

Borough of Carroll Valley, Pennsylvania

Ordinance No. 2-2018

AN ORDINANCE REPLACING ALL OF CHAPTER 23, STORMWATER MANAGEMENT AND SOIL, EROSION AND SEDIMENTATION CONTROL, TO ADOPT STANDARD GUIDELINES SUGGESTED BY THE ADAMS COUNTY SIMPLIFIED APPROACH, AND TO CREATE A SIMPLIFIED PROCESS AND ELIMINATE REDUNDANCIES IN OVERSIGHT, REVIEW AND APPROVALS; REAFFIRM CHAPTER 23 AS AMENDED; AND SET FORTH AN EFFECTIVE DATE.

The Borough of Carroll Valley hereby ordains:

SECTION 1. AMENDMENT TO CHAPTER 23 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES.

The Borough of Carroll Valley Code of Ordinances (hereinafter "Code of Ordinances:), Chapter 23 "Stormwater Management and Soil, Erosion and Sedimentation Control", is hereby amended, by deleting the entire chapter and replacing it with language as follows:

Chapter 23

Stormwater Management and Soil, Erosion and Sedimentation Control

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Part 1
General Provisions

§23-101. Statement of Findings.

The Borough Council of the Borough of Carroll Valley finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows, volume and velocities, thereby contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing increased stormwater runoff volume and velocity as well as accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the Borough and all the people of the Commonwealth, their resources, and the environment. (Ord. 6-03, 7/15/2003, §101)

§23-102. Purpose.

The purpose of this Chapter is to promote health, safety, and welfare within the Borough by minimizing the damages described in §23-101.A of this Chapter through provisions designed to:

- A. Manage runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
- B. Utilize and preserve the existing natural surface and subsurface drainage systems.
- C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- D. Maintain existing flows and quality of streams and watercourses in the Borough and the Commonwealth.
- E. Preserve and restore the flood-carrying capacity of streams and flood- plains.
- F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Borough.
- G. Provide performance standards and design criteria for watershed-wide stormwater management and planning. (Ord. 6-03, 7/15/2003, §102)

§23-103. Statutory Authority.

The Borough is empowered to regulate land use activities that affect runoff by the Authority of the Act of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code, as amended by Act 170 of December 21, 1988 and Act 131 of December 14, 1992, 53 P.S. §10101 et seq., the Borough Code, 53 P.S. §45101 et seq. (Ord. 6-03, 7/15/2003

§103) and 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.”

§23-104. Applicability.

This Chapter shall apply to all activities that may affect stormwater runoff, including stormwater management facilities constructed as part of any of the regulated activities listed in this Section. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable Borough ordinances or at the Borough Engineer’s discretion based on industry accepted standards and practices. The following activities are defined as “regulated activities” and shall be regulated by this Chapter:

- A. Land development.
- B. Subdivision.
- C. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).
- D. Construction of new buildings or additions to existing buildings.
- E. Diversion or piping of any natural or man-made stream channel.
- F. Installation of stormwater management facilities or appurtenances thereto.

§23-105. Compatibility with Other Ordinance Requirements.

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

§23-106. Landowner Responsibility.

The granting of an exemption, permit, or approval by the Borough, does not relieve the applicant from assuring that stormwater runoff from the development site will not cause injury to other persons or property or the waters of the Commonwealth.

§23-107. Municipal Liability Disclaimer.

Neither the granting of any approval under this Chapter, nor the compliance with the provisions of this Chapter, or with any condition imposed by a Carroll Valley Borough Official hereunder, shall relieve any person from any responsibility or damage to persons or property resulting therefrom, or as otherwise imposed by law nor impose any liability upon Carroll Valley Borough for damages to persons or property.

The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee, or warranty of any kind by Carroll Valley Borough, or by an official or employee thereof, of the practicability, feasibility or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

§23-108. Repealer

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

§23-109. 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 Carroll Valley Borough purporting to validate such a violation.

Part 2 Definitions

§23-201. Definitions.

For the purposes of this Chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- E. The words “used or occupied” include the words “intended, designed, maintained, or arranged to be used, occupied or maintained.”

Accelerated erosion – the removal of the surface of the land through the combined action of human activity and the natural processes of a rate greater than would occur because of the natural process alone.

Agricultural activities – Activities associated with agriculture such as agricultural cultivation, agricultural operation, 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.

Alteration – as applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant – a landowner or developer who has filed an application for approval to engage in any regulated activities as defined in §23-104 of this Chapter.

BMP (Best Management Practice) – stormwater management practice structures, facilities, systems and techniques to maintain or improve the water quality, runoff capture volume and/or peak discharge rate of surface runoff.

Conservation District. The Adams County Conservation District.

Cover Number (CN). Dimensionless number indicating pervious nature of a land cover as defined in TR-55, SCS, 1986.

Culvert. A structure with appurtenant works, which carries a stream under or through an embankment or fill.

Dam. An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

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.

Designee. The agent of the Borough involved with the administration, review or enforcement of any provisions of this Chapter by contract or memorandum of understanding.

Detention Basin. An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Design BMPs - stormwater management practices incorporated into a low impact development design that mimic natural drainage, retention, and infiltration capacity of the land. Example: disconnection of storm gutters, green roofs, minimal grading, and grubbing.

Developer – a person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this Chapter.

Development site – the specific tract of land for which a regulated activity is proposed.

Disconnection (of impervious surface as a BMP) – A design practice whereby runoff from a rooftop or other small impervious surface is directed to a pervious surface or small practice to provide infiltration, filtering, or reuse. Disconnection practices can be used to reduce the volume of runoff created by impervious surfaces. Applicable practices include: simple disconnection to managed turf areas, simple disconnection to forest cover or preserved open space and simple disconnection to a soil compost amended filter path.

Down-slope property line – that portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

Drainage conveyance facility – a stormwater management facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage easement – a right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

Drainage permit – a permit issued by the Borough after the drainage plan has been approved. Said permit is issued prior to or with the final Borough approval.

Drainage Plan – the documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Part 5.

Earth disturbance – A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Erosion -- *the movement of soil particles by the action of water, wind, ice, or other natural forces*

Erosion and sediment pollution control plan – a plan, which is designed to minimize, accelerated erosion and sedimentation pursuant to 25 Pa. Code, Chapter 102.

