

**PICTURE ROCKS BOROUGH  
LYCOMING COUNTY, PENNSYLVANIA  
STORMWATER MANAGEMENT ORDINANCE**

**ORDINANCE NO. 2011-1**

**AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS,  
LYCOMING COUNTY, PENNSYLVANIA SETTING STANDARDS FOR  
STORMWATER MANAGEMENT WITHIN THE BOROUGH; AUTHORIZING THE  
BOROUGH TO IMPOSE CERTAIN FEES; ESTABLISHING PENALTIES FOR  
VIOLATION OF SAID ORDINANCE.**

**IT IS HEREBY ENACTED AND ORDAINED** by the Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania, as follows:

**ARTICLE I-GENERAL PROVISIONS**

Section 101. Short Title

This Ordinance shall be known and may be cited as the “Picture Rocks Borough Stormwater Management Ordinance.”

Section 102. Statement of Findings

- A. Accelerated runoff of stormwater resulting from development throughout a watershed can increase flows and velocities, contribute to erosion and sedimentation, overtax the carrying capacity of streams and storm sewers, greatly increase the cost of public facilities to carry and control efforts in downstream communities, reduce groundwater recharge, threaten public health and safety, and increase non-point source pollution of water resources.
- B. Stormwater management is fundamental to the public health, safety and welfare.
- C. Stormwater is an important water resource.

Section 103: Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the Municipality and its watershed by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Meet water quality requirements under state law, including 25 Pa. Code Chapter 93 to protect, maintain, reclaim and restore the existing and designated uses of the waters of the Commonwealth.

- B. Implement a comprehensive program of storm water management designated to preserve and restore all water resources, including conservation of natural existing condition to the maximum extent practicable.
- C. Manage stormwater runoff close to the source.
- D. Maintain groundwater recharge and ground water quality.
- E. Prevent scour and erosion of stream banks and streambeds and degradation of surface water.
- F. Provide proper operations and maintenance of all permanent Stormwater Management (SWM) Best Management Practices (BMPs) and encourage upgrade of existing BMPs.
- G. Facilitate the development of Chesapeake Bay nutrient credits for retrofit stormwater facilities or regulated activities that exceed the minimum nutrient reduction standards.

Section 104. Statutory Authority

- A. Primary Authority: The Municipality is empowered to regulate these activities 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” and applicable land use ordinances.
- B. Secondary Authority: The Municipality also is empowered to regulate land use activities that affect runoff by the authority of The Pennsylvania Municipalities Planning Code.

Section 105. Applicability

All Regulated Activities and all activities that may affect stormwater runoff, including Land Development and Earth Disturbance, are subject to regulation by this Ordinance.

Section 106. Repealer

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

Section 107. Severability

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

Section 108. Compatibility with Other Ordinance 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. Effective Date

This Ordinance shall take effect immediately.

**ARTICLE II-DEFINITIONS**

**Agricultural Activity** – 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 the Municipality for approval to engage in any Regulated Activity at a project site in the Municipality.

**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 may be “structural” or “Non-structural”. Non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff. Structural BMPs or measures consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs comprise 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, rain gardens, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**Buffer, Stream Buffer, Riparian Buffer, or Aquatic Buffer** – An area of permanent native vegetation, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect streams.

**Conservation District** – A conservation district, as defined in section 3(c) of the Conservation District Law (3 P.S. § 851(c)), which has the authority to administer and enforce all or a portion of the erosion and sediment control program in this Commonwealth.

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

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

**Development Site (Site)** – See Project Site

**Disconnected Impervious Area (DIA)** – An impervious or impermeable surface which 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.

**Disturbed Area** – An destabilized land area where an Earth Disturbance is occurring or has occurred.

**Earth Disturbance** – 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; the moving, depositing, stockpiling 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.

**Existing Condition** – The dominant land cover during the five (5) year period immediately preceding a proposed Regulated Activity, including mature canopy trees and other vegetation.

**FEMA** – Federal Emergency Management Agency

**Floodplain** – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be expected to be inundated by a 100-year flood and areas that comprise Group 13 Soils, as listed in the DEP Technical Manual for Sewage Enforcement Officers.

