER OF LIABILITY

The degree of stormwater protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. THIS ORDINANCE DOES NOT IMPLY THAT AREAS SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS OF THIS ORDINANCE WILL BE FREE FROM FLOODING OR FLOOD DAMAGES.

SECTION 8. DEFINITIONS AND GENERAL STATEMENT

Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. The words "shall" and "will" are mandatory; the words "should" and "may" are permissive. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

A. Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

B. Conservation District: The Conservation District serving Berks County.

C. County: The County of Berks, Commonwealth of Pennsylvania.

D. Culvert: A pipe, conduit or similar structure including appurtenant works which carries surface water.

E. Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50 yr. storm) and duration (e.g., 24-hour), and used in computing stormwater management control systems.

F. Detention Basin: A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

G. Developer and/or Subdivider: A person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this Ordinance. In this Ordinance a developer and subdivider are used interchangeably.

H. Drainage Right-of-Way: The lands required for the installation of storm sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and

providing for the flow of water therein to safeguard the public against flood damage.

I. Engineer: A person, partnership or corporation which shall have a license issued by the Commonwealth of Pennsylvania as a "Professional Engineer" and which shall prepare all stormwater management plans and reports required under this Ordinance, and which shall seal with the professional seal all plans and documents submitted under this Ordinance.

J. Erosion: The removal of soil particles by the action of water, wind, ice, or other geological agents.

K. Grade: The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

L. Impervious Surface: A surface which prevents the percolation of water into the ground.

M. Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

N. Infiltration Structures: A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, or seepage trench).

O. Land Disturbance: Any activity involving grading, tilling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion. Such activity shall not be construed to include ordinary and customary agricultural activities.

P. Lot: A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit.

Q. Municipality: Township of Bethel, Berks County, Pennsylvania.

R. Owner: Any person, firm, association or syndicate, co-partnership or corporation having a proprietary interest in any land sought to be subdivided or developed pursuant to this Ordinance.

S. Parcel: See "Lot" above.

T. Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a specified storm event.

U. Performance Guarantee: Any security which may be accepted in lieu of a requirement that certain improvements be made before the Township gives final approval of a Plan, including performance bonds, escrow agreements, letters of credit, and any other collateral or surety agreements.

V. Plan, Preliminary: A tentative subdivision or land development plan (including all required supplementary data), in lesser detail than a final plan, showing, among other things, topographical data and approximate proposed street and lot layout as a basis for consideration of a major subdivision prior to preparation of a final plan, all as more fully set forth in the Subdivision and Land Development Ordinance of the Municipality.

W. Plan, Final: A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording of a major subdivision, to define property rights and proposed streets and other improvements, prepared by a Registered Surveyor, all as more fully set forth in the Subdivision and Land Development Ordinance of the Municipality.

X. Plan, Record: The copy of the Final Plan which contains the original endorsements of the County Planning Commission, the Township Planning Commission, and the Township Supervisors, which is intended to be recorded with the County Recorder of Deeds, and is prepared by a Registered Surveyor.

Y. Plat: A map or plan of a subdivision, whether preliminary or final.

Z. Runoff: that part of precipitation which flows over the land.

AA. SCS: Soil Conservation Service, U.S. Department of Agriculture.

BB. Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

CC. Sediment Basin: A barrier, dam, retention or detention basin designed to retain sediment.

DD. Semi-pervious Surface: A surface such as stone, rock concrete or other materials which permits some vertical transmission of water.

EE. Soil Cover Complex Method: A method of runoff computation developed by SCS, and found in its publication "Urban Hydrology for Small Watersheds: Technical Release No. 55, SCS, January 1975, Revised 1966.

FF. Storm Sewer: A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

GG. Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

HH. Swale: A low lying stretch of land which gathers or carries surface water runoff.

II. Township: See "Municipality" above.

JJ. Planning Commission: The Planning Commission of the Township of Bethel.

KK. Waiver: A dispensation, granted by the Township Supervisors, from the terms and conditions of this Ordinance where literal enforcement would cause greater economic, planning or site management difficulties than the strict enforcement of the Ordinance would accomplish and when granting of the dispensations would not be contrary to the public interest.