Existing conditions – the initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use shall be considered as “meadow” unless the natural land cover is proven to generate lower curve numbers (CN) or Rational “C” value, such as forested lands.

Flood – a general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

Floodplain – any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary – Mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix 23-A of the Pennsylvania Department of Environmental Protection (DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

Floodway – the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency 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 frequency 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 timber inventory and preparation of forest management plans, silviculture treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

Freeboard – a vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

Grade – a slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment or bottom of excavation.

Grassed waterway – a natural or constructed waterway, usually broad and

shallow, covered with erosion-resistant grasses, used to conduct surface water from cropland.

Groundwater recharge – replenishment of existing natural underground water supplies.

Impervious surface – A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas include but are not limited to roofs, additional indoor living spaces, patios and decks, garages, storage sheds and similar structures, streets, driveways, access drives, parking areas, and sidewalks. Any areas designed to be covered by loose surfacing materials such as gravel, stone and/or crushed stone, and intended for storage of and/or travel by vehicles, or pedestrians shall be considered impervious. Surfaces or areas designed, constructed and maintained to permit infiltration may be considered pervious.

Impoundment. A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

Infiltration structures – a structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench).

Inlet – a surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Land development – (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 buildings, or (b) the division or allocation of land or space 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) any subdivision of land; (3) development in accordance with §503(1.1) of the Pennsylvania Borough Planning Code, 53 P.S. §10503 (1.1).

Land/earth disturbance – any activity involving removing, grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

Main stem (main channel) – any stream segment or other runoff conveyance facility used as a reach in the stream.

Manning equation (Manning formula) – a method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. “Open channels” may include closed conduits so long as the flow is not under pressure.

Municipality – Borough of Carroll Valley, Adams County, Pennsylvania.

Nonpoint source pollution – pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances or origin.

NRCS - Natural Resource Conservation Service (previously SCS).

Open channel – a drainage element in which stormwater flows with an open surface.

Open – channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and pipes flowing partly full (for computational purposes).

Outfall – point where water flows from a conduit, stream, or drain.

Outlet – points of water disposal from a stream, river, lake, tidewater or artificial drain.

Overland flow – stormwater runoff that flows as sheet or diffused flow and is not concentrated in a channel.

Peak discharge – the maximum rate of stormwater runoff from a specific storm event.

Penn State Runoff Model – a computer-based hydrologic modeling technique.

Pipe – a culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

Planning Commission – the Planning Commission of the Borough of Carroll Valley.

PMF – Probable Maximum Flood - the flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

Rational formula – a rainfall-runoff relation used to estimate peak flow.

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.

Retention basin – an impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Return period – the average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every 25 years.

Riparian Forest Buffer – A type of riparian buffer that consists of permanent vegetation that is predominantly native trees and shrubs along surface waters that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and separate land use activities from surface waters.

Riser – a vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Rooftop detention – temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

Runoff – any part of precipitation that flows over the land surface.

Sediment basin – a barrier, dam, retention or detention basin designed to retain rock, sand, gravel, silt, or other material transported by water.

Sediment pollution – the placement, discharge or introduction of sediment into the waters of the Commonwealth.

Sedimentation – the process by which mineral or organic matter is accumulated or deposited by the movement of water.

Seepage pit/seepage trench – an area of excavated earth filled with loose stone or

similar coarse material, into which surface water is directed for infiltration into the ground.

Sheet/diffused flow – runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

Soil-cover complex method – a method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called curve number (CN).

Soil group, hydrologic – a classification of soils by the Soil Conservation Service into four runoff categories. The groups range from “A” soils, which are very permeable and produce little runoff, to “D” soils, which are not very permeable and produce much more runoff.

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

Storage indication method – a reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm frequency – the number of times that a given storm “event” occurs or is exceeded on the average in a stated period of years. See “return period.”

Storm sewer – a system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

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 structures.

Stormwater management site plan – the plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the particular site of interest in accordance with this Chapter.

Stream enclosure – a bridge, culvert, or other structure that encloses a regulated water of this Commonwealth.

Subdivision – the division or re-division 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, 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 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt.

Swale – a low-lying stretch of land that gathers or carries surface water runoff.

Timber operations – see “forest management.”

Time of concentration (T_c) – the time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the

watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

Watercourse – a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Waters of the Commonwealth – any and all rivers, streams, creeks, rivulets, 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.

Wetland – those areas that are inundated or saturated by surface or ground water 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, fens, and similar areas.

Part 3
Soil Erosion and Sediment Pollution Control

A. Soil Erosion and Sediment Pollution Control Planning

§23-301. Earth Disturbance.

Any person conducting or proposing to conduct an earth disturbance activity in the Borough of Carroll Valley shall design implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation in order to protect, maintain, reclaim and restore water quality and existing and designated uses. The implementation of erosion and sediment control BMPs shall be the first step in any land disturbance and those BMPs shall be maintained in place until permanent stabilization is completed.

§23-302. Submission of Soil Erosion and Sedimentation Control Plan.

A written soil erosion and sediment pollution control plan shall be prepared for all land disturbances in excess of 5,000 square feet. If the site is not located within a designated High Quality (HQ) watershed, the plan shall be submitted in conjunction with the stormwater management plan and shall be reviewed / approved by the Borough Engineer. If the site is within a designated High Quality (HQ) watershed, or if the Borough deems that adverse site conditions warrant, the soil erosion and sedimentation control plan shall be submitted to and approved by the Adams County Conservation District. Prior to any earth disturbance equal to and/or greater than one (1) acre or prior to any excavation in conjunction with land development (excluding construction of a single-family residence, residential addition or accessory residential structure), two copies of the soil erosion and sediment pollution control plan approved by the Adams County Conservation District shall be submitted to the Borough of Carroll Valley.

§23-303. Soil Erosion and Sediment Pollution Control Requirements.