**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 forestland. 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.

**Impervious Surface (Impervious Area)** – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to, roofs of all structures, sidewalks, paved parking areas and driveways. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

**Land Development (Development)** – Inclusive of any or all of the following meanings:

- The division of a parcel of land into two (2) or more parcels;
- The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structures, or accessory structures;
- Any use or change in use of buildings or land;
- Any extension of the use of land;
- Any clearing, grading, or other movement of land;
- Mining, dredging, filling, grading, paving, excavation or drilling operations; or
- The storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities; for which permission may be required pursuant to a municipal land development ordinance.

**Municipality** – Borough of Picture Rocks, Lycoming County, Pennsylvania, or its representative.

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

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

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

**Project Site** – The specific area of land where any Regulated Activities in the Municipality are planned, conducted, or maintained.

**Qualified Professional** – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by the Ordinance.

**Regulated Activities** – Any Earth Disturbances 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 Chapters 92, Chapter 102, or the Clean Streams Law.

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

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

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

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

**Stormwater Management Plan** – The Stormwater Management Plan for managing storm water runoff adopted by the County of Lycoming as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Storm Water Management Act”.

**Stormwater Management Site Plan** – The plan prepared by the Developer or his representative indicating how storm water 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.

**Stream**- For purposes of administration of this Ordinance, a stream is defined as a perennial and intermittent watercourses identified through site inspection and U.S. Geological Survey (USGS) maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

**Waters of the Commonwealth** – Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within Pennsylvania.

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

## **ARTICLE III-STORMWATER MANAGEMENT STANDARDS**

### **Section 301. General Requirements**

- A. For all Regulated Activities, unless specifically exempted in Section 302; Preparation and implementation of an approved SWM Site Plan are required.
- B. No Regulated Activities shall commence until the Municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- C. For all Regulated Activities, any SWM Site Plans required by this Ordinance shall be prepared in accordance with the standards, requirements, prohibitions and appendices of the current version of the Stormwater Management Plan of the County of Lycoming (County SMP).
- D. SWM Site Plans approved by the Municipality shall be on site throughout the duration of the Regulated Activity.
- E. The Municipality may approve measures for meeting the State Water Quality Requirements other than those required by 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.

### **Section 302. Exemptions**

- A. Exemptions from any provisions of the Ordinance shall not relieve the applicant from the erosion and sedimentation control requirement of the County SMP.
- B. The following activities are specifically exempt from the SWM Site Plan preparation and submission provisions of this Ordinance:
  - 1. Regulated Activities that create Impervious Areas smaller in area than 1,000 sq. ft. and regulated activities that disturb less than 5,000 sq. ft. are exempt from the Peak Rate Control and the SWM Site Plan preparation requirement of this Ordinance.
  - 2. Regulated Activities that create Disconnected Impervious Areas equal to or greater than 1,000 sq. ft. and less than 5,000 sq. ft., and regulated activities that disturb equal to or greater than 5,000 sq. ft. and less than 20,000 sq. ft. without point source discharge to surface waters may be exempt from the SWM Plan requirements of this Ordinance provided that:

- a. The Regulated Activity is disconnected from impervious areas as specified in Appendix B of the County SMP; and
  - b. The Regulated Activity will not alter or be located within any existing swale or drainageway.
3. Gardening for home consumption or community food plots.
  4. Agricultural activity and forest management/timber operations when operated in accordance with an approved conservation plan.
  5. Construction or expansion of a single family home provided that it qualifies as a Disconnected Impervious Area.
- C. The Municipality shall require a minor SWM Plan, as described in the County SMP for:
1. Regulated Activities that create Impervious Areas, if connected to impervious areas, equal to or greater than 1,000sq. ft. and less than 5,000 sq. ft.
  2. Regulated Activities that disturb equal to or greater then 5,000 sq. ft. and less than 20,000 sq. ft. with point source discharge to surface waters.
- D. The Municipality may include permit conditions to specify that regulated activities maintain a minimum distance between proposed impervious areas/stormwater management facility outlets and down slope property line(s).