SECTION 9. SUBMISSIONS

When subdivision or land development plans or any other plans required by the Municipalities Planning Code are submitted, whether preliminary or final, or for approval in sections, a stormwater management plan for the entire, fully developed project shall be submitted. A note stating that a residue parcel is for "Future Development" or will remain as "Agriculture" must be supported with data regarding these uses. If temporary facilities are required for construction of a section, such facilities shall be included in the plans submitted.

SECTION 10. APPLICABLE REGULATIONS

Where applicable, stormwater management facilities shall comply with the requirements of Chapter 105 of Title 25, or any

successor Title or Chapter of Rules and Regulations of the Pennsylvania Department of Environmental Resources, as set forth in the Pennsylvania Code and any and all other State and Federal Regulations which may apply.

Approval of a stormwater management plan by the Township of Bethel shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth of Pennsylvania.

Stormwater management plans which involve a State highway shall be subject to approval by the Pennsylvania Department of Transportation.

SECTION 11. STORMWATER CALCULATIONS AND PLAN AND REPORT REQUIREMENTS

A. The stormwater management submission shall include, but not be limited to, the following:

(a) A plan indicating the pre-developed drainage areas and time of concentrations and flow paths used. This plan shall indicate the pre-developed contours of the site in such detail as to be capable of being filed verified.

(b) A plan indicating the post-developed drainage areas, time of concentration and flow paths, and all drainage facilities. This plan shall indicate the post-developed contours of the site, in so far as possible. All facilities shall be labeled in an easily understandable manner consistent with the stormwater management report.

(c) A stormwater management report including all assumptions, methods, references, and calculations for all stormwater drainage facilities.

B. The stormwater calculations shall be performed as follows:

(a) The methodology for calculating stormwater runoff shall be either the Soil Cover Complex Method or the Rational Method.

(b) All pre-developed calculations shall be based upon existing land use features. The conditions of the existing land uses shall, however, be considered "good" in all instances regardless of actual conditions.

(c) Pre-developed runoff shall be calculated for the 2, 10, 25, 50 and 100-year storm events.

Post-developed runoff shall be calculated for the 5, 10, 25, 50 and 100-year storm events.

(d) All stormwater conveyance facilities shall be designed based on the 25-year storm event peak discharge to the facility. All conveyance facilities shall, however, be designed such that the runoff from the 100-year storm event will not cause any damage to public and private property.

(e) All stormwater pipes shall be reinforced cement concrete pipe, with a minimum diameter of fifteen inches (15"). Changes in horizontal or vertical direction of pipes shall be accomplished by installing a catch basin or a manhole. The minimum slope of pipe shall be 0.35%. The crown of the pipe shall be at least six inches (6") below the subgrade elevation. Pipes under roads shall meet the requirements set forth in Penn DOT Design Manual Part 2 or ANY SUCCESSOR PennDOT document on this subject. Pipe outlets shall be protected with grating of sufficient sizing to prevent the entrance of a six inch (6") diameter or larger sphere. No rip-rap lined areas shall be permitted within Township right-of-way areas.

Catch basins shall be utilized at all inlet ends of pipes, and shall have bicycle-proof inlet grates.

All catch basins, manholes, endwalls, etc. shall be as shown in Penn DOT Standard Details for Roadways.

All swales shall be at least one foot (1') deep, and the bottom of the swale shall be at least six inches (6") below subgrade elevation.

(f) Storm water velocities in swales shall be calculated for both the pre-stabilized and stabilized conditions. The type of swale lining to be utilized shall be specifically indicated. Verification that the velocity in the swale does not exceed the permissible velocity for the design swale lining (pre-stabilized and stabilized) shall be provided. The Penn DER Soil Erosion and Sedimentation Control Manual shall be utilized for this purpose.

Storm water velocities at pipe outlets shall be calculated. Outlet protection consisting of a rip-rap apron, or other suitable control measure, shall be provided when the outlet velocity exceeds the maximum permissible velocity of the receiving channel's lining minus 2 fps.