- A. All soil erosion and sedimentation control and grading activities shall be performed in accordance with approved plans and in such a manner as not to cause physical damage or personal injury to existing property and/or adjoining property and owners.
- B. Measures used to control soil erosion and reduce sedimentation shall as a minimum meet the latest revised standards, specifications and/or regulations of one or more of the following:
 - 1. U.S. Department of Agriculture, National Resource Conservation Service Engineering Field Manual.
 - 2. Commonwealth of Pennsylvania, Department of Environmental Protection, Soil Erosion and Sedimentation Control Manual.
 - 3. Standards and Specifications for Soil Erosion and Sediment Control in Developing Areas, U.S. Department of Agriculture, Soil Conservation Service, College Park, Maryland.

- C. Land disturbance activities for all land developments shall be conducted only in compliance with the following principles:
1. There shall be no increase in discharge of sediment or other solid materials from the site as a result of stormwater runoff; and, any increase shall be deemed a violation of this Chapter.
 2. Erosion and sediment pollution control devices, as set forth in the DEP Erosion and Sediment Pollution Control Program Manual, appropriate to the scale of operations, shall be installed in accordance with the approved E&S plan. All perimeter controls shall be installed prior to earth moving operations of any type. Where the plan was reviewed and approved by the Conservation District, the owner/developer shall contact Adams County Conservation District upon installation of control measures.
 3. Earth moving operations shall be minimized where possible to preserve desirable natural features and topography of the site.
 4. Stripping of vegetation, re-grading or other pre-development practices shall be done in such a way as to minimize soil erosion.
 5. Tree removal may be required to comply with the Carroll Valley Borough Tree Ordinance [Chapter 25, Part 1]. Prior to removal of any trees, owner/developer shall obtain an approved permit and tree removal plan from the Borough's designated representative if applicable.
 6. Land disturbance shall be limited to the actual construction site and an access strip that has been lined with gravel. The amount of disturbed area and the duration of exposure shall be kept to a minimum. Disturbed areas shall be stabilized with vegetation, mulch, erosion control fabric, and the like, as soon as possible after earthmoving procedures have commenced.
 7. Temporary vegetation and/or mulching shall be used to protect critical areas during development. (Critical areas shall be construed to mean those portions of a site that are extremely vulnerable to soil erosion by soil type, slope, vegetative cover, etc.)
 8. The final, permanent, vegetation and structural soil erosion control and drainage measures shall be installed as soon as practical at the development site in accordance with the approved plans.
 9. Soils and rock or geologic formations with water supply potential shall be protected from contamination by surface water or other sources of water distribution caused by construction activity.

§23-304. Control Requirements for Well Drilling.

A. For well drilling prior to lot development or receipt of a clearing and grading permit, it is imperative that site disturbance be kept to the minimum necessary. Prior to approval of the well permit the Code Enforcement Officer will meet with the owner or his agent at the proposed site to discuss site restraints and develop the most appropriate E&S plan for the well drilling site. In cases where due to terrain and well location greater than 5,000 square feet disturbance is required to get in to drill the well a formal E&S plan shall be required to be submitted for review and approval by the Borough. In no case shall the E&S requirements be less than measures below:

1. Well Drilling Construction Sequence. If the well is to be drilled within the area tributary to the proposed erosion controls and the controls are installed, no additional erosion controls will be required to drill the well. If the well is located outside the area tributary to the proposed erosion controls or the erosion controls have not yet been installed the following sequence shall apply to all well drilling activities.
2. The contractor shall install super silt fence or 24" silt sock parallel to the contour, down-slope from the well drilling activities.
3. The contractor shall keep earth disturbances to the minimum required for the drilling equipment.
4. The contractor shall drill the well.
5. The contractor shall remove the super silt fence or silt sock upon complete stabilization of the well drilling site. The super silt fence or silt sock may be moved to another location of the site if possible.
6. In situations where the actual well yields exceed anticipated flows by a considerable amount and the E&S measures are inadequate to handle the sediment pollution operations shall be suspended until appropriate additional controls are put in place.

B. Soil Erosion and Sediment Pollution Control Plan Requirements

§23-321. Plan Requirements.

The following items shall be included in the Soil Erosion and Sediment Pollution Control Site Plan:

- A. Appropriate sections from the municipal's Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the Site Plan(s).
- B. The Municipality shall not approve any Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a Site Plan is found to be deficient, the municipality may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Municipality may accept submission of modifications.
- C. The Site Plan shall provide the information as outlined in Appendix A of the Pennsylvania Department of Environmental Protection "Erosion and Sediment Pollution Control Program Manual".

Part 4
Stormwater Management

§23-401. Exemptions.

- A. A property owner or developer of any regulated activity that meets the following exemption criteria may be, upon approval from Carroll Valley Borough, exempt from certain stormwater management requirements of this chapter. However, the property owner or developer shall be subject to all other requirements of this chapter other than related requirements for which an exemption or exemptions have been authorized. The criteria for exemption in this section apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this chapter shall be the starting point from which future development and the respective exemption criteria shall be cumulatively considered and regulated.
1. Regulated activities that involve impervious areas (IA) equal to or less than 1,000 square feet, which do not create or increase adverse drainage conditions either on-site or off-site, are exempt from the peak rate control, volume control, and the SWM Site Plan preparation requirements of this Chapter. The applicant shall complete page 1 of the Municipal Stormwater Management Worksheet from the Stormwater Management Design Assistance Manual (see Appendix 23-A) file said Worksheet with Carroll Valley Borough.
 2. Regulated Activities that involve impervious areas (IA) greater than 1,001 square feet or less than 10,000 square feet, and where all the proposed impervious area can be entirely disconnected, may be exempt from the peak rate control, volume control, and the SWM Site Plan preparation and submission requirements of this Chapter. The applicant shall complete the Stormwater Management Worksheets from the Stormwater Management Design Assistance Manual (see Appendix 23-A) and file said Worksheet with Carroll Valley Borough.
 - a. An “in-kind replacement/repair” for impervious areas in existence as of the date of this Chapter may be exempt if the physical location of discharge and the manner, direction and volume of discharged runoff are not changed.
 - b. Use of disconnection as a means to meet Ordinance requirements, shall not create adverse drainage conditions on adjacent properties. The Borough retains the right to revoke or deny the use of disconnection at any time. If conditions develop on adjacent parcels that are directly attributed to the use of disconnection concepts, the Borough reserves the right to require a replacement means be provided to manage the runoff in a manner which mitigates the adverse condition.

