

AN ORDINANCE TO AMEND THE "BUILDING PERMIT ORDINANCE OF LOWER CHANCEFORD TOWNSHIP" AS ENACTED ON JANUARY 4, 2016 AND AMENDED ON APRIL 5, 2016, OCTOBER 2, 2018 AND NOVEMBER 7, 2018.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania as follows:

1. Section 10(F) of the Building Permit Ordinance of Lower Chanceford Township is hereby amended to delete the words and numbers "one hundred (\$100.00) dollars" and substitute therefore the following words and numbers, "five hundred (\$500.00) dollars".

ORDAINED AND ENACTED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania on the 2 day of MARCH, 2021.

ATTEST:

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

*Kenneth M. Wiley*  
Secretary

By: *David B. Glenn*  
David B. Glenn, Chairman

**AN ORDINANCE TO AMEND THE "BUILDING PERMIT ORDINANCE OF LOWER CHANCEFORD TOWNSHIP" AS ENACTED ON JANUARY 4, 2016 AND AMENDED ON APRIL 5, 2016 and OCTOBER 2, 2018.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania as follows:

1. Section 10(E) of the Building Permit Ordinance of Lower Chanceford Township is hereby amended to delete the first sentence thereof and to substitute therefor the following:

"In addition to the above, the owner shall pay all costs incurred by the township in the review of any application or proposed application by the township engineer and/or by the township solicitor, including but not limited to costs incurred in the review of the design of storm drainage facilities required by Section 4(A) of this ordinance, as well as all other reviews necessary to insure compliance with requirements of this ordinance and the Township Zoning Ordinance."

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania on the 7<sup>th</sup> day of November, 2018.

ATTEST:

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

William M. Wiley  
Secretary

By: David Glenn  
David Glenn, Chairman

**AN ORDINANCE TO AMEND THE "BUILDING PERMIT ORDINANCE OF LOWER CHANCEFORD TOWNSHIP" AS ENACTED ON JANUARY 4, 2016 AND AMENDED ON APRIL 5, 2016.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania as follows:

1. Section 1(B) of the Building Permit Ordinance of Lower Chanceford Township is hereby amended to delete the same in its entirety and substitute therefor the following:

"B. It shall be unlawful for any firm, person, association or corporation to occupy or use any building or structure for which a permit was required to construct, erect, move, place or enlarge without first securing a Certificate of Use and Occupancy pursuant to Section 7 of this ordinance and Section 405 of the township Zoning Ordinance. It shall be unlawful for any firm, person, association or corporation to occupy or use any building or structure with a footprint of more than sixty (60) square feet without first securing a Certificate of Use and Occupancy irrespective of whether a permit was required by Section A of this ordinance to construct, erect, move, place or enlarge such building or structure.

2. Section 6(A) of the Building Permit Ordinance of Lower Chanceford Township is hereby amended to delete the same in its entirety and substitute therefor the following:

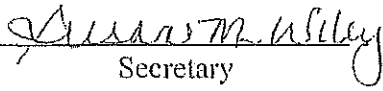
"A. Zoning Officer Review-prior to issuance of any permit, the Zoning Officer shall review the application. If the specifications set forth by the applicant in his application for a building permit are in conformity with the provisions of this ordinance and all applicable statutes and all necessary permits required by Federal and State laws have been obtained, the Zoning Officer shall issue a permit to the owner of the property where the proposed construction is to occur. The Zoning Officer shall take action on all applications and render a decision thereon either approving or disapproving the same within fifteen (15) days after the application is filed. An application shall not be considered filed unless it is signed by the owner of the property where the proposed construction is to occur or such owner's duly authorized agent and all fees required by Section 10 of this ordinance have been paid. If the application is rejected, the Zoning Officer shall set forth in writing the reasons for such rejection, which shall be sent to the permit applicant at the address of such owner as set forth in the application.

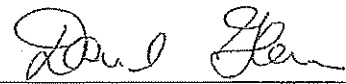
If no decision is rendered on the application within fifteen (15) days, the application shall be deemed to be approved and the permit shall be deemed to have been granted immediately unless the applicant has agreed in writing to an extension of time.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania on the 2 day of October, 2018.

ATTEST:

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

By:   
David Glenn, Chairman

**AN ORDINANCE TO AMEND THE "BUILDING PERMIT ORDINANCE OF LOWER CHANCEFORD TOWNSHIP" AS ENACTED ON JANUARY 4, 2016.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania as follows:

1. Section 3(N)(4)(a) of the Building Permit Ordinance Lower Chanceford Township is hereby amended to delete the word "flooding" and to substitute therefor the word "floodway".
2. Section 8 of the Building Permit Ordinance of Lower Chanceford Township is hereby amended to delete the heading and section A thereof and to substitute therefor the following:

SECTION 8. Floodplain Areas - The legislature of the Commonwealth of Pennsylvania has, by passage of the Pennsylvania Flood Plain Management Act of 1978, designated the responsibility to local government units to adopt floodplain management regulations to promote the public health, safety and the general welfare of its citizenry. Therefore, the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania does hereby adopt the following provisions as they relate to identified "Floodplain Areas" which shall be defined to include any areas of Lower Chanceford Township classified as special flood hazard areas (SFHS) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMS) dated December 16, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as a part of the Flood Insurance Study. The above referenced FIS and FIRMS and any subsequent revisions and amendments are hereby adopted by Lower Chanceford Township and declared to be a part of this ordinance.

The intent of these ordinance provisions is to:

1. Promote the general health, welfare and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
5. Comply with federal and state floodplain management requirements.

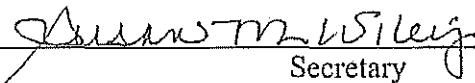
3. Section 8(H)(1)(f) of the Building Permit Ordinance of Lower Chanceford Township is hereby amended to delete the same in its entirety and to substitute therefor the following:

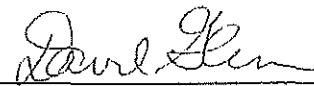
- I. Abrogation and Greater Restriction clause - The provisions of this ordinance supersede any conflicting provisions of any other ordinances which may be applicable to existing floodplain areas. However, the provisions of any other ordinances shall remain in full force and effect to the extent that those provisions are more restrictive than those of this ordinance. If there is any conflict between and of the provisions of this ordinance, the more restrictive shall apply.

ENACTED AND ORDAINED this 5 day of April, 2016, by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania.

ATTEST:

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

By:   
Chairman

**AN ORDINANCE REGULATING THE ERECTION, MOVING, PLACEMENT, CONSTRUCTION AND ENLARGEMENT OF BUILDINGS AND STRUCTURES IN LOWER CHANCEFORD TOWNSHIP, YORK COUNTY, PENNSYLVANIA, TO BE CITED AS THE "BUILDING PERMIT ORDINANCE OF LOWER CHANCEFORD TOWNSHIP".**

The following ordinance regulating the erection, moving, placement, construction and enlargement of buildings, structures and other development in Lower Chanceford Township, York County, Pennsylvania, to be cited as the "Building Permit Ordinance of Lower Chanceford Township" is hereby ordained and enacted by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania.

**SECTION 1. Requirement**

- A. It shall be unlawful for any firm, person, association or corporation to cause or permit any building or structure with a value in excess of one thousand (\$1,000.00) dollars (including materials, labor, foundation, etc.) to be erected, moved, placed, constructed or enlarged within Lower Chanceford Township, or development as hereinafter defined to occur within the flood-prone area of Lower Chanceford Township, unless a permit to do so shall first be secured as provided herein and unless such erection, movement, construction, placement, enlargement or development is done in strict accordance with the provisions of this ordinance, with the application submitted pursuant to Section 3 of this ordinance and with the permit issued pursuant to this ordinance. The "value" of various structures shall be established in accordance with a schedule of values attached hereto as Exhibit "A" for structures identified in such schedule. The value of other structures shall be based upon reasonable cost.

Irrespective of other provisions of this section with respect to a movable agricultural building or structure on account of which a permit was issued to place it at its original location, such building or structure may be moved to a different location without a new permit provided the new location is in conformance with all setback and other requirements established by the township zoning ordinance, is in accordance with all of the provisions of the township subdivision and land development ordinance, and with all other applicable township ordinances and any applicable federal or state laws.

- B. It shall be unlawful for any firm, person, association or corporation to occupy or use any building or structure for which a permit was required to construct, erect, move, place or enlarge without first securing a Certificate of use and Occupancy pursuant to Section 7 of this ordinance and Section 405 of the Township Zoning Ordinance.
- C. It shall be unlawful for any firm, person, association, or corporation to dig, construct, erect, or place a swimming pool designed to contain water or other liquid substance, which liquid substance will when filled be eighteen (18) inches or more in depth and more than twelve (12) feet from side to side at its longest measurement, unless a permit to do so shall first be secured as provided herein, and such swimming pool is dug, constructed, erected, or placed in strict accordance with the provisions of this ordinance, with the application submitted pursuant to Section 3 of this ordinance, and with the permit issued pursuant to this ordinance. The location of such swimming pool must be in compliance with the requirements set forth in the Township zoning

ordinance.

- D. It shall be unlawful to make any encroachment, alteration or improvement of any kind to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

SECTION 2. Definitions - Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application.

- A. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one percent (1%) annual chance flood).
- C. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- D. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zone AE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- E. Basement - any area of a building which is below ground level on all sides.
- F. Building - a combination of materials to form a structure that is safe and stable and adapted to permanent or continuous use or occupancy for public, residence, business, agriculture, manufacturing or storage purposes. This definition shall include all manufactured homes and trailers to be used for human habitation or storage.
- G. Development - any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations; storage of equipment or materials; and the subdivision of land.
- H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain



management regulations adopted by a community.

- I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final sit grading or the pouring of concrete pads).
- J. Flood - a temporary inundation of normally dry land areas.
- K. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- L. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.
- M. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- N. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- O. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- P. Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- Q. Historic Structure - any structure that is:
  - 1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or
  - b. directly by the Secretary of the Interior in states without approved programs.
- R. Identified Floodplain Area - this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.
- S. Land Development - any of the following activities:
  1. the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
    - a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
    - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  2. a subdivision of land.
- T. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- U. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- V. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- W. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
- X. New construction - structures for which the start of construction commenced on or after January 1, 2016 and includes any subsequent improvements to such structures. Any construction started after February 15, 1980 and before January 1, 2016 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- Y. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- Z. Owner - the person, persons, partnership, corporation or other entity owning the land on which any construction is proposed to occur.
- AA. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- BB. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 16, 2015, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- CC. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated December 16, 2015, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- DD. Recreational Vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- EE. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one half (1-1/2) feet.
- FF. Repetitive Loss - flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damages occurred.
- GG. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AE or A99.
- HH. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Office. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and walkways, nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- II. Structure - a combination of any materials which are erected on the ground or attached to the ground or under it and shall include, but not be limited to, houses, buildings, stadiums, observation or radio towers, sheds, coal yards, swimming pools, trailers, mobile homes, and all other buildings or units designed and/or utilized as residences, part or full-time, for human beings. This term includes any man-made object having an ascertainable stationary location over or in land or water whether or not affixed to land.
- JJ. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- KK. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed

fifty (50%) percent or more of the market value of the structure before the damage occurred.

- LL. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- MM. Swimming pool - a body of water in an artificial or semi-artificial receptacle or other container eighteen (18) inches or more in depth, used or intended to be used for public, semi-public or private swimming by adults or children.
- NN. Uniform Construction Code (UCC) - the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- OO. Variance - a grant of relief by the township from the terms of a floodplain management regulation.
- PP. Violation - means any failure to comply with any of the provisions of this ordinance.