(g) The apron dimensions and rip-rap size shall be calculated as follows:

$$* \text{ Apron length } (L_a) = \frac{1.8 (Q_{25 \text{ yr}})}{D^{3/2}} + 7D$$

Where D = outlet pipe diameter

$$* \text{ Apron Width at Outlet } (W_{ao}) = 3D$$

* Apron Width at Apron End (W_{ae}) = $3D + L_a$ where there is no well-defined channel immediately downstream from the apron. Where there is a well-defined channel immediately downstream from the outlet, the width of the apron shall be at least as wide as the channel bottom, extending at least a distance equal to two-thirds of the vertical pipe dimension above the pipe outlet invert.

* Rip-rap median stone diameter shall equal or exceed the following:

$$\frac{0.02}{0.2D} ((Q_{25 \text{ yr}}/D)^{4/3})$$

Other methods, adequately justified, shall be considered for the determination of the outlet protection measures.

(h) The capacities of the catch basin inlets shall be indicated to assure that they are capable of intercepting the design runoff. Penn DOT Design Manual Par 2 or the Penn DOT successor document shall be utilized for this purpose. The maximum spacing between inlets shall be such that will allow for a maximum inlet shall be such that will allow for a maximum inlet bypass flow of 5%.

(i) Post-developed runoff shall be restricted as follows for each pre-developed drainage area:

* The post-developed 5-year storm event peak discharge shall not exceed the pre-developed 2-year storm event peak discharge.

* The post-developed peak discharge for the 10, 25, 50 and 100-year storm events shall not exceed the peak discharge for the corresponding pre-developed storm events.

In order to achieve this, it is recommended that methods be considered that will direct runoff from impervious areas to pervious areas or infiltration trenches that will retain/detain the runoff, or, by some other means suitable to the Township Engineer,

reduce the post-developed runoff to the pre-developed runoff as required.

* The post-developed 25-year storm event peak discharge shall not exceed the capacity of downstream stormwater facilities.

(j) Retention/detention facilities shall be designed such that the post- to pre-development requirements set forth herein are met. Further, the facility shall be designed with an emergency spillway, located in virgin ground, capable of handling the entire 100-year post-developed flow without causing property damage. The emergency spillway shall be at an elevation at least two feet (2') below the top of the impoundment embankment and at least six inches (6") above the highest principal outlet. Adequate evidence that the facility(ies) will not present a public safety or health hazard problem must be submitted in detail. This shall include, but not be limited to the following:

* Compaction requirements for the impoundment embankment.

* Pond retention times which shall not exceed 24 hours after the end of the design storm events.

* Protection around the perimeter of ponds that have depths which exceed two feet (2').

SECTION 12. STORMWATER MANAGEMENT REQUIREMENTS - GENERAL REQUIREMENTS

A. Maintenance of Natural Drainageways: All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Municipality. All encroachment activities shall comply with the requirements of Chapter 104 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources, or any successor provisions.

B. Discharge of Stormwater Runoff: Stormwater runoff shall discharge to an existing watercourse with defined bed and barriers of an existing storm drainage system. It shall not be concentrated onto adjacent properties nor shall the velocity of the flow be increased beyond that existing prior to subdivision, land development or the commencement of land disturbance activities unless written approval is given by the adjacent property owners to the proposed discharge of surface runoff and the written agreements are approved by the Township.

C. Storm Drainage Directed into an Adjacent Municipality: When storm drainage will be directed into an adjacent Municipality, all provisions for accommodating such storm drainage shall be submitted to the governing body of that municipality for review.

D. Concentration of Stormwater Runoff: Stormwater runoff shall not be concentrated nor shall natural drainage water be diverted as to overload or further overload, as the case may be, existing drainage systems, create flooding, or create the need for additional drainage structures on other private or public lands, unless adequate provisions approved by the Township and the owners of the then affected private or public lands are made to take care of these conditions.

E. Maintenance of Facilities: Stormwater facilities to be maintained by individual property owners shall be provided with adequate easements over which the Township shall have the right of access to correct or maintain such facilities, if necessary, in the public interest. In such cases, the lot owner will be responsible for all costs of the Township. Responsibility for such privately maintained facilities shall be conspicuously noted on the plan to be recorded.