3. Regulated activities that involve impervious areas (IA) greater than 1,000 square feet and equal to or less than 5,000 square feet, where the area cannot be entirely disconnected, may be exempt only from the peak rate control and volume control requirements of this Chapter. A Minor Stormwater Site Plan, as detailed in the Stormwater Management Design Assistance Manual (see Appendix 23-A) shall be submitted to Carroll Valley Borough.
 4. Agricultural activities shall be exempt from the SWM site plan preparation and submission requirements of this chapter provided the agricultural activities are performed in accordance with the requirements of 25 Pa. Code Chapter 102.
 5. Forest management and timber operations shall be exempted from the SWM site plan preparation and submission requirements of this chapter provided the forest management and timber operations are performed in accordance with the requirements of 25 Pa. Code Chapter 102.
- B. Authorization of exemptions. Carroll Valley Borough or its designee shall determine, in accordance with the following requirements and process, whether the proposed regulated activity qualifies for exemption under the requirements and as defined by the Simplified Approach.
1. The property owner or developer proposing the regulated activity shall submit documents as required under the Simplified Approach.
 2. Upon receipt of the exemption request form, Carroll Valley Borough or its designee shall either approve or deny the exemption request. If the exemption request is denied, Carroll Valley Borough or its designee shall direct the property owner or developer to submit the information required to demonstrate that the proposed regulated activity complies with the requirements of this chapter or meets the exemption criteria.
 3. Exemption request approval shall be at the discretion of the Carroll Valley Borough Council or its designee, and shall be subject to the following:
 - a. Carroll Valley Borough may deny any exemption request or suspend or revoke any approved exemption request at any time for any project where Carroll Valley Borough believes that the proposed regulated activity poses a threat to public health, safety, property, or the environment.
 - b. Approval of an exemption request does not relieve the property owner or developer from other applicable requirements of this Chapter or of other Carroll Valley Borough ordinances and/or regulations.
 - c. Carroll Valley Borough reserves the right to deny an exemption request if a drainage problem is known or identified by Carroll Valley Borough to exist or, based on information provided, is reasonably expected to occur downstream from the proposed regulated activity.

§23-402. General Requirements.

- A. All regulated activities in the Borough that do not fall under the exemption criteria shown in §23-401 shall submit a SWM Site Plan consistent with this Chapter to the Borough for review. These criteria shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to be gravel or crushed stone shall be assumed to be impervious.
 - 1. Pervious pavement is considered pervious cover if the pervious pavement BMP is covered in the O&M agreement and is properly maintained. This BMP cannot be used to manage runoff from additional impervious areas unless it is properly designed as such.
- B. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Chapter.
- C. The volume and rate of runoff at existing points of concentrated drainage onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Chapter.
- D. The volume and rate of runoff at areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of the existing discharge, whether proposed to be concentrated or maintained as diffused drainage, except as otherwise provided by this Chapter. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge. New points of concentrated or diffused drainage onto adjacent property shall not be created without written permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Chapter.
- E. Where a development site is traversed by watercourses, drainage easements, uniform in width, shall be provided to fully contain the drainage feature (watercourse). The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. In lieu of a defined corridor type easement, a broader drainage easement can also be provided, whose boundaries are coincident with the property area boundaries.

- F. When it can be shown that, due to topographic conditions, natural drainage ways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage ways. Work within natural drainage ways shall be subject to approval by DEP through the joint permit application process, or, where deemed appropriate by DEP, through the general permit process.
- G. Any stormwater management facilities regulated by this Chapter that would be located in or adjacent to Waters of the Commonwealth or wetlands shall be subject to approval by DEP, through the joint permit application process, or, where deemed appropriate by DEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the developer or his agent to show that the land in question cannot be classified as wetlands; otherwise approval to work in the area must be obtained from DEP.
- H. Any stormwater management facilities regulated by this Chapter that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- I. Roof drains must not be directly connected to streets, sanitary or storm sewer piping or roadside ditches in order to promote overload flow and infiltration/percolation of stormwater where advantages exist to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case-by-case basis by the Borough.
- J. Any stormwater management facilities used to meet the standards of this Chapter must have all construction and/or maintenance requirements recorded so as to be discovered in a title search.

§23-403. General Stormwater Management Requirements.

The following general standards shall be applied to all development within the Borough of Carroll Valley to control stormwater runoff:

- A. Unless otherwise exempted, all site development in the Borough shall submit a SWM Site Plan consistent with the provisions of this Chapter to the Borough for review and approval.
- B. To the maximum extent practical accepted best management practices as outlined in the adopted Act 167 Watershed Stormwater Management Plan(s) for the minimization of generating stormwater runoff, avoiding detrimental effects of stormwater runoff and the protection of environment (low impact development techniques) should be used.
- C. All developments that create impervious surface or change the existing topography shall provide capacity for Volume Control as described under §23-404.
- D. Special requirements for areas falling within defined exceptional value and high quality sub-watersheds: the temperature and quality of water and streams that have been declared as exceptional value and high quality is to be

maintained as defined in 25 Pa.Code, Chapter 93, "Water Quality Standards." Temperature sensitive BMP's and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berm for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained at a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within 10 feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1.

1. A map of exceptional value and high quality sub watersheds is found in Appendix 23-B.

This will lessen the destabilization of berm soils due to root growth. A long term maintenance schedule and management plan for the thermal control BMP's is to be established and recorded for all development sites.

§23-404. Volume Controls

The green infrastructure and low impact development practices provided in the BMP Manual shall be utilized for all regulated activities whenever practicable. When requested, the applicant shall provide the Borough a written report documenting the evaluation of green infrastructure and low impact development techniques, relative to the project site. 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 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 2-year 24 hour duration precipitation.
 2. For modeling purposes:
 - a. Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition.
 - b. Twenty percent (20%) of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.
- 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 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 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 include reuse, evaporation, transpiration, and infiltration.
 3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
- C. Where pervious pavement is permitted for parking lots, recreational facilities, nondedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
- D. Recharge/infiltration facilities may be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.
- E. In selecting the appropriate BMPs or combinations thereof, the land developer shall consider the following:
1. Permeability and infiltration rate of the site soils.
 2. Slope and depth to bedrock.
 3. Seasonal high-water table.
 4. Proximity to building foundations and wellheads.
 5. Erosion Characteristics of the soil.
 6. Land availability and topography.
 7. Downslope areas and points of discharge from site (to adjacent lands).

