

ORDINANCE NO. 553

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF LOWER SWATARA, DAUPHIN COUNTY, PENNSYLVANIA, ORDINANCE NO. 448, AS AMENDED, CHAPTER 26, WATER, PART 1, STORMWATER MANAGEMENT, PART C. STORMWATER MANAGEMENT STANDARDS. SECTION 26-117. EXEMPTIONS/MODIFICATIONS. SUBSECTIONS 4, 5 AND 10, TO PROVIDE NEW MINIMUM SEPARATION DISTANCE STANDARDS, MULTIPLE IMPERVIOUS AREA STANDARDS, DISCHARGE STANDARDS, SEPARATION AREA STANDARDS, SETTING FORTH REQUIREMENTS FOR ADDITIONAL STORMWATER MANAGEMENT CONTROLS, THE OBLIGATION TO MEET OTHER REQUIREMENTS, SETTING FORTH MUNICIPAL DECISION CRITERIA AND ADOPTING A NEW APPENDIX E SHOWING AN EXAMPLE OF A RESIDENTIAL USE EXEMPTION AND APPENDIX F SETTING FORTH AN EXAMPLE OF AN AGRICULTURAL USE EXEMPTION.

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

SECTION 1.

The Code of Ordinances of the Township of Lower Swatara, No. 448, as amended, CHAPTER 26, WATER, PART 1, STORMWATER MANAGEMENT, SECTION C. STORMWATER MANAGEMENT STANDARDS, SUBSECTION 26-117. EXEMPTION/MODIFICATIONS, SUBSECTIONS 4, 5 AND 10 shall be amended to read as follows:

...

4. An applicant proposing regulated activities, after demonstrating compliance with §§26-116(1), 26-116(2), and 26-116(3), may be exempted from various requirements of this Part according to Table 1 below and the following conditions. If the applicant requests an exemption and meets all of the conditions below, the requirements of 117.3 are assumed to be met.

A. MINIMUM SEPARATION

- 1) New impervious cover must be separated from the features listed in §§ 26 - 117.4.A.2 below by the minimum separation distances listed in Table 1.
- 2) Minimum separation distance is the shortest distance from the edge of the proposed new impervious cover, or roof drain discharge point, in the runoff flow direction, to any of the following:
 - a) Perennial or intermittent streams or watercourses;
 - b) Swales or ditches;
 - c) Wetlands;
 - d) Lakes, ponds and other surface water bodies;
 - e) Storm sewer or combined sewer systems;
 - f) Public roads;
 - g) Property lines;
 - h) Cropland, pasture land, manure storage areas and other agricultural land unless the area meets the requirements of §§ 26 - 117.4.D.2 below;
 - i) Other features deemed relevant by the municipal governing body.

B. MULTIPLE IMPERVIOUS AREAS

- 1) If the proposed new impervious area receives runoff from an existing contiguous impervious area or contributes runoff to an existing contiguous impervious area, the total impervious area to be considered for this exemption shall be the new impervious area only.
- 2) If the existing and proposed new impervious are not contiguous, the total impervious area to be considered for this exemption shall be the new impervious area only. In this case, the total separation area may include the distance between the two impervious areas.
- 3) Separation from the features listed in §§ 26 - 117.4.A.2 shall be determined from the edge, or roof drain discharge, of either the existing or proposed new impervious areas, whichever is most downslope.
- 4) The municipality reserves the right to consider existing conditions and runoff issues in determining the needed separation area under this section.

TABLE 1 – MINIMUM SEPARATION DISTANCES

New Impervious Area	Minimum Separation Distance (See Appendix E & F)	
	NO ROOF DRAIN	ROOF DRAIN
0-250	25	40
251-500	50	75
501-1,000	75	110
1,001-1,500	100	150
1,501-2,000	125	190
2,001-2,500	150	225
2,501-3,000	175	260
3,001-4,000	200	300
4,001-5,000	225	340
5,001 to 10,000	350	525

Where the municipality believes that conditions present in the receiving area (slope, soil type, existing problems, etc.) warrant additional separation distance, the municipality may request additional separation distance or require stormwater management controls.