SECTION 3. Application Requirements - all applications for building permits shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer and shall be filed with the Zoning Officer who shall be responsible for the administration of all provisions of this ordinance and shall also act as Floodplain Administrator with respect to all floodplain provisions. The Zoning Officer may request and receive assistance from the township Solicitor, the township Engineer or other persons or entities, if authorized by the Board of Supervisors. The application shall include:

- A. The name and address of the applicant.
- B. The name and address of the owner of land on which proposed construction is to occur.
- C. The name and address of the contractor, if known.
- D. A general description of the proposed work, its location, including address and

estimated cost, and the existing use and occupancy of all parts of all buildings and structures located on the parcel. If any work is proposed to occur in any floodplain area, a description of such work and estimated cost and the market value of the building before the flood damage occurred shall be provided.

- E. A drawing showing the dimensions of the lot to be built upon, the size and location of all buildings or structures existing thereon, the location of all wells and sewage disposal systems located thereon and the size and location of all buildings or structures proposed to be erected, moved, placed, constructed or enlarged.
- F. Three (3) copies of building specifications and plan, if applicable.
- G. The number, location and design of parking and loading spaces.
- H. All other applicable plans and data required by the Subdivision and Land Development Ordinance.
- I. The building permit application fee.
- J. Engineering details in the event construction is proposed to occur in a flood plain area and any other information deemed necessary and specifically required by the Zoning Officer.
- K. A breakout of the flood related cost and the market value of the building before the flood damage occurred, if applicable.
- L. An erosion and sediment control plan which has been approved by the York County Soil Conservation District if more than one (1) acre of ground surface area is to be disturbed.
- M. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
  - 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - 3. adequate drainage is provided so as to reduce exposure to flood hazards;
  - 4. structures will be anchored to prevent floatation, collapse or lateral movement;
  - 5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used;
  7. electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities have been designed and located to prevent water entry or accumulation;
- N. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
1. a completed Building Permit Application Form; and
  2. a plan of the entire site, clearly and legibly drawn to a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - (a) north arrow, scale, and date;
    - (b) topographic contour lines, if available;
    - (c) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - (d) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
    - (e) the location of all existing streets, drives, and other access ways; and
    - (f) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  3. plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (a) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - (b) the elevation of the base flood;
    - (c) supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC;
    - (d) detailed information concerning any proposed floodproofing measures and corresponding elevations; and
    - (e) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated

with a base flood, and Floodway Area (see section 8(1)(a) )when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

4. the following data and documentation:

- (a) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any AE Area without flooding, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
- (b) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- (c) detailed information needed to determine compliance with Section 8(F)(3)(f), Storage, and Section 8(F)(5), Development Which May Endanger Human Life, including:
  - (1) the amount, location and purpose of any materials or substances referred to in Sections 8(F)(3)(f) and 8(F)(5) which are intended to be used, produced, stored or otherwise maintained on site.
  - (2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 8(F)(5) during a base flood.
- (d) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (e) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

SECTION 4. Requirements of Permit - no building permit shall be issued unless sufficient information is provided to enable the Zoning Officer to determine that:

- A. Proper surface draining of the land is provided. If the permit is to construct a building or structure pursuant to an approved subdivision or land development plan showing stormwater management facilities, the Zoning Officer must ensure that the stormwater management facilities proposed by such subdivision or land development plan are in



fact installed. If proposed stormwater management facilities are not shown on an approved subdivision or land development plan, the applicant must prepare such stormwater management plans and install such facilities as are necessary to achieve compliance with the "Lower Chanceford Township Stormwater Management Ordinance".

- B. The proposed construction, erection, moving, placement or enlargement will conform to proper line and grade of street.
- C. A permit has been issued pursuant to the provisions of the Township "Sewage Permit Ordinance", and that all other provisions of the Sewage Permit Ordinance, the "Pennsylvania Sewage Facilities Act" of January 24, 1966, P.L. 1535, as amended, and any regulations adopted thereunder have been complied with if the application is to construct or place a dwelling or other structure for which a permit is required pursuant to the "Pennsylvania Sewage Facilities Act" of January 24, 1966, P.L. 1535, as amended, the regulations adopted thereunder or by the Township "Sewage Permit Ordinance".
- D. The proposed building or structure and/or sewage disposal system will conform to all setback and other requirements established by the Township "Zoning Ordinance" and shall be in accordance with all provisions of the Township "Zoning Ordinance", the Township "Subdivision and Land Development Ordinance" and all other applicable Township ordinances and any applicable federal and state laws.
- E. A permit has been obtained pursuant to the provisions of the "Lower Chanceford Township Driveway Ordinance" if the application is to construct or place a dwelling or commercial establishment and the twenty-five (25) feet most proximate to the improved portion of the Township street or road has been improved in accordance with the requirements of Section V(A) of the "Lower Chanceford Township Driveway Ordinance".
- F. A highway occupancy permit has been obtained from the Pennsylvania Department of Transportation if the application is to construct or place a building or structure which will require access to a road or street under the jurisdiction of the Pennsylvania Department of Transportation.

SECTION 5. Violation of Other Ordinances - no permit shall be issued to construct, erect, move, enlarge or place any building or structure upon a tract of ground if that tract of ground was conveyed to applicant in violation of the Township Subdivision or Zoning Ordinances, if a portion of the original tract has been conveyed by the applicant in violation of the Township Subdivision or Zoning Ordinances or if there is, with respect to the tract of ground on which the applicant proposes to erect, construct, move, enlarge or place any building or structure, any other violation of the Township Subdivision or Zoning Ordinances.

#### SECTION 6. Permit Procedures:

- A. Zoning Officer Review - prior to issuance of any permit, the Zoning Officer shall review the application. If the specifications set forth by the applicant in his application

for a building permit are in conformity with the provisions of this ordinance and all other applicable statutes, and all necessary permits required by Federal and State laws have been obtained, the Zoning Officer shall issue a permit to the owner of the property where the proposed construction is to occur. The Zoning Officer shall take action on all applications and render a decision thereon either approving or disapproving the same within ninety (90) days after the application is filed. Any rejection shall set forth in addition to the reasons for such rejection, the manner in which the application can be corrected and/or modified in order to obtain approval.

If no decision is rendered on the application within ninety (90) days, the application shall be deemed to be approved and the permit shall be deemed to have been granted immediately, unless the applicant has agreed in writing to an extension of time.

- B. After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- C. Life of a Permit - any construction requiring a building permit under this Article shall be completed within twelve (12) months from date of issuance of a permit. However, the right to proceed with construction may be extended for not more than two additional nine (9) month periods with payment of a renewal fee of thirty-five (\$35.00) dollars for each such extension, provided the construction or change pursuant to said permit has commenced within nine (9) months following the date of issuance of the permit. If construction has not commenced within the nine (9) month period, the applicant must reapply for a building permit, pay a new application fee, and meet any additional requirements of township ordinances enacted in the intervening period.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets

If construction has not been completed within the initial twelve (12) month period and the two (2) nine (9) month extensions, the permit may not be renewed without specific approval by the Township Board of Supervisors and the payment of a one thousand (\$1,000.00) dollar application fee by the applicant. In the event the applicant should not seek a permit renewal, or in the event an application for permit renewal should be refused, the applicant shall cause all buildings or structures which have not been completed to be removed from the property within sixty (60) days of permit expiration and, in addition, shall within such sixty (60) day period remove any fully constructed accessory buildings if a permit to construct, erect, move, place or enlarge such building was issued simultaneously with or after issuance of the permit to construct, erect, move, place or enlarge the principal building.

- D. Posting of Permit - upon notification to the Zoning Officer of the commencement of work, the applicant shall also post in a conspicuous spot a copy of the placard issued by the Zoning Officer at the time of permit approval. Such posting shall signify that the site is open to the Zoning Officer for his inspection during the entire construction period and such permit shall remain posted until the completion of the final inspection by the Zoning Officer pursuant to granting a Certificate of Use and Occupancy.
- E. Inspection and Revocation - the township shall cause such on site inspections to be made as are reasonably necessary to determine compliance with the terms of all applicable township ordinances and with the statements and plans submitted by the applicant with the building permit application. In the discharge of his or her duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development at any reasonable hour to enforce the provisions of this ordinance.
1. Inspections not requiring technical expertise shall be made by the Township Zoning Officer. Inspections of improvements shown on any subdivision or land development plan approved consistent with the provisions of the Township Subdivision and Land Development Ordinance requiring technical expertise shall be made by the Township engineer. One of the following procedures shall be followed with respect to inspections requiring expertise but which are not shown on any subdivision or land development plan.
    - (a) The Township engineer may cause necessary inspections to be made and certify to the Township that the facilities proposed by the applicant have been completed in accordance with all applicable Township ordinances and with the statements and plans submitted by the applicant with the building permit application; or
    - (b) The applicant may, with respect to any facilities designed by a professional engineer, cause that professional engineer to certify to the Township engineer and to the Township that he has inspected the construction of all elements of the facilities designed by him as shown on the plan which he has prepared and that such facilities have been completed in accordance with all applicable Township ordinances and with the statements and plans submitted by the applicant with the building permit application.
  2. If any engineer doing the inspections of any of the facilities finds the existence of any violation or failure to comply with any provisions of any Township ordinance or with statements or plans submitted with the building permit application, such engineer shall promptly report such violation or failure to achieve compliance to the Township Zoning Officer.
  3. In the event the Township Zoning Officer finds any instances of violation or non compliance or any violation or non compliance has been reported to him, he may either:
    - (a) order construction to cease and desist until corrective action is taken

and inspection is made by the Zoning Officer to determine if the corrective action is satisfactory. Any verbal orders by the Zoning Officer shall be followed promptly by written orders signed by the Zoning Officer.

- (b) if the applicant fails to comply with orders issued by the Zoning Officer pursuant to subsection (a), or the Zoning Officer determines that there has been a false statement or misrepresentation by the applicant, the Zoning Officer shall revoke the permit and report such revocation to the Board of Supervisors.
- 4. If the applicant fails to comply with the orders issued pursuant to subsections 1 or 2 or the Zoning Officer determines that there has been a false statement or misrepresentation by the applicant, the Zoning Officer shall revoke the permit and report such revocation to the Board of Supervisors.
- 5. All costs of inspection shall be paid promptly by the applicant upon being billed therefor. No certificate of use and occupancy shall be issued until all inspection costs have been paid.
- F. The Zoning Officer shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- G. The Zoning Officer is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- H. The responsibility, authority and means to implement the commitments of the Zoning Officer can be delegated by the Zoning Office with the approval of the Board of Supervisors. However, the ultimate responsibility lies with the Zoning Officer.
- I. The Zoning Officer shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof when applicable.