§23-405. Stormwater Peak Discharge Rate Control Requirements.

- A. 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 storm events. 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.
- B. The design storm volumes to be used in the analysis of peak rates of discharge shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, as amended and updated, U.S. Department of

Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydro meteorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://dhsc.nws.noaa.gov/hdsc/pfds/>.

§23-406. Design Criteria for Stormwater Management Facilities.

General Criteria.

- A. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls shall be subject to approval of the Borough Engineer. The Borough Engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this Section.
 - 1. The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards that may exist on the development site. In the event such conditions are identified on the site, the Borough Engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
 - a. In developing a stormwater management plans for a particular site, stormwater controls shall be selected according to the following order of preference:
 - i. Infiltration of runoff on-site.
 - ii. Flow attenuation by use of open vegetated swales and natural depressions.
 - iii. Vegetative runoff treatment techniques.
 - iv. Structural stormwater infiltration devices.
 - v. Stormwater detention/retention structures.
 - b. Infiltration practices shall be used to the maximum extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.
- B. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Chapter shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post-development conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-

year post-development inflow. Should any stormwater management facility require a dam safety permit under 25 Pa.Code, Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety that may be required to pass storms larger than 100-year event.

- C. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as directed in 25 Pa. Code, Chapter 105, regulations (as amended or replaced from time to time by DEP), shall be designed in accordance with Chapter 105 and will require a permit from DEP. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum 1.0-foot of freeboard measured below the lowest point along the top of roadway. Any facility that constitutes a dam as defined in 25 Pa.Code, Chapter 105, regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards, and permit submission requirements.
- D. Any drainage conveyance facility and/or channel that does not fall under 25 Pa.Code, Chapter 105, regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure / roadway or a 10 year event (whichever shall be greater) without surcharging inlets. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and requirements.
- E. A 25-year design storm is required for analysis where inlets are in a sump condition. If sumped inlets are located along a street, any ponded water shall not encroach on more than ½ of a roadway lane. Pavement base drain shall be provided, extending 50 feet in either direction, parallel to the centerline of the roadway.
- F. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.
- G. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Borough shall reserve the right to disapprove any design that would result in the occupancy or continuation of an adverse hydrologic or hydraulic condition within the watershed.
- H. Subsurface detention facilities shall provide adequately designed pretreatment

for removal of pollutants, oil, trash and debris. Appropriate supporting information shall be provided for all proposed devices. All subsurface facilities shall be designed such that access for inspection and cleaning of the facility can occur.

- I. Manholes, inlets, headwalls, and endwalls shall conform to the requirements of the PennDOT Publication 408, as modified by the adopted Carroll Valley Borough Standards.
- J. Design standards. Permanent detention and retention facilities shall be designed to meet the following standards:
 - a. The maximum permitted depth for dry detention or retention basins shall be six feet, measured from the bottom of the emergency spillway to the lowest point in the basin.
 - b. The minimum top width of all basin embankments shall be eight feet.
 - c. The maximum permitted side slopes for detention or retention basins shall be four horizontal to one vertical. In order to obtain a waiver for slopes steeper than 4:1, the plan must include a planting schedule to stabilize the embankments. The proposed vegetation shall be low maintenance varieties.
 - d. Minimum bottom slope. All detention basins shall have a minimum bottom slope of 2% unless infiltration facilities are provided.
 - e. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this chapter shall be designed to provide an emergency spillway to handle flow up to and including the one-hundred-year, twenty four-hour design storm at post-development conditions, assuming the principal outlet structure to be clogged. The height of embankment must be set as to provide a minimum one foot of freeboard above the maximum elevation computed for the clogged orifice condition. Should any stormwater management facility require a dam safety permit under PA DEP 25 Pa. Code Chapter 105, the facility shall be designed in accordance with PA DEP 25 Pa. Code Chapter 105 and meet the regulations of PA DEP 25 Pa. Code Chapter 105 concerning dam safety which may be required to pass storms larger than one-hundred-year event.
 - f. A cutoff trench of impervious material shall be provided within all basin embankments.
 - g. Where a basin embankment is constructed using fill on an existing 15% or greater slope, the basin must be keyed into the existing grade.
 - h. Fencing. Any aboveground stormwater management detention/retention facility, that is designed to store at least a two-foot depth of runoff, shall be subject to the following fencing requirements:
 - i. Stormwater facility must be surrounded by a chain link fence of not less

than four feet in height. Alternative fences and barriers may be permitted upon request to and approval by the Borough.

- ii. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times, when not in actual use.
- i. All outlet structures and emergency spillways shall include a satisfactory means of energy dissipation at its outlet to assure conveyance and flow without endangering the safety and integrity of the basin and the downstream drainage area.
- j. A concentrated discharge of stormwater to an adjacent property shall be within a natural drainageway or watercourse, or an easement shall be required.
- k. All facilities shall be provided with an access slope at no more than 5:1 along with an access easement.
- l. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum 10 feet separation from on-lot disposal systems (OLDS) infiltration areas, including replacement areas, is required; however, 25 feet is desirable.
- m. Guards shall be provided on all intake and outfall structures as well as outlet structures. The guard bars shall be one-half-inch-diameter galvanized bars on six-inch centers attached to the structure with 3/8-inch diameter stainless steel anchors.
- n. All facilities shall specify a maintenance requirement that controls the growth of noxious and invasive plants as specified in the BMP Manual.
- o. All storage facilities shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. However, any designed infiltration at such facilities is exempt from the minimum twenty-four-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.) Where extended detention facilities are utilized to mitigate increased volume, the increased volume is required to be detained not less than 24 hours from the end of the twenty-four-hour design storm (assuming the peak rate occurs at approximately the twelve-hour time period in the storm).
- p. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Stormwater Management Act.

