

WINFIELD TOWNSHIP

ORDINANCE #101

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WINFIELD TOWNSHIP

ORDINANCE # 101

AN ORDINANCE OF WINFIELD TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, PROVIDING FOR THE MANAGEMENT OF STORM WATER RUNOFF; REQUIRING A STORM WATER MANAGEMENT PLAN; ADOPTING STANDARDS FOR STORM WATER CONSTRUCTION; PROVIDING FOR THE RETENTION OF EXCESS RUNOFF; ESTABLISHING A PERMIT PROCEDURE; REQUIRING REVIEW OF PERMIT APPLICATIONS; PROVIDING FOR PENALTIES.

The Board of Supervisors of Winfield Township, Butler County, Pennsylvania, do hereby ordain and enact the following ordinance:

1. PURPOSE

This ordinance is intended to comply with the requirements of the Pennsylvania "Storm Water Management Act." (1978, Oct. 4, P.L. 864, No. 167, 32 P.S. Sec. 680.1 et. sequi) and its regulations.

2. DEFINITIONS

Development—Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Individual Storm Water Management Plan— A plan required under this ordinance to be submitted with the building permit application, or a subdivision plan and all non-residential developments, to show how compliance with the provisions of this ordinance and the County Watershed Storm Water Management Plan, if any, will be accomplished.

Flood—A general but temporary condition of partial or complete inundation of normally dry land area from the overflow of streams, rivers or other waters of this Commonwealth.

General Flood Plain Area—The 100 year floodway and that maximum area of land that is likely to be flooded by the 100-year flood, as shown on the flood plain maps.

Municipality—A city, borough, town, township, or any similar general purpose unit of government; a county or other governmental unit when acting as an agent thereof; or any combination thereof acting jointly.

Obstruction—Any structure or assembly of materials including fill above or below the surface of land or water and an activity which might impede, retard, or change flood flows. The planting, cultivation, the harvesting of field or orchard crops or the grazing of livestock including the maintenance of necessary appurtenant agricultural fencing shall not be considered an "obstruction" under this definition and shall not be subject to regulation under this ordinance.

100-Year Flood—The highest level of flooding that on the average is likely to occur every 100 years, that is, that has a 1.0 percent chance of occurring each year.

100-Year Flood Plain or Flood Plain—The 100 year floodway and that maximum area of land that is likely to be flooded by a 100-year flood as shown on the flood plain maps provided by Federal Emergency Management to the municipality.

Structure—A walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a mobile home.

Substantial Improvements—Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either any project for improvement of a structure to comply with the existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration to a structure listed on the National Register or Historic Places of the State Inventory of Historic Places.

Watershed—The entire region or area drained by a river or other body of water, whether natural or artificial.

Watershed Storm Water Plan-County—A plan for storm water management adopted by a County in accord with the requirements of the Storm Water Management Act.

3. DUTY OF LANDOWNERS OR DEVELOPERS

Any landowner and any person engaged in the alteration or development of land in a watershed or any part of a watershed located in Winfield Township, or who proposes subdivision, construction or development shall comply with the provisions of this ordinance and shall submit an individual storm water management plan when:

- A. The development is for strictly residential purposes and contains six (6) or more individual building lots whether or not there is an installation of sewer, water or gas lines and/or the construction of a road for public or private use.
- B. The development is for strictly residential purposes and contains five (5) lots or less and requires the installation of public water lines, public sewer lines and/or the construction of a road for public or private use.
- C. The development is for non-residential purposes unless the developer establishes that the peak post development storm water runoff from the area to be developed is less than or equal to the storm water runoff from the area to be developed prior to the proposed development.

4. BUILDING PERMITS

Notwithstanding any other ordinances or resolutions of the Township, State or Federal regulations, any person who alters or develops land shall first obtain a building permit from the Township.

A. Application for Building Permits.

1. Form of Application-The application shall be made upon a form provided by the Township. The building permit application shall contain a specific reference to the Storm Water Management provisions of this ordinance.
2. Incorporation of Application-The application itself shall be deemed part of the permit and any misstatement or misrepresentation therein, whether unintentional or inadvertent shall be good and sufficient reason for refusal of the permit and/or denial of an occupancy permit.
3. Disclaimer-The degree of flood protection sought by the provision of this ordinance is reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur and flood heights may be increased by man-made or natural causes. The issuance of a permit under this ordinance does not imply that areas outside of the Flood Plain Areas will be free from flooding nor does it imply that the regulations regarding storm water management will insure any property will be free from water damage.

Neither this ordinance nor the issuance of a permit hereunder shall create liability on the part of Winfield Township or any officer or employee for any flood or water damage and the issuance of a building permit, or any consideration thereunder, may not be relied upon to assess liability against the Township, nor may it be asserted as a defense in any action by a third party for damages caused by the applicant.