SECTION 7. Completion of Construction - upon completion of the construction, erection, placement, enlargement or moving authorized by the building permit, the applicant must notify the Zoning Officer and apply for a Certificate of Use and Occupancy. No structure shall be used or occupied until a Certificate of Use and Occupancy is issued pursuant to this section and section 405 of the Township Zoning Ordinance. The Zoning officer shall inspect the property. He shall issue a Certificate of Use and Occupancy only after finding:

- A. that if the application is to use the structure as a dwelling or for another purpose for which a sewage permit is required pursuant to the provisions of the Township "Sewage Permit Ordinance", an operating sewage disposal system meeting the requirements of the sewage permit has been installed and is properly functioning;
- B. that all conditions of the building permit have been complied with;

- C. that all storm water management facilities required by Section 4(A) of this ordinance have been installed.
- D. that in the event access to the structure is provided by a driveway leading from a road maintained by the Township, such driveway has been installed and all requirements of the Township "Driveway Ordinance" have been complied with;
- E. that in the event access to the structure is to be provided by a driveway leading from a road not maintained by the Township, such driveway has been installed and the driveway as installed will not interfere with proper surface drainage, will not divert surface water from the gutter at the edge of the road onto the travelable surface of the road and will not cause such additional water to flow from the lot onto the road so as to damage the road;
- F. that all requirements of the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance and all other relevant Township ordinances have been complied with;
- G. that all damage occurring to any public or private road as a result of the construction activity has been repaired and such public or private road has been restored to as good a condition as prior to the commencement of construction activity;
- H. that any earth exposed by reason of such construction activity has been stabilized or, in the alternative, adequate measures have been taken to ensure such stabilization, which measures may include the posting of a cash bond to enable the Township to take such measures if the applicant fails to achieve the required stabilization in a timely manner. Stabilization shall at a minimum require that the site be seeded, mulched or otherwise protected from accelerated erosion; and
- I. that if the application is to use the structure as a dwelling or if the structure has a foot print greater than five thousand (5,000) square feet and is in a subdivision or land development having a storm water management plan, a Registered Surveyor or Engineer has provided to the Township verification that the established final grading
  - 1. will divert storm water away from the dwelling or other structure;
  - 2. that the storm water management plan for the lot will function as designed;
  - 3. that storm water will flow to the intended storm water management facility - pit, inlet, basin, etc; and
  - 4. that the actual final grades are the grades shown on the plan as designed final grades or are preconstruction grades if the plan did not show grade changes.

The above requirement may be waived by the Township Board of Supervisors if it determines that it is apparent from visual inspection that the results required by this section have been achieved.

SECTION 8. Floodplain Areas - The following special regulations for floodplain areas shall apply:

- A. The identified Floodplain Area shall be any areas of Lower Chanceford Township classified as Special Flood Hazard Areas (FSHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated December 16, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as a part of the flood insurance study. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Lower Chanceford Township and declared to be a part of this ordinance.
- B. The identified Floodplain Area shall consist of the following specific areas:
  - 1. FW (Floodway Area) - The floodway area shall be those identified in the FIS and the FIRM as "Floodway" and which represent the channel of a water course and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include Floodway Areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS and FIRM.
    - a. Within any Floodway Area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
    - b. Within any Floodway Area, no new construction or development shall be allowed unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  - 2. AE - The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided. The AE Area adjacent to the Floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
  - 3. A - The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available the base flood elevation shall be determined by using the elevation of a point on the

boundary of the identified Floodplain Area which is nearest the construction site.

In lieu of the above, the township may require the applicant to determine the elevations with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the township.

- C. The identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practical but not later than six (6) months after the date such information becomes available, the township shall notify FEMA of the changes in the Special Hazard Area by submitting technical or scientific data. See Section 8(G)(2) for situations where FEMA notification is required.
- D. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the township engineer and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.
- E. Prior to development occurring in any areas where annexation or other corporate boundary changes are proposed or have occurred, the township shall review Flood Hazard data affecting the land subject to boundary changes. The township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 4460.3.
- F. WARNING - The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This ordinance does not imply that any areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

- G. Technical Provisions - Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this ordinance and other applicable codes, ordinances and regulations.

1. General

a. Alteration or Relocation of Watercourse

- (1) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the township, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
- (2) No encroachment, alteration or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

2. When the township proposes to permit the following encroachments:

- a. Any development that causes a rise in the base flood elevations within the Floodway; or
- b. Any development occurring in zones A or AE without a designated Floodway, which will cause a rise of more than one (1) foot in the base flood elevation; or
- c. Alteration or relocation of a stream within the Floodway.

The applicant shall (as per 44 CFR, Part 65.12):

- a. Apply to FEMA for conditional approval of such action prior to permitting the encroachment to occur;
- b. Upon receipt of the administrator's conditional approval of the map change and prior to approving proposed encroachment the township shall provide evidence to FEMA of the adoption of floodplain management ordinance amendments incorporating the increased base flood elevation and/or revised floodway reflecting the post project condition;
- c. Upon completion of the proposed encroachment, the township shall provide as billed certifications. FEMA will initiate a final map provision upon receipt of such certifications in accordance with 44 CFR, Part 67.



3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this ordinance and any other applicable codes, ordinances and regulations.
4. Elevation and Floodproofing Requirements:
  - a. Residential Structures
    - (1) In the AE zone any new construction or substantial improvements shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
    - (2) In the A zone where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvements shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 8(B)(3) of this ordinance.
    - (3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revision thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
  - b. Non-Residential Structures
    - (1) In the AE Zone any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
      - (i) Is floodproofed so the structure is watertight with walls substantially impermeable to the passage of water; and,
      - (ii) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - (2) In the A Zone where there are no Base Flood Elevations specified on the FIRM any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 8(B)(3) of this ordinance.

- (3) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U. S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- (4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and the 2009 International Residential Code (IRC) or the most recent revisions thereof, and ASCE 24 and 34 PA Code, (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

c. Space below the lowest floor

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum:
  - (a) A minimum of two (2) openings having a total space of not less than one (1) square inch for every square foot of enclosed space;
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade;
  - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exist of flood waters.

d. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must

comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause the removal of the structure from the National Registration of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

e. Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity;
- (2) Floor area shall not exceed two hundred (200) square feet;
- (3) The structure will have a low damage potential;
- (4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters;
- (5) Power lines, wiring and outlets will be elevated to the regulatory flood elevations;
- (6) Permanently affixed utility equipment appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;
- (7) Sanitary facilities are prohibited;
- (8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) The minimum of two (2) openings having a net total of not less than one (1) square inch for every square foot of enclosed space;
  - (b) The bottom of all openings shall be no higher than one

(1) foot above grade;

- (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exist of flood waters.

5. Design and Construction Standards - The following minimum standards shall apply for all construction development proposed in any identified Floodplain Area.

a. Fill - If fill is used it shall:

- (1) Extend laterally at least fifteen (15) feet beyond the building lines from all points;
- (2) Consist of soil or small rock materials only. Sanitary landfill shall not be permitted;
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- (4) Be no steeper than one (1) vertical to two (2) horizontal feet and with substantial data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- (5) Be used to the extent to which it does not affect adjacent properties.

b. Drainage Facilities - Storm drainage facilities shall be of a design to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

c. Water and Sanitary Sewer Facilities and Systems -

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) No part of any onsite waste disposal system shall be located within any identified floodplain area except in

strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

- (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting, Building, Utilities from Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
- d. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- e. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
- f. Storage - All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, not listed in Section 8(F)(6), "Development Which May Endanger Human Life" shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- g. Placement of Buildings and Structures - All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum affect upon the flow and height of flood water.
- h. Anchoring -
  - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- i. Floors, walls and ceilings -
  - (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.
  - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water resistant" and will withstand inundation.
  - (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water resistant" material.
- j. Paints and adhesives -
  - (1) Paints or other finishes used at or below the regulatory flood elevation shall be of "marine" or "water resistant" quality.
  - (2) Adhesive use at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.
  - (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water resistant" paint or other finishing material.
- k. Electrical components -
  - (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- l. Equipment - Water heaters, furnaces, air conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- m. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into the flood waters. Additional provisions shall be made for the drainage of those systems in the event the flood water infiltration occurs.
- n. Uniform Construction Code Coordination - The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this

Ordinance to the extent that they are more restrictive and supplement the requirements of this Ordinance.

International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

6. Development Which May Endanger Human Life

a. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act any new or substantially improved structure which:

- (1) will be used for the production or storage of any of the following dangerous materials or substances; or
- (2) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- (3) will involve the production, storage, or use of any amount of radioactive substance

shall not be located in any floodplain area. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium

16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

b. Within any floodplain area, the following shall be prohibited:

- (1) Any structure of the kind described in subsection "a" above;
- (2) The commencement of any of the following activities, or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:
  - (a) hospitals
  - (b) nursing homes
  - (c) jails or prisons
- (3) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

7. Special Regulations for Subdivisions and Development - All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the least, in identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrogeologic and hydraulic engineering analysis that determine base flood elevations and Floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

8. Special Requirements for Manufactured Homes -

- a. Within any identified FW (Floodway Area), manufactured homes shall be prohibited.
- b. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto shall be:
  - (1) placed on a permanent foundation;
  - (2) elevated so that the lowest floor of the manufactured



home is at least one and one-half (1-1/2) feet above base flood elevation;

(3) anchored to resist flotation, collapse, or lateral movement;

c. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instruction as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U. S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing", 1984 Edition, draft or latest revision thereof and 34 PA Code, Chapters 402-405 shall apply.

d. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the proposed unit installation.

9. Special Requirements for Recreational Vehicles -

a. Recreational vehicles in Zones A and AE must either:

(1) be on the site for fewer than one hundred eighty (180) consecutive days, and

(2) be fully licensed and ready for highway use, or

(3) meet the permit requirements for manufactured homes in Section 8(G)(8).

H. Existing Structures in Identified Floodplain Areas - The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when improvement is made to any existing structure the provisions of this section shall apply:

1. The following provisions shall apply whenever any improvement is made to an existing structure located within an identified floodplain area:

a. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in BFE.

b. No expansion or enlargement of an existing structure shall be allowed within any AE area without floodway that would, together with all

other existing and anticipated development increase the BFE by more than one (1) foot at any point.

- c. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) per cent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- d. The above activity shall also address the requirements of 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- e. Within any floodway area (see Section 8(B)(1)) no new construction or development shall be located within the area measured fifty (50) feet landward from the top bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- f. The provisions of this Ordinance supercede any conflicting provisions of any other ordinances which may be applicable to existing floodplain areas. However, the provisions of any other ordinances shall remain in full force and effect to the extent that those provisions are more restrictive than those of this Ordinance. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

#### SECTION 9. Construction Procedures

- A. When any portion of any public or private road is used under any permit, it will be the responsibility of the permittee to ensure that a sufficient number of red lanterns are conspicuously placed on said public or private road every night from dark to sunrise to render the said public or private road safe.
- B. The permittee shall throughout the construction process ensure that any damage occurring to any public or private road as a result of the construction activity and/or of moving equipment or supplies over such public or private road is repaired and such public or private road is restored to as good a condition as before such damage within twenty-four (24) hours following the occurrence of such damage.
- C. The permittee must ensure that at all times adequate measures are taken to prevent any erosion from the construction site in compliance with Phase II of Federal Requirements.

#### SECTION 10. Permit Fees

- A. For a permit for the erection, construction, enlargement, movement or placement of a building or structure, the fee shall be based upon the value of the structure or building to be constructed, erected, enlarged, moved or placed (including materials, labor, foundation, etc.):

From \$1,000 to \$10,000, permit fees shall be \$50.00;  
 From \$10,000 to \$15,000, permit fees shall be \$60.00;  
 From \$15,000 to \$20,000, permit fees shall be \$65.00;  
 From \$20,000 to \$30,000, permit fees shall be \$75.00;  
 From \$30,000 to \$50,000, permit fees shall be \$90.00;  
 From \$50,000 to \$75,000, permit fees shall be \$135.00;  
 From \$75,000 to \$100,000, permit fees shall be \$200.00;  
 From \$100,000 to \$125,000, permit fees shall be \$250.00;  
 From \$125,000 to \$150,000, permit fees shall be \$300.00;  
 From \$150,000 to \$175,000, permit fees shall be \$350.00;  
 From \$175,000 to \$200,000, permit fees shall be \$400.00;  
 An increase of \$50.00 on each \$25,000 thereafter.