- q. Design for BMPs shall be in accordance with design standards as listed in the BMP Manual or other legitimate source.
- K. Design standards. Infiltration facilities shall be designed to meet the following standards:
 - a. Unless otherwise waived, a detailed soils evaluation of the project site shall be performed to determine the suitability of infiltration based facilities. The evaluation shall be performed by a qualified professional, and, at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability, seasonally high groundwater table, suitability of stormwater management facilities and maximum infiltration capacity in depth of water per unit area.
 - b. Site evaluation to determine general areas of suitability for infiltration practices.
 - c. Infiltration BMPs shall be spread out such that impervious-to-BMP loading ratios are less than or equal to 5:1, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this chapter.
 - d. Provide field test throughout the area proposed for development to determine appropriate infiltration rate(s) and/or hydraulic conductivity. At least one infiltration test must be included in each soil group and at least one infiltration test must be conducted for each five lots proposed for development. Infiltration tests must be taken at the location and depth of all proposed infiltration structures.
 - e. Design infiltration facility for required storm volume based on all available data.
 - f. The infiltration requirement in the high quality/exceptional waters shall be subject to the Department's Chapter 93[3] and antidegradation regulations.
 - g. A double-ring infiltrometer test shall be used for all infiltration tests in accordance with the current edition of the BMP Manual.
 - h. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum twenty-five-foot separation from on-lot disposal systems (OLDS) infiltration areas, including replacement areas, is desired and will be evaluated by the municipality on a case-by-case basis. However, the separation shall not be less than the PADEP required 10 feet.

§23-408. Calculation Methodology.

Stormwater runoff from all development sites shall be calculated using either the rational method or a soil-cover-complex methodology.

- A. Any stormwater runoff calculations involving drainage areas greater than 200

acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS soil cover complex method. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site. The Borough Engineer may approve the use of the rational method to estimate peak discharges from drainage areas that contain less than 200 acres.

- B. All calculations consistent with this Chapter using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms presented shall be obtained from the Pennsylvania Department of Transportation publication, Design Manual, Part 2, "Highway Design Publication 13M," current edition. Calculations shall utilize a 24-hour rainfall duration and the NRCS Type II rainfall distribution.
- C. For the purposes of predevelopment flow rate determination, undeveloped land shall be considered as "meadow" good condition, unless the natural ground cover generates a lower curve number or rational 'C' value (i.e., forest).
- D. All conveyance piping calculations performed using the rational method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from shall be obtained from the Pennsylvania Department of Transportation publication Design Manual, Part 2, "Highway Design Publication 13M," current edition. Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.
- E. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from the publication Urban Hydrology for Small Watersheds, NRCS, TR-55, current edition.
- F. Runoff coefficient (c) for both existing and proposed conditions for use in the rational method shall be obtained from the Pennsylvania Department of Transportation publication, Design Manual, Part 2. "Highway Design Publication 13M," current edition.
- G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with shall be obtained from the Pennsylvania Department of Transportation publication, Design Manual, Part 2, "Highway Design Publication 13M," current edition.
- H. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Chapter using any generally accepted hydraulic analysis technique or method.

- I. The design of any stormwater detention facilities intended to meet the performance standards of this Chapter shall be verified by routing the design storm hydrograph through these facilities using the storage-indication method. For drainage areas greater than 20 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Borough may approve the use of any generally accepted full hydrograph approximation technique, which shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- J. The Borough has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff and time-of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendations of the Borough Engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

§23-409. Erosion and Sedimentation Requirements for Infiltration BMPs.

Additional erosion and sedimentation control design standards and criteria that must be, or are recommended to be applied where infiltration BMPs are proposed include the following:

- A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
- B. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

Part 5
Drainage Plan Requirements

§23-501. General Requirements.

- A. For any of the activities regulated by this Chapter, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the property owner or developer or his/her agent has received written approval of a drainage plan (also known as a SWM Site Plan) from the Borough.
- B. The following items shall be included in the drainage plan:
 - 1. General.
 - a. General description of project.
 - b. General description of permanent stormwater management techniques, including conservation and design BMPs and construction specifications of the materials to be used for stormwater management facilities.
 - c. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
 - d. Maintenance specifications and schedule.
 - 2. Map(s) of the project area shall be submitted on 18-inch x 24-inch or 24-inch x 36-inch sheets and shall be prepared in a form that meets the requirements for recording in the offices of the Recorder of Deeds of Adams County. Map(s) of the project on a single family residential property can be submitted on 8 ½-inch x 11-inch sheets so long as all existing and proposed features can be appropriately depicted (to scale) for review. The contents of the maps(s) shall include, but not be limited to:
 - a. The location of the project relative to highways, municipalities or other identifiable landmarks.
 - b. Existing contours at intervals of 2-feet. In areas of steep slopes (greater than 15 percent), 5-foot contour intervals may be used.
 - c. Existing streams, lakes, ponds, or other bodies of water within the project area.
 - d. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
 - e. The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines.
 - f. An overlay showing soil names and boundaries.

- g. Proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
- h. Proposed structures, roads, paved areas, and buildings.
- i. Final contours at intervals at two feet. In areas of steep slopes (greater than 15 percent), 5-foot contour intervals may be used.
- j. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
- k. The date of submission.
- l. A graphic and written scale of 1 inch equals no more than 50 feet; for tracts of 20 acres or more, the scale shall be 1 inch equals no more than 100 feet.
- m. A north arrow.
- n. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
- o. Existing and proposed land use(s).
- p. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
- q. Horizontal and vertical profiles of all open channels, including hydraulic capacity.
- r. Overland drainage paths.
- s. A 20-foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. An easement for entire property can also be provided.
- t. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Chapter.
- u. A construction detail of any improvements made to sinkholes and the location of all notes to be posted, as specified in this Chapter.
- v. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the Borough.
- w. The location of all erosion and sedimentation control facilities.
- x. Notes on the plan indicating ownership and maintenance responsibility for stormwater management practices, facilities, and systems in accordance with §23-802 of this Chapter and acknowledging the stormwater management practices, facilities, and systems to be permanent fixtures that can be altered or removed only after approval of a revised plan by the Borough.