4. Storm Water Management Consideration—When a building permit is requested by an applicant and the Township Engineer determines that the proposed construction will not affect storm water runoff characteristics and is consistent with the applicable provisions of the Watershed Storm Water Plan adopted by the County, if any, and that the proposed construction is not in a Flood Plain Area, the Township Engineer may process the application without further reference to the provisions and requirements of this ordinance.

In the event it is determined that there are storm water characteristics which must be considered, the Surface Water Management provisions of this ordinance must be considered if it is determined that the proposed construction or development is in a Flood Plain Area.

5. Indemnity—The application shall contain a statement of indemnity by the applicant, wherein the owner or developer/owner agrees to hold the Township, Butler County, the Butler County Conservation District and persons appointed by any of the same to review the plans harmless from any and all liability relating to flood damage or loss, or from loss relating to storm drainage systems and their discharge during construction of the system and thereafter.

5. STORM WATER MANAGEMENT PROVISION

A. Initial Determination

If at the time of completing an application for a building permit or submitting a subdivision plan, it is determined that the development or construction will affect the surface water or storm water characteristics as in Section 4A (4) above, it shall then be determined if an individual Storm Water Management Plan shall be required as part of the building permit application or subdivision.

Where no Individual Storm Water Management Plan is required by reason of the exclusions set forth in this ordinance, the Township Engineer shall make a proper notation on the building permit application and shall process the application without further reference to Storm Water Management consideration.

Where an Individual Storm Water Management Plan is required as part of the building permit application or subdivision, it shall be submitted in accordance with the following requirements:

1. Preparation of an Individual Storm Water Management Plan

Where an Individual Storm Water Management Plan is required it shall be prepared in accordance with the specifications and standards set forth in this ordinance, or in any technical bulletin or release adopted by reference by this ordinance. Such adoption shall be by resolution.

2. Submission of an Individual Storm Water Management Plan

The complete Individual Storm Water Management Plan shall first be submitted to the Butler County Conservation District for review. The review should be completed and returned to the township within thirty (30) days. A copy of the plan containing any changes, recommendations or modifications shall be returned to the Township. The review, findings and/or approval or disapproval is to be filed with the application for a permit or a subdivision plan. Winfield Township Planning Commission will review all storm water management plans and subdivision plans, make recommendations to the Supervisors of Winfield Township, and the Supervisors will accept or deny such plans.

3. Presentation of Complete Application

Upon filing of the plan and Butler County Conservation District approval letter, the building permit or subdivision plan shall be deemed complete and shall be presented to the Planning Commission, and then the Board of Supervisors of Winfield Township at the next regular meeting for action.

The plan, together with any conditions or changes noted thereon, and the approval letter of report from the Butler County Conservation District must be filed with the application and shall become part of the permit or subdivision plan.

4. Storm Water Management Plan Dispute

Where there is a dispute as to whether or not an Individual Storm Water Management Plan is required, the issue shall be presented to the Board of Supervisors at the next regular meeting, who shall determine pursuant to their sole and exclusive authority as reserved in this ordinance, whether a plan must be submitted as part of the application for a building permit or subdivision plan.

B. Designation of Review Agency

The Township hereby designates the Butler County Conservation District, its successors or assigns, as the official reviewing agency of the Township for the Individual Storm Water Management Plans.

The designated reviewing agency shall have the authority to review all Storm Water Management Plans, note required changes, suggest conditions to be imposed and do all other things that the Township may by law require. The reviewing agency may also recommend approval or disapproval of a Plan.

The designated reviewing agency shall be required to apply the standards and procedures as adopted by this Ordinance.

C. Standards

Adoption by Reference - Winfield Township adopts by reference, the provisions of the "Urban Hydrology for Small Watershed" technical release No. 55, prepared by the Engineering Division of the Soil Conservation Service of the U. S. Department of Agriculture and any amendments thereto, in the future, as if said document was more fully and completely set forth herein.

D. Local Standards

The Storm Water Management Plan required under this ordinance shall be designed to assure that, after development, storm water does not leave the property at a greater velocity or volume than before development commenced.

The pre-development two year, 24 hour peak flow (2.60 inches of precipitation in 24 hours or as may be subsequently revised), creating slightly out-of-bank conditions in downstream drainageways, shall be the maximum release rate condition for water leaving the property after development. The maximum storm of record over a 24 hour period during the preceding 25 years (4.35 inches of precipitation in 24 hours or as may be subsequently revised) shall be the design condition to be used in developing the storm drainage system.

The difference between the 25 year post-development storm and the 2 year pre-development storm shall be stored on the property for gradual release at the 2 year rate.