C. DISCHARGE

- 1) With the exception of roof drains, runoff from the proposed new impervious cover may not be concentrated. Roof drains:
 - a) Must discharge to a stabilized separation area meeting the criteria in Table 1 and §§ 26 - 117.4.D.
 - b) May not discharge to concentrated flow areas.
- 2) Separation shall be determined from the roof drain discharge point, unless the discharge is to an impervious area. In this case the separation shall be determined from the edge of the impervious area.

D. SEPARATION AREA

- 1) The area separating the proposed new impervious discharge from any features such as those listed in §§ 26 - 117.4.A.2 must at all times meet the following criteria:
 - a) Be maintained in stable vegetative cover.
 - b) Eroded areas in the separation area must be immediately repaired.
 - c) No new impervious cover may be installed in the separation areas unless the requirements of this ordinance are met.
 - d) Runoff in the separation area must be maintained as unconcentrated flow.

- 2) The separation area may contain cropland, pasture land, manure storage areas, and other agricultural land uses, provided that the land is in compliance with Title 25 Chapter 102.4.a (relating to erosion and sediment pollution control on agricultural land) and Title 25 Chapter 91.36.a (relating to pollution control at agricultural operations) of The Pennsylvania Code.
- E. The separation area may contain cropland, pasture land, manure storage areas and other agricultural land provided the land is in compliance with Title 25 Chapter 102.4.a (relating to erosion and sediment pollution control on agricultural land) and Title 25 Chapter 91.36.a (relating to pollution control at agricultural operations) of The Pennsylvania Code.
- 1) The applicant must demonstrate compliance with §§ 26 - 117.1, 117.2 and 117.3 above
 - 2) Reduced requirements will be according to Table 2:

TABLE 2 - REDUCED STORMWATER MANAGEMENT REQUIREMENTS

New Impervious Area* (Square Feet)	Applicant Must Submit to the Township
0 - 1,000	---
1,000 - 5,000	Volume Controls and SWM Site Plan & Report
> 5,000	Rate Controls, Volume Controls, SWM Site Plan & Report and Record Drawings
*Existing gravel and proposed gravel shall be considered to be impervious.	

F. REQUIREMENT FOR ADDITIONAL STORMWATER MANAGEMENT CONTROLS

- 1) The municipal governing body reserves the right to require additional stormwater management controls if an exempted project is determined to be causing adverse impacts of any kind.

G. OBLIGATION TO MEET OTHER REQUIREMENTS

- 1) Nothing in this section shall relieve the applicant of any responsibility under other regulations such as, but not limited to, municipal ordinances or codes and state and federal regulations related to stormwater management, NPDES permitting requirements for erosion and sediment pollution control and Post-Construction Stormwater Management, stream and wetland encroachment or floodplain management.

5.

...

- C. The alternative stormwater management controls are in compliance with all other sections of this Part, including but not limited to §§26-116(4), 26-117(1), 26-117(2) and 26-117(3).

...

10. MUNICIPAL DECISION

- A. All requests for exemptions or modifications during the building permit application process shall be at the discretion of the municipal governing body. Demonstration that a proposed project meets exemption or modification requirements does not necessarily obligate the municipal governing body to grant the request for exemption or modification.
- B. The municipal governing body may consider any and all relevant factors such as, but not limited to, runoff concentration, slope, soil characteristics, existing problems, adjacent properties, sensitive environmental features and recommendations from other municipal entities such as planning commissions, municipal engineers and solicitors in determining whether or not to grant any request for exemption or modification.

SECTION 2.

The Code of Ordinances of the Township of Lower Swatara, No. 448, as amended,
CHAPTER 26, WATER, shall be amended to add appendices E and F as follows: (see attached)

SECTION 3.

All other Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of any such conflict.

ENACTED this 16th day of April, 2014.