C. Supplemental Information.

1. A written description of the following information shall be submitted.
 - a. The overall stormwater management concept for the project.
 - b. Stormwater runoff computations as specified in this Chapter.
 - c. Stormwater management techniques to be applied both during and after development.
 - d. Expected project time schedule.
2. A soil erosion and sedimentation control plan, where applicable, including all reviews and approvals, as required by DEP.
3. A geologic assessment of the effects of runoff on sinkholes as specified in this Chapter.
4. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site. (not required if exempted from §23-406 peak discharge requirements).
5. A Declaration of adequacy and highway occupancy permit from the PennDOT District Office when utilization of a PennDOT storm drainage system is proposed.
6. An operation and maintenance (O&M) control plan for all existing and proposed physical stormwater management facilities. This plan shall include long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

D. Stormwater Management Facilities.

1. All stormwater management facilities must be located on a plan and described in detail.
2. When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

§23-502. Drainage Plan Contents.

The drainage plan shall consist of all applicable calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to the Borough in a format that is clear, concise, legible, neat, and well organized; otherwise, the drainage plan shall be disapproved and returned to the applicant.

§23-503. Plan Submission.

For all activities regulated by this Chapter, the steps below shall be followed for submission. For any activities that require a DEP joint permit application and regulated under 25 Pa. Code, Chapter 105, (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management), require a PennDOT highway occupancy permit, or require any other permit under applicable State or Federal regulations, the permit(s) shall be part of the plan.

- A. The drainage plan shall be submitted by the developer as part of the preliminary plan submission for the regulated activity.
- B. Four copies of the drainage plan shall be submitted (electronic submissions may be made in conjunction with the paper copy submission to the Borough).
- C. Distribution of the drainage plan will be as follows:
 - 1. Two copies to the Borough accompanied by the requisite municipal review fee, as specified in this Chapter.
 - 2. One copy to the Borough Engineer.
 - 3. One copy to the County Planning Commission/Office.

§23-504. Drainage Plan Review.

- A. The Borough Engineer shall review the drainage plan for consistency with this Chapter. The Borough shall require receipt of a complete plan, as specified in this Chapter.
- B. The Borough Engineer shall review the drainage plan for any submission for land development against the Borough Subdivision and Land Development Ordinance provisions [Chapter 22] not superseded by this Chapter.
- C. For activities regulated by this Chapter, the Borough Engineer shall notify the Borough in writing, within 10 calendar days, whether the drainage (SWM Site) plan is consistent with this Chapter. Should the drainage plan be determined to be consistent with this Chapter, the Borough Engineer will forward an approval letter to the Designer and/or Owner with a copy to the Borough Building Permit Officer.
- D. Should the drainage plan be determined to be inconsistent with this Chapter, the Borough Engineer will forward a disapproval letter to the Designer and/or Owner with a copy to the Borough Building Permit Officer citing the reason(s) for the disapproval. Any disapproved drainage plans may be revised by the developer and resubmitted consistent with this Chapter.
- E. The Borough shall not approve any subdivision or land development for regulated activities specified in §23-104 of this Chapter if the drainage plan has been found to be inconsistent with this Chapter, as determined by the Borough Engineer.
- F. All required permits from DEP must be obtained prior to approval.

- G. The Borough Building Permit Office shall not issue a building permit for any regulated activity specified in §23-104 of this Chapter if the drainage plan has been found to be inconsistent with this Chapter, as determined by the Borough Engineer, or without considering the comments of the Borough Engineer. All required permits from DEP must be obtained prior to issuance of a building permit.
- H. The developer shall be responsible for completing an as-built survey of all stormwater management facilities included in the approved drainage plan. The as-built survey and an explanation of any discrepancies with the design plans shall be submitted to the Borough Engineer for final approval. In no case shall the Borough approve the as-built survey until the Borough receives a copy of an approved declaration of adequacy, highway occupancy permit from the PennDOT District Office, and any applicable permits from DEP.
- I. The Borough's approval of a drainage plan shall be valid for a period not to exceed 2 years. This 2-year time period shall commence on the date that the Borough signs the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, or if an as-built survey of these facilities has not been approved within this 2-year time period, then the Borough may consider the drainage plan disapproved and may revoke any and all permits. Drainage plans that are considered disapproved by the Borough shall be resubmitted in accordance with §23-507 of this Chapter.

§23-505. Modification of Plans.

A modification to a submitted / approved drainage plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the drainage plan shall require initial coordination with the Borough Engineer. If the change is deemed to be substantial (by the Borough Engineer) a resubmission of the modified drainage plan will be required, accompanied by the applicable review fee.

§23-506. Resubmission of Disapproved Drainage Plans.

A disapproved drainage plan may be resubmitted, with the revisions addressing the Borough Engineer's concerns documented in writing, to the Borough Engineer in accordance with §23-504 of this Chapter and be subject to review as specified in §23-505 of this Chapter.

Part 6
Inspections

§23-601. Schedule of Inspections.

- A. The Borough Engineer or the Borough assignee shall have rights to inspect all phases of the installation of the permanent stormwater management facilities.
- B. For single family residential stormwater facilities, the Borough Engineer will conduct an on-site inspection with the Contractor upon completion of initial excavation for the facility. The Borough Engineer will review site conditions and address questions related to the proposed (approved) design. Notwithstanding the Borough's right to conduct an inspection at any time, as deemed necessary, the Contractor, Designer and/or Owner will provide subsequent oversight and provide to the Borough digital photo documentation of the various stages of subsequent construction for record purposes.
- C. During any stage of the work, if the Borough Engineer determines that the permanent stormwater management facilities are not being installed in accordance with this Chapter, the Borough shall revoke any existing permits until a revised drainage plan is submitted and approved, as specified in this Chapter.

Part 7
Fees and Expenses

§23-701. General.

A Borough review fee shall be established by the Borough to defray review costs incurred by the Borough and the Borough Engineer. The applicant shall pay all fees.

§23-702. Municipality Drainage Plan Review Fee.

The Borough shall establish a review fee schedule by resolution of the Borough Council based on the size of the regulated activity and based on the Borough's costs for reviewing drainage plans. The Borough shall periodically update the review fee schedule to ensure that review costs are adequately reimbursed.

