

ORDINANCE NO. 680

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF ANNVILLE, LEBANON COUNTY, PENNSYLVANIA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 23 ("STORMWATER MANAGEMENT"): §23-105, §23-201 (2), §23-301(1), (13) and (18), §23-308(1)(B) and (13), §23-401(2), §23-403(B)(23), §23-801, §23-802, §23-803, §23-903(H) and (I); AND ADDING THE FOLLOWING SECTIONS TO CHAPTER 23 ("STORMWATER MANAGEMENT"): §23-106-107, §23-316, AND §23-408, OF THE CODE OF ORDINANCES OF ANNVILLE TOWNSHIP.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Annville, Lebanon County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. The provisions of Chapter 23, Stormwater Management, of the Code Ordinances of Annville Township, are amended and revised as follows:

(a) Section 23-105 through 107, are amended as follows:

§23-105

Repealer.

Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

§23-106

Severability.

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

§23-107

Compatibility with Other Code Requirements.

Approvals issued pursuant to this Chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable Code, rule or act.

(Ord. 596, 6/7/2010, §7)

(b) Section 23-201("Word Usage, Definitions, Acronyms") is amended as follows:

§23-201

Word Usage, Definitions and Acronyms.

Design storm—the magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems. See also Return Period

Detention Volume – The volume of runoff that is captured and released into the waters of the Commonwealth at a controlled rate.

DEP – The Pennsylvania Department of Environmental Protection.

Development Site (Site) – See Project Site.

Existing conditions— *The dominant land cover during the 5 year period immediately preceding a proposed regulated activity.* If the existing condition of the site is undeveloped land, the land use shall be considered as meadow unless the natural land cover is proven to generate lower curve numbers or rational C value, such as forested lands.

FEMA – Federal Emergency Management Agency.

Municipality – Annville Township, Lebanon County, Pennsylvania.

Regulated Earth Disturbance Activity – Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

Riparian Buffer – A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

USDA – United States Department of Agriculture.

(c) Section 23-301(1, 13 & 18) ("General Requirements"), are amended as follows:

§23-301

General Requirements.

1. All regulated activities in the Township which do not fall under the exemption criteria shown in §23-401 shall submit a stormwater management plan consistent with this Chapter to the Township for review. No regulated activities shall commence until the municipality issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance. This criteria shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new

streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of comparison to the exemption criteria.

13. All regulated activities shall include such measures as necessary to:
 - A. Protect health, safety, and property;
 - B. Meet the water quality goals of this Chapter by implementing measures to:
 - (1) Minimize disturbance to floodplains, wetlands, and wooded areas.
 - (2) Maintain or extend riparian buffers.
 - (3) Avoid erosive flow conditions in natural flow pathways.
 - (4) Minimize thermal impacts to waters of this Commonwealth.
 - (5) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - C. To the maximum extent practicable, incorporate the techniques for low impact development practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual). If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this Chapter, the SWM Site Plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.

[Ord. 648]

18. SWM Site Plans approved by the municipality, in accordance with Section 406, shall be on site throughout the duration of the regulated activity.

(d) Section 23-308(1)(b) and (13) ("Stormwater Volume Requirements"), is amended as follows:

B. The simplified method (CG-2 in the *Pennsylvania Stormwater Best Management Practices Manual* (latest edition) provided below 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 1 acre or for projects that require design of stormwater storage facilities, For new impervious surfaces:

(1) Stormwater facilities shall capture at least the first 2 inches of runoff from all new impervious surfaces.

(2) At least the first 1 inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow. More specifically, it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration and infiltration.

(3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.

(4) This method is exempt from the requirements of Section 302 and 303 of this Chapter, Rate Controls.

13. If after evaluating all of the above, it is determined that infiltration is not feasible, PaDEP Managed Release Concept (MRC) is an acceptable methodology to meet stormwater volume requirements of this Chapter.

(Ord. 596, 6/7/2010, §16)

(e) Section 23-316 ("Riparian Buffers"), is added as follows:

**§23-316
Riparian Buffers.**

1. In order to protect and improve water quality, a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.

2. Except as required by Chapter 102, the Riparian Buffer Easement shall be measured to be the greater of the limit of the 100 year floodplain or a minimum of 35 feet from the top of the streambank (on each side).