- B. In the case of a permit for the removal of a building or structure from one lot to another, the fee shall be charged according to the rate schedule based on estimated value of new construction of a building or structure in its completed condition after removal.
- C. Irrespective of the provisions of said paragraph (A) hereof, the fee for the erection, construction, enlargement, movement, or placement of a building or structure for agricultural use on a farm shall be twenty-five (\$25.00) dollars.
- D. For a Certificate of Use and Occupancy - Fifty (\$50.00) dollars plus twenty-five (\$25.00) dollars for each inspection in addition to the initial inspection.
- E. In addition to the above, the owner shall pay all costs incurred in the review of the design of storm drainage facilities required by Section 4(A) of this Ordinance as well as the cost of all other reviews which may be required by this ordinance or by the Zoning Ordinance. In order to insure payment of engineering review fees, the Township may require an escrow in an amount established by the Township Engineer. In addition, prior to issuance of a use certificate, the applicant shall pay the cost of inspecting storm water and other facilities once constructed. In connection with such inspections, the charge shall be twenty-five (\$25.00) dollars for each inspection by the Township Zoning Officer and the reasonable cost of each inspection by the Township Engineer.
- F. In the event erection, construction, enlargement, movement or placement of a building or structure shall have begun prior to the issuance of a permit, or in the event a building or structure shall have been occupied prior to the issuance of a Certificate of Use and Occupancy, there shall be paid in addition to the fees set forth above a late charge of one hundred (\$100.00) dollars, excepting that in the case of a dwelling which is occupied or used prior to the issuance of a Certificate of Use and Occupancy, the late charge shall be five hundred (\$500.00) dollars plus an additional late charge of twenty-five (\$25.00) dollars for each day of use and occupancy in addition to the first day. The "late charge" or "late charges" imposed by this paragraph shall not be in lieu of the penalties provided by Section 11 of this Ordinance.
- G. In the event any check paying the fees set forth in this section is dishonored upon

deposit thereof, any permit or certificate issued for which such check was part or full payment shall be void and shall not be reinstated until the Township has received payment in full of all sums represented by such check plus an additional administrative charge of thirty-five (\$35.00) dollars.

SECTION 11. Penalties - Any person, firm, association or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before a District Magistrate, be subject to a penalty in the amount of one thousand dollars (\$1,000.00) for each and every offense. Each and every day that erection, construction, enlargement, movement, placement or development continues, or that the building or structure remains erected, constructed, enlarged, moved or placed without first securing a building permit, or that a building or structure is used or occupied without first securing a Certificate of Use and Occupancy, or there is otherwise any violation of any of the provisions of this Ordinance, shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

SECTION 12. Previous Violations - No person, firm, association or corporation which has been in violation of any of the provisions of this Ordinance shall be subsequently issued a permit to erect, move, enlarge, construct or place any building or structure of any kind until the previous violation has been cured. For purposes of the interpretation of this section the person, firm, association or corporation applying for a permit, hereinafter referred to as "applicant", shall be considered the identical person, firm, association or corporation as the one in violation, hereinafter referred to as "violation", if at least twenty percent (20%) of the ownership equity in both the applicant and the violator can be attributed to the same person, firm, association or corporation. For purposes of this section, a person, firm, association or corporation shall have attributed to him:

- A. All of the equity, stock or partnership share owned by a corporation in which he and his spouse own at least fifty (50%) percent of all of the outstanding voting stock;
- B. With respect to a corporation in which he and his spouse own less than fifty percent (50%) of the outstanding voting stock, the same percentage of the ownership equity, stock, or partnership share that the voting stock owned by him and his spouse bears to the entire outstanding voting stock of the corporation;
- C. All of the equity, as tenants in common, joint tenants, or tenants by the entirety, owned by him and his spouse;
- D. All of the equity owned by a partnership in which the value of the partnership shares owned by him and his spouse is at least fifty percent (50%) of the value of all of the partnership shares; or
- E. With respect to a partnership in which the value of the partnership shares owned by him and his spouse is less than fifty percent (50%) of all the partnership shares, the same percentage of ownership equity which the value of the partnership's shares owned by him and his spouse to the value of all the partnership shares.

For purposes of this section, "he" shall be interpreted to refer to the masculine,

feminine and the neuter.

SECTION 13. Burden of Proof - It shall be the burden of the applicant to prove that the applicant is not the same person, firm, association or corporation as the violator.

SECTION 14. Variances - If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements of this Ordinance.

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 15 and the following:

- A. No variance shall be granted within any identified floodplain area that would cause any increase in BFE. In A districts BFEs are determined using the methodology set forth in Section 8(B)(3) of this Ordinance.
- B. Except for possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining to developments which may endanger human life (Section 8(G)(6))
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township shall attached whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - 1. the granting of the variance may result in increased premium rates for flood insurance.
  - 2. such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
  - 1. that there is good and sufficient cause.
  - 2. that failure to grant the variance would result in an exceptional hardship to the applicant.
  - 3. that the granting of the variance will
    - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary

public expense

- b. nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinance and regulations.

G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one (1) per cent annual chance flood.

No variance may be granted to permit any uses prohibited by Section 8(G)(6)

SECTION 15. Appeals - Any person aggrieved by an action or decision of the Zoning Officer concerning the administration of the provisions of this ordinance may appeal to the Zoning Hearing Board. Such appeal must be filed in writing within thirty (30) days after the decision, determination or action of the Zoning Officer. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the provisions of this ordinance and the Municipalities Planning Code. Any person aggrieved by a decision of the Zoning Hearing Board may seek relief by appeal to the York County Court of Common Pleas.

SECTION 16. The grant of a permit shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof as to the practicality or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

SECTION 17. If any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not effect the validity of the Ordinance as a whole, or any part thereof, it being the intent of the Supervisors that the remaining portions of the Ordinance shall be of full force and effect.

SECTION 18. This Ordinance shall be known and cited as the "Building Permit Ordinance of Lower Chanceford Township" and shall become effective the 6<sup>th</sup> day of

January, 2016

ENACTED AND ORDAINED this 4<sup>th</sup> day of January, 2016

by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania.

ATTEST:

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

### VALUE

House	\$ 75.00 sq. ft.
Garage	\$ 30.00 sq. ft.
Deck	\$ 15.00 sq. ft.
Shed	\$ 10.00 sq. ft.
Pavilion	\$ 5.00 sq. ft.
Roofed Porch	\$ 15.00 sq. ft.
Roofing and Enclosing Existing Deck	\$ 15.00 sq. ft.

### MOBILE HOMES

New	Cost of home
1-6 years	\$ 25.00 sq. ft.
6 & over	\$ 15.00 sq. ft.

<u>OTHER BUILDINGS</u>	\$ 30.00 sq. ft.
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The above values are guidelines which may be adjusted by the township in situations where circumstances warrant a determination that the value is either higher or lower than that set forth in the guidelines.

EXHIBIT "A"

**AN ORDINANCE TO AMEND THE LOWER CHANCEFORD TOWNSHIP  
STORMWATER MANAGEMENT ORDINANCE AS ADOPTED ON OCTOBER 7, 2014  
AND AMENDED ON APRIL 7, 2015.**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania, as follows:

1. Section 201 of the Lower Chanceford Township Stormwater Management Ordinance is hereby amended to add after the definition of "Forest Management/Timber Operations" and before the definition of "Hydraulic Soil Group (HSG)" the following:

High Tunnel - A structure which meets the following:

- (1) Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the act of December 19, 1974 (P.L. 973, No. 319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, or for the storage of agricultural equipment or supplies.
- (2) Is constructed consistent with all of the following:
  - (i) Has a metal, wood or plastic frame.
  - (ii) When covered, has a plastic, woven textile or other flexible covering.
  - (iii) Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

2. Section 302 L is hereby added to the Lower Chanceford Township Stormwater Management Ordinance as follows:

- L. A "High Tunnel" shall be exempt from all provisions of this ordinance provided
1. The high tunnel and its flooring do not result in an impervious area exceeding twenty-five (25%) per cent of the area (footprint) of all structures located on the owner's total contiguous land area; and
  2. The high tunnel meets one of the following:
    - a. The high tunnel is located at least one hundred (100) feet from any



perennial stream or watercourse, public road or neighboring property line if it is located on land with a slope greater than seven (7%) per cent.

- b. The high tunnel is located at least thirty-five (35) feet from any perennial stream or watercourse, public road or neighboring property line if located on land with a slope not greater than seven (7%) per cent.
  - c. The high tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing storm water runoff in a manner consistent with requirements of this act.
- 3. The covering is removed from the high tunnel during December, January and February of each year.
  - 4. The high tunnel does not adversely affect downstream property owners and does not erosion.

In the event the high tunnel shall be in violation of any provisions of this section, it shall be immediately removed and the owner shall be subject to penalties set forth in Section 805 of this ordinance.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania on the 3<sup>rd</sup> day of July, 2018.

ATTEST:

*James M. Wiley*  
Secretary

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

By: *David Flan*  
Chairman

**LOWER CHANCEFORD TOWNSHIP  
STORMWATER MANAGEMENT ORDINANCE**

**YORK COUNTY, PENNSYLVANIA**

**Adopted  
October 7, 2014**

**Amended  
April 7, 2015**

6.30

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## **ARTICLE I - GENERAL PROVISIONS**

### **Section 101. Short Title**

This Ordinance shall be known and may be cited as the "Lower Chanceford Township Stormwater Management Ordinance."

### **Section 102. Statement of Findings**

The governing body of Lower Chanceford Township finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtakes 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, threatens public health and safety, and increases non-point source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- C. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

### **Section 103. Purpose**

The purpose of this Ordinance is to promote health, safety, and welfare within Lower Chanceford Township and its watershed(s) by minimizing the harm and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.

- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and stream beds.
- G. Provide proper operation and maintenance of all SWM BMPs that are implemented within Lower Chanceford Township.
- H. Provide standards to meet NPDES permit requirements.

#### **Section 104. Statutory Authority**

Lower Chanceford Township is empowered to regulate land use activities that affect stormwater impacts by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Stormwater Management Act."

#### **Section 105. Applicability**

All regulated activities and all activities that may affect stormwater runoff are subject to regulation by this Ordinance.

#### **Section 106. Other Ordinance Provision**

This ordinance supercedes any other ordinance provision or regulation of Lower Chanceford Township inconsistent with any of the provisions of this Ordinance only to the extent of such inconsistency.

#### **Section 107. Severability**

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

#### **Section 108. Compatibility with Other Requirements**

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

#### **Section 109. 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 110. 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 Lower Chanceford Township purporting to validate such a violation.

#### **Section 111. Obligations of Property Owners**

Each property owner is responsible for managing stormwater runoff in a manner consistent with the provisions of this ordinance so as not to create an adverse impact on other properties or cause erosion. The requirements set forth in this Ordinance, if followed, are intended to, but not guaranteed to, enable property owners to properly manage stormwater on their property. In the event stormwater management designs and facilities are approved by the township and installed in accordance with approved design but still fail to manage stormwater flows in such manner that such flows do not adversely affect other properties or cause erosion, the property owner shall install such additional facilities or take other remedial measures as are necessary to properly manage stormwater runoff so that such runoff does not adversely affect other properties or cause erosion.