LOWER SWATARA TOWNSHIP
BOARD OF COMMISSIONERS

BY:



Thomas L. Mehaffie III, President

ATTEST:

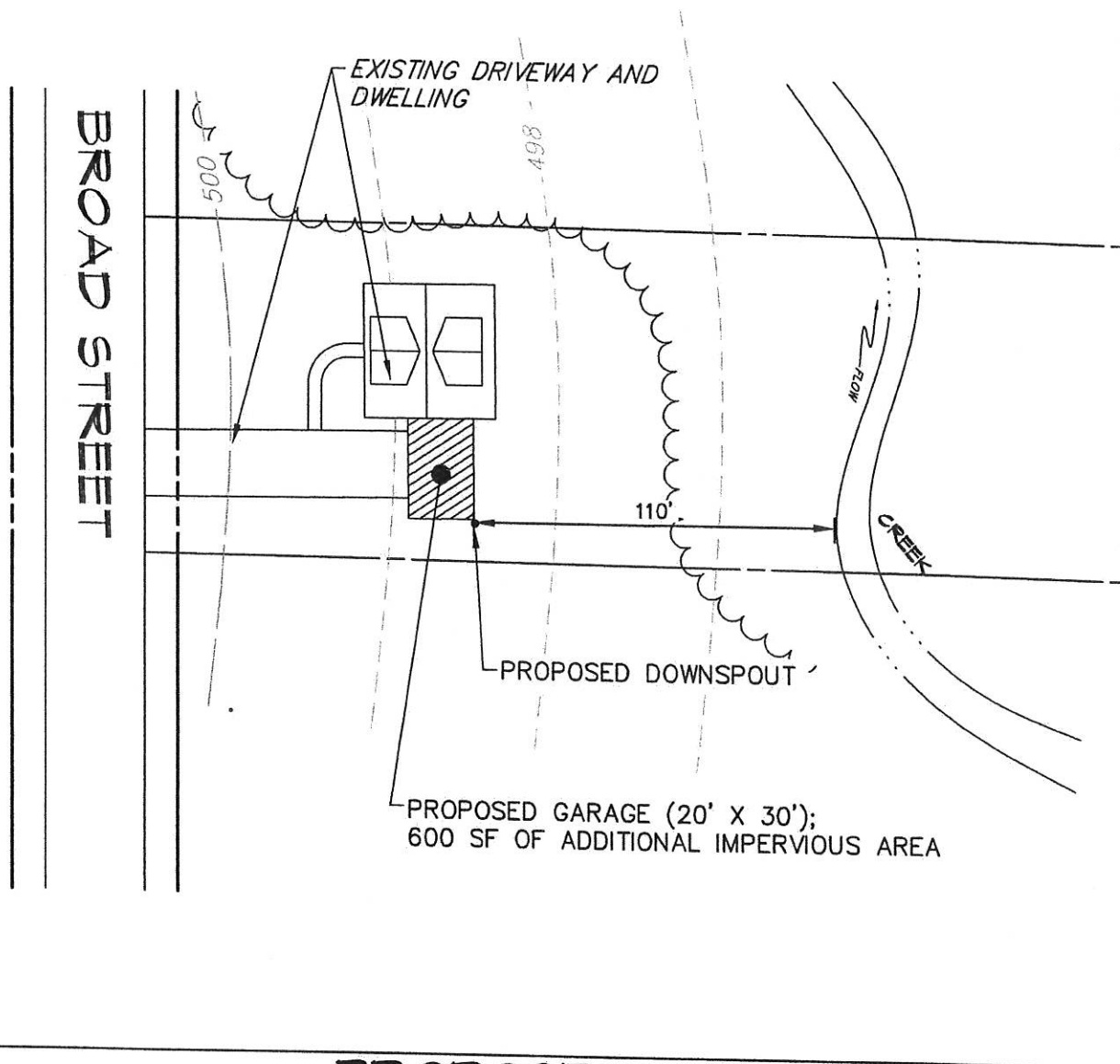


Laddie J. Springer, Secretary

(SEAL)