#### **ARTICLE IV-FEES AND EXPENSES**

Section 401. The Municipality shall charge the applicant a fee covering municipal costs such as:

- Administrative/clerical processing.
- Review and approval of the SWM Site Plan.
- Attendance at meetings.
- Inspections.

#### **ARTICLE V – ENFORCEMENTS AND PENALTIES**

Section 501. Right-of-Entry

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

Section 502. Inspection

SWM BMPs should be inspected by the landowner, or the owner’s designee (including Municipality for dedicated and owned facilities) according to the following list of minimum frequencies:



- Annually for the first 3 years.
- Bi-annually thereafter.
- During or immediately after the cessation of a storm event.

Section 503. 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 alter or remove any control structure required by the SWM Site Plan.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of the Municipality.
- D. If the Municipality determines at any time that any permanent stormwater management facility has been eliminated, altered, or improperly maintained, the Municipality shall advise the responsible party of required corrective measures, and shall provide said responsible party with a specific time to implement the required corrective measures. If such action is not taken by the property owner, the Municipality may cause the work to be done and back-charge all costs to the property owners in accordance with this Ordinance.

Section 504. Suspensions and Revocation

- A. Any approval or permit issued may be suspended or revoked by the Municipality for:
1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or Operation and Maintenance 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 or nuisance, pollution, or which endangers the life or property of others.
- B. A suspended approval may be reinstated by the Municipality when:
1. The Municipality has inspected and approved the corrections to the violations that caused the suspension
  2. The Municipality is satisfied that the violation has been corrected.
- C. If an approval that has been revoked by the Municipality 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, the municipality shall provide a reasonable time frame for the owner to correct the violation. In these cases, the Municipality 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, the Municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

#### Section 505. Penalties

Any person, firm, or corporation and the officers of any corporation who or which shall violate any provisions of this Ordinance or fail to comply herewith or with any of the requirements hereof or shall in any way violate this Ordinance or any of the requirements hereof shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than Six Hundred Dollars (\$600.00) and not less than Three Hundred Dollars (\$300.00) per violation, plus all court costs, including reasonable attorney's fees incurred by the Borough. Each day a violation shall be permitted to exist shall constitute a separate offense.

A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Ordinance within the time specified by the Municipal Representative, the municipality may take any actions necessary to remove the public nuisance. The costs of removal of the violation shall be in addition to any penalties for violations for failure to comply.

B. In addition to the fines for violations, costs, and penalties provided for by this Article, the Municipality may institute proceedings in Courts of Equity to require owner and/or occupants of real estate to comply with the provision of this Ordinance.

C. The cost of removal, fine, and penalties herein above mentioned may be entered by the Municipality as a lien against such property, or properties of individual members of a Property Owners Association, in accordance with existing provisions of law.

#### Section 506. Appeals

A. Any person aggrieved by any action of the Municipality or its Representative, relevant to the provisions of this Ordinance, may appeal to the Picture Rocks Planning Commission within thirty (30) days of that action. The Picture Rocks Planning Commission may include a Committee of Stormwater Professionals designated and authorized by the Municipality.

1. The Picture Rocks Planning Commission may grant an appeal to modify the requirements of one or more provisions if the application of this Ordinance if it will exact undue hardship due to peculiar conditions pertaining to the land in question, providing such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed

2. All requests to the Planning Commission shall be in writing. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance, and the minimum modification necessary.

B. Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Ordinance, may appeal to the Lycoming County Court of Common Pleas within thirty (30) days of the Municipality's decision.

**ENACTED and ORDAINED** at a regular meeting of the Borough Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania on this 2nd day of May, 2011.

ATTEST:

BOROUGH OF PICTURE ROCKS

By: William N. Dorman  
William N. Dorman  
Secretary

By: Eugene R. Otterbein, Sr.  
Eugene R. Otterbein, Sr.  
President, Borough Council

APPROVED:

By: David Bender  
David Bender, Mayor