## ARTICLE II - DEFINITIONS

### Section 201. Terms Defined

As used in this Ordinance, the following terms shall have the following meanings:

**Agricultural Activity** - Activities associated with agriculture such as, but not limited to, agricultural cultivation, agricultural operations, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

**Applicant** - A landowner, developer, or other person who has filed an application to Lower Chanceford Township for approval to engage in any regulated activity at a project site in Lower Chanceford Township.

**Best Management Practice (BMP)** - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural". In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**BMP Manual** - Pennsylvania Stormwater Best Management Practices Manual, as amended and updated.

**Conservation District** - The York County Conservation District, which District is as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

**County** - York County, Pennsylvania

**Dam** - An impoundment structure regulated by the Pennsylvania DEP promulgated under 25 Pa. Code Chapter 105.

**DEP** - The Pennsylvania Department of Environmental Protection.



**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. Also see Return Period.

**Developer** - Any person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity.

**Detention Basin** - A structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.

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

**Development Site (Site)** - See Project Site.

**Disconnected Impervious Area (DIA)** - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in Appendix A. Disconnected Impervious Area of this Ordinance.

**Disturbed Area** - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

**Earth Disturbance Activity** - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

**Erosion** - The natural process by which the surface of the land is worn away by water, wind, or chemical action.

**E & S Manual** - Erosion and Sediment Pollution Control Manual, as amended and updated.

**Erosion and Sediment Control Plan** - A site specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activity.

**Existing Condition** - The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

**FEMA** - Federal Emergency Management Agency.

**Floodplain** - Any land area susceptible to inundation by water from any natural source as delineated by applicable FEMA maps and studies as being a special flood hazard area.

**Floodway** - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

**Forest Management/Timber Operations** - Planning and activities necessary for the management of forest land. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

**Hydrologic Soil Group (HSG)** - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 3, 4).

**IWRP** - The York County Integrated Water Resources Plan, which Plan includes Act 167 Plan elements and requirements

**Impervious Surface (Impervious Area)** - A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets, parking pads, driveways and/or sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. For the purposes of this Ordinance, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

**Infiltration** - The entrance of surface water into the soil, usually at the soil-air interface.

**Karst** - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst landscapes are formed on carbonate rocks, such as limestone or dolomite.

**Lower Chanceford Township** - Lower Chanceford Township, York County, Pennsylvania.

**NPDES** - National Pollution Discharge Elimination System

**NRCS** - USDA Natural Resources Conservation Service (previously SCS).

**O & M** - Operation and Maintenance

**O & M Plan** - Operation and Maintenance Plan

**PCSWMP** - Post-Construction Stormwater Management Plan

**Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.

**Percolation** - The downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

**Person** - Includes natural person, corporation, partnership and any other entity which may at any time own land or engage in Regulated Activities.

**Pervious Area** - Any area not defined as impervious.

**Project Site** - The specific area of land where any regulated activities in Lower Chanceford Township are planned, conducted, or maintained. Areas of the same tract within two hundred fifty (250) feet of the proposed impervious surface shall be considered a part of the project site excepting such areas which drain in a different direction from the proposed impervious surface shall not be considered as a part of the project site. In the event new impervious surface is proposed to be created by an owner of an easement or right-of-way, the project site shall be considered to include all areas over which the one proposing new impervious surface has an easement or right-of-way that are within two hundred fifty (250) feet of the proposed impervious surface.

**Qualified Person** - Any person licensed by the State of Pennsylvania or otherwise qualified by law to perform the work required by this Ordinance.

**Regulated Activities** - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

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

**Retention Basin** - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

**Retention Volume/Removed Runoff** - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

**Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

**Runoff** - Any part of precipitation that flows over the land.

**Sediment** - Soils or other materials transported by surface water as a product of erosion.

**Sheet Flow** - Water flow with a relatively thin and uniform depth.

**Spillway** - A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

**State Water Quality Requirements** - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

**Storm Frequency** - The number of times that a given storm event occurs on average in a stated period of years.

**Storm Sewer** - A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

**Stormwater** - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

**Stormwater Management Facility** - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration facilities.

**Stormwater Management Plan** - Parts and/or elements of the York County Integrated Water Resources Plan which incorporate the requirements of the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act."

**Stormwater Management Best Management Practices** - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.

**Stormwater Management Site Plan** - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance. For all NPDES permitted sites, the Stormwater Management Site Plan shall include, and be consistent with, the Erosion and Sediment Control Plan as submitted to the York County Conservation District (YCCD) and/or DEP.

**Subdivision** - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SWM** - Stormwater Management.

**Township** - Lower Chanceford Township

**Tract** - All contiguous land in common ownership at the date of the enactment of this ordinance. Land shall be considered contiguous even though separated by public or private roads or by utility rights-of-way, irrespective of whether the right-of-way is owned in fee or is an easement.

**USDA** - United States Department of Agriculture.

**Waters of this Commonwealth** - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**Watershed** - Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

**Wetland** - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**YCCD** - York County Conservation District

## ARTICLE III - STORMWATER MANAGEMENT STANDARDS

### Section 301. General Requirements

- A. For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 302:
  - 1. Preparation and implementation of an approved SWM Site Plan is required.
  - 2. No regulated activities shall commence until Lower Chanceford Township issues written approval of an SWM Site Plan which demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plans approved by Lower Chanceford Township, in accordance with Section 406, shall be on site throughout the installation or construction of the regulated activity.
- C. Lower Chanceford Township may, after notifying DEP and receiving a favorable response, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, State law including, but not limited to, the Clean Streams Law. Lower Chanceford Township shall maintain a record of correspondence with DEP pursuant to this paragraph. If no response is received from DEP within 45 days of notification, the township may approve such measures without DEP approval and set forth in the permit that the property owner is proceeding at his own risk.
- D. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities, i.e., during construction, to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual) 2, No. 363-2134-008 (April 15, 2000), as amended and updated.
- E. For all regulated activities, implementation of the volume controls in Section 303 is required, unless specifically exempted under Section 301.C or Section 302 or exempted by an approved modification request as specified in Section 408 of this Ordinance.
- F. Impervious areas:
  - 1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in phases.
  - 2. For development taking place in phases, the entire development plan must be used in determining conformance with this Ordinance.

- 3 For projects that add impervious area to a project site the total impervious area on the project site is subject to the requirements of this Ordinance; except that the volume controls in Section 303 and the peak rate controls of Section 304 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.
- G. All regulated activities shall be performed in such manner as to:
1. Protect health, safety, and property;
  2. Meet the water quality goals of this Ordinance, as stated in Section 103. Purpose, by implementing measures to:
    - a. Minimize disturbance to floodplains, wetlands, wooded areas, and existing vegetation.
    - b. Avoid erosive flow conditions in natural flow pathways.
    - c. Minimize thermal impacts to waters of this Commonwealth.
    - d. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
    - e. Minimize soil disturbance and compaction. If topsoil is removed from the property, it shall be replaced so that there is at least the same depth of topsoil as prior to removal; provided, however, if the depth prior to removal was less than four (4) inches, the replacement depth must be at least four (4) inches and if the depth prior to removal was greater than eight (8) inches, the replacement depth need not exceed eight (8) inches, except when the design requires greater depth.
  3. To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual).
- H. The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by Lower Chanceford Township.
- I. Infiltration BMPs shall be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance. In addition, infiltration BMPs shall include pre-treatment BMPs where appropriate.
- J. Normally dry, open-top storage facilities, designed as such, shall completely drain both the volume control and rate control capacities over a period of time not more than 96 hours from the end of the design storm. Infiltration facilities shall be designed to infiltrate in not less than 24 hours, however, any designed infiltration at such facilities is exempt from the

minimum 24-hour standard, i.e., may infiltrate in a shorter period of time, so long as none of the stormwater flowing into the infiltration facility is discharged directly into the surface waters of the Commonwealth. (Inordinately rapid infiltration rates may indicate the presence of large fractures or other conditions for which an additional soil buffer may be required.)

- K. The design storm volumes and precipitation intensities to be used in the analysis of discharge or runoff shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland, utilizing the version in effect at the time of the application.
- L. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- M. Various BMPs and their design standards are listed in the BMP Manual.

### **Section 302. Exemptions**

Any Regulated Activity that meets the following exemption criteria is exempt from the part(s) of this Ordinance as specified herein. However, the requirements of the Ordinance shall otherwise remain in effect. The criteria for exemption in this section apply to the total development proposed in the project site, including instances in which the development is proposed to take place in phases. The date of enactment of this Ordinance shall be the starting point from which future development and the respective proposed impervious surface computations shall be cumulatively considered and regulated; provided, however,

A. Regulated activities which create an impervious surface of less than or equal to two hundred fifty (250) square feet shall be exempt from the volume control, rate control and SWM site plan requirements of this Ordinance and shall not be cumulatively considered if they are at least ten (10) feet from other areas of impervious surface installed after the date of this Ordinance and they do not adversely affect downstream property owners and do not cause erosion. Areas of impervious surface created after the date of this Ordinance pursuant to the two hundred fifty (250) square feet exemption shall not be considered pre-existing in evaluating flows from proposed additional impervious surfaces utilizing all or part of the two hundred fifty (250) square feet or smaller impervious surface ie: if a two hundred fifty (250) square foot patio is installed and later it is proposed to expand it to a four hundred (400) square foot patio, management of additional stormwater flows will be based on evaluation of stormwater flows from the entire four hundred (400) square foot patio.

Exemption shall not relieve an applicant from implementing such measures as necessary to meet the intent of this Ordinance, the Township Building Permit Ordinance, or compliance with an NPDES Permit requirements.



B. New impervious surface creation shall be based on impervious surfaces being created by past and present owners on the project site. New impervious surface created by owners of easements and rights-of-way located on the project site shall not be considered in the calculation.

C. Regulated activities that create impervious areas on a project site less than or equal to five thousand (5,000) square feet (cumulative) but are not exempted by subparagraph A of this section shall be exempt from the SWM site plan preparation requirements of this ordinance, provided the tract on which the regulated activities occur on a tract is more than ten (10) acres in size, the location of the activities is at least one hundred (100) feet from any adjacent property on the downhill side and provided the activity will not adversely affect downstream property owners and will not cause erosion. Regulated activities that create impervious areas on a project site less than or equal to one thousand (1,000) square feet (cumulative) that are not exempted by subparagraph A of this section or by the first sentence of this subsection shall be exempt from SWM site plan preparation requirements of this ordinance, provided the activity will not adversely affect downstream property owners and will not cause erosion. The township enforcement officer shall make this determination after review of the owner's application, which shall include the owner's proposal for managing stormwater runoff and review of the proposed site.

D. Regulated activities that create impervious areas on a project site less than or equal to five thousand (5000) square feet but do not qualify for an exemption from SWM Site Plan Preparation requirements per Section 302C may qualify for submission of a Simplified SWM Site Plan per Section 401.F. Such impervious areas shall not be cumulatively considered if they are at least ten (10) feet from other areas of impervious surface installed after the date of this Ordinance. The township enforcement office shall determine if a Simplified SWM Site Plan may be submitted in lieu of a full SWM Site Plan (per Section 401) after review of the Stormwater Management Permit Application and the proposed site. The Simplified SWM Site Plan must demonstrate that the proposed activity will not adversely affect downstream property owners or cause erosion.