Retention areas, as required to impede runoff and to store water, may be varied in type and form. Temporary retention of storm water may be managed by storage within underground facilities such as rock fills and buried conduits, on flat surface areas, on rooftops, in excavated ponds, in embankment ponds, or in any combination of the above. Structural design criteria of retention facilities shall be provided by the developer and be approved by the appropriate agencies having jurisdiction.

When an impoundment for retention purposes is designed, the emergency spillway shall be capable of passing the flow created by the maximum storm of record over a 24 hour period during the preceding 100 years (5.00 inches of precipitation in 24 hours or as may be subsequently revised).

MEASURES FOR REDUCING AND DELAYING STORM RUNOFF:

<u>Area</u>	<u>Reducing Runoff</u>	<u>Delaying Runoff</u>
Large Flat Roof	<ol style="list-style-type: none"> 1. Cistern Storage 2. Rooftop Gardens 3. Pool storage or fountain storage 4. Sod roof cover 	<ol style="list-style-type: none"> 1. Ponding on roof by constricted downspouts 2. Increasing roof roughness <ol style="list-style-type: none"> a. rippled roof b. gravelled roof
Parking Lots	<ol style="list-style-type: none"> 1. Concrete vaults and cisterns beneath parking lots in high value areas 2. Vegetated ponding areas around parking lots 3. Gravel trenches 	<ol style="list-style-type: none"> 1. Grassy strips on parking lots 2. Grassed waterways draining parking lot
Residential	<ol style="list-style-type: none"> 1. Cisterns for individual homes or groups of homes 2. Gravel driveway (porous) 3. Contoured landscape 4. Groundwater recharge <ol style="list-style-type: none"> a. perforated pipe b. gravel (sand) c. trench d. porous pipe e. dry walls 5. Vegetated depressions 	<ol style="list-style-type: none"> 1. Reservoir or detention basin 2. Planting a high delaying (high roughness) 3. Gravel driveways 4. Grassy gutters or channels 5. Increased length of travel of runoff by means of gutters, diversions, etc.
General	<ol style="list-style-type: none"> 1. Gravel alleys 2. Porous sidewalks 3. Mulched planters 	<ol style="list-style-type: none"> 1. Gravel alleys

E. Exclusions

1. Specific Exclusions

An Individual Storm Water Management Plan shall not be required when, in the opinion of the Township, runoff generated from the proposed subdivision or development will not be in excess of maximum allowable protection for downstream developed

and undeveloped lands and waterways. The maximum number of lots so subdivided shall be five (5).

2. General Conditions

The land area coverage of any individual lot as contemplated by paragraph 1 above when duly developed according to the plan submitted, shall not exceed the following maximum values:

- a. Principal Structure - 15 percent
- b. Driveways, porches, garages and appurtenances-10 percent of lot area
- c. The lot contains a minimum of 3/4 acre
- d. The remaining undeveloped portion of any individual lot shall have a land surface condition comparable to or less than ground runoff curve number of 75 (meadow land) according to Tables 2-1 and 2-2 of Technical Release No. 55 U. S. Department of Agriculture Soil Conservation Service, January 1975, as amended.

6. SEVERABILITY

If any provision of this ordinance or its application is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications and to this end, the provisions of this ordinance are declared to be severable.

7. PENALTIES

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or who fails or refuses to comply with any notice, order, or direction of the Code Enforcement Officer or any other authorized employee of the municipality, shall be guilty of a summary offense, and upon conviction, shall pay a fine to the Township of not less than One Hundred (\$100.00) Dollars or more than Three Hundred (\$300.00) Dollars plus costs of prosecution.

In default of such payment such person shall be imprisoned in County Prison for a period not to exceed ten (10) days.

Each day during which any violation of this ordinance continues shall constitute a separate offense.

In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this ordinance.

The imposition of a fine or penalty for any violation of, or non-compliance with, this ordinance shall not excuse the violation or non-compliance or permit it to continue; and

all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this ordinance may be declared by the Board to be a public nuisance and abatable as such.

8. FEES, CHARGES AND EXPENSES

All fees incurred during the plan review by the Township Engineer will be at the applicant's expense. No permit shall be issued until such costs, charges, fees or expenses have been paid in full.

9. ENFORCEMENT

This ordinance may be enforced by the duly appointed Township Zoning Officer or any Township Supervisor or their duly appointed representative. Enforcement by a summary proceeding does not limit the Township's right to bring a suit in equity to enforce the provisions of this ordinance.

10. EFFECTIVE DATE

This ordinance shall become effective five (5) days following enactment by the Board of Supervisors of Winfield Township.

THIS ORDINANCE is hereby ordained and enacted this 26th day of July, 2001.

ATTEST:


Secretary

WINFIELD TOWNSHIP
BOARD OF SUPERVISORS


Chairman