3. Minimum Management Requirements for Riparian Buffers.

A. Existing native vegetation shall be protected and maintained within the Riparian Buffer Easement.

B. Whenever practicable invasive vegetation shall be actively removed and the Riparian Buffer Easement shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.

4. The Riparian Buffer Easement shall be enforceable by the municipality and shall be recorded in the appropriate County Recorder of Deeds Office, so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the minimum lot area as required by Zoning, unless otherwise specified in the municipal Zoning Ordinance.

5. Any permitted use within the Riparian Buffer Easement shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain.

6. The following conditions shall apply when public and/or private recreation trails are permitted within Riparian Buffers:

A. Trails shall be for non-motorized use only.

B. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.

7. Septic drainfields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

(f) Section 23-401(2)("Exemptions"), is amended as follows:

2. Regulated activities that result in cumulative earth disturbances less than one

acre or no more than five thousand (5,000) square feet to ten thousand (10,000) increase of impervious area are exempt from the requirements in §§23-308, 23-302, and Part 4 of this Chapter. [Ord. 648]

(g) Section 23-403(b)(23)(“Stormwater Management Plan Contents”), is amended as follows:

(23) The following signature blocks for the design engineer:

(a) “I, _____(Design Engineer), on this date _____ (date of signature), hereby certify that the stormwater management plan meets all design standards and criteria of the Annville Township stormwater management ordinance.”

(b) “I certify that the plan of development and the plan for soil erosion and sediment control have been designed to meet the requirements, standards and specifications of the county conservation district.”

Engineer for Developer

Date

(c) “I certify that all construction and/or development will be done as described by this plan of development and the plan for soil erosion and sediment control, in-cluding the narrative report.”

(h) Section 23-408(“Authorization to Construct and Term of Validity”), is hereby added as follows:

§23-408

Authorization to Construct and Term of Validity

The Municipality’s approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of 5 years following the date of approval. The Municipality may specify a term of validity shorter than 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 an SWM Site Plan. If an approved SWM Site Plan is not completed according to §23-409 within the term of validity, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with §23-407 of this Ordinance.

(i)Section 23-801-803(“Prohibited Discharges and Connections, Roof Drains and Sump Pumps, and Alteration of Stormwater Management BMPs”), are amended as follows:

§23-801

Prohibited Discharges and Connections.

1. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter a regulated small MS4 or to enter the surface waters of this Commonwealth is prohibited.
2. No person shall allow, or cause to allow, discharges into a regulated small MS4, or discharges into waters of this Commonwealth, which are not composed entirely of stormwater, except (1) as provided in paragraph C below and (2) discharges authorized under a state or federal permit.
3. The following discharges are authorized unless they are determined to be significant contributors to pollution a regulated small MS4 or to the waters of this Commonwealth:
 - A. Discharges or flows from firefighting activities.
 - B. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
 - C. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - D. Diverted stream flows and springs.
 - E. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
 - F. Non-contaminated HVAC condensation and water from geothermal systems.
 - G. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
 - H. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.
4. In the event that the municipality or DEP determines that any of the discharges identified in Subsection C significantly contribute pollutants to a regulated small MS4 or to the waters of this Commonwealth, the municipality or DEP will notify the responsible person(s) to cease the discharge.

§23-802

Roof Drains and Sump Pumps.

Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs wherever feasible.

(Ord. 596, 6/7/2010, §44)

23-803

Alteration of Stormwater Management BMPs.

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures that were installed as a requirement of this Ordinance or previous Township Ordinance without the written approval of the Municipality.

(Ord. 648, 6/6/2016, §1(i))

(j) Section 23-804 has been amended to the following: Section 23-803("Alteration of Stormwater Management BMPs").

(k) Section 23-903(h) and (i)("Enforcement"), are added as follows:

H. It shall be unlawful to violate Section 804 of this of this Chapter.

I. Inspections regarding compliance with the SWM Site Plan are a responsibility of the Municipality.

SECTION 2. All other provisions of Chapter 23, Stormwater Management, of the Code of Ordinances of Annville Township, remain in full force and effect.


SECTION 3. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Annville Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

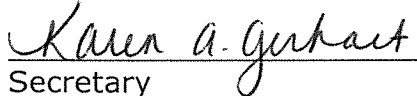
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective September 6, 2022.

ORDAINED AND ENACTED this 6th day of September, 2022.

BY ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS

By: 
Rex A. Moore, President

ATTEST:


Secretary