E. Agricultural activity is exempt from the SWM Site Plan Preparation, rate and volume control requirements of this Ordinance, provided the activities are performed with no adverse impacts to downstream property owners due to stormwater runoff and do not cause erosion.

F. Forest management and timber operations are exempt from the SWM Site Plan Preparation requirements, rate and volume control requirements of this Ordinance, provided the activities are performed with no adverse impacts to downstream property owners due to stormwater runoff and do not cause erosion.

G. Domestic gardening and landscaping are exempt from all provisions of this Ordinance so long as those activities are associated with one, and only one, dwelling unit and do not adversely affect adjacent property owners or cause erosion.

H. If the application is to construct a building or structure pursuant to an approved subdivision or land development plan showing stormwater management facilities, such activity shall be exempt provided the facilities proposed by the subdivision or land development plan are in fact installed.

I. Exemptions from the SWM Site Plan Preparation requirements of this Ordinance shall not relieve the applicant from the requirements in Section 301D through M of this Ordinance.

J. Lower Chanceford Township may deny or revoke any exemption pursuant to this Section at any time for any project that poses a threat to public health, safety, property or the environment.

K. Irrespective of other paragraphs of this section, there is no exemption from the SWM site plan requirements of this ordinance if the regulated activity involves one or more acres of earth disturbance or is a part or portion of a larger plan of development which involves one (1) acre or more of earth disturbance.

### **Section 303. Volume Controls**

The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below. For regulated activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

A. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.

1. Do not increase the post-development total runoff volume for all storms equal to or less than the two (2)-year 24-hour duration precipitation to more than the pre-development total runoff volume.
2. For modeling purposes:
  - a. Existing (pre-development) non-forested pervious areas must be considered meadow (good condition).
  - b. Twenty percent (20%) of the existing impervious area of a project site, when present, shall be considered meadow in the model for existing conditions, if the existing impervious area is being altered by the proposed regulated activity provided that the total area of disturbance is less than one (1) acre. If the total area of disturbance is one (1) acre or more, federal and state regulations shall apply.

B. The Simplified Method (CG-2 in the BMP Manual) 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 one (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 two (2) inches of runoff from all new impervious surfaces.
2. At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth. Removal options for the first one (1) inch of runoff 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 stormwater runoff shall be infiltrated.

#### **Section 304. Rate Controls**

- A. For computation of pre-development peak discharge rates, twenty percent (20%) of the existing impervious area of a project site, when present, shall be considered meadow, if the existing impervious area is being altered by the proposed regulated activity, provided the total area of disturbance is less than one (1) acre. If the area of disturbance is one (1) acre or more, federal and state regulations shall apply.
- B. Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year 24-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50- and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

#### **Section 305. Design Criteria**

- A. Stormwater Collection System

The stormwater collection system shall be designed and approved based upon the following criteria:

Peak discharge shall be computed using the Rational Formula:

$$Q = CIA$$

where: Q = Peak discharge in cubic feet per second.

C = Runoff factor expressed as a percent of the total water falling on an area.

I = The rate of rainfall for the time of concentration of the drainage area in inches per hour for a given storm frequency (Rainfall Intensity).

A = The drainage area expressed in acres.

The runoff factor "C" is a percentage factor which represents the proportion of the total quantity of water falling on the area that remains as runoff.

The runoff factors for various types of drainage areas, as presented in the following table, shall be used for design.

## **RUNOFF FACTORS FOR THE RATIONAL EQUATION**

### **TYPE OF DRAINAGE AREA OR SURFACE RUNOFF FACTOR "C"**

Impervious surfaces such as but not limited to roof surface, pavement, concrete or bituminous concrete, gravel	0.95
Cultivated field	0.40
Lawn	0.25
Meadow	0.20
Wooded	0.15

### **NOTES**

1. Consideration should be given to future land use changes in the drainage area in selecting the "C" factor
2. For drainage area containing several different types of ground cover, a weighted value of "C" factor must be used.
3. In special situations where sinkholes, stripped abandoned mines, etc. exist, careful evaluation shall be given to the selection of a suitable runoff factor with consideration given to possible reclamation of the land in the future.

Rainfall Intensity "I" shall be per Section 301.L according to the following:

#### **I. Storm frequency:**

- a. The following storm frequency shall be used for design:
  - i. Local streets - 10 Year, see storm duration
  - ii. Culvert cross drains - 25 Year Rural, 50 Year Suburban, 100 Year Urban
  - iii. Swales - 100 Year
- b. When a pipe or culvert is intended to convey the discharge from a stormwater management facility, its required capacity shall be computed by the Rational Method and compared to the peak outflow from the stormwater management facility for the 100-year storm. The greater flow shall govern the design of the pipe or culvert.

- c. A 100-year design storm frequency may be required for design of the stormwater collection system to insure that the resultant stormwater runoff from the post-development design storm is directed into the stormwater management facility.
- d. In all cases where drainage is collected by means of a head wall or pipe end, the pipe shall be designed as a culvert. The minimum diameter of the culvert shall be 18 inches. The minimum diameter of storm sewer shall be 15 inches, when located in a public right-of-way or easement.
- e. Where the collection system may be under inlet or outlet control, the Municipal Engineer may request additional calculations, such as but not limited to hydraulic grade lines.

2. Storm Duration:

- a. A five (5) minute storm duration shall be used if this duration does not result in a maximum expected discharge that exceeds the capacity of a 30-inch pipe.
- b. If a five (5) minute storm duration results in a pipe size exceeding 30 inches, the time of concentration approach shall be used in determining storm duration

3. Inlet Placement.

In general, catch basins shall be placed as required by hydraulic capacity. For design purposes, a capture ratio (intercepted flow / design flow) of 70% or greater is required. However, the width of flow in a street cannot exceed one-half (1/2) of the travel lane. In any event, the maximum distance between conveyed inlets shall not exceed 400 feet.

4. Pipe and Swale Capacity:

Manning's equation shall be used for the design of all storm sewer pipes and for open channel design:

$$V = \frac{1.486 R^{2/3} S^{1/2}}{n}$$

where:

V = Velocity of the water in feet per second.

R = Hydraulic radius which is equal to the net effective areas (A) divided by the wetted perimeter (W.P.):

$$R = \frac{A}{W.P.}$$

The wetted perimeter is the lineal feet of the drainage facility cross-section which is wetted by the water.

S = Slope of the hydraulic gradient (for approximation, use the water surface slope in a wetted stream and the stream bed slope in dry stream or the pipe slope).

n = The roughness coefficient. Roughness coefficients are as follows:

**Value of Manning's Roughness Coefficient - n**

Rip-rap	0.040
Grass-lined channel	0.035
Bare earth channel	0.020
Paved Bituminous channel	0.016
Concrete	0.012
Turf Reinforcement Matting (TRM)	Per manufacturer's recommendation

The maximum permitted velocity in a lined or unlined swale shall be in accordance with the USDA Engineering Field Manual, PA DEP, applicable PA codes and state law, whichever is less.

The maximum permitted velocity in storm sewer pipe is 20 FPS. If 20 FPS is exceeded, the pipe must be anchored in accordance with the following table:

Velocity of Flow (FPS)	Anchor Spacing (FT)
20-24.99	20'
25-30	10'

Under no circumstances shall flow velocity exceed 30 FPS.

**B. Stormwater Management Facilities**

The plan shall be designed and approved based upon the following criteria:

1. General - For drainage areas 320 acres or larger the peak discharge and runoff shall be computed using the soil-cover complex method contained in "Urban Hydrology for Small Water Sheds", Technical Release No. 55 published by the Engineering Division, Soil Conservation Services, United States Department of Agriculture, dated June, 1986 or latest revision, except as modified herein. For drainage areas less than 320 acres the Modified Rational Method may be utilized. Alternate methods of analysis may be considered if approved by the Municipal Engineer.
2. Outflow determination. The maximum permitted stormwater discharge, in cubic feet per second, from any site shall not exceed the calculated peak discharge from the

site at pre-development ground cover and soil conditions for all design storms specified in Section 304.B. For the purpose of this ordinance, pre-development ground cover conditions shall be assumed to be "meadow" for all non-forested pervious areas as defined in "Urban Hydrology for Small Water Sheds", Technical Release No. 55 published by Engineering Division, Soil Conservation Service, United States Department of Agriculture, dated June, 1986 or latest revision or if using the Modified Rational Method a "C" factor of 0.20 shall be used for meadow conditions for all non-forested pervious areas. For existing impervious surfaces see section 304.A. The maximum permitted stormwater discharge shall be calculated using the SCS method or alternative method approved by the Municipal Engineer for rainfalls having recurrence intervals of 1, 2, 5, 10, 25, 50 and 100 years. Time of Concentration (Tc) should be calculated using the SCS segmental approach in accordance with the current recommendations by SCS. For the purpose of this Ordinance, the rainfall depths shall be per Section 301.L.

Rainfall intensity shall be per Section 301.L for design if using the Modified Rational Method.

If alternate methods of analysis are utilized, the design storms recurrence interval in years shall be the same as used in the SCS TR-55 Method.

3. Minimum required detention storage. The minimum required detention storage shall be determined by routing the approved post-development hydrographs through the stormwater management facility, using either manual methods or computerized routing. Routing shall be based upon the modified PULS method; other routing methodologies shall be subject to the approval of the Municipal Engineer.
4. Emergency spillway. Emergency spillways or overflow structures shall be designed to pass the peak flow resulting from a one hundred (100) year recurrence interval design storm computed at post-development conditions, assuming that the principal outlet structure is non-functional. All retention basins and detention basins shall provide an emergency spillway. Emergency spillways shall be located in cut where feasible, if not, adequate permanent stabilization is required. All emergency spillways shall be permanently stabilized for the design peak flow rate and velocity.
5. Minimum bottom slope. All detention basins shall have a minimum bottom slope of 2 percent, if not being utilized for infiltration purposes.
6. Side slopes. The maximum side slopes for detention or retention basins shall be 3 horizontal to 1 vertical in cut and 4 horizontal to 1 vertical in fill.
7. Freeboard. The stormwater management facility shall have a minimum one-half (1/2) foot of freeboard determined after routing the 100-year recurrence interval design storm per section 306.B.4 or a minimum of one (1) foot of freeboard above the normal 100-year storm routing elevation, whichever is greater.
8. Seepage Trench. All stormwater management detention basins shall provide as a minimum a 2' wide by 10' long by 6' deep seepage trench in the bottom of the basin near the outlet control structure in accordance with Figure 1, unless field conditions

deem the seepage trench non-functional and concurred by the Municipal Engineer. This seepage trench is not required if the basin is being utilized for infiltration purposes.

9. Fencing, trash racks and installation of child proof facilities may be required by Lower Chanceford Township.
10. If the flow from a stormwater management facility would otherwise damage or interfere with the agriculture or residential use of a property over which it would flow, it shall be piped to a stream with the pipe at such a depth so as not to interfere with the agricultural use of the property through which the water is piped. This requirement shall not apply if the owner of the property which would be adversely affected by the flow refuses to grant to the subdivider or land developer a right-of-way without charge to the subdivider or developer except for damage to growing crops and trees. Any pipeline shall be located so as to minimize surface damage. This requirement also shall not apply if the owner of the property which would be adversely affected by the flow and the owner of the property where the stormwater management facility would be located enter into a written agreement providing for another stabilized form of conveyance.