SECTION 13. ADDITIONAL CRITERIA

A. Calculations: Complete stormwater calculations in accordance with the design standards of this Ordinance and all designs for drainage facilities shall be submitted to the Municipality for review.

B. Existing Storm Sewer Accessibility: Where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall connect to the existing storm sewers.

C. Existing Waterbodies or Watercourses: Where a subdivision or land development is traversed by or contains a pond, lake, watercourse, drainageway, channel, storm drainage system, or stream, there shall be provided a drainage easement that conforms substantially with the line of such pond, lake, watercourse, drainageway, channel, storm drainage system, or stream, of such width as will be adequate to preserve the unimpeded flow of drainage and to provide for widening, deepening, relocating, improving or protecting such features or drainage facilities. Minimum easement width shall be ten feet (10') from each side of the watercourse, waterbody, stream, pond or lake, but the Township may require a greater easement when necessary. When required by

the Township, bearings and distance shall be provided for the boundaries of easements.

Any changes in an existing drainage way shall be subject to the approval of the Pennsylvania Water and Power Resources Board, Division of Dams and Encroachments, Department of environmental Resources; the Army Corps of Engineers; or the Federal Emergency Agency, or any other applicable government agency, when each or all have jurisdiction.

The subdivider shall properly grade and seed slopes, and fence open areas when a safety hazard can result. Areas within easements shall be kept as lawn or in natural condition to allow maintenance and entrance.

It is the responsibility of the subdivider or land developer and the Engineer and/or Surveyor employed by the subdivider or land developer to assess all such safety hazards and to make plan provisions for such safety hazards and to design and build all needed safety facilities. In the event the Township determines that the safety features are insufficient, then the Township may impose additional safety requirements, including property planning and implementation of safety plan.

Drainage Swale Crossings: When drainage swales are traversed by driveways or other crossings, design and construction details of the crossing shall be provided to assure that the crossing will have no adverse effect on the capacity of the swale.

Maintenance Requirements: All drainage facilities to be owned by the developer or his assigns shall be maintained to retain their design capacity.

Erosion Controls: Provision shall be made to minimize erosion within watercourses and at points of discharge from storm drainage facilities through the use of proper ground cover or rip-rap.

SECTION 14. DESIGN OF DETENTION FACILITIES

A. General Requirements:

(a) **Adequate Assurances:** Where detention basins are permitted by the Township, adequate assurances of maintenance, indemnification, liability insurance, and security shall be provided by the developer or his assigns and approved by the Township.

(b) Design and Location: Detention facilities shall be designed and located so as to not present a hazard to the public health or safety. Their design shall be approved by the Township.

(c) Backwater Flooding: Detention facilities shall be designed so that no adverse effects will result from backwater flooding.

(d) PA DER Permit: Detention facilities shall be acceptable to the Pennsylvania Department of Environmental Resources. When PA DER requires a permit for said facilities, the designer shall submit proof of PA DER approval.

(e) Storage Duration: The storage duration shall not exceed twenty-four (24) hours. The Township may require the fencing of water storage areas when deemed necessary for the public safety.

(f) Emergency Spillway Requirements: Every stormwater storage area shall be provided with an emergency spillway. The spillway shall either be placed in undisturbed earth or be of construction approved by the Township and shall be designed to function without attention.

(g) Detention Pond Grading Requirements: Minimum grades for turf areas inside detention basins shall be two percent (2%) and maximum side slopes of detention basins shall be fifty percent (50%) (2 units horizontally to 1 unit vertically) on one side and thirty-three percent (33%) on the other (aggregate of 5 units horizontally to 1 unit vertically). Depending upon the location and the intended use of the detention facilities during non-functioning times, a side slope of thirty-three percent (33%) slope or less shall be used wherever feasible.

SECTION 15. SCHEDULE OF INSPECTIONS

A. The Municipal Engineer shall inspect all phases of development of the site including, but not limited to:

(a) Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary stormwater management and erosion control facilities.