§23-703. Expenses Covered by Fees.

The fees required by this Chapter shall, at a minimum, cover:

- A. Administrative/clerical costs.
- B. The review of the drainage plan by the Borough and the Borough Engineer.
- C. The site inspection including, but not limited to, pre-construction meetings, inspections during construction of stormwater facilities and appurtenances, and final inspection upon completion of the stormwater facilities and drainage improvements.
- D. Any additional work required to enforce any permit provisions regulated by this Chapter, correct violations, and assure proper completion of stipulated remedial actions.

Part 8
Maintenance Responsibilities

§23-801. Performance Guarantee.

The applicant, for all non-single family residential related facilities, shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by this Chapter equal to the full construction cost of the required controls.

§23-802. Maintenance Responsibilities.

- A. The drainage plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the Borough Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
- B. The drainage plan for the development site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals.
- C. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Borough, stormwater control facilities may also be dedicated to and maintained by the Borough.
- D. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities shall be the responsibility of the owner or private management entity. If stormwater management facilities are privately owned, all operation and maintenance specifications and schedules shall be contained and outlined in a recorded Operations and Maintenance Agreement to be negotiated and executed prior to permit closeout / occupancy (refer to §23-803 below)
- E. The Borough Council, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the drainage plan. The Borough Council reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

§23-803. Maintenance Agreement for Privately Owned Stormwater Facilities.

- A. Prior to final approval of the site's stormwater management plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities that are to be privately owned. Said agreement, designated as Appendix 23-A, is attached and made part hereto.

- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Borough Solicitor and Borough Council.
- C. The maintenance agreement shall be recorded upon the land records of Adams County and upon the approved subdivision / land development plan (where applicable).
- D. Facilities, areas, or structures used as stormwater management facility BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.

§23-804. Municipal Stormwater Maintenance Fund.

- A. If stormwater facilities are accepted by the Borough for dedication, persons installing stormwater storage facilities shall be required to pay a specified amount to the Borough stormwater maintenance fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
 - 1. If the storage facility is to be owned and maintained by the Borough, the deposit shall cover the estimated costs for maintenance and inspections for 10 years. The Borough Engineer will establish the estimated costs utilizing information submitted by the applicant.
 - 2. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Borough Engineer shall determine the present worth equivalents, which shall be subject to the approval of the Borough Council.
- B. If a storage facility is proposed that also serves as a recreation facility (e.g., ball field, lake), the Borough may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
- C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

§23-805. Post-Construction Maintenance Inspections.

- A. Stormwater facilities should be inspected by the Owner at a frequency on the basis of the type of facility and as outlined in the Operations and Maintenance Program prepared for the facility (and submitted with the design). A written

log of inspections (and noted conditions) shall be maintained and shall be provided to the Borough upon notification and request for said documentation.

Part 9

Enforcement and Penalties

§23-901. Right-of-Entry.

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

§23-902. Notification.

In the event that a person fails to comply with the requirements of this Chapter, or fails to conform to the requirements of any permit issued hereunder, the Borough shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Failure to comply within the time specified shall subject such person to the penalty provision of this Chapter. All such penalties shall be deemed cumulative and shall not prevent the Borough from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Chapter.

§23-903. Enforcement.

The Borough Council is hereby authorized and directed to enforce all of the provisions of this Chapter. All inspections regarding compliance with the drainage plan shall be the responsibility of the Borough Engineer or other qualified persons designated by the Borough.

- A. A set of design plans approved by the Borough shall be on file at the site throughout the duration of the construction activity. The Borough or designee may make periodic inspections throughout the construction process.
- B. Adherence to Approved Plan. It shall be unlawful for any person, firm or corporation to undertake any regulated activity under §23-104 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this Chapter. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this Chapter or to allow the property to remain in a condition that does not conform to the approved drainage plan.
- C. At the completion of the project, and as a prerequisite for the release of the performance guarantee and/or issuance of an occupancy permit, the owner or his representatives shall:
 1. Provide a certification of completion from an engineer, architect, surveyor,

contractor, or other qualified person as deemed appropriate by the Borough, verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

2. Provide a set of as-built drawings from an engineer, architect, surveyor, contractor, or other qualified person as deemed appropriate by the Borough. Single family residential projects shall, prior to occupancy, provide a marked-up Record Plan showing the constructed location of the facility, all appropriate dimensions (depth, width, length, etc.), pipe locations, etc.

D. Suspension and Revocation of Permits.

1. Any permit issued under this Chapter may be suspended or revoked by the Borough Council for:
 - a. Noncompliance with or failure to implement any provision of the permit.
 - b. A violation of any provision of this Chapter or any other applicable law, ordinance, rule or regulation relating to the project.
 - c. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others, or as outlined in Part 9 of this Chapter.
2. A suspended permit shall be reinstated by the Borough Council when:
 - a. The Borough Engineer or his designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance.
 - b. The Borough Council is satisfied that the violation of this Chapter, law, or rule and regulation has been corrected.
 - c. A permit, which has been revoked by the Borough Council, cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Chapter.

E. Occupancy Permit. An occupancy permit shall not be issued unless the certification of compliance has been secured. The occupancy permit shall be required for each lot owner and/or developer for all subdivisions and land development in the Borough.

§23-904. Public Nuisance.

- A. The violation of any provision of this Chapter is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

§23-905. Penalties.

- A. Upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
- B. In addition, the Borough, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. 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.

§23-906. Appeals.

- A. Any person aggrieved by any action of the Borough or its designee, relevant the provisions of this Chapter may appeal to the Borough Zoning Hearing Board within 30 days of that action.
- B. Any person aggrieved by any decision of Zoning Hearing Board, relevant to the provisions of this Chapter, may appeal to the County Court of Common Pleas in the County where the activity has taken place within 30 days of the Zoning Hearing Board's decision.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

SECTION 3. SEVERABILITY.

In any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Carroll Valley Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this _____ day of _____, 2018.

BOROUGH OF CARROLL VALLEY, Adams County, Pennsylvania



ATTEST:

Gayle R. Marthers, Secretary

(SEAL)

Sarah Skoczen, President of Borough Council

Honorable Ronald J. Harris,
Mayor of the Borough of Carroll Valley