## ARTICLE IV - STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

### Section 401. Plan Requirements

Although not a requirement of this Ordinance, prior to proceeding with SWM Site Plan preparation and submission, the applicant is encouraged to request a pre-application meeting with Lower Chanceford Township's Engineer and a staff member of the York County Conservation District to discuss the plan concept and responsibility for submission of required documents and information.

The following items shall be included in the SWM Site Plan:

- A. Appropriate sections of Lower Chanceford Township's Subdivision and Land Development Ordinance, and other applicable ordinances of Lower Chanceford Township regarding subdivision and land development plan preparation and applicable plan requirements shall be followed in preparing all SWM Site Plans, regardless of whether or not a SWM Site Plan involves a subdivision and/or land development plan.
- B. Lower Chanceford Township shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion, and in accordance with this Article, when a SWM Site Plan is found to be deficient, Lower Chanceford Township may either disapprove the submission, or, in the case of minor deficiencies, Lower Chanceford Township may accept the submission of a revised SWM Site Plan as noted in Section 404 of this Ordinance.
- C. Provisions for permanent access and/or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Item E.9 below.
- D. The following signature blocks for Lower Chanceford Township and design engineer:  
  

(Municipal engineer), on this date (date of signature), has reviewed the SWM Site Plan and finds it to be consistent with the design standards and criteria of Lower Chanceford Township Stormwater Management Ordinance."

"(Design engineer), on this date (date of signature), hereby certifies that the SWM Site Plan meets all design standards and criteria of Lower Chanceford Township Stormwater Management Ordinance."
- E. If not required by the Municipal or York County Subdivision and Land Development Ordinance, as specified in Section 401.A. of this Ordinance, the SWM Site Plan shall also provide the following information where applicable:
  - I. The overall stormwater management concept for the project, including any additional information required for a Post-Construction Stormwater Management Plan (PCSWMP) as applicable.

2. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or manmade, including but not limited to floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields and wellhead protection zones.
3. Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of the Ordinance, including the recommendations and general requirements in Section 301.
4. Expected project time schedule.
5. Once the SWM plan and supporting documents are finalized and approved, digital copies shall be provide to Lower Chanceford Township and their Engineer.
6. A soil erosion and sediment control plan in accordance with the following:
  - a. Earth disturbance, 0 to 5000 SQ-FT, implement erosion and sediment control measures on site. a written erosion and sediment control plan and York County Conservation District approval is not required unless required by state and/or federal permit(s) or is deemed necessary by Lower Chanceford Township. If earth disturbance is in a high quality or exceptional value watershed then a written erosion and sediment control plan and YCCD approval is required.
  - b. Earth disturbance, 5001 SQ-FT to less than one (1) acre, a written erosion and sediment control plan and implementation of plan on site is required. YCCD approval may be required by Lower Chanceford Township or state and/or federal permit(s). If earth disturbance is in a high quality or exceptional value watershed than YCCD approval is required.
  - c. Earth disturbance, one (1) acre or greater, a written erosion and sediment control plan, YCCD approval and implementation of plan on site is required.
  - d. In addition, under 25 Pa. Code Chapter 92, an Individual or General, as applicable, DEP "NPDES Construction Activities" permit is required for Regulated Earth Disturbance activities of one (1) acre or greater.
7. The effect of the project in terms of runoff volumes, water quality, and peak flows on surrounding properties and aquatic features, and on any existing stormwater conveyance system that may be affected by the project.
8. Plan and profile drawings of all SWM BMPs, including but not limited to drainage structures, pipes, open channels, and swales.
9. The SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.

10. The SWM Site Plan shall include an Operation and Maintenance (O&M) Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.
11. A description of permanent stormwater management techniques, including the construction specifications of the materials to be used for stormwater management facilities.
12. A notarized signature of the owner of the parcel for which the SWM Site Plan is proposed.
13. Existing and proposed land uses.
14. The location of the proposed regulated activity relative to streets, municipal boundaries, and other significant manmade features.
15. Significant physical features and associated boundary limits including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
16. The location of existing and proposed utilities, stormwater facilities, sanitary sewers, and water lines on the parcel and within 50 feet of property lines.
17. Proposed changes to the land surface and vegetative cover, and the type and amount of existing and proposed impervious area.
18. Existing and proposed features, such as; structures, buildings, streets, driveways, access drives, and parking areas.
19. Contour intervals of two (2) feet or less. Dependent upon site conditions, alternative contour intervals proposed by an applicant or his designee may be accepted by Lower Chanceford Township.
20. The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the Plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the Plan where applicable.
21. Preferred graphic and written scale of one (1) inch equals no more than 50 feet. Dependent upon site conditions, an alternative scale proposed by the applicant or his designee may be accepted by Lower Chanceford Township.
22. North point (arrow).

23. A map showing all existing manmade features beyond the subject parcel's boundary lines that will be affected by the proposed regulated activities.
24. Horizontal and vertical cross-sections of all open channels, including hydraulic capacity.
25. A note on the plan indicating the location, and responsibility for maintenance of, SWM facilities and/or easements that would be located on adjoining properties as a result of proposed regulated activities, and the location of such facilities and/or easements.
26. A hydrogeologic assessment of the effects of stormwater runoff on sinkholes where present.
27. The effect of the proposed regulated activity in terms of runoff volumes and peak flows on adjacent properties and/or any existing municipal stormwater collection system that may receive runoff from the project site.
28. Drainage flow pathways.

F Simplified SWM Site Plan

- 1 The simplified site plan shall require a drawing showing:
  - a) The location and dimensions of the proposed new impervious surface, property lines, significant natural and manmade features within the project site.
  - b) The approximate location and dimensions of all other impervious surfaces within the project site identifying those placed after the date of the enactment of this ordinance.
  - c) The location of all wells and sewage disposal systems located within the project site
  - d) The direction of storm water flow from the existing impervious surfaces within the project site and the direction of storm water flow from the proposed impervious surface and across the project site.
2. The simplified site plan shall require a proposal to manage the storm water flow from the proposed impervious surface. The proposal may involve
  - a) The maintenance of a pervious flow area constructed consistent with the requirements of Appendix "A" of this ordinance; or
  - b) The construction and maintenance of storm water pits to receive roof water. Such pits shall be sized so that there is at least one (1) cubic foot of

retention area for each two (2) square feet of impervious surface and constructed in accordance with Appendix "B" attached hereto; or

- c) The construction and maintenance of trenches to receive sheet flow roof water. Each trench shall be three (3) feet in width the length of the roof with one (1) cubic foot of trench area for each 1.8 square feet of roof surface, to be filled with clean AASHTO #57 stone and constructed in accordance with Appendix "C" attached hereto. The depth of the trench may be reduced if percolation tests conducted at the proposed depth of the trench demonstrates a faster infiltration rate as set forth in Appendix "C".
- d) Construction of a detention basin approved by the township engineer as designed and sized to manage proposed increases in storm water flow from the project site brought about by the proposed impervious surface. Prior to approval, there must be probe hole analysis and infiltration tests to establish the size of basins necessary to achieve the required infiltration. Tests shall be performed by a township designee at the depth and location of the proposed basin; or
- d) Any other proposal approved by the township engineer or the township enforcement officer as sufficient to manage the increase in storm water brought about by the proposed impervious surface.

#### **Section 402. Plan Submission**

- A. Three (3) copies of the SWM Site Plan and supporting information shall be submitted as follows:
  - 1. Two (2) copies to Lower Chanceford Township. (one (1) for Lower Chanceford Township and one (1) for the Municipal Engineer).
  - 2. One (1) copy to the York County Planning Commission when a SWM Site Plan accompanies a subdivision/land development plan application.
- B. Additional copies shall be submitted as requested by Lower Chanceford Township or DEP.
- C. Lower Chanceford Township may establish a fee schedule for the review of SWM Plans, the amount of which shall be set by resolution of Lower Chanceford Township's governing body.

#### **Section 403. Plan Review and Approval Procedure**

- A. SWM Site Plans and supporting information shall be reviewed by Lower Chanceford Township for consistency with the provisions of this Ordinance.
- B. SWM Site Plan Review and Approval Procedure:

1. If a SWM Site Plan and supporting information does not involve a subdivision and/or land development, the review of the SWM Site, recommendations, approval, approval with conditions, or disapproval, i.e., the review and decision period, shall occur within forty five (45) days of submission to Lower Chanceford Township. However, Lower Chanceford Township, in its sole discretion, may extend the review and decision period another forty five (45) days due to the nature of the application and/or site conditions. If an extension of another forty five (45) days is imposed or granted by Lower Chanceford Township beyond the first forty five (45) day review and decision period designated by this paragraph, Lower Chanceford Township shall notify the applicant in writing and deliver such notice to said applicant within fifteen (15) days of the decision to extend the review and decision period by Lower Chanceford Township. If no extension is imposed or granted by Lower Chanceford Township beyond the first forty five (45) day review and decision period, and no decision has been rendered by Lower Chanceford Township within that period, the SWM Site Plan shall be deemed approved. Similarly, if after a forty five (45) day extension of the review and decision period has been imposed or granted by Lower Chanceford Township, and no decision has been rendered by Lower Chanceford Township within that period, the SWM Site Plan shall be deemed approved.
2. If a SWM Site Plan involves a subdivision and/or land development plan, the period of time from the submission to Lower Chanceford Township of the subdivision and/or land development plan application which includes the SWM Plan and the approval, approval with conditions, or disapproval, i.e., review and decision period, shall be in accordance with the procedure for approval of plats in Section 508 of the Pennsylvania Municipalities Planning Code.
3. From the time an application for approval of a plat involving a subdivision or land development plan, whether preliminary or final, which includes a SWM Site Plan, is duly filed with Lower Chanceford Township, no change or amendment of this Ordinance or other governing ordinance or plan shall affect the decision on such application in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, as specified in Section 508. (4) of the Pennsylvania Municipalities Planning Code.

C. Decision Notification Procedure:

In all cases, the decision of Lower Chanceford Township to approve or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than 15 days following the decision. If the SWM Site Plan is disapproved, the written decision by Lower Chanceford Township shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions. The time limit for satisfying conditions of approval shall be the time limit prescribed for conditional approval of subdivision and land development plans as stated in Lower Chanceford Township's Subdivision and Land Development Ordinance, or the York County Subdivision and Land Development Ordinance where applicable.

#### **Section 404. Revision of Plans**

A revision to a previously submitted SWM Site Plan that involves a change in SWM BMPs, stormwater management facilities, or changes in analytical techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan, as determined by Lower Chanceford Township, shall require a re-submission of the revised SWM Site Plan in accordance with this Article, including applicable fees. For NPDES permitted sites, any revised SWM Site Plan shall also be re-submitted to the York County Conservation District for review. In the case of a SWM Site Plan which contains minor deficiencies, such as a missing label, omission of a required note or minor construction detail, as determined by Lower Chanceford Township, Lower Chanceford Township may accept a re-submission of such SWM Site Plan without the requirement of a review fee, or for a lesser fee as provided for in the Municipalities fee schedule.

#### **Section 405. Re-submission of Disapproved SWM Site Plans**

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing Lower Chanceford Township's concerns as stated regarding the original submission, to Lower Chanceford Township in accordance with this Article. The applicable review fee must accompany the submission of a revised SWM Site Plan, unless such fee is waived by Lower Chanceford Township. (See Section 404)

#### **Section 406. Authorization to Construct and Term of Validity**

##### **A. SWM Site Plans Independent of Subdivision and Land Development Plans**

Lower Chanceford Township's approval of a SWM Site Plan, when such Plan is submitted independent of a subdivision and/or land development plan, authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. Lower Chanceford Township may, in its sole discretion, specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan, particularly if the nature of the proposed SWM facilities require more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date Lower Chanceford Township signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then Lower Chanceford Township may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by Lower Chanceford Township may be resubmitted in accordance with Section 405 of this Ordinance.