(b) Completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers.

(c) During construction of the permanent stormwater facilities at such time as specified by the Municipal Engineer.

(d) Upon completion of permanent stormwater management facilities, including established ground covers and plantings.

(e) Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved plan.

B. The owner, subdivider, developer or his agent shall notify the Municipal Engineer twenty-four (24) hours in advance of the completion of each identified phase of development.

C. Any portion of the work which does not comply with the approved plan must be corrected by the developer. No work may proceed on any subdivision, land development or building construction until the required corrections have been made.

D. If at any stage of the work, the Township or its Engineer determines that the soil or other conditions are not as stated or shown on the plan, it may refuse to approve further work and the Township or its designee may revoke existing approvals until a revised plan is submitted and approved.

SECTION 16. MAINTENANCE BY PRIVATE ENTITY

In cases where permanent control facilities are owned by a private entity (such as a homeowner's association), such entity shall be responsible for maintenance. In this case a legally binding agreement between the entity and the Municipality shall be entered into providing for maintenance of all permanent control facilities, and allowing inspection by the Municipality of all such facilities deemed critical to the public welfare at any reasonable time.

SECTION 17. MAINTENANCE BY INDIVIDUAL LOT OWNERS

When any stormwater management facility is located on an individual lot, and when maintenance thereof is the responsibility of that landowner, a description of the facility or systems and the terms of the required maintenance shall be incorporated on a plat of the property. The plat shall be recorded in the Office of the Berks County Recorder of Deeds. In addition, the Township may require, as a condition of approval, that any deed conveying any interest in such lot contain language indicating that the conveyance is subject to an express covenant by the grantee that the grantee will maintain the stormwater management facility.

SECTION 18. MAINTENANCE NOTE

The following maintenance note shall be lettered on the record plan for any stormwater management facility maintenance under Sections 16 and 17 of this Ordinance

"The Township shall have the right, but not the duty, to repair, replace or maintain any drainage facilities shown within the easements provided on the following lot(s): (List the lot numbers), the cost of any such repair, replacement or maintenance to be reimbursed to the Township by the entity or person responsible for the same."

SECTION 19. FAILURE TO MAINTAIN

If the Township determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner or private entity which owns the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action to restore same. If such action is not taken by the property owner, the Township may cause the work to be done and enter a municipal lien against the property for all of the costs thereof in accordance with applicable law.

SECTION 20. REPEALER

All ordinances or parts of ordinances of the Municipality which are inconsistent with any of the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistency.

SECTION 21. SEVERABILITY

Should any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared, by a final unappealed judgment or order of a court of competent jurisdiction, to be invalid, such judgement or order shall not affect the validity of the Ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

SECTION 22. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure all required permits or approvals for activities regulated by any other applicable code, statute, rule, regulation or ordinance. If more stringent

requirements concerning regulation of stormwater or erosion and sedimentation control are contained in the other code, rule, act or ordinance, the more stringent regulation shall apply.

SECTION 23. PRESUBMISSION

The Township Engineer shall be afforded the opportunity to review the proposed methodology prior to official submission of the stormwater management report, especially where non-conventional methods are proposed (i.e., infiltration trenches/ponds, etc.).

SECTION 24. PENALTIES

Any person violating any provision of this Ordinance shall, for each such violation, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and not less than Three Hundred Dollars (\$300.00) and costs of prosecution. Each day that any such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of any provision of this Ordinance that shall also constitute a violation of a specific provision of the laws of Pennsylvania or of any regulation of the Commonwealth or any department or agency thereof having the effect of law shall be prosecuted under the said State Law or regulation and not under this Ordinance.

SECTION 25. EFFECTIVE DATE

This Ordinance shall take effect five days after enactment, as provided by law.

ENACTED AND ORDAINED AS AN ORDINANCE OF THE TOWNSHIP OF BETHEL
THIS 3rd DAY OF June, 1991.

BOARD OF SUPERVISORS OF BETHEL
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

Gene A. Brown
Chairman

ATTEST:

George W. Mills
Secretary