APPENDIX E

EXAMPLE RESIDENTIAL USE EXEMPTION

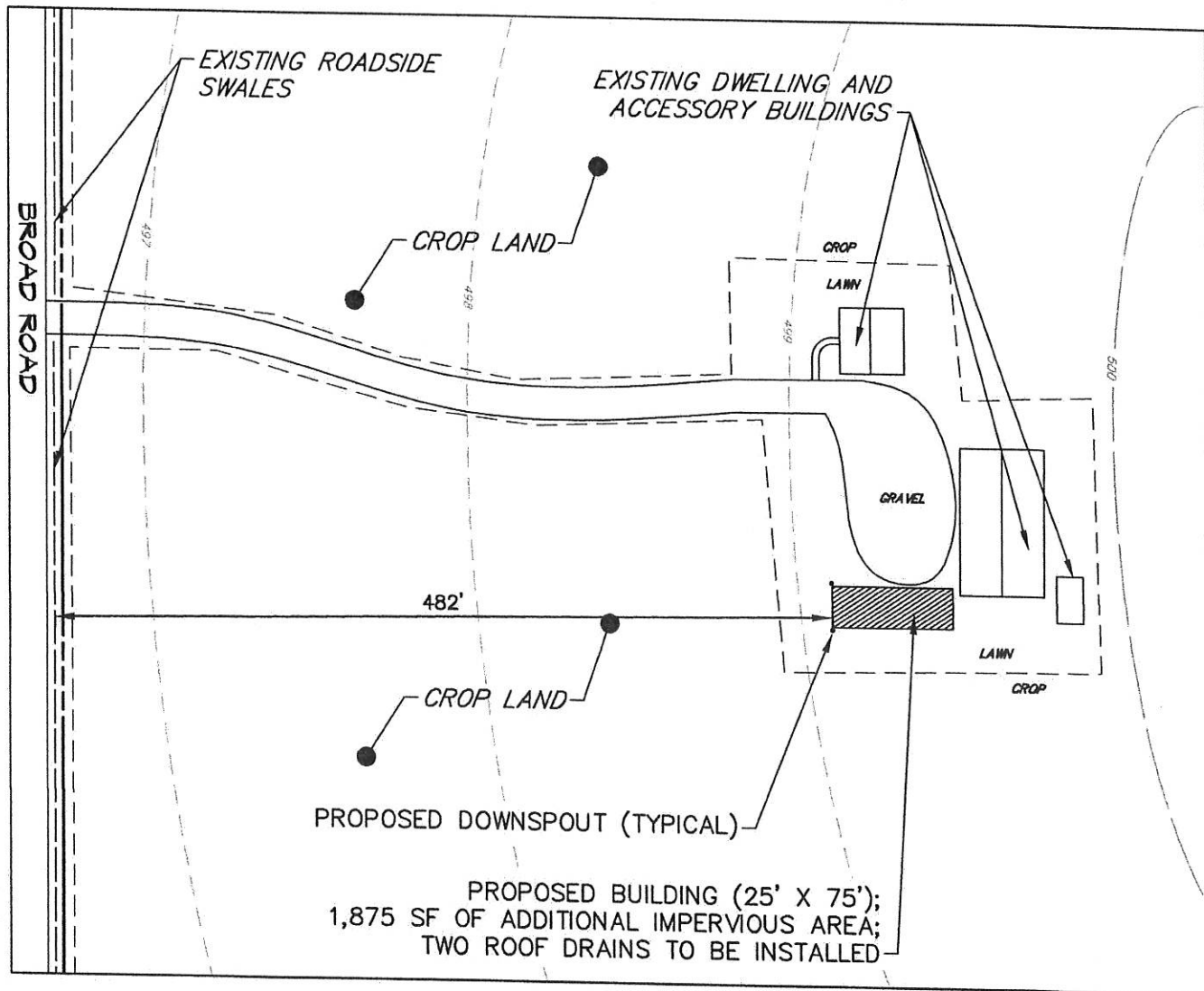


PROPOSED GARAGE

- ADDITIONAL IMPERVIOUS AREA: 20' X 30' (600 S.F.)
- DOWNSPOUTS TO BE INSTALLED AT REAR OF GARAGE AND DISCHARGE TOWARDS TRIBUTARY
- REQUIRED SEPARATION FOR STORMWATER EXEMPTION: 110'
- PROVIDED SEPARATION FOR STORMWATER EXEMPTION: 110'

APPENDIX F

EXAMPLE AGRICULTURAL USE EXEMPTION



PROPOSED ACCESSORY BUILDING

- ADDITIONAL IMPERVIOUS AREA: 25' X 75' (1,875 S.F.)
- DOWNSPOUTS TO BE INSTALLED AT CORNER AND DISCHARGE DOWN GRADE
- REQUIRED SEPARATION FOR STORMWATER EXEMPTION: 190'
- PROVIDED SEPARATION FOR STORMWATER EXEMPTION: 482'