##### **B. SWM Site Plans Included in a Subdivision and/or Land Development Plan**

Lower Chanceford Township's approval of a SWM Site Plan, which is a part of a subdivision and/or land development plan, authorizes that plan and the regulated activities therein so that no subsequent change or amendment in this Ordinance or other governing ordinances or plans shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such

approval within five years from such approval, as specified in Section 508. (4) (ii) - (vii) of the Pennsylvania Municipalities Planning Code.

#### **Section 407. As-Built Plans, Completion Certificate, and Final Inspection**

- A. The developer shall be responsible for providing as-built plans of all SM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to Lower Chanceford Township.
- B. The as-built submission shall include a certification of completion signed by a township designee or other qualified person approved by the township verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications.
- C. After receipt of the completion certification by Lower Chanceford Township, Lower Chanceford Township may conduct a final inspection to verify compliance with, and accuracy of, the as-built plans.
- D. Once the as-built plans are approved by Lower Chanceford Township, digital copies of the as-built plans and executed certification of completion shall be provided to Lower Chanceford Township and their Engineer.

#### **Section 408. Modifications**

Lower Chanceford Township may, after notifying DEP and receiving a favorable response, grant modifications from the strict requirements of this ordinance if the literal enforcement of this ordinance is unreasonable based on the extent and location of the proposed impervious surface and the modification will not adversely affect neighboring properties, cause erosion or be detrimental to the public interest and that the intent and purpose of the ordinance will be observed. If no response is received from DEP with 45 days of notification, the township may approve such measures without DEP approval.

The governing body of Lower Chanceford Township shall keep a written record of all action on requests for modifications. The response of any consultation and/or review by DEP shall be included as an original report if available or otherwise documented in the required written record.



## **ARTICLE V · OPERATION AND MAINTENANCE**

### **Section 501. Responsibilities of Developers and Landowners**

- A. The Lower Chanceford Township shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. Lower Chanceford Township may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Lower Chanceford Township will accept the facilities. Lower Chanceford Township reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.
- B. Lower Chanceford Township may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

### **Section 502. Operation and Maintenance Agreements**

- A. Prior to final approval of the SWM Site Plan, the property owner may be required to sign and record an Operation and Maintenance (O&M) Agreement satisfactory to Lower Chanceford Township covering the maintenance or operation of all stormwater control facilities which are to be privately owned.
- B. The owner of the property where stormwater management facilities are located is responsible for operation and maintenance of all stormwater management facilities. If the owner fails to properly maintain such facilities, Lower Chanceford Township may perform the maintenance required and assess the cost of such maintenance upon the owner of the land where such facilities are located and upon failure of the owner to pay such assessment place a municipal lien upon the property in the amount of such assessment together with costs, including reasonable attorney fees.

If the owner of the property where storm water management facilities are located is a homeowners association, that association shall have primary responsibility for the required maintenance and all of the owners of property within the subdivision or development shall have joint and several secondary responsibility. In the event those responsible fail to properly maintain such facilities, Lower Chanceford Township may perform the maintenance required and assess the cost of such maintenance upon one or more of the properties within the subdivision or development with no duty to apportion. Upon failure of the owner or owners of such properties to pay such assessment, Lower Chanceford Township may place a municipal lien upon such property or properties in the amount of such assessment together with cost of collection, including reasonable attorney fees.

- C. Lower Chanceford Township is exempt from the requirement to sign and record an Operation and Maintenance Agreement.

### **Section 503. Performance Guarantee**

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to Lower Chanceford Township for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.

## ARTICLE VI - FEES AND EXPENSES

### Section 601. General

A. Lower Chanceford Township may establish by Resolution a schedule of fees which shall be sufficient to reimburse Lower Chanceford Township for all costs including engineering and legal fees incurred in connection with the project including but not limited to:

1. Administrative/clerical processing.
2. Review of the SWM Site Plan.
3. Attendance at meetings.
4. Inspections.
5. Preparation of necessary agreements.

B. No Certificate of Use and Occupancy shall be granted for any structure whose storm water management needs are provided by the permitted facilities unless and until all required fees have been paid.

## ARTICLE VII – PROHIBITIONS

### Section 701. Prohibited Discharges and Connections

- A. 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 the waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Subsection C below and (2) discharges allowed under a state or federal permit.
- C. No person may alter existing drainage or topography in any way so as adversely affect adjoining property by increasing stormwater flow upon such property or otherwise damaging such property.
- D. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:

- Discharges from firefighting activities	- Flows from riparian habitats and wetlands
- Potable water sources including water line flushing	- Uncontaminated water from foundations or from footing drains
- Irrigation drainage	- Lawn watering
- Air conditioning condensate	- De-chlorinated swimming pool discharges
- Springs	- Uncontaminated groundwater
- Water from crawl space pumps	- Water from individual residential car washing
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where	- Routine external building wash-down (which does not use detergents or other compounds)
- Diverted stream flows	- Water discharged in well testing for potable

- E. In the event that Lower Chanceford Township or DEP determines that any of the discharges identified in Subsection C significantly contribute to pollution of the waters of this Commonwealth, Lower Chanceford Township or DEP will notify the responsible person(s) to cease the discharge.

### Section 702. Roof and Driveway Drains and Sump Pump Discharges

Roof drains, driveway drains and sump pumps shall discharge to infiltration or vegetative BMPs and to the maximum extent practicable satisfy the criteria for DIAs. Where the discharge is not to vegetative BMPs, roof and driveway drain infiltration facilities must be protected by filter fabric,

provide for sediment filtering either at the roof or elsewhere above ground level and provide for a cleanout at ground level.

**Section 703. Alteration of SWM BMPs**

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures in any manner without the written approval of Lower Chanceford Township, with the exception of necessary maintenance activities such as mowing.

## **ARTICLE VIII - ENFORCEMENT AND PENALTIES**

### **Section 801. Right-of-Entry**

Upon presentation of proper credentials, Lower Chanceford Township may enter at reasonable times upon any property within Lower Chanceford Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

### **Section 802. Inspection**

- A. Lower Chanceford Township or its designee may inspect all phases of the construction, operation, maintenance and any other implementation of SWM BMPs with the cost of such inspection to be paid by the owner of the land where the SWM BMPs are located. Before commencing the construction of any SWM BMPs, the applicant shall arrange with the township a schedule of progress inspections. Inspection of newly constructed facilities shall be performed as provided by Section 6(E) of the Building Permit Ordinance of Lower Chanceford Township.
- B. SWM BMPs shall be inspected by the landowner, or the owner's designee, including Lower Chanceford Township for dedicated and owned facilities, as needed to insure the SWM BMP is functioning as designed.
- C. Lower Chanceford Township shall be entitled to inspect any SWM BMP upon observation, report, or information, of lack of maintenance, a defect, or a failure, of such SWM BMP, or at such other times as Lower Chanceford Township deems necessary and appropriate. In such instance, the landowner or other responsible party shall pay the cost of such inspections.

### **Section 803. Enforcement**

- A. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section 302.
- B. It shall be unlawful to violate any Section of this Ordinance.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of Lower Chanceford Township.

### **Section 804. Suspension and Revocation**

- A. Any approval or permit issued by Lower Chanceford Township pursuant to this Ordinance may be suspended or revoked for:
  - 1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.

2. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
  3. The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
- B. A suspended approval shall be reinstated by Lower Chanceford Township when:
1. Lower Chanceford Township has inspected and approved the corrections to the violations that caused the suspension.
  2. Lower Chanceford Township is satisfied that the violation has been corrected.
- C. An approval that has been revoked by Lower Chanceford Township cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, Lower Chanceford Township may provide a limited time period for the owner to correct the violation. In these cases, Lower Chanceford Township will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, Lower Chanceford Township may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

#### **Section 805. Penalties**

- A. Any person, partnership, corporation, or other entity who or which has violated the provisions of this Ordinance shall commit a summary offense, and shall, upon conviction, pay a penalty in the amount of \$1,000.00. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership, corporation or other entity violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation.
- B. Lower Chanceford Township may institute civil, injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

#### **Section 806. Appeals**

- A. Any person aggrieved by any action of the township enforcement officer or its designee, relevant to the provisions of this Ordinance, may appeal to Lower Chanceford Township within 30 days of that action.

- B. Any person aggrieved by any decision of Lower Chanceford Township, relevant to the provisions of this Ordinance, may appeal to the York County Court of Common Pleas within 30 days of Lower Chanceford Township's decision.



## ARTICLE IX – REFERENCES

1. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.
2. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (April 15, 2000), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
3. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
4. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
5. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States. Atlas 14, Volume 2, Version 3.0. Silver Spring, Maryland. Internet address, <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
6. Act of July 31, 1968, P.L. 85, No.247. The Pennsylvania Municipalities Planning Code. as amended.

ARTICLE X - ENACTMENT

**Lower Chanceford Township Stormwater Management Ordinance**

ENACTED and ORDAINED at a regular meeting of the

**Lower Chanceford Township Supervisors**

on this 7th day of October, 2014.

Attest:

*Wesley Miller*  
Secretary

BY: *James Lee*  
Chairman  
Lower Chanceford Township  
Supervisors

ARTICLE X – ENACTMENT

**Lower Chanceford Township Stormwater Management Ordinance**

**ENACTED** and **ORDAINED** at a regular meeting of the

**Lower Chanceford Township Supervisors**

on this 7th day of October, 2014.

Attest

\_\_\_\_\_  
Secretary

BY \_\_\_\_\_  
Chairman  
Lower Chanceford Township  
Supervisors

**APPENDIX A**

**AN ORDINANCE TO AMEND THE LOWER CHANCEFORD TOWNSHIP  
STORMWATER MANAGEMENT ORDINANCE AS ADOPTED ON OCTOBER 7, 2014.**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Lower Chanceford  
Township, York County, Pennsylvania, as follows:

Section 302(C) in Lower Chanceford Township Stormwater Management Ordinance is  
hereby amended to delete the same in its entirety and substitute therefor the following:

C. Regulated activities that create impervious areas on a project site less than or equal to five thousand (5,000) square feet (cumulative) but are not exempted by subparagraph A of this section shall be exempt from the SWM site plan preparation requirements of this ordinance, provided the tract on which the regulated activities occur on a tract is more than ten (10) acres in size, the location of the activities is at least one hundred (100) feet from any adjacent property on the downhill side and provided the activity will not adversely affect downstream property owners and will not cause erosion. Regulated activities that create impervious areas on a project site less than or equal to one thousand (1,000) square feet (cumulative) that are not exempted by subparagraph A of this section or by the first sentence of this subsection shall be exempt from SWM site plan preparation requirements of this ordinance, provided the activity will not adversely affect downstream property owners and will not cause erosion. The township enforcement officer shall make this determination after review of the owner's application, which shall include the owner's proposal for managing stormwater runoff and review of the proposed site.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Chanceford  
Township, York County, Pennsylvania on the 7<sup>th</sup> day of April, 2015.

ATTEST:

Jessica M. Wiley  
Secretary

LOWER CHANCEFORD TOWNSHIP  
BOARD OF SUPERVISORS

By: David R. R...  
Chairman